

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

MAR - 6 1985

OMNICRAFT INDUSTRIES, INC.

CIVIL ACTION NO. 94-1035

VERSUS

SECTION L-O

PODOBA INVESTMENTS CORPORATION,
INC., THE HOME INSURANCE COMPANY,
EDWARD PODOBA, JOHN PODOBA,
JEFFREY ACKERMANN, DARCY KLUG,
AND PAUL BLANCO

JUDGE SCOTT

MAGISTRATE TYNES

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**MEMORANDUM SUPPORTING
ACKERMANN'S RULE 50 MOTION FOR
JUDGMENT AS A MATTER OF LAW**

INTRODUCTION

This memorandum is submitted on behalf of Jeff Ackermann (ACKERMANN), defendant herein, to explain that the Court should grant ACKERMANN's Motion for Judgment As A Matter Of Law because plaintiff offered no legal expert at trial and a legal expert is necessary to establish a prima facie case in this situation.

**I. LEGAL EXPERTS ARE NECESSARY TO PROVE
LEGAL MALPRACTICE CASES IN LOUISIANA.**

This is a legal malpractice action. However, as the Court will recall, plaintiff offered no legal expert at trial because the Court granted ACKERMANN's motion to strike plaintiff's legal expert for failure to comply with the Court's pre-trial orders. In Louisiana,¹ a legal expert is required to prove legal malpractice. *Reed v. Verwoerd*, 490 So. 2d 421, 427 (La. App. 5th Cir. 1986); *Houillon v. Powers and Nass*, 530 So. 2d 680, 682-83 (La. App. 4th Cir. 1988) ("we agree with the trial court's rejection of the Houillon's claims in light of the absence of any expert testimony as to the proper conduct of an attorney under the same or similar circumstances as are present in this case.").

¹ Louisiana law controls the substance of the plaintiff's legal malpractice claims against ACKERMANN. *Federal Savings and Loan Ins. Corp. v. McGinnis, Juban, Bevan et al*, 808 F. Supp. 1263, note 4 (E.D. La. 1992).