

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**THEODORE BRENNAN, et al.,
Plaintiffs**

CIVIL ACTION

VERSUS

No. 13-2491

**OWEN E. BRENNAN, et al.,
Defendants**

SECTION "E"

ORDER

Before the Court is defendants' motion to disqualify the law firm of Stone Pigman Walther Wittmann, LLC ("Stone Pigman") as counsel for plaintiffs Theodore Brennan ("Ted") and Bridget Brennan Tyrrell ("Bridget") in any litigation pending in state and/or federal court directly or indirectly involving their status as officers, directors, and/or shareholders of Brennan's, Inc. and other related relief.¹ Ted and Bridget oppose the motion.²

On May 6, 2013, the Court disqualified Stone Pigman as counsel for Brennan's, Inc. in the above-captioned case and "any matter consolidated herewith."³ On May 31, 2013, the Court issued an order clarifying the May 6, 2013 Order and holding that Stone Pigman is disqualified "from representing Brennan's, Inc., directly or indirectly, in any action pending in state or federal court, whether that action involves a dispute among shareholders of the corporation or other disputes."⁴ On June 6, 2013, the Fifth Circuit granted in part and

¹ R. Doc. 95.

² R. Doc. 111.

³ Civil Action No. 13-2491, R. Doc. 30.

⁴ See Civil Action 13-2491, R. Doc. 92; see also Civil Action No. 13-2491, R. Doc. 86.

denied in part a petition for Writ of Mandamus filed by Brennan's, Inc., Ted, and Bridget. The Fifth Circuit denied the petition with respect to Civil Action No. 12-2442 and Civil Action No. 13-2491 and granted the petition with respect to all other state and federal cases. On June 7, 2013, the Fifth Circuit directed this Court to vacate the disqualification orders as to those other cases.⁵ At the Fifth Circuit's direction, on June 11, 2013, the Court vacated its orders disqualifying Stone Pigman as counsel for Brennan's, Inc. "as to all state and federal cases other than Civil Action No. 12-2442 and Civil Action No. 13-2491" but reiterated that the "the Court's orders disqualifying Stone Pigman from representing Brennan's, Inc. in Civil Action No. 12-2442 and Civil Action No. 13-2491 remain in full force and effect."⁶

Defendants motion to disqualify Stone Pigman as counsel for Ted and Bridget was filed in Civil Action No. 13-2491. The Court has entered final judgment in this case,⁷ and that judgment is now on appeal.⁸ The Court's disqualification orders are part of that appeal. The Court does not have jurisdiction to grant the relief sought by defendants in the instant motion.

Accordingly, **IT IS ORDERED** that defendants' motion to disqualify Stone Pigman as counsel for Ted and Bridget be and hereby is **DENIED** for lack of jurisdiction.

IT IS FURTHER ORDERED that all other relief sought by defendants in their motion to disqualify, including the request for attorney's fees and costs and the request that

⁵ R. Doc. 110.

⁶ R. Doc. 112.

⁷ See R. Doc. 74 (Judgment); R. Doc. 106 (Amended Judgment).

⁸ See R. Doc. 108 (Notice of Appeal by Brennan's, Inc.); R. Doc. 109 (Notice of Appeal by Ted and Bridget).

Stone Pigman be found in contempt, be and hereby are **DENIED** for lack of jurisdiction.

New Orleans, Louisiana, this 12th day of June, 2013.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE