

C
Section 10

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.

DIVISION: “ “

LSU HEALTH FOUNDATION NEW ORLEANS

VERSUS

JONES FUSSEL, L.L.P., RIESS LEMIEUX, LLC., MICHAEL RIESS, JOHANNA LAMBERT, and JOHN WALKER

FILED: _____

DEPUTY CLERK

PETITION FOR DAMAGES

LSU HEALTH FOUNDATION NEW ORLEANS, a Louisiana Non-Profit Corporation,
respectfully represents the following:

1.

Made Defendants herein are:

- A. JONES FUSSEL, L.L.P. a Louisiana Limited Liability Partnership and law firm with its principal place of business in the Parish of St. Tammany, State of Louisiana.
- B. RIESS LEMIEUX, LLC., a Louisiana limited liability company and law firm, with its principal place of business in the Parish of Orleans, State of Louisiana.
- C. MICHAEL RIESS, an individual over the age of majority upon information and belief domiciled in the Parish of Orleans, State of Louisiana.
- D. JOHANNA LAMBERT, an individual over the age of majority upon information and belief domiciled in the Parish of Orleans, State of Louisiana.
- E. JOHN WALKER, an individual over the age of majority upon information and belief domiciled in the Parish of Orleans, State of Louisiana.

2.

Venue is proper in this Court pursuant to Louisiana Code of Civil Procedure articles 42, 73, 74, and 76.1. Furthermore, venue is always proper where any defendant’s law firm is domiciled.

3.

The above Defendants are truly and justly indebted unto petitioner *in solido* for all general and specific damages which are just and reasonable under these premises, together with legal

C

Section 10

interest thereon from date of judicial demand until paid, and for all costs of these proceedings, and for all other general and equitable relief, for the following reasons to wit:

4.

Petitioner, after receiving a donation of land on the Lakefront of Mandeville, Louisiana, sought to develop that plot of land. To do so, Petitioner was required to apply for approval from City Council of Mandeville. Despite a 13-month process, City Council of Mandeville unjustly denied the application on September 5, 2023.

5.

Petitioner retained Riess Lemieux, LLC and its attorneys Michael Riess and Johanna Lambert to file suit against City of Mandeville and Jason Zuckerman, a City Councilman.

6.

The Lemieux Defendants filed suit on October 5, 2023 in the United States Eastern District Court of Louisiana.

7.

On March 27, 2025, the Eastern District dismissed Jason Zuckerman from the lawsuit under Rule 12(b)(6). The Court noted in its opinion that Petitioner had not sufficiently met its burden to defeat Zuckerman's assertion of qualified immunity and had failed to follow proper procedure in requesting leave to amend its complaint.

8.

On March 31, 2025, the Eastern District dismissed Petitioner's Takings Claim, similarly noting that Petitioner had failed to properly plead a takings claim and that it had not properly asked for leave to amend.

9.

Zuckerman then filed a motion for attorney fees under 42 U.S.C. 1988 citing the lack of sufficient opposition and the original petition as proof that the lawsuit against him was frivolous. The Eastern District has not yet ruled on this motion.

C

Section 10

10.

On February 19, 2025, after the oppositions to the motions to dismiss were filed, but before the March rulings on the same, LSU Health Foundation New Orleans enrolled Jones Fussel as its counsel of record.

11.

On May 15, 2025, City of Mandeville filed a second 12(b)(6) motion to dismiss Petitioner's remaining equal protection claim. City of Mandeville alleged that although Petitioner alleged disparate treatment compared to other developments, the complaint failed to name any of those developments.

12.

On June 3, 2025, Defendants jointly filed a brief drafted by John Walker in opposition to this motion to dismiss. This brief was written by generative artificial intelligence which cited to case law which did not exist; known as hallucinating.

13.

The brief was filed on behalf of Petitioner and both Defendant law firms signed their electronic signature to the same.

14.

In its reply memorandum, the City of Mandeville pointed out the hallucinations contained in Petitioner's brief to the Court.

15.

On February 5, 2026, the Eastern District ruled in favor of City of Mandeville noting that it "ignored most of Plaintiffs' arguments" due to the hallucinated case citations. The Court also declined to allow for leave to amend because Defendants had failed to properly request the same.

16.

In response to questioning from the Court, Defendants argued that they did not file a correction or redaction in response to City of Mandeville's reply memorandum because they had not read the reply memorandum. However, the Jones Fussel Defendants billed for their time in reviewing this memorandum.

C

Section 10

17.

Upon information and belief, the Lemieux Defendants also received this reply memorandum yet testified to the Eastern District that they failed to review it.

18.

On February 18, 2026, City of Mandeville filed a motion seeking attorney fees under 42 U.S.C. 1988. The Eastern District has not ruled on this motion.

FIRST CAUSE OF ACTION – NEGLIGENCE/GROSS NEGLIGENCE

19.

Defendants had a duty to use such skill, prudence, and diligence as members of the legal profession commonly possess and exercise, in providing legal services to Petitioner pursuant to Rule 1.1 of the Louisiana Rules of Professional Conduct.

20.

Rule 1.1 of the Louisiana Rules of Professional Conduct governs the competence of a lawyer and provides, in pertinent part:

(a) A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

21.

Defendants' collective failures in the underlying matter were in breach of their duty to act as a reasonably competent lawyer under Rule 1.1.

22.

Defendants violated the duty of care owed to Petitioner in the following non-exclusive respects. Each of the following foregoing acts and/or omissions, taken separately or collectively, constitute a direct and proximate cause of actual damages to Petitioner:

- a. Lemieux Defendants' failure to draft a sufficient complaint that complied with the Federal Rules of Civil Procedure;
- b. Lemieux Defendants' failure to file an adequate opposition in response to the

C

Section 10

- motions to dismiss;
- c. Lemieux Defendants' failure to file a procedurally proper request to amend their complaint;
 - d. Lemieux Defendants' failure to file a procedurally proper request to amend the complaint *after* it had previously been denied that relief on the same grounds in a preceding motion;
 - e. Lemieux Defendants' failure to review the pleading drafted by co-counsel for accurateness before signing their signature on the pleading;
 - f. Jones Fussel Defendants' failure to properly review the cases cited by generative artificial intelligence before filing an opposition;
 - g. Jones Fussel Defendants' failure to file a procedurally proper request to amend the complaint; and
 - h. Defendants' failure to correct their opposition when opposing counsel pointed out that the opposition included citations to hallucinated cases.

23.

As described above, Defendants' wrongful conduct has proximately caused Petitioner actual damages.

SECOND CAUSE OF ACTION – LEGAL MALPRACTICE

24.

Defendants' multiple failures to comply with the standard of care caused the dismissal of Petitioner's claims and possibly the payment of significant attorney fees to the underlying defendants.

25.

Defendants breached the duties owed to Petitioner as its attorneys. Defendants failed to exercise the proper standard of care. These breaches are outlined above.

26.

As a result of the breaches of Defendants, Petitioner has suffered damages. These damages include, but are not limited to, loss of all underlying claims and what could have been recovered in the underlying claims, and a possible significant sanction to pay attorney fees.

27.

Defendants' breaches and negligence were the proximate cause of these damages.

28.

Petitioner is therefore entitled to damages for the items set forth above in such amounts as are reasonable.

C

Section 10

DAMAGES

29.

As a direct and proximate result of Defendants' actions and inactions, Petitioner has incurred significant damages including, but are not limited to, loss of all underlying claims and what could have been recovered in the underlying claims, a possible significant sanction to pay attorney fees, and any other costs and damages as identified through discovery and/or at trial, which are recoverable at law.

PRAYER FOR RELIEF

30.

Petitioner, LSU HEALTH FOUNDATION NEW ORLEANS, is therefore entitled to damages for the items set forth above in such amounts as are reasonable. Petitioner request a trial by jury.

WHEREFORE, Petitioner prays:

1. That certified copies of this Petition for Damages, together with Citation, be issued and served according to law on the Defendants;
2. After the lapse of all legal delays and proceedings had, there be judgment against JONES FUSSEL, L.L.P., RIESS LEMIEUX, LLC., MICHAEL RIESS, JOHANNA LAMBERT, and JOHN WALKER, *in solido* and in favor of Petitioner, in such amounts as are just and reasonable;
3. For legal interest from date of judicial demand on all amounts awarded, and for all costs, expenses of these proceedings, and
4. For all necessary orders and decrees as may be required or proper in the premises and for full, general, and equitable relief.

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C
Section 10

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