

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

ROBERT RACKARD : **CIVIL ACTION NO. 14-cv-0991**

VERSUS : **JUDGE DONALD E. WALTER**

AEROFRAME SERVICES, LLC, ET AL : **MAGISTRATE JUDGE KAY**

ORDER

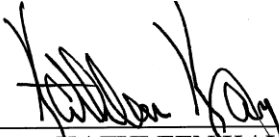
On July 28, 2021, plaintiff was ordered to file a Motion for Summary Judgment with respect to his claim for wages, penalties, and attorney fees against Aeroframe Services, LLC, and to attach appropriate summary judgment type evidence. Doc. 86. Plaintiff was invited to “adopt the argument made by plaintiffs in *Cooley, et al v. Aeroframe Services, LLC*, 14-cv-987 unless this plaintiff has additional reasons for judgment in his favor.” *Id.*

On August 18, 2021, plaintiff filed a Motion for Summary Judgment and attached an affidavit setting forth the wages he claims he was owed and attached his contract with counsel where he agreed to pay one-third of her recovery as a contingency. Doc. 87. Plaintiff also made a claim for “an additional sum of \$3,076.92 representing other unpaid wage benefits such as purchased vacation, regular earned unused vacation, and paid time off.” Doc. 87, att. 3. Plaintiff did not total his claim in his request. Defendant Aeroframe Services, LLC, filed an opposition adopting its opposition to *Cooley, supra*. Doc. 88.

On or before November 12, 2021, plaintiff is to amend his memorandum in support of his motion to set forth the amount claimed. The total amount is to be further broken down by amount for wages, for penalties, and for attorney fees only. The court will not do any math for plaintiff.

The “additional sum” included in the affidavit is unsupported by any documentation and was not an item included for the *Cooley* matters so that we are able to simply refer to our ruling there to substantiate that award. We consider the time passed for this plaintiff to make such a claim for any “additional sum” and will suggest to the district court that claim be denied. Plaintiff will have every opportunity to object to that recommendation at the time it is issued.

THUS DONE AND SIGNED in Chambers this 21st day of October, 2021.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE