

U.S. District Court
Northern District of New York - Main Office (Syracuse) [LIVE - Version 4.1.1]
(Albany)
CIVIL DOCKET FOR CASE #: 1:10-cv-01075-GLS -DRH

Messier v. NFL Properties, LLC et al
Assigned to: Judge Gary L. Sharpe
Referred to: Magistrate Judge David R. Homer
Cause: 15:1121 Trademark Infringement

Date Filed: 09/07/2010
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Michel Joseph Messier

represented by **Michel Joseph Messier**
104 Forest Street
Rutland, VT 05701
802-342-9878
PRO SE

V.

Defendant

NFL Properties, LLC

represented by **Clifford G. Tsan**
Bond, Schoeneck Law Firm - Syracuse
One Lincoln Center
Syracuse, NY 13202-1355
315-218-8000
Fax: 315-218-8100
Email: ctsan@bsk.com
ATTORNEY TO BE NOTICED

John G. McGowan
Bond, Schoeneck Law Firm - Syracuse
One Lincoln Center
Syracuse, NY 13202-1355
315-218-8000
Fax: 315-218-8421
Email: jmcgowan@bsk.com
ATTORNEY TO BE NOTICED

Defendant

New Orleans Louisiana Saints, L.L.C.

represented by **Clifford G. Tsan**
(See above for address)

ATTORNEY TO BE NOTICED

John G. McGowan

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

The Secretary of State of Louisiana

represented by **Daniel J. Hurteau**

Nixon, Peabody Law Firm - Albany Office

677 Broadway

10th Floor

Albany, NY 12207

518-427-2650

Fax: 866-947-0687

Email: DHurteau@nixonpeabody.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Amy L. McInnis

Shows, Cali Law Firm

628 St. Louis Street

Baton Rouge, LA 70802

225-346-1461

Fax: 225-346-1467

Email: amym@scblp.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

Edmond Wade Shows

Shows, Cali Law Firm

628 St. Louis Street

Baton Rouge, LA 70802

225-346-1461

Fax: 225-346-1467

Email: ews@scblp.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

Defendant

State of Louisiana

represented by **Daniel J. Hurteau**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Amy L. McInnis

(See above for address)

*PRO HAC VICE**ATTORNEY TO BE NOTICED***Edmond Wade Shows**

(See above for address)

*PRO HAC VICE**ATTORNEY TO BE NOTICED*

| Date Filed | # | Docket Text |
|------------|--------------------------|--|
| 09/07/2010 | <u>1</u> | COMPLAINT against NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C., State of Louisiana, The Secretary of State of Louisiana (Filing fee \$350 receipt number ALB006054) filed by Michel Joseph Messier. (Attachments: # <u>1</u> Exhibit(s) to Complaint, # <u>2</u> Civil Cover Sheet, # <u>3</u> Certificate of Service for mailing copies upon Defendants on 9/6/2010). (mab) (Entered: 09/08/2010) |
| 09/07/2010 | <u>2</u> | G.O. 25 FILING ORDER ISSUED: Initial Conference set for 1/11/2011 at 10:00 AM in Albany before Magistrate Judge David R. Homer. Civil Case Management Plan due by 12/28/2010. (mab) (Entered: 09/08/2010) |
| 09/07/2010 | <u>3</u> | Summons Issued as to NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C., State of Louisiana, The Secretary of State of Louisiana. (Attachments: # <u>1</u> Summons Issued as to New Orleans Louisiana Saints, L.L.C., # <u>2</u> Summons Issues as to The Secretary of State of Louisiana, # <u>3</u> Summons issued as to Attorney General of the State of Louisiana). (mab) (Entered: 09/08/2010) |
| 10/01/2010 | <u>4</u> | MOTION to Dismiss, MOTION to Dismiss Case as Frivolous, MOTION to Dismiss for Lack of Subject Matter Jurisdiction Motion Hearing set for 11/18/2010 09:00 AM in Albany before Judge Gary L. Sharpe Response to Motion due by 11/1/2010 Reply to Response to Motion due by 11/8/2010. filed by NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C.. (Attachments: # <u>1</u> Declaration Declaration of Frederick J.M. Price with Exhibits A-I, # <u>2</u> Declaration Declaration of Anastasia Danias, # <u>3</u> Memorandum of Law Memorandum of Law in Support of Motion to Dismiss, # <u>4</u> Certificate of Service) (Tsan, Clifford) (Entered: 10/01/2010) |
| 10/01/2010 | <u>5</u> | FRCP 7.1 CORPORATE DISCLOSURE STATEMENT by NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C. identifying Corporate Parent NFL Ventures, L.P. for NFL Properties, LLC; Corporate Parent Benson Football, LLC for New Orleans Louisiana Saints, L.L.C... (Tsan, Clifford) (Entered: 10/01/2010) |
| 10/06/2010 | <u>6</u> | NOTICE by NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C. re <u>4</u> MOTION to Dismiss MOTION to Dismiss Case as Frivolous MOTION to Dismiss for Lack of Subject Matter Jurisdiction <i>Letter to Inform the Court of Supplemental Authority and Submit Unpublished Decisions from Memorandum of Law</i> (Attachments: # <u>1</u> Certificate of Service)(Tsan, Clifford) (Entered: 10/06/2010) |
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| 10/08/2010 | <u>7</u> | RESPONSE in opposition to <u>4</u> MOTION to Dismiss, MOTION to Dismiss Case as Frivolous, MOTION to Dismiss for Lack of Subject Matter Jurisdiction filed by Michel Joseph Messier. (mgh) Modified on 10/13/2010 (mgh). (Entered: 10/13/2010) |
| 10/13/2010 | | CLERK'S CORRECTION OF DOCKET ENTRY: Docket No. <u>7</u> has been modified to reflect that Plaintiff's submission is a response in opposition to defendant's Motion to Dismiss and not a Motion for Judicial Notice as originally filed. (mgh) (Entered: 10/13/2010) |
| 10/14/2010 | <u>9</u> | NOTICE of Appearance by Daniel J. Hurteau on behalf of State of Louisiana, The Secretary of State of Louisiana (Hurteau, Daniel) (Entered: 10/14/2010) |
| 10/15/2010 | <u>10</u> | MOTION for Limited Admission Pro Hac Vice of EDMOND WADE SHOWS Filing fee \$30, receipt number 0206-1690597. filed by State of Louisiana, The Secretary of State of Louisiana. (Attachments: # <u>1</u> Affidavit of Sponsor, # <u>2</u> Verified Petition, E-Filing Form, Oath on Admission, Proposed Order, # <u>3</u> and Certificate of Service) Motions referred to David R. Homer. (Hurteau, Daniel) (Entered: 10/15/2010) |
| 10/15/2010 | <u>11</u> | MOTION for Limited Admission Pro Hac Vice of AMY L McINNIS Filing fee \$30, receipt number 0206-1690651. filed by State of Louisiana, The Secretary of State of Louisiana. (Attachments: # <u>1</u> Affidavit of Sponsor, # <u>2</u> Verified Petition, E-Filing Form, Oath on Admission, Proposed Order, # <u>3</u> Certificate of Service) Motions referred to David R. Homer. (Hurteau, Daniel) (Entered: 10/15/2010) |
| 10/18/2010 | <u>12</u> | RESPONSE in Support re <u>10</u> MOTION for Limited Admission Pro Hac Vice of EDMOND WADE SHOWS Filing fee \$30, receipt number 0206-1690597., <u>11</u> MOTION for Limited Admission Pro Hac Vice of AMY L McINNIS Filing fee \$30, receipt number 0206-1690651. <i>Consent to Motions</i> filed by NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C.. (McGowan, John) (Entered: 10/18/2010) |
| 11/01/2010 | <u>13</u> | SUPPLEMENTAL RESPONSE in Opposition re <u>4</u> MOTION to Dismiss MOTION to Dismiss Case as Frivolous MOTION to Dismiss for Lack of Subject Matter Jurisdiction and Request to Extend the Motion Hearing Deadline filed by Michel Joseph Messier. (Attachments: # <u>1</u> Affidavit)(mgh) (Entered: 11/03/2010) |
| 11/02/2010 | <u>16</u> | Supplemental Exhibit 6 in Support of <u>13</u> Plaintiff's Response in Opposition to Motion to Dismiss filed by Michel Joseph Messier. (mgh) (Entered: 11/03/2010) |
| 11/03/2010 | <u>14</u> | ORDER granting <u>10</u> Motion for Limited Admission Pro Hac Vice of Edmond Wade Shows, Esq. for State of Louisiana and Secretary of State of Louisiana. Signed by Magistrate Judge David R. Homer on 11/2/10. (ban) (Entered: 11/03/2010) |
| 11/03/2010 | <u>15</u> | ORDER granting <u>11</u> Motion for Limited Admission Pro Hac Vice of Amy L. McInnis, Esq. for the State of Louisiana and The Secretary of State of Louisiana. Signed by Magistrate Judge David R. Homer on 11/2/10. (ban) (Entered: 11/03/2010) |
| 11/05/2010 | <u>17</u> | REPLY to Response to Motion re <u>4</u> MOTION to Dismiss MOTION to Dismiss Case as Frivolous MOTION to Dismiss for Lack of Subject Matter Jurisdiction filed by NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C.. (McGowan, John) (Entered: 11/05/2010) |

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| 11/12/2010 | | TEXT ONLY NOTICE of Hearing on Motion 4 MOTION to Dismiss MOTION to Dismiss Case as Frivolous MOTION to Dismiss for Lack of Subject Matter Jurisdiction : Motion Hearing set for 11/18/2010 at 09:00 AM in Albany before Judge Gary L. Sharpe will be on SUBMIT only. No personal appearances are needed. (jel,) (Entered: 11/12/2010) |
| 11/12/2010 | | Mailed copy of the November 12, 2010 text only notice to all non cm/ecf parties. (jel,) (Entered: 11/12/2010) |
| 11/15/2010 | 18 | ORDER re 13 Request to extend the Motion Hearing deadline filed by Michel Joseph Messier. Plaintiff's request is denied as moot. The motion hearing will be on SUBMIT only. No personal appearances are needed. Signed by Judge Gary L. Sharpe on 11/15/2010. {Order served on Plaintiff via regular mail}(mgh) (Entered: 11/15/2010) |
| 11/23/2010 | 19 | Letter Motion for State of Louisiana, The Secretary of State of Louisiana requesting Leave to Exceed Page Limit submitted to Judge Gary Sharpe. (McInnis, Amy) (Entered: 11/23/2010) |
| 11/24/2010 | 20 | ORDER granting 19 Defendants the State of Louisiana and the Secretary of State of Louisiana leave to file a forty (40) page memorandum with regard to their motion to dismiss. Signed by Judge Gary L. Sharpe on 11/24/2010. (mab) (Entered: 11/24/2010) |
| 11/30/2010 | 21 | MOTION to Dismiss for Lack of Subject Matter Jurisdiction Motion Hearing set for 1/6/2011 09:00 AM in Albany before Judge Gary L. Sharpe Response to Motion due by 12/20/2010 Reply to Response to Motion due by 12/27/2010. filed by State of Louisiana, The Secretary of State of Louisiana. (Attachments: # 1 Memorandum of Law, # 2 Certificate of Service, # 3 Unpublished cases cited in Memorandum of Law) (McInnis, Amy) (Entered: 11/30/2010) |
| 12/13/2010 | 22 | Letter Motion from John G. McGowan, Esq. for NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C. requesting Suspension of all current deadlines and that the Rule 16(f) conference be adjourned until such time as Judge Sharpe has resolved two pending motions to dismiss submitted to Judge David R. Homer. (McGowan, John) (Entered: 12/13/2010) |
| 12/13/2010 | 23 | RESPONSE in Support re 21 MOTION to Dismiss for Lack of Subject Matter Jurisdiction filed by NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C.. (McGowan, John) (Entered: 12/13/2010) |
| 12/13/2010 | 24 | CERTIFICATE OF SERVICE by NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C. re 22 Letter Motion from John G. McGowan, Esq. for NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C. requesting Suspension of all current deadlines and that the Rule 16(f) conference be adjourned until such time as Judge Sharpe has resolved two pendLetter Motion from John G. McGowan, Esq. for NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C. requesting Suspension of all current deadlines and that the Rule 16(f) conference be adjourned until such time as Judge Sharpe has resolved two pend, 23 Response in Support of Motion (McGowan, John) (Entered: 12/13/2010) |
| 12/14/2010 | 25 | ORDER granting 22 Letter Request adjourning all current deadlines including the Rule 16 |

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| | | conference pending resolution of the motions to dismiss. Signed by Magistrate Judge David R. Homer on 12/14/2010. {Order served on plaintiff via regular mail}. (mgh) (Entered: 12/14/2010) |
| 12/17/2010 | | TEXT ONLY NOTICE of Hearing on Motion 21 MOTION to Dismiss for Lack of Subject Matter Jurisdiction : Motion Hearing set for 1/6/2011 at 09:00 AM in Albany before Judge Gary L. Sharpe will be on SUBMIT only. No personal appearances are needed. (jel,) (Entered: 12/17/2010) |
| 12/17/2010 | | Mailed copy of the December 17, 2010 text only notice to all non cm/ecf parties. (jel,) (Entered: 12/17/2010) |
| 12/21/2010 | 26 | RESPONSE in Opposition re 21 MOTION to Dismiss for Lack of Subject Matter Jurisdiction filed by Michel Joseph Messier. (Attachments: # 1 Exhibit(s), # 2 Cover Letter)(mgh) (Entered: 12/23/2010) |
| 12/28/2010 | 28 | LETTER REQUEST and ORDER granting Plaintiff a one day extension of time to file his re 26 Response in Opposition to Defendants' 21 Motion to Dismiss. Signed by Judge Gary L. Sharpe on 12/28/2010. {Letter Request and Order served on plaintiff via regular mail} (mgh) (Entered: 12/28/2010) |
| 12/28/2010 | 29 | ORDER: IT IS HEREBY ORDERED that Defendants' Motion to Strike Plaintiff's 26 Response to Motion to Dismiss is hereby DENIED and this Court will consider the argument set forth in plaintiff's response; ORDERED that Defendants, the State of Louisiana and the Secretary of State of Louisiana are hereby granted leave of court to file a Reply Brief in response to Plaintiff's Response to Motion to Dismiss; ORDERED that Defendants, the State of Louisiana and the Secretary of State of Louisiana, are hereby granted an extension of time until December 30, 2010, within which to file and serve its Reply Brief in response to Plaintiff's Response to Motion to Dismiss. Signed by Judge Gary L. Sharpe on 12/28/2010. {Order served on plaintiff via regular mail} (mgh) (Entered: 12/28/2010) |
| 12/28/2010 | | Set/Reset Deadlines as to 21 MOTION to Dismiss for Lack of Subject Matter Jurisdiction. Reply to Response to Motion due by 12/30/2010. (mgh) (Entered: 12/28/2010) |
| 12/29/2010 | 30 | REPLY to Response to Motion re 21 MOTION to Dismiss for Lack of Subject Matter Jurisdiction filed by State of Louisiana, The Secretary of State of Louisiana. (McInnis, Amy) (Entered: 12/29/2010) |
| 01/06/2011 | 31 | SUR-REPLY re 21 MOTION to Dismiss for Lack of Subject Matter Jurisdiction filed by Michel Joseph Messier (Attachments: # 1 Affidavit, # 2 Exhibit(s) 1-2)(mgh) (Entered: 01/06/2011) |
| 01/13/2011 | 32 | SUPPLEMENTAL EXHIBITS in further support of 26 Plaintiff's Response in Opposition to Motion filed by Michel Joseph Messier. (mgh) (Entered: 01/14/2011) |
| 01/18/2011 | 33 | Letter Motion from John G. McGowan, Esq. for NFL Properties, LLC, New Orleans Louisiana Saints, L.L.C. requesting Court Order rejecting any documents submitted by |

3/31/2011

CM/ECF LIVE - U.S. District Court - NYND

Plaintiff after the return date, or in the alternative, order Plaintiff to discontinue his filings submitted to Judge Gary L. Sharpe. (McGowan, John) (Entered: 01/18/2011)

01/19/2011

34

ORDER re 33 Letter Motion. The court reserves on the defendant's request. Signed by Judge Gary L. Sharpe on 1/19/2011. {Order served on Plaintiff via regular mail} (mgh) (Entered: 01/19/2011)