YUE-KONG AU, M.D. : NUMBER: 564,989-B

VERSUS : FIRST JUDICIAL DISTRICT COURT

CHRISTUS HEALTH : CADDO PARISH, LOUISIANA

NORTHERN LOUISIANA

 **REASONS FOR JUDGMENT**

 **ON MOTION FOR SANCTIONS**

 **(Filed 5-1-13 by Dr. Yue-Kong Au)**

The Court has considered the Motion for Sanctions filed May 1, 2013 by Yue-Kong Au, M.D. (Dr. Au), its exhibits and memoranda, the opposition fax-filed June 7, 2013 by Christus Health Shreveport-Bossier, f/k/a Christus Health Northern Louisiana (“Christus”), oral arguments of June 17, 2013, the entire record and applicable law. Although this is a close issue, for reasons that follow, the Court concludes that the motion should be denied.

It is important to note that the instant motion pertains to counsel for Christus omitting critical information in its Rule to Evict Tenant and/or Motion for Partial Summary Judgment. Specifically, even though there was a motion previously filed by Dr. Au’s counsel to rescind the ex parte order – and pending hearing before this Court – defense counsel in its combined Rule/Motion chose not to disclose that important procedural fact to the Court. This action took place while Christus was seeking a remedy against the doctor which disposes of the case by eviction without opportunity to be heard and to have a credibility determination. The Court agrees with Dr. Au’s Paragraph 2 of his sanctions motion in all respects.

While this total lack of disclosure and candor by counsel for Christus is troubling, and notwithstanding that this is a very close issue, the Court declines to conclude ill practice and declines to issue sanctions.

Counsel shall submit a formal judgment denying the motion, however with costs associated with Dr. Au’s motion to be borne by Christus.

Signed this 18th day of June, 2013, in Shreveport, Caddo Parish, Louisiana.

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 SCOTT J. CRICHTON

 DISTRICT JUDGE

DISTRIBUTION:

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