

MINUTE ENTRY
BERRIGAN, J.
JUNE 30, 2011

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

GREATER NEW ORLEANS FAIR
HOUSING ACTION CENTER, ET AL

CIVIL ACTION

VERSUS

NUMBER: 06-7185

ST. BERNARD PARISH, ET AL

SECTION: "C"

EVIDENTIARY HEARING

APPEARANCES: John P. Relman, Dennis L. Roosien, Jr., Katherine A. Gillespie, Brian Devoss, Jamie L. Crook and Morgan Williams, Counsel for the Plaintiffs
Francis Mulhall and William Martin McGoey, Counsel for Defendants

COURT REPORTER: Cathy Pepper
COURTROOM DEPUTY: Kimberly County

Case called; all present & ready.

Court witness: Dr. Anthony Lamanna, sworn. (EXPERT)
Pltfs' oral motion for sequestration of witnesses - SO ORDERED.

Prior to Dr. Lamanna's testimony:

Statement by counsel for the plaintiffs.

Statement by counsel for the defendants.

Dr. Lamanna testifies.

Court questions counsel for defendants as to why they didn't comply with the Court's 6/20/11 order - counsel for defendants responds to the Court - counsel for the plaintiffs reply to defendants response.

Statement by counsel for the plaintiffs.

Statement by counsel for the defendants.

Counsel for depts requests that he be allowed to supplement rec. doc. #633, obj. by pltfs - Defts offer exhibits A & B (Elevation Certificates) - attached hereto.

ORDERED: That the permits be issued as to Woodlands, Parc Place and Magnolia by 3:00 p.m. tomorrow, if that fails to be done without extraordinarily good cause, there will be a fine of \$10,000.00 per day thereafter.

That the electricity be turned on to all of the sites by 3:00 p.m. tomorrow.

St. Bernard is in contempt for failing to properly challenge the Court's June 20, 2011, order in a timely manner.

Work can continue on the Woodlands project with the exception of the sidewalk on Patricia Street.

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C.A. 06-7185 "C"

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Emergency motion by plaintiffs to enforce the Court's June 20, 2011, order and hold defendants in contempt (624) is GRANTED in part and DENIED in part.

Motion by St. Bernard Parish and St. Bernard Parish Council for cease and desist order and for reconsideration of denial of motion for cease and desist order (633) is DENIED with the exception that no work can continue on the sidewalk along Patricia Street on the Woodlands project until it is determined whether it is a state or parish road. However, work can continue on the remainder of that building site.

Motion by Greater New Orleans Fair Housing Action Center and Provident Realty Advisors, Inc. to enforce the court's March 4 and April 29, 2011 orders and hold defendants in contempt (547) is GRANTED in part, DENIED in part and DEFERRED in part.

The Court finds the affidavits of Mr. Taffaro and Ms. Chimento's asserting that the centerline of the street is the basis to determine the highest adjacent gradient is not credible as it is contrary to FEMA regulations and St. Bernard Parish's own Ordinance.

Plaintiffs request that when Dr. Lamanna submits information essential to turning on the water with regards to the sewer, they be allowed to respond - Court advised that they will be allowed to respond.

Counsel for the plaintiff requests leave to submit a proposed plan/procedure for how future inspections will be conducted - defendants' will be allowed to respond to plaintiffs' plan.

Court informed counsel that Dr. Lamanna will continue to be the Court appointed expert in this case - counsel for the parties advised the Court that they have no objection.

Court Adjourned.