24A1152

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JENNINE LABUZAN-DELANE

Petitioner

v.

COCHRAN & COCHRAN LAND CO., INC., et al.,

Respondents

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

EMERGENCY APPLICATION FOR STAY PENDING DISPOSITION OF PETITION FOR WRIT OF CERTIORARI

Applicant: Jennine Labuzan-Delane
Case Below: *Labuzan-Delane v. Cochran & Cochran et al.*, No. 25-40099 (5th Cir.), originating from the United States District Court for the Northern District of Mississippi, No. 4:22-cv-00149-SA-DAS

JENNINE LABUZAN-DELANE
196 Alps Road Suite 2
Athens, Georgia, 30606
Telephone: 408-380-9551
Email: jenninedelane@gmail.com
Date May 19, 2025

RELIEF REQUESTED

Pursuant to 28 U.S.C. § 2101(f) and Supreme Court Rule 23, Petitioner Jennine Labuzan-Delane respectfully applies to Justice Alito for an emergency stay of the enforcement orders entered by the U.S. District Court for the Northern District of Mississippi in *Labuzan-Delane v. Cochran & Cochran et al.*, No. 4:22-cv-00149-SA-DAS, pending resolution of her petition for a writ of certiorari (No. ___).

Petitioner seeks to stay:

1. Enforcement of attorney fee awards totaling over $25,000;
2. Execution and delivery of quitclaim deeds relinquishing her title in land held under a federal land patent;
3. Any threat of contempt or sanctions tied to enforcement efforts during the certiorari period.

JURISDICTION AND PROCEDURAL BACKGROUND

The final judgment of the U.S. Court of Appeals for the Fifth Circuit was entered on February 21, 2025, and its mandate issued on March 21, 2025. Petitioner timely filed a motion to stay the mandate pending certiorari, which the Fifth Circuit denied. Petitioner's petition for a writ of certiorari is being filed concurrently with this application.

Petitioner also timely opposed respondents' motions seeking:

- Attorney's fees ($19,435.25 from Cochran Defendants; $5,851.06 from Greenlee Family LLC);

- Compelled execution of quitclaim deeds.

While her Fifth Circuit appeal was still pending, Respondents mailed Petitioner deeds for signature. Petitioner refused based on the district court's lack of jurisdiction at that time. On March 6, 2024, the district court denied the motion to compel for lack of jurisdiction—a ruling that now underscores the procedural irregularity of respondents' coercive tactics. Following issuance of the mandate, those motions were refiled and are now pending. The district court has not ruled on Petitioner's renewed opposition, which explicitly asks the court to defer enforcement pending Supreme Court review.

STATEMENT PURSUANT TO RULE 23

Petitioner respectfully submits that the relief sought—i.e., a stay of post-mandate enforcement—is not otherwise available from any other court. The Fifth Circuit has denied her stay motion, and the district court has failed to rule on the renewed motions for fees and forced deed execution. Only this Court may now intervene to prevent irreparable injury.

REASONS FOR GRANTING THE STAY

I. Petitioner Has Presented Serious Questions Likely to Warrant Certiorari

Petitioner's certiorari petition raises substantial constitutional and procedural questions, including:

1. Whether summary judgment may be granted before any discovery, where the district court misapplied Rule 56(d) and the Fifth Circuit misapplied Rule 37—ignoring Rule 26(f)'s requirement to initiate discovery. See *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986).
2. Whether federal courts may extinguish property rights under a federal land patent—protected by the Supremacy and Contract Clauses—and order an heir to execute a deed, based on disputed conveyances and adverse possession, contrary to precedents like:
    - *Fletcher v. Peck*, 10 U.S. (6 Cranch) 87 (1810),
    - *Wilcox v. Jackson*, 38 U.S. (13 Pet.) 498 (1839),
    - *Redfield v. Parks*, 132 U.S. 239 (1889),
    - *Hoofnagle v. Anderson*, 20 U.S. 212 (1822).
3. Whether a federal court may threaten contempt or sanctions for pursuing an appeal to the Supreme Court, chilling First Amendment and due process rights. See:
    - *NAACP v. Button*, 371 U.S. 415 (1963),
    - *Bill Johnson's Restaurants v. NLRB*, 461 U.S. 731 (1983),
    - *BE&K Constr. Co. v. NLRB*, 536 U.S. 516 (2002).

The Supreme Court has granted certiorari in similar unreported decisions (e.g., *Martin v. United States*, No. 23-10062), signaling that the lack of a recorded opinion does not preclude review of substantial federal questions.

II. Petitioner Faces Irreparable Harm Without a Stay

If a stay is not granted, Petitioner will be:

- Compelled to execute quitclaim deeds, extinguishing title to her family's patented land;
- Subjected to immediate enforcement of fee awards exceeding $25,000, despite contested authority;
- Denied meaningful review, since deed execution would moot the core title dispute before certiorari is resolved.

Such harm is irreparable. The Court has recognized that loss of property rights—especially under a federal patent—is a paradigmatic form of irreparable injury. *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 157 (2010).

III. A Stay Will Not Harm Respondents

Respondents will suffer no material prejudice from a stay:

- Their claims are monetary or title-based—not requiring urgent relief;
- No urgent possession or physical threat exists;
- Delay alone does not justify denying a stay, particularly when constitutional rights are at stake.

IV. The Balance of Equities and Public Interest Favor a Stay

The balance of equities strongly favors Petitioner:

- She seeks only to preserve the status quo;
- Respondents are attempting to effectuate judicial divestment of title before this Court has reviewed the case;
- Public interest favors consistent application of federal procedural rules and constitutional protection of federal land patents.

CONCLUSION

This case raises profound questions about the integrity of federal procedural protections and the sanctity of land patent title under the Constitution. To prevent immediate and irreparable harm, preserve appellate jurisdiction, and uphold access to the Supreme Court, a stay is warranted. Petitioner respectfully requests that the Court issue a stay of all post-mandate enforcement proceedings, including fee collection and compelled deed execution, pending final disposition of the petition for writ of certiorari.

Respectfully submitted,
Jennine Labuzan-Delane
Petitioner, Pro Se
196 Alps Road, Suite 2
Athens, Georgia 30606
(408) 380-9551
jenninedelane@gmail.com
Dated: May __, 2025

Date: May 19, 2025

Jennine Labuzan-DeLane
Signature

Jennine Labuzan DeLane
Print

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APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JENNINE LABUZAN-DELANE — PLAINTIFF

v. — CIVIL ACTION NO: 4:22-CV-149-SA-DAS

COCHRAN & COCHRAN LAND CO. INC., COCHRAN FARMS, INC., LAKELAND FARMS, LLC, GREENLEE FAMILY, LLC, JENNINGS FARMS, INC and DAVID T. COCHRAN — DEFENDANTS

ORDER AND MEMORANDUM OPINION

On September 25, 2022, Jennine Labuzan-Delane initiated this action by filing her *pro se* Complaint [1]. On February 2, 2023, she filed her First Amended Complaint [41], wherein she named the following Defendants: Greenlee Family, LLC, Lakeland Farms, LLC, Cochran & Cochran Land Co. Inc., Cochran Farms, Inc., Jennings Farms, Inc., and David T. Cochran ("the Defendants").[1] The parties have engaged in extensive motion practice, and there are currently eight pending Motions [55, 58, 60, 63, 68, 70, 72, 91] in the case. Having reviewed the filings, as well as the applicable authorities, the Court is prepared to rule.

Relevant Factual and Procedural Background

Labuzan-Delane alleges that Greenlee Family, Lakeland Farms, and the Cochran Defendants are wrongfully occupying and claiming ownership of land that she inherited from her ancestor, Charles Augustus Labuzan ("Mr. Labuzan").[2]

[1] The Court notes that Cochran & Cochran Land Co. Inc., Cochran Farms, Inc., Jennings Farms, Inc., and David T. Cochran are all represented by the same counsel. For the sake of clarity, the Court will refer to these Defendants as "the Cochran Defendants."

[2] According to the genealogical breakdown included in her Amended Complaint [41], Labuzan-Delane is the great-great-great granddaughter of Charles Augustus Labuzan. *See* [41] at p. 3.

On August 10, 1836, Mr. Labuzan, Frederick W. Schmidt, and Robert L. DeCoin purchased Sections 33, 34, and 35 of Township 16, Range 8 West in Washington County, Mississippi from the Federal Government. Of the 1,361 acres acquired, Mr. Labuzan, Schmidt and DeCoin were tenants in common and Mr. Labuzan owned a one-fourth interest in the land. According to Labuzan-Delane's Amended Complaint [41], a patent for the land was issued from the Federal Government to Mr. Labuzan, Schmidt, and DeCoin on December 10, 1840 and recorded in the land records on April 3, 1919. The patent vested Mr. Labuzan and the other grantees with a fee simple ownership of the property. The patent also included language that the property ownership was "to their heirs and assigns forever." [41] at p. 2. Labuzan-Delane contends that this language means that the patent vested an interest in Mr. Labuzan for eternity and, as his heir, she is the rightful owner of the land.

Conversely, the Defendants contend that Labuzan-Delane is not the rightful owner of the land because Mr. Labuzan conveyed his interest to the Merchants Bank of New Orleans in 1848. According to sectional indices attached to Lakeland Farms' Answer [54], Mr. Labuzan conveyed his one-fourth interest to Charles Gardiner on July 8, 1837. *See* [54], Ex. 2 at p. 1. In a deed dated July 8, 1842, Charles Gardiner conveyed the interest back to Mr. Labuzan. Mr. Labuzan then sold his interest to Merchants Bank of New Orleans through a warranty deed dated March 20, 1848. The deed was recorded on August 12, 1848. Although the Defendants contend that Labuzan-Delane is not the rightful owner of the property because he sold his interest in the land, Labuzan-Delane contends that, Mr. Labuzan's signature on the 1848 deed is forged and patented lands cannot be adversely possessed.

Labuzan-Delane's Amended Complaint [41] sets forth one claim of ejectment, alleging that the Defendants are in unlawful possession of the land. According to her Amended Complaint

[41], the Defendants are jointly possessing acres within Sections 33, 34, and 35 of the land in Washington County. She specifically contends that "[s]ome Defendants have leasing agreements with entities and/or individuals for the purpose of engaging in unauthorized timber and/or mineral operations." [46] at p. 10. According to the warranty deed attached to its Answer [46], Greenlee Family acquired ownership of the land on March 18, 2021.[3] Attached to its Motion [68], Lakeland Farm's warranty deed shows that it acquired its interest in the land on December 20, 2012.

On April 28, 2022, Labuzan-Delane filed a Quitclaim Deed—from herself as grantor to herself as grantee—conveying the subject property to herself. In their Answers [46, 52, 54], all of the Defendants bring forth counterclaims, including claims for Slander of Title, Removal of Cloud on Title, Adverse Possession, violations of the Mississippi Litigation Accountability Act, and requests for sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure. Labuzan-Delane has filed separate Motions to Dismiss [55, 63, 70] the Defendants' counterclaims. In turn, Greenlee Family and Lakeland Farms filed Motions for Summary Judgment [58, 68] seeking dismissal of Labuzan-Delane's ejectment claim. [4]

Analysis and Discussion

The Court will first address Greenlee Family's and Lakeland Farms' Motions for Summary Judgment [58, 68]. Then, the Court will resolve Labuzan-Delane's Motions to Dismiss [53, 63, 70].

I. *Greenlee Family's and Lakeland Farms' Motions for Summary Judgment [58, 68]*

Summary judgment is warranted when the evidence reveals no genuine dispute regarding any material fact and that the moving party is entitled to judgment as a matter of law. FED. R. CIV.

[3] Greenlee contends that it owns about 60 acres of the original 1,361 acres that were acquired by Mr. Labuzan and the two other grantees.

[4] The Cochran Defendants filed Joinders to both Motions for Summary Judgment [58, 68]. *See* [61, 76].

P. 56(a). Rule 56 "mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial." *Nabors v. Malone*, 2019 WL 2617240, at *1 (N.D. Miss. June 26, 2019) (quoting *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986)).

"The moving party 'bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of the record which it believes demonstrate the absence of a genuine issue of material fact.'" *Id.* (quoting *Celotex*, 477 U.S. at 323). "The nonmoving party must then 'go beyond the pleadings' and 'designate specific facts showing that there is a genuine issue for trial.'" *Id.* (quoting *Celotex*, 477 U.S. at 324). Importantly, "the inferences to be drawn from the underlying facts contained in the affidavits, depositions, and exhibits of record must be viewed in the light most favorable to the party opposing the motion." *Waste Mgmt. of La., LLC v. River Birch, Inc.*, 920 F.3d 958, 964 (5th Cir. 2019) (quoting *Reingold v. Swiftships, Inc.*, 126 F.3d 645, 646 (5th Cir. 1997)). However, "[c]onclusory allegations, speculation, unsubstantiated assertions, and legalistic arguments are not an adequate substitute for specific facts showing a genuine issue for trial." *Nabors*, 2019 WL 2617240 at *1 (citing *TIG Ins. Co. v. Sedgewick James of Wash.*, 276 F.3d 754, 759 (5th Cir. 2002)) (additional citations omitted).

Both Greenlee Family and Lakeland Farms filed Motions for Summary Judgment [58, 68] seeking dismissal of Labuzan-Delane's ejectment claim on the ground that her ancestor, Mr. Labuzan, conveyed his interest away in 1848, and even if he had not, the doctrine of adverse possession forecloses any claim Labuzan-Delane may have.

First, the Defendants contend that on March 20, 1848, Mr. Labuzan conveyed his full, one-fourth interest of the property to the Merchants Bank of New Orleans. Specifically, Greenlee

Family argues that "Mr. Labuzan conveyed his entire fee-interest in the property to Merchants Bank, and therefore severed any heir or future descendants' claim to the subject property." [59] at p. 3. Both Greenlee Family and Lakeland farms rely on certified land records attached to their Motions [58, 68], which show Mr. Labuzan transferring his interest to Merchants Bank through a warranty deed. *See* [58], Ex. 1; [68], Ex. 5. Additionally, Lakeland Farms argues that "[Labuzan-Delane] omitted the first several pages of the Section Indices, each of which would have disclosed to Plaintiff that her alleged ancestory [sic], Charles A. Labuzan, acquired an interest in the property on August 10, 1836, and sold his interest in 1848." [69] at p. 2.

Moreover, the Defendants contend that even if there were no certifiable records showing that Mr. Labuzan transferred his interest in 1848, the land has been adversely possessed for 175 years. The Defendants contend that, prior to acquiring the land, several others were in possession of the land. Labuzan-Delane does not dispute the fact that others have possessed the land since 1848, she instead simply argues that patented land cannot be adversely possessed.

In response, Labuzan-Delane maintains her position that she is the rightful owner of the property in Washington County. The crux of her argument is that Mr. Labuzan's signature was forged on the 1848 deed to Merchants Bank and the land patent gave Mr. Labuzan's heirs an interest in the land forever. Labuzan-Delane specifically argues that the signature on the 1848 instrument conveying the land to Merchants Bank is not the original signature of Mr. Labuzan. She contends that Mr. Labuzan's real signature is the one included on the 1846 Live Birth Certificate, which is attached to her Motion for Judicial Notice [72]. Essentially, Labuzan-Delane argues that the signature from the 1848 deed and the signature from the 1846 Birth Certificate are not the same. Her argument is grounded in the fact that each signature contains different variations of the letter "C", and therefore the signatures are not the same.

"When a party challenges the validity of a properly [] acknowledged deed, that party must overcome several presumptions favoring the legitimacy of the document." *Mapp v. Chambers*, 25 So. 3d 1096, 1101 (Miss. Ct. App. 2010). "One of the presumptions is authenticity, which 'provides that, where a deed is properly acknowledged, the instrument is presumed to be authentic because the certificate of acknowledgment infers verity and presumptively states the truth.'" *Catlett v. Catlett*, 358 So. 3d 366, 374 (Miss. Ct. App. 2023) (quoting *Mapp*, So. 3d at 1101). Here, the Defendants concede that the 1848 deed does not contain the original signature of Mr. Labuzan. However, according to the Defendants, this is because in 1848 photocopiers did not exist, and it was the job of the county clerk to record the deed through her own handwriting. To support their position, the Defendants cite the Hutchinson's Code, which is now codified as Miss. Code Ann. § 89-5-25(1). The Code provides in pertinent part:

> (1) It shall be the duty of the clerk of the chancery court to whom any written instrument is delivered to be recorded, and which is properly recordable in his county, to record the same without delay, together with the acknowledgments of proofs and the certificates thereof, and also the plats of survey, schedules, and other papers thereto annexed, *by entering them word for word in a fair handwriting*, or typewriting, or by filling up printed forms, or by recording by photostat machine or by other equally permanent photographic or electronic process, and entering the hour and minute, the day of the month, and the year when the instrument was delivered to him for record, and when recorded.

Miss. Code. Ann. § 89-5-25 (emphasis added).

Under Mississippi law, "[i]t is presumed that the notary making a certificate of acknowledgment has certified truth and has not been guilty of a wrongful or criminal action. The presumption has been stated to be one of the strongest in the law." *Matthews v. Whitney Bank*, 282 So. 3d 786, 792 (Miss. Ct. App. 2019) (quoting *Nichols v. Sauls' Est.*, 250 Miss. 307, 316, 165 So. 2d 352, 356 (1964)). "This presumption can be overcome only by clear and convincing evidence." *Mapp*, 25 So. 3d at 1101.

Labuzan-Delane has not provided any evidence that the county clerk engaged in any criminal conduct when recording the 1848 deed. The only argument Labuzan-Delane provides is that "during discovery [] [she'll] secure the affidavits of certified forensic handwriting experts to attest to the disputed signatures to the fact that the evidence suggests that the individual who wrote said March 20, 1848 sales contract is the same individual who signed my ancestor's signature." [82] at p. 9. The Court finds this argument unavailing. As noted above, the Defendants admit that the signature on the 1848 deed is not Mr. Labuzan's original signature. Instead, it is the signature of the county clerk because she recorded the instrument through her own handwriting. Labuzan-Delane has come forward with no summary judgment type evidence to support her position. In addition, she has not made a Rule 56(d) request that she be permitted to engage in discovery before responding to Defendants' requests for summary judgment.

Furthermore, even if the Court found that Mr. Labuzan's signature was forged on the 1848 deed to Merchants Bank, the doctrine of adverse possession would foreclose any claim Labuzan-Delane may have. In Mississippi, "to establish a claim of adverse possession, [the claimant] must show that his possession was '(1) under claim of ownership; (2) actual or hostile; (3) open, notorious, and visible; (4) continuous and uninterrupted for a period of ten years; (5) exclusive; and (6) peaceful.'" *Anderson v. Jackson*, 338 So. 3d 629, 641 (Miss. Ct. App. 2022) (quoting *West v. Brewer*, 579 So. 2d 1261, 1262 (Miss. 1991)). Greenlee Family and Lakeland Farms contend, and Labuzan-Delane does not contest, that several others have openly possessed the lands since 1848. Despite conceding that others have possessed this property for almost 200 years, Labuzan-Delane argues that her ownership of the land comes directly from the land patent and that the land cannot be adversely possessed.

To support her contention, Labuzan-Delane relies on several cases: *De la Vergne Refrigerating Mach. Co. v. Featherstone*, 147 U.S. 209, 13 S. Ct. 283, 37 L. Ed. 138 (1893); *Gibson v. Chouteau*, 80 U.S. 92, 20 L. Ed. 534 (1871); *Redfield v. Parks*, 132 U.S. 239, 10 S. Ct. 83, 33 L. Ed. 327 (1889); *Willoughby v. Caston*, 72 So. 129 (Miss. 1916). In *Featherstone*, the Supreme Court held that when a grantee applies for a patent but dies before the patent is issued, the patent will still pass to his heirs. *Featherstone*, 147 U.S. at 230. In *Gibson*, the Supreme Court held that the statute of limitations for adverse possession does not run if the Government owns the land. *Gibson*, 80 U.S. at 104. In *Redfield*, the Supreme Court concluded that a plaintiff cannot bring a claim of ejectment until the title passes from the Government to a private citizen and adverse possession does not apply to land when the Government still holds the title to the land. *Redfield*, 132 U.S. at 243. Similar to the holding in *Gibson*, the court in *Willoughby* found that land owned by the Government cannot be adversely possessed. *Willoughby*, 72 So. at 131. The Court finds these cases distinguishable from the case at bar. Here, Labuzan-Delane argues that because Mr. Labuzan received a land patent from the Government, the land can never be adversely possessed by private individuals. None of these cases support that proposition.

Importantly, the Supreme Court held that land received through a patent remains with the grantee's heirs *unless the land is conveyed away by the grantee or by the heirs*. *French's Lessee v. Spencer*, 62 U.S. 228, 232, 16 L. Ed. 97 (1858). That is precisely what occurred here.

For reasons articulated above, Labuzan-Delane's ejectment claim must fail. That claim is hereby DISMISSED.

II. *Labuzan-Delane's Motions to Dismiss Counterclaims [55, 63, 70]*

Having dismissed Labuzan-Delane's ejectment claim, the Court now turns to the Defendants' counterclaims. Greenlee Family and the Cochran Defendants assert the following

counterclaims: Slander of Title and Removal of Cloud on Title. Lakeland Farms asserts the following counterclaims: Slander of Title, Removal of Cloud on Title, Adverse Possession, violation of the Mississippi Litigation Accountability Act, and they also seek sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.*, 129 S. Ct. 1937.

Ultimately, the district court's task "is to determine whether the plaintiff has stated a legally cognizable claim that is plausible, not to evaluate the plaintiff's likelihood of success." *In re McCoy*, 666 F.3d 924, 926 (5th Cir. 2012) (citing *Lone Star Fund V (U.S.), L.P. v. Barclays Bank PLC*, 594 F.3d 383, 387 (5th Cir. 2010)). Therefore, the reviewing court must accept all well-pleaded facts as true and must draw all reasonable inferences in favor of the plaintiff. *Lormand v. U.S. Unwired, Inc.*, 565 F.3d 228, 232-33 (5th Cir. 2009). Still, this standard "demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Ashcroft*, 556 U.S. at 678, 129 S. Ct. 1937.

Although Labuzan-Delane filed separate Motions to Dismiss [55, 63, 70], her arguments articulated in those Motions [55, 63, 70] are the same. In essence, she makes the same arguments that she raised in support of her ejectment claim. For example, she contends that the slander of title claim fails because patented land cannot be sold—an argument this Court has already rejected. In their Answer [54], Lakeland Farms also asserts a counterclaim for adverse possession. Although

Labuzan-Delane does not dispute the fact that others have occupied the land, she argues that patented land cannot be adversely possessed. In its analysis above, the Court has also rejected that argument. The Court sees no need to again set forth the reasoning as to why those arguments are meritless. Labuzan-Delane has not shown that the counterclaims should be dismissed. Her Motions [55, 63, 70] are therefore DENIED.

Conclusion

For the reasons set forth above, Greenlee Family's and Lakeland Farms' Motions for Summary Judgment [58, 68] are GRANTED. [5] Labuzan-Delane's ejectment claim set forth in her Amended Complaint [41] is DISMISSED *with prejudice* as to all Defendants. The Defendants' counterclaims remain pending at this time.[6]

SO ORDERED, this the 24th day of July, 2023.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE

[5] The Court notes that Lakeland Farms filed a Motion to Strike [91] Labuzan-Delane's second Reply [90] to Lakeland Farms' Motion [68]. As Lakeland Farms points out, Labuzan-Delane's Reply [90] is not an authorized filing and runs afoul of L.U. CIV. R. 7. In light of the Court's ruling in granting Lakeland Farms' Motion for Summary Judgment [68], Lakeland Farms' Motion to Strike [91] is denied as MOOT.

[6] The Court notes that Labuzan-Delane also filed a Motion for Judicial Notice [72], requesting that the Court take judicial notice of certain documents. In reaching its ruling, the Court has in fact taken the same into consideration. The Motion for Judicial Notice [72] need not remain pending and is hereby TERMINATED on the docket.

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JENNINE LABUZAN-DELANE — PLAINTIFF

v. — CIVIL ACTION NO: 4:22-CV-149-SA-DAS

COCHRAN & COCHRAN LAND CO., INC., COCHRAN FARMS, INC., LAKELAND FARMS, LLC, GREENLEE FAMILY, LLC, JENNINGS FARMS, INC., and DAVID T. COCHRAN — DEFENDANTS

ORDER AND MEMORANDUM OPINION

On September 25, 2022, Jennine Labuzan-Delane initiated this action by filing her *pro se* Complaint [1]. On February 2, 2023, she filed her First Amended Complaint [41], wherein she named the following Defendants: Greenlee Family, LLC; Lakeland Farms, LLC; Cochran & Cochran Land Co., Inc.; Cochran Farms, Inc.; Jennings Farms, Inc.; and David T. Cochran (collectively "the Defendants").[1] Now before the Court are the Defendants' Motions for Summary Judgment [101, 103, 114] as to their counterclaims. Having reviewed the filings, as well as the applicable authorities, the Court is prepared to rule.

Relevant Factual Background

The Court discussed the background of this case in its previous Order and Memorandum Opinion [93] and sees no need to regurgitate the entire factual basis giving rise to this lawsuit. But the Court does find it appropriate to briefly provide context of the ejectment claim Labuzan-Delane asserted and the Court's disposition of her claim.

[1] The Court notes that Cochran & Cochran Land Co., Inc.; Cochran Farms, Inc.; Jennings Farms, Inc.; and David T. Cochran are all represented by the same counsel and have made their filings jointly. For the sake of clarity, the Court will refer to these Defendants as "the Cochran Defendants."

In her Amended Complaint [41], Labuzan-Delane set forth one claim of ejectment, asserting that the Defendants were wrongfully occupying land that her ancestor, Charles A. Labuzan, acquired through a federal land patent. The Defendants subsequently filed their Answers [46, 52, 54] which included counterclaims. Thereafter, the Defendants filed Motions for Summary Judgment [58, 68] seeking dismissal of Labuzan-Delane's ejectment claim.

In its Order and Memorandum Opinion [93], the Court granted summary judgment and dismissed Labuzan-Delane's ejectment claim. The Court ultimately concluded that Mr. Labuzan sold his share of the subject land in 1848 and that Labuzan-Delane therefore had no right to the land. The Court also held that the doctrine of adverse possession foreclosed any claim Labuzan-Delane may have.

At that time, the Court made no ruling whatsoever as to the Defendants' counterclaims. Greenlee Family, Lakeland Farms, and the Cochran Defendants assert counterclaims for slander of title and removal of cloud on title. Lakeland Farms asserts two additional counterclaims for adverse possession and a violation of the Mississippi Litigation Accountability Act. Through their present Motions [101, 103, 114], the Defendants seek summary judgment in their favor on their counterclaims.

Summary Judgment Standard

Summary judgment is warranted when the evidence reveals no genuine dispute regarding any material fact and that the moving party is entitled to judgment as a matter of law. FED. R. CIV. P. 56(a). Rule 56 "mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at

trial." *Nabors v. Malone*, 2019 WL 2617240, at *1 (N.D. Miss. June 26, 2019) (quoting *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986)).

"The moving party 'bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of the record which it believes demonstrate the absence of a genuine issue of material fact.'" *Id.* (quoting *Celotex*, 477 U.S. at 323, 106 S. Ct 2548). "The nonmoving party must then 'go beyond the pleadings' and 'designate specific facts showing that there is a genuine issue for trial.'" *Id.* (quoting *Celotex*, 477 U.S. at 324, 106 S. Ct 2548). Importantly, "the inferences to be drawn from the underlying facts contained in the affidavits, depositions, and exhibits of record must be viewed in the light most favorable to the party opposing the motion." *Waste Mgmt of La., LLC v. River Birch, Inc.*, 920 F.3d 958, 964 (5th Cir. 2019) (quoting *Reingold v. Swiftships, Inc.*, 126 F.3d 645, 646 (5th Cir. 1997)). However, "[c]onclusory allegations, speculation, unsubstantiated assertions, and legalistic arguments are not an adequate substitute for specific facts showing a genuine issue for trial." *Nabors*, 2019 WL 2617240 at *1 (citing *TIG Ins. Co. v. Sedgewick James of Wash.*, 276 F.3d 754, 759 (5th Cir. 2002)) (additional citations omitted).

Analysis and Discussion

As noted above, the Defendants assert several counterclaims. The Court will address each counterclaim in turn.

I. The Defendants' Slander of Title Counterclaim

"To succeed in an action for slander of title, a claimant must show that another has *falsely* and *maliciously* published statements that disparage or bring into question the claimant's right of title to the property, thereby causing special damage to the claimant." *Mize v. Westbrook Const. Co. of Oxford, LLC*, 146 So. 3d 344, 348 (Miss. 2014) (emphasis in original). "The slander may

consist of a writing, a printing, or words of mouth, but they will provide grounds for a cause of action only if the statements have been made *falsely* and *maliciously*." *Id.* (emphasis in original).

"Malice… may be inferred by one's actions." *Id.* "Malice exists in the mind and usually is not susceptible of direct proof. The law determines malice by external standards; a process of drawing inferences by applying common knowledge and human experience to a person's statements, acts, and the surrounding circumstances." *Phelps v. Clinkscales*, 247 So. 2d 819, 821 (Miss. 1971).

The Defendants argue that from the outset Labuzan-Delane's lawsuit has been frivolous because she knows that she is not the rightful owner of the land. They further contend that Labuzan-Delane slandered their titles when she knowingly filed a quitclaim deed from herself as grantor to herself as grantee even though she has no claim to the land. Simply put, the Defendants take the position that the deed was filed falsely and maliciously, thus meeting the elements for a slander of title claim. To support their position, the Defendants rely on the Court's Order and Memorandum Opinion [93], wherein the Court held that Labuzan-Delane's ancestor sold his share of the land and dismissed her ejectment claim.

In response, Labuzan-Delane does not rebut the Defendants' slander of title argument. Instead, she contends that the Defendants have failed to meet their burden because their arguments are not supported by the record. In particular, she contends that the Defendants are unable to identify portions of the record to support their arguments because no such record exists. She alleges that there is no record because she was not given a chance to conduct discovery under Federal Rule of Civil Procedure Rule 26(f). In support of her position, Labuzan-Delane references emails she had with counsel for the Defendants, wherein she allegedly proposed that the parties come up with

a discovery plan to submit to the Court.[2] Defense counsel responded by informing Labuzan-Delane that it is generally left up to the Court to enter an Order directing the parties to confer about discovery.

Under Federal Rule of Civil Procedure 56(d), when facts are unavailable to the nonmovant (in this case Labuzan-Delane) the court may allow the nonmovant to conduct discovery "if [the] nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition." FED. R. CIV. P. 56. The Fifth Circuit has also held that "the non-moving party must set forth a plausible basis for believing that specified facts, susceptible of collection within a reasonable time frame, probably exist and indicate how the emergent facts, if adduced, will influence the outcome of the pending summary judgment motion." *Am. Fam. Life Assur. Co. of Columbus v. Biles*, 714 F.3d 887, 894 (5th Cir. 2013).

Here, Labuzan-Delane had the burden to submit either an affidavit or a declaration to the Court requesting discovery. However, no such request was made. While her Response [105] includes email correspondence between the parties inquiring about discovery, those emails do not comply with the Rule 56(d) standard. Although Labuzan-Delane is proceeding *pro se* and therefore is entitled to *some* leniency, she still must comply with the applicable rules. *See, e.g., Miller v. Tower Loan of Miss., LLC*, 2022 WL 3093292, at *2 (N.D. Miss. Aug. 3, 2022) ("[A] litigant's *pro se* status does not negate the duty to comply with general rules of litigation."); *see also Amos v. Cain*, 2022 WL 610344, at *3 (N.D. Miss. Mar. 1, 2022); *Calhoun v. Hargrove*, 312 F.3d 730, 733-34 (5th Cir. 2002).

[2] For context, this argument comes from Labuzan-Delane's Response [105] to Greenlee's Motion for Summary Judgment [101]. She makes this same exact argument to both Lakeland Farms and the Cochran Defendants' Motions for Summary judgment [103, 114]. *See* [108, 122].

Considering that Labuzan-Delane did not comply with the requisite standard to seek discovery under Rule 56(d) and she did not otherwise oppose the Defendants' request for summary judgment on the slander of title counterclaims in terms of competent summary judgment evidence, along with the fact that the Defendants have provided competent evidence to support their claims, the Court finds the Defendants' requests to be well-taken. The Defendants' Motions for Summary Judgment [101, 103, 114] as to their slander of title counterclaim are GRANTED.

II. The Defendants' Removal of Cloud on Title Counterclaim

"In suits to confirm title, or to remove clouds, it is the duty of claimant to deraign title." *Dixon v. Parker*, 831 So. 2d 1202, 1204 (Miss. Ct. App. 2002) (citing *Russell v. Town of Hickory*, 76 So. 825 (Miss. 1917)). "To have title confirmed, the claimant must either be in possession or the property must be occupied." *Id.*

The Defendants argue that they are the rightful owners of their respective tracts of the land and therefore Labuzan-Delane is clouding their titles. Attached to their Motions [101, 103, 114], the Defendants include the deraignments of title for each of their tracts. *See* [101], Ex. 8-9; [103], Ex. 3; [114], Ex. 5-15. These exhibits appear to be excerpts from the Land Deed Record Book from Washington County, Mississippi. According to the exhibits, Greenlee Family owns two parcels of land, Lakeland Farms own one parcel of land, and the Cochran Defendants own eleven parcels of land. Based on this evidence, the Defendants seek to have their titles confirmed. The Defendants rely on a ruling from the District Court for the Southern District of Mississippi, wherein the district court confirmed a counter-plaintiff's title via a slander of title claim against a counter-defendant. *Brown v. Mann*, 2006 WL 3825234, at *4 (S.D. Miss. Dec. 27, 2006).

Labuzan-Delane makes the same argument for this claim as she did the slander of title claim—that the Defendants have not met their summary judgment burden because she did not get

the chance to conduct discovery. For the same reasons articulated above, this argument is unavailing.

Section 11-17-35 of the Mississippi Code provides, in pertinent part:

> In bills to confirm title to real estate, and to cancel and remove clouds therefrom, the complainant must set forth in plain and concise language the deraignment of his title…A mere statement therein that complainant is the real owner of the land shall be insufficient, unless good and valid reason be given why he does not deraign his title. In all such cases, final decrees in the complainant's favor shall be recorded in the record of deeds…

MISS. CODE ANN. § 11-17-35.

Here, the Defendants do not simply state that they are the rightful owners of their tracts. They also provide the Court with copies of title deraignments showing how each of the tracts were acquired. The deraignments have also been recorded and notarized in the Land Deed Record Book in Washington County, Mississippi. In the Court's view, the Defendants have properly deraigned their titles. And, as indicated above, Labuzan-Delane has provided no competent summary evidence to the contrary.

The Defendant' Motions for Summary Judgment [101, 103, 114] as to their removal of cloud on title counterclaim are GRANTED.

Having resolved the claim, the Court turns to the issue of removing the cloud. First, the Court finds that the quitclaim deed filed on April 25, 2022 from Labuzan-Delane as grantor to herself as grantee is null and void. The Court further finds it appropriate for the Defendants to prepare separate quitclaim deeds in their favor for Labuzan-Delane to execute to be filed in the land records in Washington County, Mississippi. The Defendants shall prepare and mail, via certified mail, the deeds (and other documentation if appropriate) for Labuzan-Delane to execute. Once the Defendants mail the deeds, they shall file a Notice of Service indicating the same on the

docket. Labuzan-Delane shall execute the deeds in front of a notary and return the deeds to the Defendants via certified mail within twenty-one (21) days of receipt.[3]

III. Lakeland Farms' Adverse Possession Counterclaim

Lakeland Farms assert a counterclaim for adverse possession. In its previous Order and Memorandum Opinion [93], the Court held that the doctrine of adverse possession would foreclose any claim that Labuzan-Delane may have. Lakeland Farms Motion for Summary Judgment [103] as to its adverse possession counterclaim is GRANTED.

IV. Lakeland Farms' Mississippi Litigation Accountability Act Counterclaim

Lakeland Farms seeks attorney's fees and other costs under the Mississippi Litigation Accountability Act. In reference to awarding costs for meritless actions, the Mississippi Litigation Accountability Act provides, in pertinent part:

> [I]n any civil action commenced or appealed in any court of record in this state, the court shall award, as part of its judgment and in addition to any other costs otherwise assessed, reasonable attorney's fees and costs against any party or attorney if the court, upon the motion of any party or on its own motion, finds that an attorney or party brought an action, or asserted any claim or defense, that is without substantial justification, or that the action, or any claim or defense asserted, was interpreted for delay or harassment, or if it finds that an attorney or party unnecessarily expanded the proceedings by other improper conduct including, but not limited to, abuse of discovery procedures available under the Mississippi Rules of Civil Procedure.

MISS. CODE ANN. § 11-55-5(1).

The Act goes on to address recovering fees from *pro se* litigants:

> No party, except an attorney licensed to practice law in this state, who is appearing without an attorney shall be assessed attorney's fees unless the court finds that the party clearly knew or reasonably should have known that such party's actions, claim or defense or any part of it was without substantial justification.

[3] Should the Defendants desire another mechanism to remove the cloud, they shall file a motion outlining their request for the Court's consideration.

MISS. CODE ANN. § 11-55-5(4).

As a basis for its request to recover under the Act, Lakeland Farms argues that Labuzan-Delane failed to disclose in her Amended Complaint [41] that her ancestor, Charles Labuzan, transferred his interest in the subject land in 1848. Lakeland Farms further contends that Labuzan-Delane intentionally failed to include the first three pages of the sectional index which show that her ancestor sold his interest in the land. According to Lakeland Farms, its counsel, on numerous occasions, notified Labuzan-Delane of these omissions and requested that she voluntarily dismiss her lawsuit. Labuzan-Delane refused to dismiss her claim and Lakeland Farms contends that it has incurred attorney's fees and costs as a result of this lawsuit. Lakeland Farms takes the position that because it notified Labuzan-Delane, on numerous occasions, that her claim lacked merit and she refused to dismiss her claim, it is entitled to attorney's fees and other costs under the Act.

As noted above, on July 24, 2023, the Court entered its Order and Memorandum Opinion [93] dismissing Labuzan-Delane's ejectment claim. On August 7, 2023, Greenlee Family's counsel emailed Labuzan-Delane urging her to remove the cloud on the title in light of the Court's ruling. Subsequently, on August 9, 2023, the Cochran Defendants' counsel emailed Labuzan-Delane imploring her to do the same. On August 17, 2023, Labuzan-Delane responded via email to the Defendants stating that, "[I] will never sign any agreements to transfer my lands to you." [101], Ex. 6; [114], Ex. 3.

Importantly, the Act urges against mandating a *pro se* party to pay attorney's fees *unless the party reasonably knew their claim was not substantially justified.* The Court notes that at the time Labuzan-Delane initiated her lawsuit, she could have plausibly believed her claim was substantially justified. However, even granting her the benefit of the doubt, the Court finds any such plausible basis ceased after the Court entered its previous Order and Memorandum Opinion

[93]. In that ruling, the Court clearly articulated multiple reasons as to why Labuzan-Delane's arguments were inherently flawed. Counsel for the Defendants again requested that she voluntarily dismiss her claim. She again refused. At that time, Labuzan-Delane reasonable knew her claim was not substantially justified.

Although in a previous Order [121], the Court declined to impose sanctions against Labuzan-Delane, in large part because of her *pro se* status, the Court finds it appropriate to now impose monetary sanctions for the Defendants' incurred costs after August 7, 2023—the date that she was requested (again) via email to voluntarily dismiss her claim in light of the Court's summary judgment ruling.[4] Although the Defendants have submitted some expenses associated with this case, the Court finds that, in light of the ruling herein, the Defendants should be provided an opportunity to re-submit any fees and/or expenses that have been incurred *since August 7, 2023*. Taking this into account, the Defendants shall submit an itemized list of the fees that they have incurred after August 7, 2023 that they contend were incurred due to Labuzan-Delane's failure to dismiss her claim.

Moreover, the Court cautions Labuzan-Delane about her continued pursuits to acquire ownership of the subject land and engage in litigation regarding the same. The Court will order additional sanctions should Labuzan-Delane engage in such efforts. The Defendants are directed to advise the Court if Labuzan-Delane fails to comply with the Court's Order regarding the completion of deeds and/or other necessary documentation to remove the cloud on their titles. Should Labuzan-Delane refuse to comply, the Court will not hesitate to hold her in contempt and impose sanctions against her.

[4] The Court is cognizant that only Lakeland Farms requested to recover attorney's fees and other costs under the Mississippi Litigation Accountability Act. However, all of the Defendants requested to recover fees under both their slander of title and removal of cloud on title counterclaims. Therefore, the Court finds it appropriate to award damages to all of the Defendants.

Conclusion

For the reasons set forth above, the Defendants' Motions for Summary Judgment [101, 103, 114] are GRANTED. The Defendants shall immediately mail the quitclaim deeds to Labuzan-Delane and file proof on the docket once they have done so. Labuzan-Delane shall have twenty-one days (21) from the certified mail postage receipt to return the notarized deeds (and any other documentation) to the Defendants. The Defendants shall submit a list of their itemized fees that were incurred after August 7, 2023, within twenty-one (21) days of today's date.

SO ORDERED, this the 31st day of July, 2024.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE

APPENDIX C

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
February 21, 2025
Lyle W. Cayce
Clerk

No. 24-60393
Summary Calendar

JENNINE LABUZAN-DELANE,

Plaintiff—Appellant,

versus

COCHRAN & COCHRAN LAND COMPANY, INCORPORATED; COCHRAN FARMS, INCORPORATED; LAKELAND FARMS, L.L.C.; GREENLEE FAMILY, L.L.C.; DAVID T. COCHRAN; JENNINGS FARM, INCORPORATED,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:22-CV-149

Before JOLLY, GRAVES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Jennine Labuzan-Delane filed this pro se ejectment action claiming an ownership interest in land that was transferred by a federal land patent to her ancestor and two others nearly 200 years ago. While her notice of appeal

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

expressly designated only the order that granted relief on the defendants' counterclaims, we can fairly infer that she also intended to appeal an earlier order granting summary judgment for the defendants on the ejectment claim. The appellees acknowledge that they are not prejudiced by the omission of the order from the notice of appeal. Accordingly, we have jurisdiction to review both orders. *See Turnbull v. United States*, 929 F.2d 173, 177 (5th Cir. 1991).

According to Labuzan-Delane, the district court erred by deciding the summary judgment motions when the parties had not conducted any discovery and the defendants refused to confer about a discovery plan. However, "[t]he right of self-representation does not exempt a party from compliance with relevant rules of procedural and substantive law." *Birl v. Estelle*, 660 F.2d 592, 593 (5th Cir. 1981). Labuzan-Delane did not move to compel discovery from the defendants under Federal Rule of Civil Procedure 37 or seek additional time to conduct discovery under Federal Rule of Civil Procedure 56(d) before responding to their motions for summary judgment. Accordingly, her argument is unavailing. *See Potter v. Delta Air Lines, Inc.*, 98 F.3d 881, 887 (5th Cir. 1996); *Birl*, 660 F.2d at 593.

Labuzan-Delane also contends that the district court erred by viewing the evidence in the light most favorable to the defendants and granting summary judgment despite disputed factual issues. Specifically, she relies on evidence that the land patent was recorded in county records in 1919 as disputing the evidence that her ancestor sold the land to a bank in 1848, which the district court found dispositive of her claim. *See French's Lessee v. Spencer*, 62 U.S. 228, 232 (1858).

We review the grant of summary judgment de novo. *See Dillon v. Rogers*, 596 F.3d 260, 266 (5th Cir. 2010). Labuzan-Delane does not explain how the evidence that the patent was recorded in 1919 disputes the evidence

that the land was sold in 1848, and her remaining arguments about deficiencies in the defendants' evidence are nonsensical. She thus fails to show that there was "a genuine dispute as to a material fact" sufficient to defeat summary judgment on the ejectment claim. FED. R. CIV. P. 56(a). Accordingly, we need not review the district court's alternative conclusion that the claim was defeated by adverse possession. *See Rockwell v. Brown*, 664 F.3d 985, 990 (5th Cir. 2011).

Finally, Labuzan-Delane challenges the district court's award of attorneys' fees and costs to the defendants, which we review for abuse of discretion. *See Autry v. Fort Bend Indep. Sch. Dist.*, 704 F.3d 344, 349 & n.15 (5th Cir. 2013). She asserts that the court erred because an ejectment action by the heir of a patent grantee is not frivolous.

The district court awarded only those costs and fees incurred after it issued an order granting summary judgment on the ejectment claim that explained why the claim was meritless. Labuzan-Delane does not explain how the court either erred under Mississippi Code Annotated § 11-55-5(4) or made a clearly erroneous assessment of the facts. She thus fails to show that the court abused its discretion. *See United States v. Ragsdale*, 426 F.3d 765, 774 (5th Cir. 2005). The court also acted within its authority by warning Labuzan-Delane that she will face additional sanctions if she continues to pursue the meritless claim. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-46 (1991); *In re Stone*, 986 F.2d 898, 902 (5th Cir. 1993).

AFFIRMED.

APPENDIX D

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
NEW ORLEANS, LA 70130

March 21, 2025

Mr. David Crews
Northern District of Mississippi, Greenville
United States District Court
911 Jackson Avenue
Oxford, MS 38655

No. 24-60393 Labuzan-Delane v. Cochran & Cochran
USDC No. 4:22-CV-149

Dear Mr. Crews,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk

Angelique B. Tardie

By: _____
Angelique B. Tardie, Deputy Clerk
504-310-7715

cc: (letter only)
Mr. Glenn Field Beckham
Mr. John H. Daniels III
Ms. Jennine Labuzan-Delane
Mr. Paul Scott Phillips
Mr. James Matthew Tyrone

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
February 21, 2025
Lyle W. Cayce
Clerk

No. 24-60393
Summary Calendar

JENNINE LABUZAN-DELANE,

Plaintiff—Appellant,

versus

COCHRAN & COCHRAN LAND COMPANY, INCORPORATED; COCHRAN FARMS, INCORPORATED; LAKELAND FARMS, L.L.C.; GREENLEE FAMILY, L.L.C.; DAVID T. COCHRAN; JENNINGS FARM, INCORPORATED,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:22-CV-149

Before JOLLY, GRAVES, and OLDHAM, *Circuit Judges*.

JUDGMENT

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

IT IS FURTHER ORDERED that Appellant pay to Appellees the costs on appeal to be taxed by the Clerk of this Court.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.

Certified as a true copy and issued as the mandate on Mar 21, 2025

Attest: Lyle W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
February 21, 2025
Lyle W. Cayce
Clerk

No. 24-60393
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expressly designated only the order that granted relief on the defendants' counterclaims, we can fairly infer that she also intended to appeal an earlier order granting summary judgment for the defendants on the ejectment claim. The appellees acknowledge that they are not prejudiced by the omission of the order from the notice of appeal. Accordingly, we have jurisdiction to review both orders. *See Turnbull v. United States*, 929 F.2d 173, 177 (5th Cir. 1991).

According to Labuzan-Delane, the district court erred by deciding the summary judgment motions when the parties had not conducted any discovery and the defendants refused to confer about a discovery plan. However, "[t]he right of self-representation does not exempt a party from compliance with relevant rules of procedural and substantive law." *Birl v. Estelle*, 660 F.2d 592, 593 (5th Cir. 1981). Labuzan-Delane did not move to compel discovery from the defendants under Federal Rule of Civil Procedure 37 or seek additional time to conduct discovery under Federal Rule of Civil Procedure 56(d) before responding to their motions for summary judgment. Accordingly, her argument is unavailing. *See Potter v. Delta Air Lines, Inc.*, 98 F.3d 881, 887 (5th Cir. 1996); *Birl*, 660 F.2d at 593.

Labuzan-Delane also contends that the district court erred by viewing the evidence in the light most favorable to the defendants and granting summary judgment despite disputed factual issues. Specifically, she relies on evidence that the land patent was recorded in county records in 1919 as disputing the evidence that her ancestor sold the land to a bank in 1848, which the district court found dispositive of her claim. *See French's Lessee v. Spencer*, 62 U.S. 228, 232 (1858).

We review the grant of summary judgment de novo. *See Dillon v. Rogers*, 596 F.3d 260, 266 (5th Cir. 2010). Labuzan-Delane does not explain how the evidence that the patent was recorded in 1919 disputes the evidence

that the land was sold in 1848, and her remaining arguments about deficiencies in the defendants' evidence are nonsensical. She thus fails to show that there was "a genuine dispute as to a material fact" sufficient to defeat summary judgment on the ejectment claim. FED. R. CIV. P. 56(a). Accordingly, we need not review the district court's alternative conclusion that the claim was defeated by adverse possession. *See Rockwell v. Brown*, 664 F.3d 985, 990 (5th Cir. 2011).

Finally, Labuzan-Delane challenges the district court's award of attorneys' fees and costs to the defendants, which we review for abuse of discretion. *See Autry v. Fort Bend Indep. Sch. Dist.*, 704 F.3d 344, 349 & n.15 (5th Cir. 2013). She asserts that the court erred because an ejectment action by the heir of a patent grantee is not frivolous.

The district court awarded only those costs and fees incurred after it issued an order granting summary judgment on the ejectment claim that explained why the claim was meritless. Labuzan-Delane does not explain how the court either erred under Mississippi Code Annotated § 11-55-5(4) or made a clearly erroneous assessment of the facts. She thus fails to show that the court abused its discretion. *See United States v. Ragsdale*, 426 F.3d 765, 774 (5th Cir. 2005). The court also acted within its authority by warning Labuzan-Delane that she will face additional sanctions if she continues to pursue the meritless claim. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-46 (1991); *In re Stone*, 986 F.2d 898, 902 (5th Cir. 1993).

AFFIRMED.

APPENDIX E

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JENNINE LABUZAN-DELANE — PLAINTIFF

VS. — CIVIL ACTION NO. 4:22-cv-0149-SA-DAS

COCHRAN & COCHRAN LAND CO., INC., COCHRAN FARMS, INC., LAKELAND FARMS, LLC, GREENLEE FAMILY, LLC, JENNINGS FARMS, LLC and DAVID T. COCHRAN — DEFENDANTS

JOINT MOTION TO COMPEL SUBMITTED BY ALL DEFENDANTS

COME NOW, the Defendants, Cochran & Cochran Land Co., Inc., Lakeland Farms, LLC, Greenlee Family, LLC, Jennings Farms, LLC, and David T. Cochran, by counsel, and move the Court to enter an Order compelling Plaintiff to comply with this Court's Order of July 31, 2024 (Doc. 124), and failing to do so, that she be assessed with additional sanctions.

In support of this Joint Motion, the Defendants would show the following:

1. This Court's Order of July 31, 2024 (Doc. 124), directed the Defendants:

> "...to prepare separate Quitclaim Deeds in their favor for Labuzan-Delane to execute to be filed in the land records in Washington County, Mississippi. The Defendants shall prepare and mail, via certified mail, the Deeds (and other documentation if appropriate for Labuzan-Delane to execute). Once the Defendants mail the deeds, they shall file a Notice of Service indicating the same on the docket. Labuzan-Delane

> shall execute the Deeds in front of a Notary Public and return the Deeds to the Defendants via certified mail within twenty-one (21) days days of receipt" (Doc. 124, pp. 7-8).

2. Each of the Defendants prepared the Quitclaim Deeds as instructed by the Court and attempted to deliver these Deeds to Labuzan-Delane by certified mail as directed by the Court. However, the certified mail packages were returned to each of the Defendants marked "Undelivered."

3. Just three (3) days after entry of the Court Order described above (Doc. 124) on October 2, 2024, Plaintiff Labuzan-Delane noticed an Appeal of that Order to the Fifth Circuit Court of Appeals. (Doc. 129).

4. On February 21, 2025, the Fifth Circuit issued its Opinion which affirmed the District Court in all respects. This Opinion included an affirmation of this Court's authority to subject Labuzan-Delane to additional sanctions "if she continues to pursue the meritless claim." 2025 WL 570879 (5th Cir. 2025), citing Chambers v. NASCO, Inc., 501 U.S. 332 43-46 (1991); and In Re Stone, 986 F. 2d 898, 902 (5th Cir. 1993). Plaintiff Labuzan-Delane subsequently filed an Emergency Motion seeking a Stay of the Issuance of the Mandate. By its Order of March 13th, 2025, the Fifth Circuit denied Plaintiff's Motion for a Stay of the Mandate (Fifth Circuit Case No. 24-60393, Doc. 55-1). The Mandate was subsequently issued by the Fifth Circuit and filed in the District Court on March 21, 2025 (Doc. 138).

5. Given the previous factual findings of the District Court, its adjudication of law applicable to those facts as described in the District Court's Order (Doc. 124), and considering the length of time since the entry of that Order and the fact that the Defendants

have incurred actual damages due to the Plaintiff's intentional and malicious conduct, the Defendants file this Motion seeking an Order directing Labuzan-Delane to accept receipt of the Quitclaim Deeds that she will receive by certified U.S. mail, signature required, or by Federal Express, signature required; that Plaintiff Labuzan-Delane be directed to execute the Deeds in front of a Notary Public and return the Deeds to each of the Defendants via certified mail or Federal Express within fourteen (14) days of her receipt of the Deeds; and that failing to do so, Labuzan-Delane will be held in contempt of this Court and will be assessed with additional sanctions.

6. The Defendants would further suggest that the Court consider scheduling a status conference with the all parties in view of the previous problems in delivering and have Plaintiff Labuzan-Delane accept delivery of the Quitclaim Deeds. In support of this request, the Defendants would show that the Defendants are not the only entity that has had difficulty in having Plaintiff Labuzan-Delane accept delivery correspondence. As recent as February of 2025, a letter which the District Court attempted to deliver to Labuzan-Delane at 410 Stableford Court, Athens, Georgia 30607, was returned to the Court "not deliverable as addressed" (Doc. 137), even though the Court utilized the same address that appears throughout these pleadings and in Labuzan-Delane's appeal documents filed with the Fifth Circuit.

7. The Defendants respectfully request that the Court waive the requirements of Local Rule 7(b)(4), requiring the filing of a Brief in view of the simplicity of the issues presented in this Motion.

WHEREFORE, PREMISES CONSIDERED, the Defendants jointly move for the relief discussed in this Motion above including the scheduling of a status conference

should the Court determine that it is necessary under these unusual circumstances.

RESPECTFULLY SUBMITTED, this the 24 day of March, 2025.

/s/ Glenn F. Beckham
GLENN F. BECKHAM
Attorney for Cochran & Cochran Land Co., Inc., Cochran Farms, Inc., Jennings Farms, Inc. and David T. Cochran

/s/ James M. Tyrone
JAMES M. TYRONE
Attorney for Greenlee Family, LLC

/s/ Paul Scott Phillips
PAUL SCOTT PHILLIPS
Attorney for Lakeland Farms, LLC

OF COUNSEL:

Glenn F. Beckham
Upshaw, Williams, Biggers
& Beckham, LLP
P.O. Drawer 8230
Greenwood, MS 38935-8230
Phone: (662) 455-1613
Fax: (662) 453-9245
Email: gbeckham@upshawwilliams.com

James M. Tyrone
Watkins & Eager, PLLC
400 East Capitol Street (39201)
P.O. Box 650
Jackson, MS 39205-0650
Phone: (662) 601-965-1900
Fax: (662) 965-1901
mtyrone@watkinseager.com

Paul Scott Phillips
Campbell Delong, LLP
P.O. Box 1856
Greenville, MS 38702
Phone: (662) 335-6011
Fax: (662) 335-6015
Email: sphillips@campbelldelongllp.com

CERTIFICATE OF SERVICE

I, Glenn F. Beckham, counsel for Cochran & Cochran Land Co., Inc., Cochran Farms, Inc., Jennings Farms, Inc. and David T. Cochran hereby certify that all attorneys have been served by the ECF filing system of the U.S. District Court.

And, that the Plaintiff/Appellant has been served with this document by certified U.S. Mail at the following address:

Jennine Labuzan-Delane
410 Stableford Court
Athens, GA 30607

This the 24 day of March, 2025.

/s/ Glenn F. Beckham
GLENN F. BECKHAM; MBN: 2309

APPENDIX F

Jennine Labuzan-Delane, *Pro Se*
196 Alps Road Suite 2
Athens, Georgia, 30606
Telephone: 408-380-9551
Email: jenninedelane@gmail.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

JENNINE LABUZAN-DELANE, *Pro Se*

Civil Action No.: 22-CV-149-SA-DAS

Plaintiff,

- against -

COCHRAN & COCHRAN LAND CO. INC.,
COCHRAN FARMS INC.,
LAKELAND FARMS LLC,
GREENLEE FAMILY LLC,
JENNINGS FARM INC.,
DAVID T. COCHRAN,

Defendants

PLAINTIFF'S OPPOSITION TO DEFENDANTS' JOINT MOTION TO COMPEL

COMES NOW Plaintiff, Jennine Labuzan-Delane, respectfully files this Opposition to COCHRAN & COCHRAN LAND CO. INC., COCHRAN FARMS INC., LAKELAND FARMS LLC, GREENLEE FAMILY LLC, JENNINGS FARM INC., and DAVID T. COCHRAN ("Defendants") Joint Motion to Compel (ECF Doc. No. 139), and in

support thereof states as follows:

I. INTRODUCTION

Defendants seek an order compelling me to execute deeds transferring title patented land, despite the pendency of critical constitutional and procedural issues. Their motion is procedurally defective, legally unsupported, and in direct contradiction to my due process and my right to seek United States Supreme Court review. It must be denied.

II. DEFENDANTS' MOTION IS PREMATURE AND PROCEDURALLY DEFECTIVE

Although the Fifth Circuit issued its mandate on March 21, 2025, the Defendants' present motion is rooted in actions they took before the appellate mandate issued. As shown by the record, the Defendants repeatedly attempted to send deeds to my prior address during the pendency of my Fifth Circuit appeal. At that time, the district court lacked jurisdiction.

It is a well-established principle that a district court may not act on a case under appeal until the appellate court issues its mandate. See *United States v. Green*, 882 F.2d 999 (5th Cir. 1989); *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). The Defendants' attempts to force execution of deeds during the appeal were legally void and must not be rewarded post-mandate.

"The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." (*See Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982).

"[T]he filing of a timely and sufficient notice of appeal... divests the district court of jurisdiction to take any action with regard to the matter except in aid of the appeal." (*See United States v. Green*, 882 F.2d 999 (5th Cir. 1989).

As the district court lacked jurisdiction, any attempt to compel me to execute deeds through extrajudicial mailings during that period was invalid and unenforceable.

III. PLAINTIFF HAS CONSTITUTIONAL RIGHT TO PETITION FOR SUPREME COURT REVIEW

The Defendants' motion is premature and coercive in light of my imminent filing of a Petition for Writ of Certiorari and Emergency Stay Application with the United States Supreme Court. The Constitution guarantees the right to petition the federal judiciary, including the Supreme Court. *See Bill Johnson's Restaurants v. NLRB*, 461 U.S. 731, 741 (1983); *BE&K Constr. Co. v. NLRB*, 536 U.S. 516, 525-26 (2002); *N.A.A.C.P. v. Button*, 371 U.S. 415, 429 (1963). This Court itself has issued language that risks chilling my constitutional rights. In a prior order, the Court stated:

"...the Court cautions Labuzan-Delane about her continued pursuits to acquire ownership of the subject land and engage in litigation regarding the same...Should Labuzan-Delane refuse to comply, the Court will not hesitate to hold her in contempt and impose sanctions on her." (ECF Doc. No. 124). This language effectively deters my lawful right to appeal to the U.S. Supreme Court and violates my right to due process and First Amendment petitioning rights.

IV. LEGAL TITILE IS IN DISPUTE AND THIS COURTCANNOT ENFORCE DEED EXECUTION UNDER COERCION

The Defendants' motion presumes an undisputed entitlement to title, yet the record shows that I hold an unrebutted, certified copy of United States Federal Land Patent No. 27859, issued December 10, 1840. Defendants have failed to produce the alleged August 10, 1836 land patent that forms the crux of their counterclaim. The contradictory finding by the Court—that I do not own the land but must still execute deeds conveying it—reveals a due process contradiction. The forced execution of deeds under judicial pressure, especially when ownership is constitutionally contested, violates fairness and judicial consistency. *See Fletcher v. Peck*, 10 U.S. 87 (1810) (holding that land patents are protected by the Contract Clause and cannot be impaired by state law or inconsistent judicial action).

V. DEFENDANTS CANNOT MEET THE STANDARD FOR COMPELLING DEED EXECUTION

Defendants have not provided:

- A verified legal basis showing clear entitlement to title;
- Evidence of a valid transfer superseding the federal land patent;
- Any showing that compelling execution of a deed is warranted without violating my constitutional rights.

The Supreme Court has emphasized that equitable relief must not contravene legal and constitutional standards. *See United States v. Stone*, 69 U.S. 525 (1864); *Gibson v. Chouteau*, 80 U.S. 92 (1871); *Nelson v. Adams USA, Inc.*, 529 U.S. 460, 466 (2000)

VI. CONCLUSION

For all the foregoing reasons, I respectfully request that this Honorable Court:

1. Deny the Defendants' Joint Motion to Compel;
2. Defer ruling on any deed-related requests pending my forthcoming filing in the United States Supreme Court;
3. Preserve my constitutional right to petition, and decline to enforce orders that suppress appellate or certiorari review.

Respectfully submitted,

Date:_____ _____

Signature

_____

Printed Name

TO:
Glenn F. Beckham (Attorney for the Mr. Cochran, et al)
Upshaw,Williams, Biggers & Beckham LLP
Post Office Drawer 8230
Greenwood, Mississippi 38935-8230

John H. Daniels III (Attorney for Mr. Cochran, et al)
Dyer, Dyer, Jones & Daniels. P.A.
149 North Edison Street
Post Office Box 560
Greenville, MS 38702-0560

James M. Tyrone (Attorney for Greenlee Family LLC)
Watkins & Eager, PLLC
400 East Capitol Street (39201)
P.O. Box 650
Jackson, Mississippi 39205-0650

P. Scott Phillips (Attorney for Lakeland Farms LLC)
Campbell Delong LLP
923 Washington Avenue, Post Office Box 1856
Greenville, Mississippi 38702

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all Defendants have been served via postal certified service.

Date: April, __ 2025

_____

Signature

_____

Printed Name

APPENDIX G

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JENNINE LABUZAN-DELANE — PLAINTIFF

v. — CIVIL ACTION NO: 4:22-CV-149-SA-DAS

COCHRAN & COCHRAN LAND CO., INC., COCHRAN FARMS, INC., LAKELAND FARMS, LLC, GREENLEE FAMILY, LLC, JENNINGS FARMS, INC and DAVID T. COCHRAN — DEFENDANTS

COCHRAN & COCHRAN LAND CO., INC., COCHRAN FARMS, INC., LAKELAND FARMS, LLC, GREENLEE FAMILY, LLC, and DAVID T. COCHRAN — COUNTER CLAIMANTS

JENNINE LABUZAN-DELANE — COUNTER DEFENDANT

ORDER

On September 5, 2022, Jennine Labuzan-Delane initiated this action by filing her *pro se* Complaint [1]. The Court granted summary judgment and dismissed her claim in an Order and Memorandum Opinion [93] dated July 24, 2023.

On July 31, 2024, the Court entered an Order and Memorandum Opinion [124] granting the Defendants' Motions for Summary Judgment [101, 103, 114] as to their counterclaims. In the Order [124], the Court additionally found it appropriate to impose sanctions against Labuzan-Delane, finding that she reasonably knew that her position was not substantially justified after the Court dismissed her claim in its initial summary judgment ruling. As to the nature of the sanctions, the Court found that the Defendants were entitled to attorneys' fees and costs incurred after August 7, 2023—the date of the second email wherein the Defendants' requested Labuzan-Delane to concede her position in light of the Court's previous summary judgment ruling. The Court accordingly ordered the Defendants to submit itemizations of their fees and costs incurred after

that date. The Defendants have complied with that ruling and filed Motions for Attorneys' Fees and Costs [130, 131, 132, 133].

After the Court entered its Order [124] granting summary judgment and imposing sanctions but before the Defendants filed their Motions for Attorneys' Fees and Costs [130, 131, 132, 133], Labuzan-Delane appealed the Court's Order [124]. "It is the general rule that a district court is divested of jurisdiction upon the filing of the notice of appeal with respect to any matters involved in the appeal." *Taylor v. Sterrett*, 640 F.2d 663, 667 (5th Cir. 1981). Labuzan-Delane's appeal challenges the Court's determination that her claim was meritless. The Court's award of attorneys' fees in turn relies upon the Court's finding that Labuzan-Delane continued to take a position that she knew was not substantially justified. In other words, the award of attorneys' fees and costs involves matters in the appeal. *See id.*

For these reasons, the Court DENIES the Defendants' Motions for Attorneys' Fees and Costs [130, 131, 132, 133] *without prejudice*. The Defendants' will be permitted to refile the Motions [130, 131, 132, 133] following resolution of the appeal.

SO ORDERED, this the 11th day of February, 2025.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE

APPENDIX H

No. 24-60393

IN THE

UNITED STATES COURTS OF APPEALS

FOR THE FIFTH CIRCUIT

Jennine Labuzan-Delane,

Plaintiff-Appellant

v.

Cochran & Cochran Land Company, Incorporated; Cochran Farms, Incorporated; Lakeland Farms, L.L.C.; Greenlee Family, L.L.C.; David T. Cochran; Jennings Farm, Incorporated,

Defendants-Appellees

On Appeal from the United States District Court
Northern District of Mississippi
Judge Sharion Aycock
Case No. 4:22-CV-0149

EMERGENCY MOTION TO STAY ISSUANCE OF THE MANDATE PENDING REVIEW PURSUANT TO FEDERAL RULE OF APPELLATE PROCEDURE RULE 41

Jennine Labuzan-Delane, *Pro Se*
410 Stableford Court
Athens, Georgia, 30607
Telephone: 408-380-9551
jenninedelane@gmail.com

PETITIONER'S EMERGENCY MOTION TO STAY MANDATE PENDING CERTIORARI REVIEW

Petitioner, Jennine Labuzan-Delane, respectfully moves this Court for an emergency stay of the mandate pursuant to Federal Rule of Appellate Procedure 41(d) pending the filing and resolution of her Petition for a Writ of Certiorari in the United States Supreme Court. The mandate enforcing the sanctions orders imposed by both the United States District Court for the Northern District of Mississippi and this Court would cause irreparable harm and was issued in violation of binding Supreme Court precedent, specifically *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986).

I. GROUNDS FOR EMERGENCY RELIEF

A stay of the mandate is warranted because enforcement of the sanctions orders before the Supreme Court's review would cause irreparable harm. Petitioner is required to pay substantial attorney fees pursuant to sanctions imposed by the district court and affirmed by this Court. If the mandate is issued and enforcement proceeds, Petitioner will be forced to pay amounts that cannot be recovered should the Supreme Court grant certiorari and reverse the lower courts' decisions.

II. There Is a Strong Likelihood That the Supreme Court Will Grant Certiorari

Petitioner's case presents substantial legal questions that warrant Supreme Court review. The district court granted summary judgment without allowing discovery, which is in direct conflict with *Celotex Corp. v. Catrett*. In *Celotex*, the Supreme Court held that summary judgment is improper where the non-moving party has not had an adequate opportunity for discovery. The district court refused to allow discovery, violating this precedent. This Court, by affirming the district court's unlawful ruling, has countermanded United States Supreme Court binding authoritative determination about the standards governing summary judgment procedures. This Court's decision, regarding *Celotex*, conflicts with the decisions from every other circuit court.

The district court and this Court made fundamental errors in their interpretations of the Federal Rules of Civil Procedure regarding the initiation of discovery:

- The district court erroneously stated that discovery could be initiated under FRCP Rule 56, which governs summary judgment rather than the initiation of discovery.
- This Court incorrectly held that discovery could be initiated under FRCP Rule 37, which pertains to motions to compel discovery rather than its initiation.
- The only proper method for initiating discovery is through FRCP Rule 26(f), which requires the parties to confer and develop a discovery plan.

These erroneous rulings raise another important question for Supreme Court review: whether lower courts can impose sanctions and grant summary judgment based on a fundamental misunderstanding of the discovery process under the Federal Rules of Civil Procedure. Given the importance of the issue and its nationwide impact, the Supreme Court is likely to grant review to resolve these inconsistencies.

III. The Balance of Equities and Public Interest Favor a Stay

A stay will maintain the status quo while the Supreme Court considers Petitioner's certiorari petition. Public interest strongly favors ensuring that federal courts follow Supreme Court precedent, particularly in cases involving due process violations and procedural fairness. Moreover, Respondents will not suffer harm from a stay. If the Supreme Court denies certiorari, Respondents will still be able to seek enforcement of the sanctions. However, if the Supreme Court grants certiorari and reverses, Petitioner would have been subjected to a legally invalid and unjust financial penalty.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court stay issuance of the mandate pending resolution of her petition for certiorari before the Supreme Court.

Date: February, __ 2025

_____

Signature

_____

Printed Name

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all Appellees have been served via United States Postal service.

Date: February, __ 2025

_____

Signature

_____

Printed Name

APPENDIX I

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
NEW ORLEANS, LA 70130

March 13, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 24-60393 Labuzan-Delane v. Cochran & Cochran
USDC No. 4:22-CV-149

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Christy Combel

By: _____
Christy M. Combel, Deputy Clerk
504-310-7651

Mr. Glenn Field Beckham
Mr. David Crews
Mr. John H. Daniels III
Ms. Jennine Labuzan-Delane
Mr. Paul Scott Phillips
Mr. James Matthew Tyrone

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
March 13, 2025
Lyle W. Cayce
Clerk

No. 24-60393

JENNINE LABUZAN-DELANE,

Plaintiff—Appellant,

versus

COCHRAN & COCHRAN LAND COMPANY, INCORPORATED; COCHRAN FARMS, INCORPORATED; LAKELAND FARMS, L.L.C.; GREENLEE FAMILY, L.L.C.; DAVID T. COCHRAN; JENNINGS FARM, INCORPORATED,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:22-CV-149

ORDER:

The Appellant's motion for stay of the mandate pending petition for writ of certiorari is DENIED.

/s/ E. Grady Jolly

E. GRADY JOLLY
United States Circuit Judge

APPENDIX J

08

THE UNITED STATES OF AMERICA,

CERTIFICATE No. 2,755

To all to whom these Presents shall come, Greeting:

WHEREAS Frederick W. Schmidt, Robert L. De Coin and Charles A. Labuzan of New Orleans Louisiana

have deposited in the GENERAL LAND OFFICE of the United States, a Certificate of the REGISTER OF THE LAND OFFICE at Jackson whereby it appears that full payment has been made by the said Frederick W. Schmidt Robert L. De Coin and Charles A. Labuzan according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," for Section thirty four, the South half and the North East quarter of Section thirty five, and the South West quarter and West half of the South East quarter of Section thirty three, in Township sixteen, of Range eight West, in the District of Lands subject to sale at Jackson Mississippi containing three hundred and sixty one acres and eight hundredths of an acre

according to the official plat of the survey of the said Lands, returned to the General Land Office by the SURVEYOR GENERAL, which said tract has been purchased by the said Frederick W. Schmidt Robert L De Coin and Charles A. Labuzan

NOW KNOW YE, That the United States of America, in consideration of the Premises, and in conformity with the several acts of Congress, in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said Frederick W. Schmidt. Robert L. De Coin and Charles A Labuzan and to their heirs, the said tract above described: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said Frederick W. Schmidt Robert L De Coin and Charles A. Labuzan and to their heirs and assigns forever, as tenants in common and not as joint tenants.

In Testimony Whereof, I, Martin Van Buren PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made PATENT, and the SEAL of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the [illegible] day of December in the Year of our Lord one thousand eight hundred and [illegible] and of the INDEPENDENCE OF THE UNITED STATES the Sixty [illegible]

L.S.

BY THE PRESIDENT: Martin Van Buren

By M. Van Buren Jr. Sec'y.

[illegible] Recorder of the General Land Office.

4317 29

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JENNINE LABUZAN-DELANE

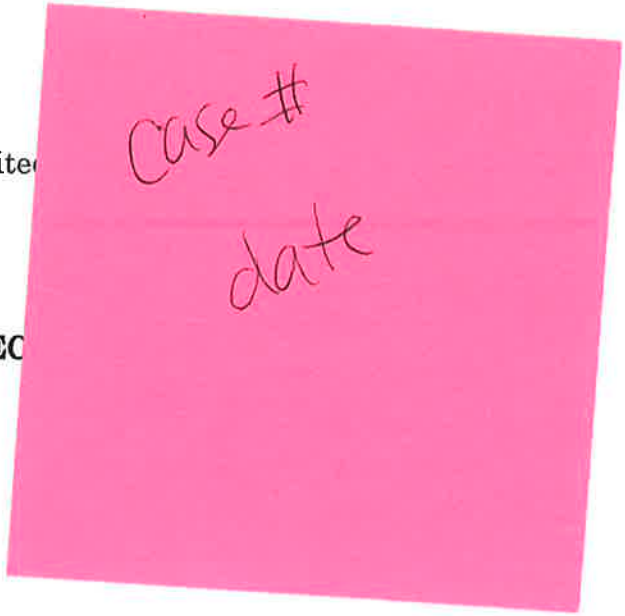
Petitioner

v.

COCHRAN & COCHRAN LAND CO., INC., et al.,

Respondents

On Petition for a Writ of Certiorari to the Unite
Fifth Circuit



PROOF OF SERVICE DEC

JENNINE LABUZAN-DELANE
196 Alps Road Suite 2
Athens, Georgia, 30606
Telephone: 408-380-9551
Email: jenninedelane@gmail.com
Date May 19, 2025

PROOF OF SERVICE DECLARATION

Jennine Labuzan DeLane, being duly sworn, deposes and says:

1. The deponent is 18 years of age or older, and

resides at: 194 Alps Rd Suite 2, Athens, GA 30606

On the 19 day of May, 2025, the deponent will serve the following described papers upon the following persons: **EMERGENCY STAY APPLICATION AND APPENDIX**

Glenn F. Beckham (Attorney for the Mr. Cochran, et al)
Upshaw,Williams, Biggers & Beckham LLP
Post Office Drawer 8230
Greenwood, Mississippi 38935-8230

John H. Daniels III (Attorney for Mr. Cochran, et al)
Dyer, Dyer, Jones & Daniels. P.A.
149 North Edison Street
Post Office Box 560
Greenville, MS 38702-0560

James M. Tyrone (Attorney for Greenlee Family LLC)
Watkins & Eager, PLLC
400 East Capitol Street (39201)
P.O. Box 650
Jackson, Mississippi 39205-0650

P. Scott Phillips (Attorney for Lakeland Farms LLC)
Campbell Delong LLP
923 Washington Avenue, Post Office Box 1856
Greenville, Mississippi 38702

BY MAIL: By placing a true copy thereof enclosed in a sealed envelope(s) addressed as above, and placing it for collection and mailing on that date following ordinary business practices. I am "readily familiar" with the business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with postal mail service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct, in compliance with 28 U.S.C. § 1746.

Date: May 19, 2025

Jennine Labuzan DeLane
Signature

Jennine Labuzan DeLane
Print