

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

MICHAEL G. STAG, ET AL.

CIVIL ACTION

VERSUS

NO: 18-3425

STUART H. SMITH, LLC, ET AL.

SECTION: "A" (2)

**ORDER AND REASONS**

The following motion is before the Court: **Motion for Sanctions Pursuant to Rule 11 (Rec. Doc. 185)** filed by former third-party defendant Ashley M. Liuzza. Former third-party plaintiffs Stuart H. Smith, LLC and Stuart H. Smith oppose the motion. The motion, submitted for consideration on November 27, 2019, is before the Court on the briefs without oral argument.

The former partners to Smith Stag, LCC (Michael Stag and Stuart Smith), which is the predecessor law firm to Stag Liuzza, LLC, are engaged in litigation that has been mired in personal animosity and harassment by both sides. Ashley Liuzza is an attorney who practices law with the Stag Liuzza law firm. Smith brought Liuzza into this litigation as the sole named defendant on a third-party demand that Smith included in his responsive pleading. (Rec. Doc. 122). Ms. Liuzza was sued by Smith for intentional infliction of emotional distress (Count I) and commingling (Count II), the latter of which is not a legally cognizable claim. This Court granted Ms. Liuzza's motions to dismiss because Smith's third-party demand contained no factual allegations whatsoever to support any claim in tort against Ms. Liuzza. (Rec. Doc. 194, Order and Reasons—JCZ). The magistrate judge later denied Smith's motion for leave to amend his claim against Liuzza. (Rec. Doc. 200, Order and Reasons—JCW).

Prior to the rulings dismissing the claims against Liuzza, she filed the instant motion for Rule 11 sanctions against Smith and attorney Celeste Brustowicz, who signed the pleadings. Liuzza seeks dismissal of the claims against her as well as an award of monetary sanctions.

The claims against Liuzza have already been dismissed. Moreover, this Court finds that the magistrate judge's ruling denying leave to amend was well-founded. The Court will not set aside that ruling on review because it is not erroneous or contrary to law by any stretch. Therefore, the claims against Ms. Liuzza will remain dismissed. Even if other aspects of the current scheduling order are extended at some later date, Ms. Liuzza will not be brought back into this lawsuit. Additional sanctions are not warranted.

Accordingly;

**IT IS ORDERED** that the **Motion for Sanctions Pursuant to Rule 11 (Rec. Doc. 185)** filed by former third-party defendant Ashley M. Liuzza is **DENIED**.

November 27, 2019

  
UNITED STATES DISTRICT JUDGE