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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

CASTLE PEAK RESOURCES, LLC

CIVIL ACTION NO. 11-0766

VERSUS

U.S. DISTRICT JUDGE DEE D. DRELL

COLORADO CAPITAL BANK AND,  
YARMONY ENERGY, LLC

MAGISTRATE JUDGE JAMES D. KIRK

**J U D G M E N T**

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent (de novo) review of the record including the objections filed, and having determined that the findings and recommendation are correct under the applicable law;

**IT IS ORDERED** that the motion to remand, DOC. #8, is DENIED.

In so ordering, we note the complete mischaracterization of the *Mumfrey* case by plaintiff's attorney. Defendants correctly characterized the case, its discussion and a clearly acceptable method of consent by an attorney for a party. The consent in the present case clearly falls within that ambit. It is of no moment that Mr. Feeney is not licensed in Louisiana. Had he consented by a direct record filing, he may have been required to file a motion to enroll *pro hac vice*. By properly consenting otherwise, he was not required to enroll (at least at that point) and was guilty of no unauthorized practice or ethical defalcation.

**THUS DONE AND SIGNED**, in chambers, in Alexandria, Louisiana, on this 17<sup>th</sup> day of September, 2011.



**Dee D. Drell**  
**UNITED STATES DISTRICT JUDGE**