

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

DAMONIE EARL, LINDA RUGG, ALESA  
BECK, TIMOTHY BLAKEY, JR.,  
STEPHANIE BLAKEY, MARISA  
THOMPSON, MUHAMMAD MUDDASIR  
KHAN, ELIZABETH COOPER, JOHN  
ROGERS, VALERIE MORTZ-ROGERS, and  
LAKESHA GOGGINS, each individually and  
on behalf of all others similarly situated,

*Plaintiffs.*

v.

THE BOEING COMPANY,  
SOUTHWEST AIRLINES CO.,

*Defendants.*

Civil Action No. 4:19-cv-00507

**Lead Plaintiffs' Counsel Bathaee Dunne LLP's  
Response to Pierce Bainbridge's Motion to Withdraw as Counsel**

Lead plaintiffs' counsel Bathaee Dunne LLP ("BD") submits this response to Pierce Bainbridge Beck Price & Hecht LLP's ("Pierce Bainbridge") motion to withdraw as counsel (Dkt. No. 79). BD—which has received no substantive work product from its putative co-counsel Pierce Bainbridge in weeks, and has heard *nothing at all* from Pierce Bainbridge about its motion since it was filed—joins in Defendants' request for an on-the-record, telephonic hearing before the Court, and respectfully requests a court reporter for the proceedings. Among other things, Pierce Bainbridge's sudden vanishing act has left the class with an immediate need to discuss the schedule in this case. And BD looks forward to answering, under oath, on the record, any questions from the Court on BD's preparations and plan to take this case forward to trial—and any other inquiries the Court may have.

Below, BD sets forth the facts as we presently know them.

*First*, after Pierce Bainbridge moved to withdraw all of its attorneys and the firm as co-counsel in this matter last week, BD in its capacity as lead counsel requested information from Pierce Bainbridge as to which Pierce Bainbridge lawyers (if any) will continue to work on this action. BD also sought all of Pierce Bainbridge's time and expense entries to date, and provided Pierce Bainbridge with billing guidelines for providing this information. BD has not heard *anything* from Pierce Bainbridge in response. At present, BD is not aware of any lawyer at Pierce Bainbridge who is currently working on this matter, and has not received any time entries from Pierce Bainbridge (compliant or otherwise).

*Second*, irrespective of Pierce Bainbridge's status, both BD (lead counsel) and Capshaw DeRieux LLP (local counsel) remain on this matter and continue to represent the Plaintiffs and the

class.<sup>1</sup> To the extent Defendants seek to challenge the adequacy of lead counsel, that challenge is premature and entirely baseless.<sup>2</sup>

*Third*, Pierce Bainbridge's sudden withdrawal, coupled with the COVID-19 pandemic, requires a significant adjustment to the current schedule in this matter, and BD respectfully requests that the Court consider a new schedule—preferably at the hearing requested by Defendants, if ordered. Despite the unexpected (and hopefully once-in-a-lifetime) roadblocks that have surfaced in the past month, BD continues to vigorously litigate this case and will zealously represent the Plaintiffs and the class (as its lawyers always have).<sup>3</sup>

*Finally*, BD long ago responded—fully, truthfully, and on the merits—to Defendants' requests for information as to BD's adequacy to serve as lead counsel for Plaintiffs and the class. As stated in BD's April 11, 2020 letter to Defendants (which Southwest attaches as Exhibit 2 to its Response) BD is not affiliated with Pierce Bainbridge and is not privy to Pierce Bainbridge's financing arrangements, management, or operations. As such, BD has no documents in its possession, custody, or control that pertain to Defendants' requests.<sup>4</sup> The only documents that BD

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<sup>1</sup> All of the Plaintiffs have separately retained BD, with the exception of Lakesha Goggins, whom BD understands does not wish to further pursue her claims. If Pierce Bainbridge is unable to stipulate to the dismissal of Ms. Goggins's claims, BD stands ready as lead counsel to do so. Defendants are simply wrong that it is unclear whether there has been consent to BD's representation of Plaintiffs—that consent is express and in writing for the remaining Plaintiffs.

<sup>2</sup> Defendants have asked about the status of former Pierce Bainbridge attorney Andrew Wolinsky. Mr. Wolinsky has recently joined BD, and subject to the Court's preference, can either file a new notice of appearance as a BD attorney or change his affiliation on the docket.

<sup>3</sup> BD will endeavor to meet and confer with Defendants about an amended schedule in advance of any hearing.

<sup>4</sup> BD has not entered into any third-party financing transactions relating to this matter or otherwise.

has declined to produce are BD's engagement agreements with the Plaintiffs, as those documents are simply not relevant to any issue in this case and contain confidential client information. And there is simply no basis or need to produce them to Defendants in light of BD's unequivocal representation that the Plaintiffs that will remain in the case have separately engaged BD to serve as their counsel. In sum, BD is not withholding any information about the matters raised by Defendants—it has no such information.<sup>5</sup>

Dated: Sherman, TX  
April 28, 2020

/s/ Brian J. Dunne  
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*Attorneys for all Plaintiffs except  
Lakesha Goggins*

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<sup>5</sup> Defendants also made bizarre, unsubstantiated requests for information about supposed payments to class members or allegations of “fraud.” BD was clear in its response: we are aware of no such conduct and would not tolerate it at BD—or from anyone we work with for that matter. Frankly, the baseless accusations by Defendants made in the form of “requests” are discourteous and unprofessional. In any event, we made clear that we have no information responsive Defendants’ absurd requests.