

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LANCE GOODS, ET AL.

CIVIL ACTION

VERSUS

NO. 18-11607

WILLIAM C. HOLBERN, ET AL.

SECTION "B"(1)

ORDERS & REASONS

Defendants have filed a motion for leave to file their first amending and supplemental witness and exhibit list (Rec. Doc. 33) to which plaintiffs Lance Good, Sammie Lott, and Herman Robinson have yet to file a response.

Local Rule 7.5 of the Eastern District of Louisiana requires that memoranda in opposition with citations of authorities be filed **and** served no later than eight (8) days before the noticed submission date. No memoranda in opposition to the subject motion, set for submission on **March 18, 2020**, has been submitted. Further, plaintiffs have not filed a motion to continue the noticed submission date or filed a motion for extension of time within which to oppose the motion. Accordingly, the motion is deemed to be unopposed. The motion for leave has merit. Therefore,

IT IS ORDERED that defendants' motion for leave to file first amending and supplemental witness and exhibit list is **GRANTED**, as: (1) defendants' stated reasons for not complying with the scheduling order were either out of their control, or based on uncertain circumstances and the testimony of Mr. Garrison and

further, plaintiffs have known of the proposed new exhibits and witnesses "for months"; (2) the modification is important, as it could potentially change the outcome of the trial; (3) the prejudice that will result is nominal, and can be cured by a cross examination of the new witnesses at trial; and (4) and the continuance to cure the prejudice is not necessary.

IT IS FURTHER ORDERED that any motion for reconsideration of this Order based on the appropriate Federal Rule of Civil Procedure, if any, must be filed within thirty (30) days of this Order. The motion must be accompanied by opposition memoranda to the original motions.

Because such a motion would not have been necessary had timely opposition memoranda been filed, the costs incurred in connection with the motion, including attorney's fees, may be assessed against the party moving for reconsideration. See Fed. R. Civ. P. 16, 83. A statement of costs conforming to Local Rule 54.3 should be submitted by all parties desiring to be awarded costs and attorney's fees no later than eight (8) days prior to the noticed submission date of the motion for reconsideration.

New Orleans, Louisiana this 26th day of March, 2020.


SENIOR UNITED STATES DISTRICT JUDGE