

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

LASHAWN JONES, et al.

CIVIL ACTION NO. 12-859

VERSUS

JUDGE LANCE M. AFRICK

**MARLIN N. GUSMAN, Orleans Parish
Sheriff, et al.**

**MAGISTRATE JUDGE ALMA
CHASEZ**

**THIRD-PARTY DEFENDANT CITY OF NEW ORLEANS' MOTION FOR
APPOINTMENT OF A RECEIVER**

NOW INTO COURT, through undersigned counsel, comes third-party defendant, the City of New Orleans (the “City”), and hereby moves this Honorable Court to appoint a receiver to control all of the operational and financial aspects of the operations of Orleans Parish Prison (“OPP”) and related facilities—starting immediately.¹ As set forth in more detail in the accompanying memorandum of law and facts, the evidentiary hearing during the week of April 1, 2013, established that “effective principled leadership” by Sheriff Gusman, not a lack of resources, is lacking and the overriding concern. Under these circumstances and recent revelations, the City is duty-bound to seek the remedy of appointing a receiver. The City does

¹ To note, the City is not asking the Court to remove Sheriff Gusman from office; that is a decision that only the voters of Orleans Parish can make.

not make this request lightly and fully understands the gravity and import of such a request. If as the expert witnesses testified, OPP is in their view, the worst jail in the United States and needs leadership, a receiver is essential. Although Sheriff Gusman signed the proposed consent decree, he pointedly disagreed when testifying with virtually every document offered in support of the proposed consent decree. Should the Court conclude that a consent decree is warranted, albeit a more narrowly drafted consent decree to conform to federal and state laws, as well as Constitutional principles, the City respectfully requests the appointment of a receiver.

WHEREFORE, third-party defendant, the City of New Orleans, respectfully requests that, after due proceedings are had, that this Honorable Court grant its Motion for Appointment of Receiver and appoint an independent receiver to take control of all of the operational and financial aspects of the operations of Orleans Parish Prison for the reasons set forth in greater detail in the memorandum supporting this motion.

Respectfully submitted,

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**ATTORNEYS FOR THIRD-PARTY
DEFENDANT, CITY OF NEW ORLEANS**

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was filed on this 9th day of April 2013, with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all participating counsel of record.

/s/ Harry Rosenberg

Harry Rosenberg