

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JASON HACKER (#383727)

CIVIL ACTION

VERSUS


NO. 14-063-JWD-EWD

N. BURL CAIN, ET AL.

**RULING**

Before the Court is Motion and Memorandum in Support of Motion to Certify That Plaintiff's Appeal Is Not Frivolous and Request for a Trial Transcript at No Cost to Him. (Doc. 281). The motion is opposed. (Doc. 282.) Plaintiff filed a reply brief. (Doc. 285-1.) The Court has carefully reviewed these pleadings and, of course, was present at the trial of this case. The Court finds that the motion should be granted as the post-trial issues raised by Plaintiff are not frivolous within the meaning of 28 U.S.C. Section 753(f). These issues include the veracity and correctness of the testimony of Defendants' ADA coordinator regarding what constitutes a disability under the Americans with Disabilities Act ("ADA"), whether Plaintiff was a person with a disability and whether defense counsel violated this Court's pretrial orders during his opening statement in a way that substantially prejudiced Plaintiff. Accordingly, Plaintiff's motion is GRANTED.

Signed in Baton Rouge, Louisiana, on March 1, 2017.



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JUDGE JOHN W. deGRAVELLES  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA