

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ANDREA ADAMS DIANE BREAUX,
CAROL LEBLANC, MELVIN
TERREBONNE, KYLIE
TERREBONNE, VINCENT
DUFRENE, SR., JANET
DUFRENE, PERNEL DUFRENE,
SR. AND PERNEL DUFRENE, JR.

NO. 2013 CW 0059

VERSUS

ALLIED SHIPYARD, INC.

MAR 11 2013

In Re: Allied Shipyard, Inc., applying for supervisory writs, 17th Judicial District Court, Parish of Lafourche, No. 116275.

BEFORE: PARRO, WELCH AND KLINE,¹ JJ.

WRIT DENIED.

WFK
RHP

WELCH, J., dissents. I would reverse the judgment of the trial court that disqualified Robert S. Reich from this case due to a conflict of interest. Mr. Robert S. Reich and the law firm of Reich, Album & Plunkett, L.L.C., represented defendant Allied Shipyard, Inc. for almost two years before Josh Jambon and Jambon Marine Service, L.L.C. joined in the litigation pursuant to a Fourth Amended Petition, thereby giving rise to the alleged conflict of interest. In support of their subsequent motion to recuse, the plaintiffs offered little evidence of the nature and scope of the purported outside representation provided by Mr. Reich and his law firm to Josh Jambon and/or Jambon Marine Service, LLC. Under the specific facts herein, and weighing the competing interests of the parties, the plaintiffs failed to sustain their burden of proving a conflict of interest under Rule 1.7(a) of the Louisiana Rules of Professional Conduct sufficient to warrant disqualification. Deprivation of Allied Shipyard, Inc. of its choice of counsel at this stage of the proceedings is unduly prejudicial.

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DEPUTY CLERK OF COURT
FOR THE COURT

¹Kline, J., serving as Judge *pro tempore* of the Court of Appeal, First Circuit, by special appointment of the Louisiana Supreme Court.