

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

CONSOLIDATED GARBAGE DISTRICT NO.1	*	CIVIL ACTION NO. 09-6270
OF THE PARISH OF JEFFERSON AND THE	*	
PARISH OF JEFFERSON THROUGH THE	*	
JEFFERSON PARISH COUNCIL	*	SECTION "B"
Plaintiffs	*	
	*	HON. IVAN L.R. LEMELLE
VERSUS	*	
	*	MAGISTRATE 4
WASTE MANAGEMENT OF LOUISIANA, LLC	*	
D/B/A WASTE MANAGEMENT OF N.O., Et Al	*	HON. MAGISTRATE
Defendants	*	KAREN WELLS ROBY
	*	

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**JOINT MOTION TO CONTINUE TRIAL DATE AND PRE-TRIAL DEADLINES**

NOW INTO COURT, through undersigned counsel, comes plaintiffs Consolidated Garbage District No. 1 of Jefferson Parish and the Parish of Jefferson ("the Parish") and defendant Waste Management of Louisiana, L.L.C. ("Waste Management"), and move the Court to continue the trial presently set for jury trial for July 11, 2011, and to reset pretrial deadlines. Since this Court's order of December 7, 2010 was issued setting the jury trial and pretrial deadlines, several events occurred which necessitate the filing of this joint motion to continue the trial and the pretrial deadlines.

The damage claims by and among the Parish and Waste Management were settled after a settlement conference before the Magistrate Judge. The only remaining claim by the Parish as against Waste Management is for a declaratory judgment with respect to rights and obligations under

the Time Contract for Landfill Services. The only remaining claim by Waste Management is a claim for a declaratory judgment that a contract between the Parish and River Birch, Inc. for landfill services is void and unenforceable. This Court previously ruled that River Birch is a necessary party to Waste Management's declaratory action. [Doc. 186]. Waste Management thereafter effected service of an amended counterclaim on River Birch in accordance with the Court's order. [Doc. 170]. River Birch has yet to file responsive pleadings and thus issue has not been joined on the declaratory judgment with respect to the validity of the River Birch contract.

In light of the foregoing, it is respectfully submitted that the current trial date should be continued and that after River Birch has had an opportunity to make an appearance, a status conference should be conducted for the purpose of selecting a trial date and setting pretrial deadlines.

Respectfully submitted,

GAUDRY, RANSON, HIGGINS &  
GREMILLION, L.L.C.

/s/ Michael D. Peytavin  
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/s/ Benjamin M. Castoriano

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Counsel for Waste Management of Louisiana,  
L.L.C. d/b/a Waste Management of New  
Orleans

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of June, 2011, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the court's electronic filing system.

/s/ Michael D. Peytavin

Michael D. Peytavin

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**CERTIFICATE STATING THAT CLIENTS HAVE BEEN PROVIDED  
A COPY OF THE MOTION TO CONTINUE TRIAL AND THAT CLIENTS  
WERE ADVISED OF THE CONTINUANCE**

I hereby certify that I have advised my clients, Consolidated Garbage District No. 1 of Jefferson Parish and the Parish of Jefferson, that I have initiated a motion to continue the trial and that the clients have been provided with a copy of the motion. I further certify that counsel for Waste Management of Louisiana, L.L.C. d/b/a Waste Management of New Orleans has represented that he has advised his client that he consented to a motion to continue the trial and that his client has been provided with a copy of the motion.

Respectfully submitted,

GAUDRY, RANSON, HIGGINS &  
GREMILLION, L.L.C.

/s/ Michael D. Peytavin

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/s/ Michael D. Peytavin

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**ORDER**

Upon consideration of the foregoing Joint Motion to Continue the trial of this matter and to reset pretrial deadlines;

IT IS ORDERED, that the jury trial of this matter, presently set for July 11, 2011, be and the same is hereby continued, and the Docket Clerk is hereby ordered to schedule a status conference for the purpose of selecting a new trial date and corresponding pretrial deadlines.

New Orleans, Louisiana, this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
IVAN L. R. LEMELLE  
UNITED STATES DISTRICT JUDGE