



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In re: Oil Spill by the Oil Rig “Deepwater
Horizon” in the Gulf of Mexico, on April 02,
2010

This Document Relates to:
Donovan v. Barbier; et al
2:21:cv-00237

MDL 2179

SECTION J

JUDGE CARL J. BARBIER

MAGISTRATE
DONNA PHILLIPS CURRAULT

**REPLY MEMORANDUM IN SUPPORT OF
MOTION FOR SANCTIONS AND TO ENJOIN FURTHER FRIVOLOUS FILINGS**

MAY IT PLEASE COURT, defendants, Stephen J. Herman and James P. Roy (“Herman and Roy”) present this Reply in further support of their Motion for Sanctions and to Enjoin Further Frivolous Filings (“Motion”) by plaintiff and counsel, Brian J. Donovan of The Donovan Law Group (collectively “Donovan”).

Initially, because Donovan filed a Federal Rule of Civil Procedure 41(a)(1)(A)(i) notice of dismissal, the case was dismissed before an appearance was made by counsel for Herman and Roy. Therefore, the Motion filed on their behalf was an initial pleading that undersigned did not believe required prior enrollment. To the extent that this belief was in error, undersigned apologizes to the Court and Donovan. Nevertheless, subsequent motions to enroll were filed and enrollment was granted by this Court. Rec. Docs. 27047, 27048.

That being said, the history of Donovan’s involvement in MDL 2179 and his repeated filings establish that he can only view the world in a skewed and paranoid sense where anyone

who disagrees with him must be acting in an improper, nefarious, or even fraudulent manner. His latest diatribe is about so-called “sewer service” that he claims was intentionally done to prevent him from knowing that he was subject to a sanctions motion. In suggesting such, Donovan broadens his false and defamatory accusations to additional members of the bar, while continuing to impugn the integrity of Herman and Roy and this Court. Regardless, as acknowledged by the Court in its Order & Reasons, undersigned counsel followed the service procedures contained in PTO No. 12, Rec. Doc. 600, and Donovan received service of process File & ServeXpress.¹ Rec. Doc. 27070.

The Motion is simple and straightforward, Donovan has been and is engaged in an abuse of the legal system by filing duplicative lawsuits, repetitive motions, and redundant arguments, all of which are occupying the precious attention, time, and resources of this Court and those who practice before it. His allegations and claims are unwarranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law. By his latest flurry of duplicative arguments and incessant requests for clarification, he has only shown that he does not intend to stop.

As noted in the Motion, whether to sanction Donovan and to what extent rests within the inherent authority and sound discretion of this Court. Donovan’s only real argument against sanctions is the unfounded surprise attack of sewer service, which this Court has already rejected.

¹ Despite being enrolled in this case, undersigned is not receiving service of filings by Donovan from him or from File & ServeXpress. Instead, Donovan’s repeated filings, those on behalf of Mr. Juneau, and the Orders of this Court are being provided by Mr. Herman and Mr. Roy. Consequently, undersigned can appreciate whatever frustration Donovan and the Court may experience with File & ServeXpress.

The record before this Court fully supports the imposition of sanctions, including a pre-litigation injunction. Consequently, Mr. Herman and Roy again request that the requested relief be granted.

Respectfully submitted,

/s/ Edward W. Trapolin

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing ***Reply in Support of Motion for Sanctions and to Enjoin Further Frivolous Filings*** has been served on All Counsel by electronically uploading the same to File and ServeXpress in accordance with Pretrial Order No. 12, as amended, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2179, on this 28th day of April 2021.

/s/ Edward W. Trapolin