

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

Yousef, et al

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

Civil Action No. 6:13-cv-00542

versus

Judge Richard T. Haik, Sr.

Falcon, et al

Magistrate Judge C. Michael Hill

ORDER

Before the Court is plaintiffs' opposed Motion To Maintain Case On Court's Administrative Docket Until January 25, 2015 [Rec. Doc. 26] in this action in light of plaintiffs' counsel's ("Counsel's") continuing health and family issues. This action was filed on March 13, 2013 against a Deputy Sheriff and the Lafayette Parish Sheriff's Office for allegedly wrongful seizure of property under 42 U.S.C. §§ 1983 and 1988. Defendants filed a Motion to Dismiss the claims against the Sheriff, on August 30, 2013. *R. 7*. Thereafter, the Court granted plaintiffs' motion to continue the October 17, 2013 hearing on the Motion because of a conflict with Counsel's annual vacation October 4 through October 19. *R. 9, 11*. The Court also granted plaintiff's motion for extension of time to respond to the Motion to Dismiss from September 20, 2013 to October 30, 2013. *R. 10, 12*. On December 20, 2013, the Court issued an order granting defendants' Motion and dismissed the claims against the Lafayette Parish Sheriff. *R. 21, 22*. On March 19, 2014, the Court issued a Scheduling Order setting the pre-trial deadlines and a trial date of March 16, 2015. *R. 23*. On March 28, 2014, the Court granted plaintiffs' motion to continue the March 16, 2015 trial based on Counsel's health issues and administratively terminated this action allowing the parties to file a joint motion to reopen this proceeding or to inform the Court of Counsel's status within six (6) months of the date of the entry of this order. *R. 26*.

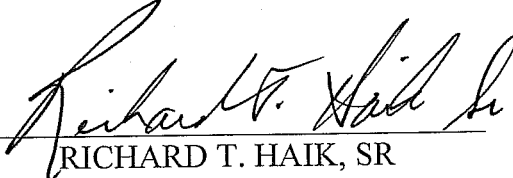
The Motion indicates that defendant opposes any extension of the stay of this action in

light of it being filed over 1 ½ years ago and concern that Counsel's issues may not be resolved by January. *Id. at pp. 4-5.* Plaintiffs' counsel suggests that another attorney in Counsel's firm could temporarily assist him in handling this action between now and January 15, 2015. *Id. at p. 4.* In response to the suggestion, Counsel represents to the Court that "Counsel's only partner, Michael S. O'Brien, only does personal injury work in state court." *Id.* The Court's records indicate, however, that Mr. O'Brien is admitted to practice in this Court and, in fact, has a long history of litigation in the Western District—he appeared as counsel in 44 cases prior to 2000 and 26 cases from 2000 forward. The Court is aware of a case Mr. O'Brien brought under the court's federal question jurisdiction, *Suire v. Vermilion Parish*, 6:02-cv-00828, in which he represented the prevailing party at trial in a Title VII action.

Based on the foregoing,

IT IS ORDERED that the opposed Motion To Maintain Case On Court's Administrative Docket Until January 25, 2015 [Rec. Doc. 26] is **DENIED** and the Clerk of Court is to **REOPEN** this action and re-issue a trial date and Scheduling Order.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 26th day of September, 2014.


RICHARD T. HAIK, SR
UNITED STATES DISTRICT JUDGE