

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

PUBLIC CITIZEN, INC., et al.	*	CIVIL ACTION NO. 08-4451, c/w 08-4994
	*	
Plaintiffs,	*	<i>This pleading applies to Case No. 08-4451</i>
	*	
VERSUS	*	SECTION "F"
	*	
LOUISIANA ATTORNEY DISCIPLINARY BOARD, et al.	*	JUDGE FELDMAN
	*	
Defendants.	*	MAGISTRATE WILKINSON
	*	
	*	
	*	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, the Louisiana Attorney Disciplinary Board, Billy R. Pesnell, and Charles B. Plattsmier (collectively, "Defendants") hereby move, pursuant to Federal Rule of Civil Procedure 56, for summary judgment in their favor against Plaintiffs Public Citizen, Inc., Morris Bart, Morris Bart, L.L.C., William N. Gee, III, and William N. Gee, III, Ltd. (collectively, "Plaintiffs"). Should this Court reach the merits of this case at this time, rather than dismiss for lack of subject matter jurisdiction upon Defendants' pending Motion to Dismiss [*See Rec. Doc. No. 73*], summary judgment as a matter of law is appropriate as to Plaintiffs'

claims. For the reasons set forth in the accompanying Memorandum in Support, Defendants are entitled to judgment dismissing Plaintiffs' claims as a matter of law.

WHEREFORE, Defendants the Louisiana Attorney Disciplinary Board, Billy R. Pesnell, and Charles B. Plattsmier pray that, should this Court reach the merits of this case at this time, rather than dismiss for lack of subject matter jurisdiction upon Defendants' pending Motion to Dismiss [*See* Rec. Doc. No. 73], this Court enter summary judgment in their favor, dismissing the claims of Plaintiffs Public Citizen, Inc., Morris Bart, Morris Bart, L.L.C., William N. Gee, III, and William N. Gee, III, Ltd.

Dated: July 14, 2009

Respectfully submitted,

/s/ Phillip A. Wittmann

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CERTIFICATE

I hereby certify that on this 14th day of July, 2009, a copy of the foregoing Defendants' Motion for Summary Judgment has been served upon each counsel of record by notice of electronic filing generated through the CM/ECF system, and/or by United States mail, facsimile, or e-mail for those counsel who are not participants in the CM/ECF system.

/s/ Phillip A. Wittmann