

*order*

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WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

CARL BERNOFSKY and  
SHIRLEY G. BERNOFSKY

VERSUS

THE ROAD HOME CORPORATION,  
ICF EMERGENCY MANAGEMENT  
SERVICES, LLC, LOUISIANA RECOVERY  
AUTHORITY, and LOUISIANA DIVISION  
OF ADMINISTRATION THROUGH THE  
OFFICE OF COMMUNITY DEVELOPMENT

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CIVIL ACTION NO.

5:09-CV-01919-TS-MLH

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MOTION FOR LEAVE TO FILE RESPONSE TO DEFENDANT ICF'S  
REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

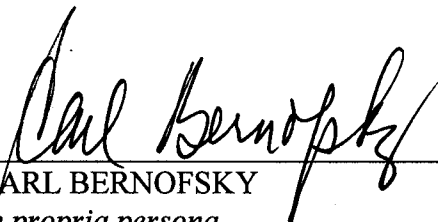
NOW INTO COURT, *in propria persona*, come plaintiffs Carl Bernofsky and Shirley G. Bernofsky, appearing solely for the purpose of respectfully moving this Court for an order granting them leave to file a response to defendant ICF's Reply Memorandum in Support of Motion to Dismiss (Doc. No. 26).

Plaintiffs dispute defendants' assertions that 1) plaintiffs are not third-party beneficiaries, 2) ICF's actions were not conducted under color of law, and 3) plaintiffs are positioned similarly to plaintiffs in *Robinson v. Road Home*.<sup>1</sup>

Defendants oppose this motion.<sup>2</sup>

WHEREFORE, plaintiffs respectfully request that their motion be granted and that leave to file a responsive pleading be granted.

Respectfully submitted,

  
\_\_\_\_\_  
CARL BERNOFSKY  
*In propria persona*  
SHIRLEY G. BERNOFSKY  
*In propria persona*

109 Southfield Road, Apt. 51H  
Shreveport, Louisiana 71105  
Tel: (318) 869-3871  
E-Mail: cbernof@aol.com  
E-Mail: sbernof@aol.com

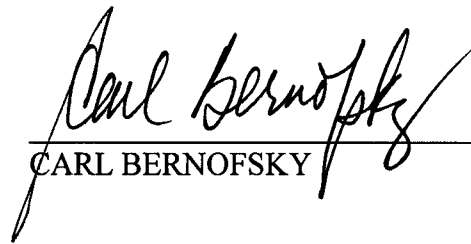
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<sup>1</sup>*Robinson v. Road Home Corp et al*, Civil Action No. 09-4782 (U.S. District Court for the Eastern District of Louisiana).

<sup>2</sup>See defendants' opposition of March 2, 2010, attached.

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 3rd day of March, 2010, a copy of the above and foregoing was delivered to the Clerk of Court for use in the CM/ECF System for filing and for transmittal of a Notice of Electronic Filing upon all CM/ECF registrants.

  
\_\_\_\_\_  
CARL BERNOFSKY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

CARL BERNOFSKY and  
SHIRLEY G. BERNOFSKY

VERSUS

THE ROAD HOME CORPORATION,  
ICF EMERGENCY MANAGEMENT  
SERVICES, LLC, LOUISIANA RECOVERY  
AUTHORITY, and LOUISIANA DIVISION  
OF ADMINISTRATION THROUGH THE  
OFFICE OF COMMUNITY DEVELOPMENT

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CIVIL ACTION NO.

5:09-CV-01919-TS-MLH

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ORDER

Considering the foregoing Motion for Leave to File Response to Defendant ICF'S Reply Memorandum in Support of Motion to Dismiss, filed herein *in propria persona* by plaintiffs Carl Bernofsky and Shirley G. Bernofsky, and notwithstanding defendant ICF's opposition:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that said motion is granted, and plaintiffs are hereby granted \_\_\_\_\_ days in which to file a responsive pleading.

Shreveport, Louisiana, this \_\_\_\_\_ day of March, 2010.

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

Subj: **RE: Carl Bernofsky v. The Road Home, et al**  
Date: 3/2/2010 5:44:03 PM Central Standard Time  
From: [mdrew@joneswalker.com](mailto:mdrew@joneswalker.com)  
To: [CBernof@aol.com](mailto:CBernof@aol.com)  
CC: [phardin@joneswalker.com](mailto:phardin@joneswalker.com)

Mr. Bernofsky,

Neither the Local Rules nor Magistrate Judge Hornsby's Order (Doc. No. 22) contemplate the filing of additional opposition briefing after the reply brief is filed. ICF does not believe it can consent to a filing outside the scope of these Rules and this Order.

Kind regards,  
Mike

*Michael C. Drew*  
[mdrew@joneswalker.com](mailto:mdrew@joneswalker.com)  
(504) 582-8318  
(504) 589-8318 (fax)

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**From:** [CBernof@aol.com](mailto:CBernof@aol.com) [<mailto:CBernof@aol.com>]  
**Sent:** Tuesday, March 02, 2010 4:06 PM  
**To:** Drew, Michael; Casella, Janice  
**Subject:** Re: Carl Bernofsky v. The Road Home, et al

Dear Mr. Drew,

Kindly let me know if you have any objection to my filing a response to your Reply Memorandum in Support of Motion to Dismiss (Doc. 26, Civil Action 09-1919).

Sincerely,

Carl Bernofsky

109 Southfield Road, Apt. 51H  
Shreveport, Louisiana 71105  
318-869-3871