

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

CARROLLTON PRESBYTERIAN CHURCH	*	CIVIL ACTION NO.
	*	
Plaintiff	*	3:09-cv-00138-RET-SCR
	*	
VERSUS	*	
	*	
PRESBYTERY OF SOUTH LOUISIANA	*	
	*	
Defendant	*	
	*	

REQUEST FOR EXPEDITED CONSIDERATION
AND FOR STATUS CONFERENCE

NOW INTO COURT, comes Carrollton Presbyterian Church (“Carrollton”), plaintiff herein, who moves this Court as follows:

1.

This matter is before this Court on Carrollton’s Motion to Remand and Request for Attorneys Fees and Costs.

2.

As set forth in the Memorandum in Support of the Motion to Remand, Carrollton filed the subject lawsuit in the Nineteenth Judicial District Court for the Parish of East Baton Rouge, Louisiana, on March 27, 2008. Following the filing of its Petition, Carrollton obtained a

Temporary Restraining Order (“TRO”) to prevent the defendant, Presbytery of South Louisiana (“PSL”), or others acting for or in the place of PSL from taking retaliatory action.

3.

Over the objections of the PSL (claiming that no court had jurisdiction over this matter which the PSL alleged was solely “ecclesiastical”), the state court TRO was renewed and extended several times. Pursuant to the terms of the TRO, the parties appeared in state court for trial for two days, on March 2nd and 3rd, 2009, to determine whether a preliminary injunction should be issued. Numerous witnesses were called to testify and numerous exhibits introduced by both sides. Thereafter, the matter was taken under advisement by Judge Kay Bates and memoranda were due to be filed with the state court on Friday, March 13, 2009. Judge Bates anticipated ruling on the matter before the TRO lapsed.

4.

On March 12, 2009, however, the PSL removed the lawsuit to this Court citing 28 U.S.C. § 1331 and 28 U.S.C. § 1441(b).

5.

Carrollton has filed contemporaneously with this Motion, a Motion to Remand seeking to remand this matter back to the Nineteenth Judicial District Court because no federal question jurisdiction exists over Carrollton’s claims asserted in state court.

6.

PSL's actions in improperly removing this matter have thwarted the state court's proper jurisdiction. But even more critically, the PSL's actions have called into question a properly issued state TRO.

7.

PSL has attempted to remedy the effects on the state TRO by voluntarily agreeing to a 30-day joint stipulation to extend the TRO, ending on April 13, 2009, but this will not completely resolve the issue. Given normal briefing deadlines and other scheduling issues, thirty days will likely elapse before the court is able to rule on this matter, leaving Carrollton in the unenviable position of having to seek another TRO and preliminary injunction, including presenting the same arguments, witnesses, and evidence. This would require Carrollton to duplicate the same work and incur the same expenses it already completed in the state court, thereby severely prejudicing Carrollton.

8.

Indeed, even if this court were to rule on the motion to remand within 20 days, upon certification of remand, the parties would still be required to provide the memoranda Judge Bates ordered when she took the matter under advisement. Again, normal deadlines and scheduling issues would impede Carrollton's desire for a prompt resolution of a matter already heard by a state court judge.

9.

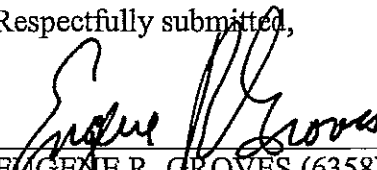
Indeed, the further removed the state court judge is from hearing arguments, witnesses, and evidence on the trial of Carrollton's request for preliminary injunction, the more she is prejudiced by having to bolster her recollections from the trial record.

10.

Given the prejudice to Carrollton and the state court judge, Carrollton respectfully requests the expedited consideration of the foregoing motion by the Court and for a telephone status conference with court and the parties to determine an expedited briefing schedule.

WHEREFORE, Carrollton Presbyterian Church requests that this Court expedite consideration of its pending motions and schedule a telephone status conference for March, __, 2009 at _____ to determine an expedited briefing schedule.

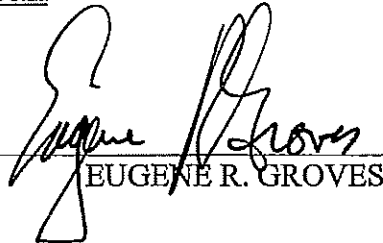
Respectfully submitted,


BY: _____
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CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2009, I electronically filed the foregoing with the Clerk of Court and also sent notification of such filings by electronic mail to the following:

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EUGENE R. GROVES

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

CARROLLTON PRESBYTERIAN CHURCH

Plaintiff

VERSUS

PRESBYTERY OF SOUTH LOUISIANA

Defendant

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CIVIL ACTION NO.

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ORDER

Considering the foregoing Request for Expedited Consideration and Status Conference filed herein by Carrollton Presbyterian Church:

IT IS ORDERED that a telephone status conference is scheduled for March, __, 2009 at _____ to determine an expedited briefing schedule.

Baton Rouge, Louisiana, this _____ day of _____, 2009.

Magistrate Stephen Reidlinger
Magistrate Judge, U.S. District Court
Middle District of Louisiana