

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA

RANDY BOUDREAUX

CIVIL ACTION

VERSUS

No. 19-11962

LOUISIANA STATE BAR
ASSOCIATION, ET AL.

SECTION "I" (1)

Judge Lance M. Africk
Mag. Judge van Meerveld

DEFENDANTS' EX PARTE MOTION FOR STATUS CONFERENCE

The Defendants, through undersigned counsel, respectfully request that the Court set a status conference with counsel.

On July 2, 2021, the U.S. Court of Appeals for the Fifth Circuit remanded this case for further proceedings.¹

The Fifth Circuit's ruling in *Boudreaux*² allows the Plaintiff's claims to survive dismissal under Rule 12, but the Fifth Circuit's concurrent ruling in *McDonald*³ (aspects of which the *Boudreaux* decision references) reflects that the Plaintiff's claims in this case are unlikely to succeed on the merits. Indeed, the Fifth Circuit expressly left open the possibility that, on remand, the Defendants may prevail on the merits, observing: "Discovery may bear out that the LSBA does not actually engage in non-germane activity."⁴ The Defendants submit that the facts will support the Fifth Circuit's observation, and they intend to move for summary judgment on that basis.

¹ The mandate issued on July 26, 2021.

² See *Boudreaux v. Louisiana State Bar Ass'n*, No. 20-30086, 2021 WL 2767318 (5th Cir. July 2, 2021).

³ See *McDonald v. Longley*, No. 20-50448, 2021 WL 2767443 (5th Cir. July 2, 2021).

⁴ See *Boudreaux*, 2021 WL 2767318, at *5.

Further, the need for discovery should be limited given that any claim based on conduct before August 2018 is time-barred.⁵

Finally, the Defendants recognize that *McDonald* unless modified will be governing law in the Fifth Circuit and intend to comply with it. This should render moot any remaining challenge by the Plaintiff.

The Defendants submit that a status conference with the Court and counsel relative to the issues on remand, including the items discussed above, will facilitate efficient and orderly resolution of this litigation.

Respectfully submitted,

/s/ Eva J. Dossier

Richard C. Stanley, 8487

Eva J. Dossier, 35753

Kathryn W. Munson, 35933

**STANLEY, REUTER, ROSS,
THORNTON & ALFORD, L.L.C.**

909 Poydras Street, Suite 2500

New Orleans, Louisiana 70112

Telephone: (504) 523-1580

Facsimile: (504) 524-0069

*Counsel for the Louisiana State Bar
Association, Louisiana Supreme Court, Chief
Justice Johnson, Justice Crichton, Justice
Genovese, Justice Clark, Justice Hughes, and
Justice Weimer*

⁵ See, e.g., *Schell v. Chief Just. & Justs. of Oklahoma Supreme Ct.*, No. 20-6044, 2021 WL 2657106, at *9-10 (10th Cir. June 29, 2021).