

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115

December 08, 2020

Mr. Ian Lewis Atkinson
Schonekas, Evans, McGoey & McEachin, L.L.C.
909 Poydras Street
Suite 1600
New Orleans, LA 70112

Ms. Christine Marie Calogero
Barrasso, Usdin, Kupperman, Freeman & Sarver, L.L.C.
909 Poydras Street
Suite 2400
New Orleans, LA 70112

Mr. William P. Gibbens
Schonekas, Evans, McGoey & McEachin, L.L.C.
909 Poydras Street
Suite 1600
New Orleans, LA 70112

Mr. David Thomas Goldberg
Donahue, Goldberg & Weaver, L.L.P.
109 S 5th Street
Suite 4201
Brooklyn, NY 11249

Mrs. Donna Unkel Grodner
Grodner & Associates, A.P.L.C.
2223 Quail Run Drive
Suite B1
Baton Rouge, LA 70808-0000

No. 17-30864 John Doe v. DeRay Mckesson, et al
USDC No. 3:16-CV-742

Dear Counsel:

Please be advised that the court has requested the parties file supplemental letter briefs in this case. The supplemental letter briefs are limited to 5 pages and should be simultaneously filed by close of business on Friday, December 18, 2020.

The parties should address the separate and distinct questions, citing relevant authorities for their respective positions on the following:

- 1) Whether the Professional Rescuer's Doctrine, see *Gann v. Matthews*, 873 So.2d 701, 705 (La. App. 1st Cir. 2004); *Rogers v. Coastal Towing L.L.C.*, 723 F.Supp.2d 929, 934 (E.D. La. 2010), applies to the specific facts in this case. If so, why; if not, why not?
- 2) Should this court certify the question to the Louisiana Supreme Court. Please fully explain.
- 3) Given that throughout these proceedings, the parties have never raised the Professional Rescuer's Doctrine, and assuming that the doctrine applies to the facts of this case, whether the court should apply the doctrine to dismiss this case at this juncture of the proceedings. If so, why; if not, why not?

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Shea E. Pertuit, Deputy Clerk
504-310-7666