

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

SYLVESTER GRIFFIN

CIVIL ACTION NO. 06-1589

VERSUS

JUDGE ROBERT G. JAMES

JPMORGAN CHASE & CO., ET AL

MAG. JUDGE MARK L. HORNSBY

MEMORANDUM ORDER

Pending before the Court is a “Motion for Leave to Intervene Under F.R.C.P. Rule 24(A)(2)” [Doc. No. 141] filed by Robert A. Lee (“Mr. Lee”), Plaintiff Sylvester Griffin’s former counsel. The Court finds that the application for intervention is timely; that Mr. Lee’s claim for earned attorney’s fees is an interest relating to the property or transaction which is the subject of the action; that Mr. Lee is so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest; and that Mr. Lee’s interests are inadequately represented by the existing parties to the suit. *See Keith v. St. George Packing Co.*, 806 F.2d 525, 526 (5th Cir. 1986).

IT IS HEREBY ORDERED that the Motion for Leave to Intervene Under F.R.C.P. Rule 24(A)(2) is GRANTED.

Also pending before the Court is Mr. Lee’s “Motion for Additional Conservatory Relief” [Doc. No. 141]. Mr. Lee seeks a temporary restraining order requiring the trustee of the Eolyn Griffin Trust, JPMorgan Chase Bank, NA, to sequester the amount of Mr. Lee’s claim pending adjudication of the Petition of Intervention. The Court finds that Mr. Lee has a substantial likelihood of success on the merits of his claim, that there is a substantial threat that failure to grant the injunction will result in irreparable injury to Mr. Lee, that the threatened injury outweighs any damage that the injunction may cause the opposing party, and that the injunction will not disserve

the public interest.

IT IS HEREBY ORDERED that JPMorgan Chase Bank, NA is ENJOINED from disbursing \$54,087.51, the amount of Mr. Lee's claim, to Sylvester Griffin. This Order shall expire on April 18, 2009.

IT IS FURTHER ORDERED that a preliminary injunction hearing is set for **Tuesday, April 14, 2009, at 4:00 P.M.**

IT IS FURTHER ORDERED that Sylvester Griffin appear at the April 14, 2009 hearing to show cause why Mr. Lee is not entitled to a preliminary injunction sequestering the funds alleged by Mr. Lee to be owed as earned attorney's fees, pending adjudication of the Petition of Intervention.

IT IS FURTHER ORDERED that the Clerk of Court mail to Sylvester Griffin a copy of the Motion for Leave to Intervene Under F.R.C.P. Rule 24(A)(2) and Motion for Additional Conservatory Relief [Doc. No. 141] and a copy of this Memorandum Order to Post Office Box 2765, Jackson, Mississippi 39207, certified mail, return receipt requested.

MONROE, LOUISIANA, this 8th day of April, 2009.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE