

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

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| ELZIE BALL, NATHANIEL CODE,<br>AND JAMES MAGEE,   | * | CIVIL ACTION NO. 13-368 |
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|   | * |                         |
| PLAINTIFFS  | * |                         |
|   | * |                         |
| VS.   | * |                         |
|   | * |                         |
| JAMES M. LEBLANC, SECRETARY OF<br>THE LOUISIANA DEPARTMENT OF<br>PUBLIC SAFETY AND CORRECTIONS,<br>BURL CAIN, WARDEN OF THE<br>LOUISIANA STATE PENITENTIARY,<br>JAMES CRUZE, WARDEN OF<br>DEATH ROW, AND THE LOUISIANA<br>DEPARTMENT OF PUBLIC SAFETY<br>AND CORRECTIONS, | * | JUDGE: BAJ              |
|   | * |                         |
|   | * |                         |
|   | * | MAGISTRATE: EWD         |
|   | * |                         |
|   | * |                         |
| DEFENDANTS  | * |                         |
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**PLAINTIFFS’ MOTION TO MODIFY INJUNCTIVE RELIEF**

On May 12, 2016, the heat index on the Death Row tiers rose above 88 degrees. As requested by this Court, Plaintiffs are advising the Court of the failure of Defendants’ Second Heat Remediation Plan and moving the Court to modify the injunctive relief to address the ongoing constitutional violation which could result in Plaintiffs’ serious injury, paralysis, or death.

For the reasons discussed in the attached Memorandum, Plaintiffs move this Court to order Defendants to implement their original Heat Remediation Plan (Rec. Doc. 118).

Respectfully submitted this 16<sup>th</sup> day of May, 2016,

/s/ Mercedes Montagnes  
Mercedes Montagnes, La. Bar No. 33287 (Lead Counsel)  
Elizabeth Compa, La. Bar No. 35004  
The Promise of Justice Initiative

636 Baronne Street  
New Orleans, LA 70113  
Tel. (504) 529-5955  
Fax (504) 558-0378  
Email: mmontagnes@thejusticecenter.org

James M. Lee, Ca. Bar No.192301, *Pro Hac Vice*  
Nilay U. Vora, Ca. Bar No. 268339, *Pro Hac Vice*  
Lee Tran & Liang LLP  
601 S. Figueroa Street, Suite 3900  
Los Angeles, California 90017  
tel: 213-612-8900  
fax: 213-612-3773  
Email: nilay.vora@lrlattorneys.com

Steven Scheckman, La. Bar No. 08472  
Schiff, Scheckman, & White LLP  
829 Baronne Street  
New Orleans, Louisiana 70113  
Tel. (504)581-9322  
Fax (504)581-7651  
Email: steve@sswethicslaw.com

#### CERTIFICATE OF SERVICE

I do hereby certify that on May 16, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all CM/ECF participants.

/s/ Mercedes Montagnes  
Mercedes Montagnes, La. Bar No. 33287 (Lead Counsel)  
The Promise of Justice Initiative  
636 Baronne Street  
New Orleans, LA 70113  
Tel. (504) 529-5955  
Fax (504) 558-0378  
Email: mmontagnes@thejusticecenter.org