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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

LOUIS SCOTT and
SANDRA SCOTT

CASE NO. 16-CV-1015

-vs-

JUDGE DRELL

TOWN OF SIMMESPORT,
BRANDON SPILLMAN and
ALVIE JONES

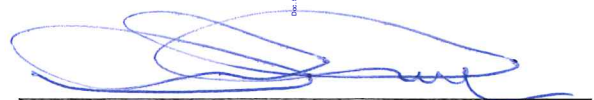
MAG. JUDGE PEREZ-MONTES

ORDER

Before the court is a "Motion for Stay" filed on behalf of all named defendants in this case. (Doc. 49). Defendants' motion seeks a stay of the jury trial of this matter, set for February 11, 2019, in contemplation of an appeal recently filed before the United States Fifth Circuit Court of Appeals. (Doc. 50). In consideration of the filing of the notice of appeal by defendants, it is hereby ORDERED that defendants' pending "Motion for Stay" (Doc. 49) is GRANTED and, accordingly, this matter is STAYED pending resolution of the appeal.

The court notes, however, that our ruling denying entry of summary judgment was predicated on the existence of material fact and credibility issues for resolution at that time. As the court did not make a determination as to defendants' ultimate entitlement to the defense of qualified immunity, defendants' appeal may not be proper at this time. Backe v. LeBlanc, 691 F.3d 645, 648 (5th Cir. 2012) quoting Lion Boulos v. Wilson, 834 F.2d 504, 507 (5th Cir. 1987).

THUS DONE AND SIGNED at Alexandria, Louisiana this 24th day of January, 2019.



DEE D. DRELL, JUDGE
UNITED STATES DISTRICT COURT