

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

SCOTT G. WOLFE, JR., et al.,

Plaintiffs,

VERSUS

LOUISIANA ATTORNEY  
DISCIPLINARY BOARD, et al.,

Defendants.

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CIVIL ACTION NO. 08-4994

SECTION "F"

JUDGE FELDMAN

MAGISTRATE WILKINSON

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**DEFENDANTS' UNOPPOSED MOTION TO CONSOLIDATE**

Defendants, the Louisiana Attorney Disciplinary Board, Billy R. Pesnell, and Charles B. Plattsmier (collectively, "Defendants"), pursuant to Rule 42 of the Federal Rule of Civil Procedure, respectfully request that this Honorable Court enter an order consolidating this case with civil action number 08-4451, also pending before Section "F" of this Court. In support of this motion, Defendants represent the following:

**1.**

On September 23, 2008, Public Citizen, Inc., Morris Bart, Morris Bart, LLC, William N. Gee, III, and William N. Gee, III, Ltd. filed an action against Defendants in the

United States District Court for the Eastern District of Louisiana (the "*Public Citizen* suit"). The *Public Citizen* suit was docketed as number 08-4451 and was assigned to Section "F" of this Court, Judge Martin L.C. Feldman.

2.

On November 24, 2008, Scott G. Wolfe, Jr. and the Wolfe Law Group, LLC filed an action against Defendants in the United States District Court for the Eastern District of Louisiana (the "*Wolfe* suit"). The *Wolfe* suit was docketed as number 08-4994 and was assigned to Section "F" of this Court, Judge Martin L.C. Feldman.

3.

Both the *Public Citizen* suit and the *Wolfe* suit challenge the constitutionality of the lawyer advertising rules adopted by the Louisiana Supreme Court on July 3, 2008. The new rules are scheduled to become effective on April 1, 2009.

4.

Rule 42 of the Federal Rules of Civil Procedure provides that "[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay." Fed. R. Civ. P. 42(a).

5.

The *Wolfe* suit (number 08-4994) should be consolidated with the *Public Citizen* suit (number 08-4451) because both of the Complaints raise related questions of law and fact. Specifically, both cases assert constitutional challenges to portions of the new lawyer advertising

rules, both cases seek declaratory and injunctive relief from implementation of the new rules, and both cases involve the same Defendants.

6.

Consolidation will reduce the time and expense of pre-trial and trial activities and will conserve judicial resources. Moreover, consolidation will promote judicial economy and prevent the potential for inconsistent results, in that all of the challenges to the new lawyer advertising rules will be addressed in one forum. Under these circumstances, consolidation for all purposes is appropriate.

7.

Counsel for Plaintiffs in the *Public Citizen* suit and in the *Wolfe* suit do not oppose this motion for consolidation.

WHEREFORE, Defendants the Louisiana Attorney Disciplinary Board, Billy R. Pesnell, and Charles B. Plattmier respectfully request that this Honorable Court consolidate the *Wolfe* suit, number 08-4994, with the *Public Citizen* suit, number 08-4451, for all purposes. Defendants further request such other relief as this Court deems just and appropriate.

Dated: December 30, 2008

Respectfully submitted,

/s/ Kathryn M. Knight

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*Attorneys for the Louisiana Attorney  
Disciplinary Board, Billy R. Pesnell, and  
Charles B. Plattsmier*

**CERTIFICATE**

I hereby certify that on this 30th day of December, 2008, a copy of the foregoing Defendants' Unopposed Motion to Consolidate has been served upon each counsel of record by notice of electronic filing generated through the CM/ECF system, and/or by United States mail, facsimile, or e-mail for those counsel who are not participants in the CM/ECF system.

/s/ Kathryn M. Knight

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

SCOTT G. WOLFE, JR., et al.,

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LOUISIANA ATTORNEY  
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CIVIL ACTION NO. 08-4994

SECTION "F"

JUDGE FELDMAN

MAGISTRATE WILKINSON

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**ORDER**

Considering the foregoing Unopposed Motion to Consolidate;

**IT IS ORDERED** that *Scott G. Wolfe, Jr., et al. v. Louisiana Attorney Disciplinary Board, et al.*, docket number 08-4994, be and is hereby consolidated, for all purposes, with *Public Citizen, Inc., et al. v. Louisiana Attorney Disciplinary Board, et al.*, docket number 08-4451.

New Orleans, Louisiana, this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
UNITED STATES DISTRICT COURT JUDGE