

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

IN RE:

GENERAL ORDER

UNFILED CLAIMS OF
FORMER MMA CLIENTS

NO. 2023-12

GENERAL ORDER

Since March 2023, federal courts in Louisiana have been grappling with the fallout from the apparent misconduct and suspensions of the attorneys of McClenny Moseley & Associates, PLLC (“MMA”). Approximately 150 cases filed by that firm in this Court were stayed as a result. In recent weeks, the Court has seen an increase in motions to substitute counsel involving former MMA clients who have retained new counsel. Numerous plaintiffs, however, remain unrepresented. It appears that these pending cases comprise but a fraction of the total number of unfiled claims for purported MMA clients.

According to information provided to the Louisiana Office of Disciplinary Counsel by former MMA attorney, R. William Huye, III, there may be as many as 8,000 former clients of that firm who have made claims with their respective insurers but who have not yet filed a lawsuit in this or any other court. Given the volume of claims, the short time remaining on prescriptive period and the desirability of represented litigants, the interests of justice require the Court to fashion a framework that (1) facilitates legal representation individuals with hurricane loss claims, (2) preserves legal rights before

the prescriptive period expires, and (3) encourages attorneys to take cases on the “eve” of prescription by providing them with post-filing “breathing room” to fully investigate and vet these claims without fear of sanction.

IT IS ORDERED counsel filing any hurricane or storm related lawsuit in this District that is accompanied by a separate Attorney Certification which certifies that the plaintiff is a former MMA client, shall have 120 days from the date suit is filed to investigate the claim to fulfill their Rule 11 obligation to certify that the claim and legal contentions “are warranted by existing law or by non-frivolous argument extending, modifying, or reversing existing law or for the establishment of new law” and that “the factual contentions have evidentiary support”.¹ The parties are hereby granted leave to conduct limited written discovery to investigate the claim prior to the Federal Rules of Civil Procedure, Rule 26(f) conference. The requirements of Rule 11 remain in full force but counsel shall not be subject to Rule 11 scrutiny during the 120 day post-filing investigatory period.

SO ORDERED on July 26, 2023.

FOR THE COURT:



SHELLY D. DICK, CHIEF UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA

¹ Federal Rules of Civil Procedure, Rule 11