

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**LASHAWN JONES, ET AL.**

**CIVIL ACTION**

**VERSUS**

**No. 12-859  
c/w 12-138  
REF: 12-859**

**MARLIN GUSMAN, ET AL.**

**SECTION I**

**ORDER**

Before the Court is the motion<sup>1</sup> for appointment of a receiver filed by third-party defendant, the City of New Orleans (“City”). Third-party plaintiff, the Sheriff of Orleans Parish (“Sheriff”), has filed an opposition,<sup>2</sup> to which the City has replied.<sup>3</sup> Class Plaintiffs and intervenor plaintiff, the United States of America (collectively, “Plaintiffs”), have filed a memorandum<sup>4</sup> opposing the motion on limited grounds.

The City largely relies on the evidence and legal argument presented at the fairness hearing, and comingles arguments that would support entry of the Consent Judgment with arguments that would support appointment of a receiver.<sup>5</sup> Appointment of a receiver, which the parties acknowledge is an extraordinary and drastic remedy,<sup>6</sup> requires separate argument and consideration.

---

<sup>1</sup>R. Doc. No. 392.

<sup>2</sup>R. Doc. No. 402.

<sup>3</sup>R. Doc. No. 418.

<sup>4</sup>R. Doc. No. 403.

<sup>5</sup>R. Doc. No. 392-1.

<sup>6</sup>*E.g.*, R. Doc. No. 392-1, at 2-3; R. Doc. No. 402, at 11; R. Doc. No. 403, at 4.

Accordingly,

**IT IS ORDERED** that the motion is **DISMISSED WITHOUT PREJUDICE** to the City's right to re-urge its motion at a later date.

New Orleans, Louisiana, September 3, 2013.



\_\_\_\_\_  
LANCE M. AFRICK  
UNITED STATES DISTRICT JUDGE