

**U. S. District Court  
Eastern District of Louisiana (New Orleans)  
CIVIL DOCKET FOR CASE #: 2:10-cv-03452-HGB-ALC**

Heebe et al v. United States of America  
Assigned to: Judge Helen G. Berrigan  
Referred to: Magistrate Judge Alma L. Chazez  
Cause: 00:0000 Cause Code Unknown

Date Filed: 10/13/2010  
Date Terminated: 12/21/2010  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government  
Defendant

**Petitioner**

**Frederick R. Heebe**

represented by **Kyle D. Schonekas**  
Schonekas, Evans, McGoey &  
McEachin, LLC  
650 Poydras Street  
Suite 2105  
New Orleans, LA 70130  
504-680-6050  
Fax: 504-680-6051  
Email: kyle@semmlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William P. Gibbens**  
Schonekas, Evans, McGoey &  
McEachin, LLC  
650 Poydras Street  
Suite 2105  
New Orleans, LA 70130  
504-680-6050  
Email: billy@semmlaw.com  
*ATTORNEY TO BE NOTICED*

**Petitioner**

**A. J. Ward**

represented by **Robert N. Habans , Jr.**  
Robert Habans, Jr., Attorney at Law  
10843 N. Oak Hills Parkway  
Baton Rouge, LA 70810  
225-757-0225  
Email: bobhab@bellsouth.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Petitioner**

**Shadowlake Management, L.L.C.**

represented by **Kyle D. Schonekas**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William P. Gibbens**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Petitioner**

**Willow, Inc.**

represented by **Michael S. Walsh**  
Lee & Walsh  
257 Maximilian Street  
Baton Rouge, LA 70802  
225-344-0474  
Email: michael@leeandwalsh.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Petitioner**

**Fred Heebe Investments**

represented by **Kyle D. Schonekas**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William P. Gibbens**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Petitioner**

**Live Oak Homes Corporation**

represented by **Kyle D. Schonekas**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William P. Gibbens**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Petitioner**

**Heebe & Heebe, P.L.C.**

represented by **Michael S. Walsh**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Petitioner**

**River Birch, Inc.**

represented by **Edward J. Castaing , Jr.**  
Crull, Castaing & Lilly  
Pan American Life Center  
601 Poydras St.  
Suite 2323  
New Orleans, LA 70130  
(504) 581-7700  
Email: [ecastaing@cclhlaw.com](mailto:ecastaing@cclhlaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**United States of America**

represented by **Gregory M. Kennedy**  
U. S. Attorney's Office  
Hale Boggs Federal Bldg.  
500 Poydras St.  
Room 210  
New Orleans, LA 70130  
504-680-3000  
Email: [usalae.ecfcr@usdoj.gov](mailto:usalae.ecfcr@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Salvador Robert Perricone**  
U. S. Attorney's Office  
Hale Boggs Federal Bldg.  
500 Poydras St.  
Room 210  
New Orleans, LA 70130  
504-680-3000  
Email: [usalae.ecfcr@usdoj.gov](mailto:usalae.ecfcr@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/13/2010	<a href="#"><u>1</u></a>	EXPARTE/CONSENT MOTION for Leave to File Motion for Return of Property under seal by Fred Heebe Investments, Frederick R. Heebe, Heebe & Heebe, P.L.C., Live Oak Homes Corporation, River Birch, Inc., Shadowlake Management, L.L.C., A. J. Ward, Willow, Inc.. (plh, ) (Entered: 10/19/2010)
10/13/2010	<a href="#"><u>3</u></a>	COMPLAINT per record doc 6 MOTION for Return of Property by Fred

		Heebe Investments, Frederick R. Heebe, Heebe & Heebe, P.L.C., Live Oak Homes Corporation, River Birch, Inc., Shadowlake Management, L.L.C., A. J. Ward, Willow, Inc.. Motion Hearing set for 11/24/2010 09:30 AM before Judge Helen G. Berrigan. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Notice of Hearing, # <a href="#">3</a> Exhibit)(plh, ) Modified on 11/18/2010 (plh, ). (Entered: 10/19/2010)
10/13/2010	<a href="#">4</a>	NOTICE of filing under seal by Fred Heebe Investments, Frederick R. Heebe, Heebe & Heebe, P.L.C., Live Oak Homes Corporation, River Birch, Inc., Shadowlake Management, L.L.C., A. J. Ward, Willow, Inc.. (plh, ) (Entered: 10/19/2010)
10/15/2010	<a href="#">2</a>	ORDER granting <a href="#">1</a> Motion for Leave to File Motion under seal. Signed by Judge Helen G. Berrigan on 10/15/10. (plh, ) (Entered: 10/19/2010)
10/18/2010	<a href="#">5</a>	Request/Statement of Oral Argument by Fred Heebe Investments, Frederick R. Heebe, Heebe & Heebe, P.L.C., Live Oak Homes Corporation, River Birch, Inc., Shadowlake Management, L.L.C., A. J. Ward, Willow, Inc. regarding <a href="#">3</a> MOTION for Return of Property. (plh, ) (Entered: 10/19/2010)
11/17/2010	<a href="#">8</a>	AFFIDAVIT of Service by William P. Gibbens of Motion to File document under Seal, Notice of filing under Seal, Motion for Return of Property served on United States Attorney's Office on 10/13/2010. (plh, ) (Entered: 11/18/2010)
11/17/2010	<a href="#">9</a>	AFFIDAVIT of Service by Ian L. Atkinson of Notice of Hearing and Request for Oral Argument served on United States Attorney's Office on 10/18/2010. (plh, ) (Entered: 11/18/2010)
11/18/2010	<a href="#">6</a>	ORDER re <a href="#">3</a> MOTION for Return of Property. ORDERED that the Motion shall be converted to an equitable action akin to replevin and treated as a civil complaint as set forth in document. FURTHER ORDERED that the United States of America shall be made a named defendant and service shall issue to the United States Government. FURTHER ORDERED that the government shall file any opposition to petitioners' motion by 4:00 pm on 11/24/10 at which time the motion will be taken under advisement on the briefs, without oral argument. Signed by Judge Helen G. Berrigan on 11/18/10.(copy: Gibbens, Kennedy)(plh, ) (Entered: 11/18/2010)
11/18/2010	7	Summons Issued as to United States of America. (plh, ) (Entered: 11/18/2010)
11/22/2010	<a href="#">10</a>	SUMMONS Returned Executed; United States of America through U.S. Attorney served on 11/19/2010, answer due 1/18/2011. (plh, ) (Entered: 11/22/2010)
11/22/2010	<a href="#">12</a>	RESPONSE/MEMORANDUM in Opposition filed by United States of America re <a href="#">11</a> MOTION to Seal Case. (Attachments: # <a href="#">1</a> Proposed Order)(kac, ) (Entered: 11/23/2010)

11/23/2010	<a href="#">11</a>	EXPARTE/CONSENT MOTION to Seal Case by Fred Heebe Investments, Frederick R. Heebe, Live Oak Homes Corporation, Shadowlake Management, L.L.C.. (kac, ) (Additional attachment(s) added on 11/23/2010: # <a href="#">1</a> Proposed Order) (kac, ). (Entered: 11/23/2010)
11/23/2010	<a href="#">13</a>	ORDER denying <a href="#">11</a> MOTION to Seal Case filed by Live Oak Homes Corporation, Shadowlake Management, L.L.C., Fred Heebe Investments, Frederick R. Heebe. FURTHER ORDERED that the case be unsealed. Signed by Judge Helen G. Berrigan on 11/18/10.(plh, ) (Entered: 11/24/2010)
11/23/2010	<a href="#">15</a>	EXPARTE/CONSENT MOTION for Leave to File Reply Memorandum by Fred Heebe Investments, Frederick R. Heebe, Live Oak Homes Corporation, Shadowlake Management, L.L.C.. (plh, ) (Entered: 11/24/2010)
11/24/2010	<a href="#">14</a>	RESPONSE/MEMORANDUM in Opposition filed by United States of America re <a href="#">3</a> MOTION for Return of Property. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H, # <a href="#">9</a> Exhibit I, # <a href="#">10</a> Exhibit J)(Kennedy, Gregory) (Entered: 11/24/2010)
11/24/2010	<a href="#">16</a>	ORDER granting <a href="#">15</a> Motion for Leave to File Reply Memorandum. Signed by Judge Helen G. Berrigan on 11/24/10. (plh, ) (Entered: 11/24/2010)
11/24/2010	<a href="#">17</a>	REPLY Memorandum to Motion filed by Fred Heebe Investments, Frederick R. Heebe, Heebe & Heebe, P.L.C., Live Oak Homes Corporation, River Birch, Inc., Shadowlake Management, L.L.C., A. J. Ward, Willow, Inc. re <a href="#">3</a> MOTION for Return of Property. (Attachments: # <a href="#">1</a> Exhibits)(plh, ) (Entered: 11/24/2010)
11/24/2010	<a href="#">18</a>	EXPARTE/CONSENT MOTION for Leave to File Reply Memorandum to Government's Opposition to defendant's Motion to Seal by Fred Heebe Investments, Frederick R. Heebe, Live Oak Homes Corporation, Shadowlake Management, L.L.C.. (Attachments: # <a href="#">1</a> Proposed Pleading)(plh, ) (Entered: 11/24/2010)
11/24/2010	<a href="#">19</a>	ORDER finding as moot <a href="#">18</a> Motion for Leave to File Reply Memorandum to Government's Opposition to defendant's Motion to Seal. Signed by Judge Helen G. Berrigan on 11/24/10. (plh, ) (Entered: 11/24/2010)
11/24/2010	<a href="#">20</a>	**SEALED** Motion to file exhibit for in camera review by Frederick R. Heebe. (plh, ) (Entered: 12/07/2010)
12/07/2010	<a href="#">21</a>	**SEALED** Order re: motion to file exhibit for in camera review (plh, )(Schonekas, Kennedy) (Entered: 12/07/2010)
12/20/2010	<a href="#">22</a>	ORDER & REASONS granting <a href="#">3</a> Motion for Return of Property. FURTHER ORDERED that the Government immediately return all seized

		property of tenants other than River Birch, Inc. In the case of property shared between River Birch, Inc. and other tenants, the Government shall provide to petitioners copies of all documents it intends to retain by Monday, December 27, 2010. Likewise, the Government shall complete its clean team review and return all privileged documents to the petitioners by Monday, December 27, 2010. Signed by Judge Helen G. Berrigan on 12/20/10. (plh, ) Modified doc type on 12/21/2010 (plh, ). (Entered: 12/21/2010)
12/21/2010	<a href="#">23</a>	JUDGMENT - ORDERED that the Government immediately return all seized property of tenants other than River Birch, Inc. In the case of property shared between River Birch, Inc. and other tenants, the Government shall provide to petitioners copies of all documents it intends to retain by Monday, December 27, 2010. Likewise, the Government shall complete its clean team review and return all privileged documents to the petitioners by Monday, December 27, 2010. Signed by Judge Helen G. Berrigan on 12/20/10.(plh, ) (Entered: 12/21/2010)
12/22/2010	<a href="#">24</a>	**DEFICIENT** EXPARTE/CONSENT MOTION to Stay <i>Return of Property</i> by United States of America. (Attachments: # <a href="#">1</a> Proposed Order)(Kennedy, Gregory) Modified on 12/23/2010 (plh, ). (Entered: 12/22/2010)
12/23/2010	<a href="#">25</a>	MOTION to Stay <i>Return of Property</i> by United States of America. Motion Hearing set for 1/19/2011 09:30 AM before Judge Helen G. Berrigan. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Notice of Hearing)(Kennedy, Gregory) (Entered: 12/23/2010)
12/23/2010	<a href="#">26</a>	EXPARTE/CONSENT MOTION to Expedite <i>Hearing on Motion to Stay Return of Property</i> by United States of America. (Attachments: # <a href="#">1</a> Proposed Order)(Kennedy, Gregory) (Entered: 12/23/2010)
12/23/2010	<a href="#">27</a>	RESPONSE/MEMORANDUM in Opposition filed by All Parties re <a href="#">25</a> MOTION to Stay <i>Return of Property</i> . (Gibbens, William) (Entered: 12/23/2010)
12/23/2010	<a href="#">28</a>	ORDER re: <a href="#">25</a> Motion to Stay; ORDERED that the defendants motion for stay, treated as a motion for extension of time, is PARTIALLY GRANTED and PARTIALLY DENIED. The previously set deadlines are CONTINUED to January 5, 2011. Signed by Judge Helen G. Berrigan on 12/23/10. (plh, ) (Entered: 12/23/2010)
01/05/2011	<a href="#">29</a>	**SEALED** Motion by USA to seal exhibit (plh, ) (Entered: 01/07/2011)
01/05/2011	<a href="#">31</a>	MOTION for Rule 41(g) Evidentiary Hearing by United States of America. Motion Hearing set for 2/2/2011 09:30 AM before Judge Helen G. Berrigan. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Notice of Hearing, # <a href="#">3</a> Exhibits)(plh, ) (Additional attachment(s) added on 1/7/2011:

		# <a href="#">4</a> Exhibit C (sealed)) (plh, ). (Entered: 01/07/2011)
01/05/2011	<a href="#">32</a>	Notice of Compliance by United States of America re <a href="#">28</a> Order. (plh, ) (Entered: 01/07/2011)
01/07/2011	<a href="#">30</a>	**SEALED** ORDER to seal exhibit (plh, ) (Entered: 01/07/2011)
01/10/2011	<a href="#">33</a>	*SEALED* Motion by plaintiffs to file opposition under seal (plh, ) (Entered: 01/10/2011)
01/10/2011	<a href="#">34</a>	*SEALED* Order to file opposition under seal (plh, ) (Entered: 01/10/2011)
01/10/2011	<a href="#">35</a>	*SEALED* Opposition by plaintiffs to government's motion to submit evidence ex parte (plh, ) (Entered: 01/10/2011)
01/18/2011	<a href="#">36</a>	MOTION to Enforce Judgment by Fred Heebe Investments, Frederick R. Heebe, Heebe & Heebe, P.L.C., Live Oak Homes Corporation, River Birch, Inc., Shadowlake Management, L.L.C., A. J. Ward, Willow, Inc.. Motion Hearing set for 2/2/2011 09:30 AM before Judge Helen G. Berrigan. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Notice of Hearing)(Gibbens, William) (Entered: 01/18/2011)
01/18/2011	<a href="#">37</a>	Request/Statement of Oral Argument by Fred Heebe Investments, Frederick R. Heebe, Heebe & Heebe, P.L.C., Live Oak Homes Corporation, River Birch, Inc., Shadowlake Management, L.L.C., A. J. Ward, Willow, Inc. regarding <a href="#">36</a> MOTION to Enforce Judgment (Gibbens, William) (Entered: 01/18/2011)
01/21/2011	<a href="#">38</a>	ORDER that an Evidentiary Hearing is set for 2/24/2011 10:00 AM before Judge Helen G. Berrigan re <a href="#">36</a> MOTION to Enforce Judgment, <a href="#">31</a> MOTION for Reconsideration. FURTHER ORDERED that the premises of 2000 Belle Chasse Highway, Gretna, Louisiana be made available for a visit by the Court on 2/4/2011 as set forth in document. Signed by Judge Helen G. Berrigan on 1/21/11.(plh, ) (Entered: 01/21/2011)
01/21/2011	<a href="#">39</a>	EXPARTE/CONSENT MOTION to Enroll as Counsel of Record by United States of America. (Attachments: # <a href="#">1</a> Proposed Order)(Kennedy, Gregory) (Entered: 01/21/2011)
01/24/2011	<a href="#">40</a>	ORDER granting <a href="#">39</a> Motion to Enroll as Counsel of Record for Attorney Salvador Robert Perricone for United States of America. Signed by Judge Helen G. Berrigan on 1/24/11. (plh, ) (Entered: 01/24/2011)
01/25/2011	<a href="#">41</a>	RESPONSE to Motion filed by United States of America re <a href="#">36</a> MOTION to Enforce Judgment. (Kennedy, Gregory) (Entered: 01/25/2011)
01/25/2011	<a href="#">42</a>	RESPONSE/MEMORANDUM in Opposition filed by Fred Heebe Investments, Frederick R. Heebe, Heebe & Heebe, P.L.C., Live Oak Homes Corporation, River Birch, Inc., Shadowlake Management, L.L.C., A. J.

		Ward, Willow, Inc. re <a href="#">31</a> MOTION for Hearing <i>in Reconsideration of Judgment</i> . (Attachments: # <a href="#">1</a> Exhibit A)(Gibbens, William) (Entered: 01/25/2011)
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