

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

MARK RICHARD

CIVIL ACTION

v.

NO. 17-9703

ST. TAMMANY PARISH SHERIFF'S DEPARTMENT

SECTION "F"

ORDER AND REASONS

Beauty is in the eye of the beholder, but facts are stubborn things. In 2019, the plaintiff claimed to have established "numerous genuine issues" of fact regarding his "retaliation claims" in opposing the defendant's motion for summary judgment. See Pl.'s Opp'n to Def.'s Second Mot. for Summ. J. at 24. Now, with a jury trial fast approaching, he insists that despite what he argued before, there is in fact "no genuine issue of material fact regarding his retaliatory discharge from employment" with the defendant sheriff's department. See Mot. at 1 (emphasis added). Thus, he now claims, there is no longer a need for trial; the summary judgment record conclusively establishes that the defendant had no legitimate reason for the alleged retaliatory discharge at issue. The defendants respond that the record *does* leave open the question of whether their asserted basis for terminating the plaintiff is genuine or pretentious.

Notwithstanding the plaintiff's about-face, an objective review of the record confirms that what was true in 2019 remains true today: namely, that significant questions of fact turning largely on witness credibility make summary judgment "patently inappropriate." See Richard v. St. Tammany Par. Sheriff's Dep't, 2019 WL 1670743, at \*14 (E.D. La. Apr. 17, 2019).

New Orleans, Louisiana, July 21, 2021

  
MARTIN L. C. FELDMAN  
UNITED STATES DISTRICT JUDGE