

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

FIREMAN'S FUND INSURANCE COMPANY

CIVIL ACTION

VERSUS

NO: 05-2201

RUTH GOODMAN

SECTION: "C" (1)

ORDER AND REASONS

Defendant's Motion to Recuse (Rec. Doc. 95) plaintiff's counsel is RENDERED MOOT by the substitution of plaintiff's counsel. (See Rec. Doc. 111.)

Defendant's Motion for Clarification (Rec. Doc. 114) seeking to halt all pre-trial proceedings based on the alleged conflict of interest by former plaintiff's counsel is DENIED.

Substitute counsel recently enrolled for plaintiff. (Rec. Doc. 111.) In addition, trial in this matter was recently continued in part because of uncertainty regarding whether defendant was represented and an imminent trial date. (Rec. Doc. 92.) The defendant now has adequate time to pursue the additional discovery listed in her motion.

Defendant's Motion to Reconsider Order and Dismiss Case (Rec. Doc. 101) is PARTIALLY DENIED WITH PREJUDICE and PARTIALLY DENIED WITHOUT PREJUDICE. Defendant's request for dismissal is at best premature given that the record does not contain evidence supporting plaintiff's allegations of a conflict of interest. Should defendant obtain evidence supporting her allegations, she may re-urge her motion to dismiss.

New Orleans, Louisiana, this 28th day of July, 2009.

  
HELEN G. BERRIGAN  
UNITED STATES DISTRICT JUDGE