

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

TRICIA RIGSBY FRANATOVICH

CIVIL ACTION

VERSUS

NUMBER: 22-2552
c/w 22-4927

ALLIED TRUST INSURANCE COMPANY

SECTION: "I"(5)

ORDER

On February 1, 2023, this Court issued an Order directing McClenny Mosely & Associates, PLLC ("MMA") to produce to the Court and all counsel of record, no later than February 10, the following information:

- (1) A list of lawsuits that MMA has filed on behalf of Plaintiffs in Hurricane Ida cases in which they do not have a contingent fee or other payment contract with the named Plaintiff(s) or the named insured(s) on the insurance policy, including the case name, docket number, home address of the insured(s) and contact information for the insured;
- (2) A list of lawsuits that MMA has filed in Hurricane Ida cases in which they actually represent Apex Roofing and Restoration, L.L.C. ("Apex") or any other roofing or construction company – as opposed to or in addition to the names plaintiff(s) – including the case name, docket number, insured address and insured contact information if available;
- (3) A list of claims that MMA has settled for properties in this District in which they represented APEX but not the named insured.; and
- (4) A list of cases/claims related to Hurricane Ida in which MMA has sent a Letter of Representation to any insurance company advising that company that it represents Apex Roofing rather than an insured/homeowner.

(Rec. doc. 39).

The Court also ordered that MMA produce for *in camera* review, “each and every contract or agreement it has or has had with Velawcity for the past two years that would be applicable to advertising, marketing, or other services related to Hurricane Ida claims.” (*Id.*).

In a subsequent Order, the Court added to the list of information to be produced, directing that MMA also produce

A list of claims not yet in litigation related to Hurricane Ida in which MMA has sent a Letter of Representation to any insurance company advising that company that MMA represents homeowners/named insureds when it actually/also has a retention agreement with Apex Roofing and Restoration, L.L.C. (“Apex”) or some other roofing/construction company.

(Rec. doc. 40).

The Court made it clear in that Order that it was ordering MMA to produce a list of claims that are similar to this claim, in which MMA actually represented Apex but represented to the homeowner’s insurer that it represented or was retained by the insured/homeowner. (*Id.*).

Shortly thereafter, counsel enrolled on behalf of MMA and sought a two-week extension to respond to the Court’s Order. (Rec. doc. 44). The Court gave MMA a three-day extension, making the information due to the Court on February 13, 2023. (Rec. doc. 48).

On February 13, 2023, MMA timely responded to the Court’s February 1 Order, delivering to chambers the information sought by the Court.¹

The Court has reviewed the information and documents provided by MMA and finds that they should be immediately filed into the record. This includes the information provided for

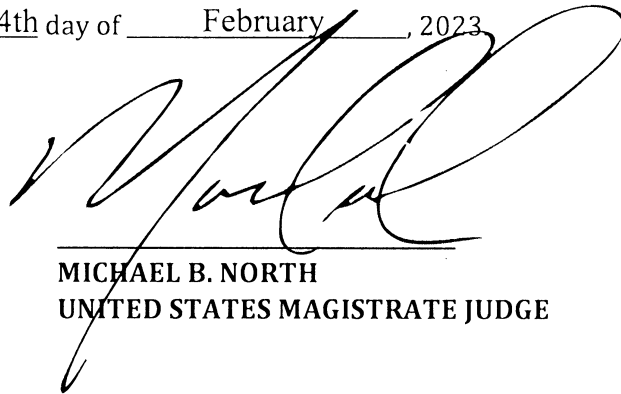
¹ MMA also provided the information to opposing counsel.

in camera review (the Velawcity contracts), as the Court finds that these documents do not appear to be subject to any privilege and, in any event, they appear to directly contradict statements made in open court by Mr. Huye concerning the services that company provides (or does not provide) to MMA.

Accordingly, the Clerk is hereby ordered to immediately file the attached documents in the record as MMA's response(s) to the Court's February 1, 2023 Order.

In order to complete the record before scheduling an additional hearing regarding possible Rule 11 sanctions against MMA and/or Mssrs. Huye and Mosely, counsel for Ms. Franatovich and/or Allied Trust may file, if they so choose, a response to MMA's February 13, 2023 submission no later than Wednesday, February 22, 2023.

New Orleans, Louisiana, this 14th day of February, 2023.



MICHAEL B. NORTH
UNITED STATES MAGISTRATE JUDGE