

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**CFP NEW ORLEANS, LLC**

**CIVIL ACTION**

**VERSUS**

**NO: 16-15474**

**JUDICIAL DISTRICT COURT  
BUILDING COMMISSION  
ORLEANS PARISH ET AL.**

**SECTION "H"**

**ORDER AND REASONS**

Before the Court is Defendant Judicial District Court Building Commission of Orleans Parish's ("JBC") Motion for Sanctions (Doc. 71).

On September 21, 2018, this Court held a one-day bench trial in this case. At trial, the Court accepted Joint Trial Exhibit 16 ("Trial Program") into evidence.<sup>1</sup> On October 4, 2018, JBC filed the instant Motion seeking to exclude the Trial Program from evidence because the Plaintiff did not produce in discovery.<sup>2</sup> Plaintiff opposes.<sup>3</sup>

Under Federal Rule of Civil Procedure 37(c)(1), a district court has broad discretion to issue sanctions when a party fails to disclose necessary documents

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<sup>1</sup> Doc. 71-4 is what this Court refers to as the Trial program.

<sup>2</sup> See Doc. 71.

<sup>3</sup> See Doc. 73.

in discovery.<sup>4</sup> In this case, Plaintiff concedes that it failed to produce the Trial Program in discovery. Instead, it produced what this Court refers to as the “Discovery Program,” an incomplete and earlier version of the Trial Program.<sup>5</sup> Nevertheless, evidence suggests that Pat Gootee, whom Plaintiff reasonably believed served as JBC’s agent, received the Trial Program years before this trial occurred.<sup>6</sup> In any event, whether the Trial Program remains in the Record makes no difference in the ultimate outcome of this case. This Court has ruled in favor of JBC on all Plaintiff’s claims. As such, this Court finds that Plaintiff’s failure to produce the Trial Program in discovery was harmless error. Accordingly, JBC’s Motion for Sanctions is **DENIED**.

New Orleans, Louisiana this 7th day of January, 2019.



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**JANE TRICHE MILAZZO**  
**UNITED STATES DISTRICT JUDGE**

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<sup>4</sup> FED. R. CIV. P. 37(c)(1).

<sup>5</sup> Doc. 71-3 is what this Court refers to as the Discovery Program.

<sup>6</sup> See Docs. 73-5, 73-7 at 3.