

DONNA BOUDREAUX

CIVIL ACTION

VERSUS

NO: 11-1213

**ACE AMERICAN INSURANCE
CO., ET AL**

SECTION "C"(5)

ORDER AND REASONS

Before the Court are five motions: (1) Motion to Substitute Attorney; Rec. Doc. 170; (2) Motion to Request Status Conference and for Consideration of Withdrawal as Counsel of Record; Rec. Doc. 171; (3) Motion to Compel Anthony S. Taormina to Produce Plaintiff's File; Rec. Doc. 173; (4) Motion to Expedite Hearing on Plaintiff's Motion to Compel; Rec. Doc. 174; (5) Motion to Withdraw Anthony S. Taormina as Attorney; Rec. Doc. 178.

After receiving the motion to substitute attorney, the Court ordered Mr. Murray to represent to it whether the plaintiff would be prejudiced by Mr. Taormina's withdrawal from the case at this late stage. Rec. Doc. 172. Based on the memorandum provided by counsel, the Court finds that plaintiff would not be prejudiced by Mr. Taormina's withdrawal. Rec. Doc. 172 & 176. Mr. Murray has sworn that he and Mr. Brandner are up to speed on the case and prepared to go to trial on August 26, 2013. Rec. Doc. 176-2 at 1. He affirms that his firm has been provided with the necessary medical releases. *Id.* at 2. Should he be enrolled in this case, Mr. Brandner has sworn that he is prepared to go to trial on August 26, 2013, that he is ready and willing to cover costs that may accumulate in bringing this matter to trial, that his firm will provide the necessary fees for expert and doctor witnesses as an advance, that Ms. Boudreaux has executed the necessary medical releases to his firm, and that he is familiar with the facts and medicals of

the case. Rec. Doc. 176-1 at 2.

The Court has been informed that Ms. Boudreaux no longer wishes to be represented by Mr. Taormina. Rec. Doc. 171. The Court grants the motion to substitute attorney based on counsel Murray's assurances that he is prepared to go to trial on August 26, 2013, and that he and Mr. Brandner will take on all obligations to ensure that the parties may go to trial on August 26, 2013. Rec. Doc. 170. While the original motion to substitute was not signed by Mr. Taormina, Mr. Taormina's signature appears on a motion asking to withdraw, and therefore the Court construes these two motions as a joint motion for withdrawal, and grants the motion. Rec. Doc. 178. L.R. 83.2.11. There shall be no continuance of the matter. Rec. Doc. 152. All deadlines remain unchanged. Additionally, the Court finds no need for a status conference. Rec. Doc. 171.

The Court notes Mr. Taormina no longer objects to his withdrawal from the case. Rec. Doc. 178. There is no motion for attorneys fees before the Court. Nor has Mr. Taormina moved to intervene. The Court declines to opine on the attorneys' fee sharing agreement. *Id.*

The Court commends the attorneys on their cooperation over sharing the plaintiff's file. It is confident that Mr. Taormina shall now produce the file to Mr. Murray and Mr. Brandner. Should Mr. Taormina fail to do this, the Court will consider another motion to compel production of the file. Rec. Doc. 173.

Accordingly,

IT IS ORDERED that Plaintiff's Motion to Substitute Attorney Michael S. Brandner, Jr. is GRANTED and that Michael S. Brandner of Brandner Law Firm LLC, 610 Baronne Street, Suite 3A, New Orleans, Louisiana 70113, Louisiana Bar Number 27973 be entered into the record as counsel, with the designation of "Trial Attorney", for Plaintiff Donna Boudreaux. Rec. Doc. 170.

IT IS FURTHER ORDERED that Anthony S. Taormina of the Law Offices of Anthony S. Taormina APLC, 3005 Harvard Avenue, Suite 100, Metairie, Louisiana 70006, Louisiana Bar Number 12652, is removed as counsel of record for Plaintiff Donna Boudreaux. Rec. Doc. 170.

IT IS FURTHER ORDERED that Motion to Request Status Conference and for Consideration of Withdrawal as Counsel of Record is MOOT. Rec. Doc. 171.

IT IS FURTHER ORDERED that the Motion to Compel Anthony S. Taormina to Produce Plaintiff's file is MOOT, to be reurged if necessary. Rec. Doc. 173.

IT IS FURTHER ORDERED that the Motion to Expedite Hearing on Plaintiff's Motion to Compel Anthony S. Taormina to Produce Plaintiff's File is MOOT. Rec. Doc. 174.

IT IS FURTHER ORDERED that the Motion to Withdraw Anthony S. Taormina as Attorney is GRANTED. Rec. Doc. 178.

New Orleans, Louisiana, this 31st day of July, 2013.


HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE