

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DAVID S. MAURER

CIVIL ACTION

VERSUS

NO: 13-5450

TOWN OF INDEPENDENCE, ET AL.

SECTION: R(5)

ORDER AND REASONS

Defendant Mayor Michael A. Ragusa moves to continue the trial date currently set for September 21, 2015.¹ For the following reasons, the Court grants the motion.

I. Background

On August 15, 2013, plaintiff David Maurer filed this section 1983 and state-law defamation suit after he was terminated from his position as chief of the Independence Volunteer Fire Department (the Volunteer Department).² Maurer originally sued thirteen defendants: the town of Independence and its mayor, Ragusa; the Volunteer Department and five members of its board of directors--Jeremy Baham, Eric Anthony, Jonathan Tallo, Christopher McKinney, and Anthony Parazzo; the Tangipahoa Parish Rural Fire Protection District Number 2 (the Fire District), the Fire District's administrator Dennis Crocker, and two members of the Fire District's board of commissioners--Nicholas Muscarello and Carlo Bruno; and the Tangipahoa Parish Government. After two rounds of

¹ R. Doc. 114.

² R. Doc. 1.

motions to dismiss by all defendants, the remaining defendants are Mayor Ragusa, the Fire District, Nicholas Muscarello, Carlo Bruno, and Dennis Crocker.³ Maurer's remaining claims are a state-law defamation claim against Ragusa and a section 1983 due process claim against the Fire District, Muscarello, Bruno, and Crocker.

On October 9, 2014, the Court scheduled trial in this matter to begin on September 21, 2015.⁴ The Court also ordered that all discovery be completed by August 4, 2015. Mayor Ragusa now moves the Court to continue trial on the ground that the parties have yet to engage in meaningful discovery and that the parties could not file meaningful dispositive motions by the Court's deadline. Maurer opposes Mayor Ragusa's motion to continue.

II. Discussion

"A schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). Whether to grant or deny a continuance is within the sound discretion of the trial court. *United States v. Alix*, 86 F.3d 429, 434 (5th Cir. 1996). The court's "judgment range is exceedingly wide" for it "must consider not only the facts of the particular case but also all of the demands on counsel's time and the court's." *Streber v. Hunter*, 221 F.3d 701, 736 (5th Cir. 2000) (internal citation omitted).

³ R. Doc. 113 at 12 n.23.

⁴ R. Doc. 77 at 3.

The Court concludes that good cause exists to continue trial in this matter. The pre-trial time period was overwhelmed with motions to dismiss, as well as a number of motions to amend or reconsider. The Court addressed the last of these motions on July 7, 2015.⁵ The Court's rulings greatly narrowed the number of defendants in this case and the number of claims Maurer asserts against them. The Court also notes that Maurer recently filed his first witness and exhibit list, which names seventeen people Maurer may wish to call at trial and identifies numerous exhibits. Indeed, Maurer's seventy-page Second Amended Complaint is fact intensive, meaning proper discovery will likely take additional time. *See Voggenthaler v. Md. Square, LLC*, No. 2:08-cv-01618-RCJ-GWF, 2010 WL 1553417, at *7 (D. Nev. Apr. 14, 2010) (noting that complex issues warrant additional discovery and a continuance). Accordingly, the Court finds good cause to continue trial exists, and the Court grants the motion.

III. Conclusion

For the foregoing reasons, the Court GRANTS Mayor Ragusa's Motion to Continue Trial.

New Orleans, Louisiana, this 21st day of August, 2015.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

⁵ See R. Doc. 113.