

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2007 JUN -5 AM 11:29
LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

OCEAN-OIL EXPERT WITNESS, INC. *
VERSUS *
ASHTON O'DWYER *
* * * * *

CIVIL ACTION NO. 07-

SECTION " "

MAGISTRATE

07-3129

SECT. B MAG 1

COMPLAINT

Plaintiff, Ocean-Oil Expert Witness, Inc. ("Expert"), states the following claim:

1.

Expert is a Florida corporation with its principal place of business in Florida.

2.

Defendant, Ashton O'Dwyer, Jr., is an individual domiciled in Louisiana.

3.

This Court has diversity jurisdiction because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states. Venue is proper in this judicial district because the defendant resides here and a substantial part of the events or omissions giving rise to the claim occurred here.

Fee ⁴350.00
 Process
 Dkid
 CtRmDep
 Doc. No

4.

Defendant is an attorney engaged in the private practice of law.

5.

On or about September 24, 2005, defendant retained Expert on open account to provide expert consulting services in connection with various claims being asserted by defendant on behalf of his clients.

6.

From September 24, 2005 to late 2006, Expert, through an engineering expert named Hector Pazos, provided expert consulting services to defendant.

7.

Expert billed defendant at its normal hourly rate which was agreed to by defendant. After making two partial payments for services in December 2005 and March 2006, and one partial payment for expenses, defendant failed to pay further charges for services and expenses, although defendant continued to require services of Expert thru 2006 and 2007. After applying defendant's payments, the principal amount owed by defendant to Expert on the open account is \$90,831.57.

8.

By letter dated December 15, 2006, Expert made written demand upon defendant for payment of the amount owed.

9.

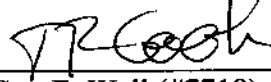
Since demand was made, defendant has not made any payments to Expert.

10.

Expert is entitled to judgment against defendant in the amount of \$90,831.57, plus interest, attorney's fees and costs.

WHEREFORE, Ocean-Oil Expert Witness, Inc. prays for judgment against Ashton O. Dwyer, Jr. in the amount of \$90,831.57, plus interest, attorney's fees and costs and for all general and equitable relief.

Respectfully submitted



Guy E. Wall (#7718), T.A.
Jonathan R. Cook (#25629)
Wall, Bullington & Cook, LLC
2030 Dickory Ave., Suite 200
New Orleans, Louisiana 70123
Telephone: (504) 736-0347
Fax: (504) 734-8574

Attorneys for plaintiff, Ocean-Oil Expert Witness,
Inc.

PLEASE SERVE:

ASHTON O'DWYER, JR.
ONE CANAL PLACE
365 CANAL STREET, SUITE 2670
NEW ORLEANS, LA 70130