

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FISK ELECTRIC COMPANY

CIVIL ACTION

VERSUS

NO. 15-2315

DQSI, L.L.C., ET. AL.

SECTION: "B"(3)

ORDER

Considering defendants' "Motion to Strike and Exclude Evidence Related to Statements Allegedly Made by Timothy S. Madden" (Rec. Doc. No. 156),

IT IS ORDERED that the motion to exclude evidence related to Madden's alleged statements is hereby **GRANTED**;

IT IS FURTHER ORDERED that the motion to strike is hereby **DISMISSED as moot**.

Plaintiff woefully fails to meet the strict standard of FRCP 9(b) for pleading fraud against defendants' attorney. *See Dorsey v. Portfolio Equities, Inc.*, 540 F.3d 333, 339 (5th Cir. 2008). That failure precludes admission or reference to alleged "evidence" of fraud against that attorney. The vague and conclusory belief of Mr. Thomas, asserted in Fisk's opposition, misses 9(b)'s strict pleading standard. *See also City of New Orleans v. AMBAC Assurance Corp.*, 2014 WL 7140056 (E.D. La. Dec. 12, 2014).

New Orleans, Louisiana, this 31st day of May, 2019.



SENIOR UNITED STATES DISTRICT JUDGE