

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

CIVIL ACTION (MASTER FILE) NO. 5:06-CV-316 - KSF

IN RE: AIR CRASH AT LEXINGTON, KENTUCKY, AUGUST 27, 2006

RELATING TO:

Hebert, et al. v. Comair, et al., No. 5:07-CV-320

OPINION AND ORDER

* * * * *

This matter is before the Court on the motion of Plaintiffs' current counsel, David Rapoport ("Rapoport"), to establish a briefing schedule regarding the remaining contested issues of attorneys' fees and costs. Comair responded agreeing with the proposed briefing schedule. [DE 3869]. The Duhon Law Firm ("Duhon") responded that Rapoport should first be required to file his Statement of Services Provided and recoverable expenses so that former counsel Duhon and former counsel Motley Rice, LLC and Wilson Polites & McQueen (collectively "Motley") could respond to Rapoport's claim. [DE 3867]. Motley filed a similar response. [DE 3868]. Before any briefing schedule can be established, the Court is of the opinion that it needs to determine whether there is any authority for Duhon and Motley to challenge Rapoport's claim for fees and expenses and whether Duhon was discharged without cause.

IT IS ORDERED that:

1. On or before April 15, 2011, Duhon and Motley shall provide any authority to support their claim that they are entitled to challenge Rapoport's fees and expenses;
2. On or before April 15, 2011, Duhon shall provide any evidence that it was discharged without cause; and

3. On or before April 25, 2011, Rapoport may file a response to either of the foregoing briefs.
4. Following resolution of these issues, the Court will establish a briefing schedule.

This March 31, 2011.



Signed By:

Karl S. Forester *KSF*

United States Senior Judge