

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

J&J SPORTS PRODUCTIONS, INC.	*	CASE NO: 14-cv-269
	*	
VERSUS	*	
	*	
KCK HOLDINGS, LLC d/b/a THE M BAR,	*	JUDGE: BRIAN A. JACKSON
KEITH B. HODGE, MD, TERRAL C.	*	
JACKSON, JR., KEVIN G. WORK, MD	*	
AND J. CAMILLE WHITWORTH	*	MAGISTRATE JUDGE: STEPHEN C. RIEDLINGER

**PLAINTIFF’S MOTION TO DISMISS PARTY DEFENDANTS,  
J. CAMILLE WHITWORTH AND KEVIN G. WORK, M.D.**

NOW INTO COURT, through undersigned counsel, comes J&J Sports Productions, Inc. (J&J), a corporation organized under the laws of the State of California with its principal place of business located at 2380 South Bascom Avenue, Suite 200, Campbell, California and files its motion to dismiss party defendants, J. Camille Whitworth and Kevin G. Work, M.D. only reserving and preserving all of its rights against the remaining defendants.

THEREFORE, J&J Sports Productions, Inc. prays that J. Camille Whitworth and Kevin G. Work, M.D. be dismissed from the complaint with prejudice and at plaintiff’s costs.

**FURTHERMORE**, J&J Sports Productions, Inc. prays that its complaint and rights against the remaining defendants be fully reserved and preserved and for all other just and equitable relief as allowed by law.

The Berthelot Law Firm, LLC  
1660 Thibodeaux Avenue  
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(225) 454-0488—cell phone  
By: s/Ronnie J. Berthelot  
Ronnie J. Berthelot  
LSBA bar roll no. 1012,T.A.

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AND J. CAMILLE WHITWORTH	*	MAGISTRATE JUDGE: STEPHEN C. RIEDLINGER

Certificate of Service

I certify that I mailed the foregoing to the following defendants and lawyer:

KCK Holdings, LLC  
1006 Race Street  
New Orleans, LA 70130

Keith B. Hodge, MD  
1006 Race Street  
New Orleans, LA 70130

Terral C. Jackson, Jr.  
2035 Camellia Race Drive  
Baton Rouge, LA 70808

Kevin G. Work, MD  
2316 Esplanade  
New Orleans, LA 70119

Justin I. Woods (LSBA # 24713)  
1610 O.C. Haley Boulevard  
Suite B  
New Orleans, Louisiana 70113

by placing a copy in the United States Mail properly addressed and postage pre-paid on July 15, 2014.

s/Ronnie J. Berthelot  
Ronnie J. Berthelot

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AND J. CAMILLE WHITWORTH	*	MAGISTRATE JUDGE: STEPHEN C. RIEDLINGER

PLAINTIFF’S MEMORANDUM

MAY IT PLEASE THE COURT:

Plaintiff’s counsel received a package of information from his client concerning the ownership of the commercial establishment known as The M Bar. Additionally, official public records of the Louisiana Office of Alcohol and Tobacco Control show that as of the date of the plaintiff’s Program, which is described in the complaint, all of the defendants had signed affidvits asserting that they were either officers, directors and/or members of KCK Holdings, LLC d/b/a The M Bar.

Counsel for defendant, J. Camille Whitworth, produced a copy of a “Limited Liability Company Annual Report” showing “scratch outs” of Camille Work and Kevin G. Work, M.D.’s names and addition of Terral C. Jackson, Jr. as a new member along with Keith B. Hodge, M.D.. The annual report was signed by Terral C. Jackson, Jr. Counsel for defendant J. Camille Whitworth represented that his client was also known as Camille Work

A review of Louisiana’s law of limited liability companies shows that it is not necessary for there to be a written formal resignation from a limited liability company. The formation of a limited liability company is a contract and proof of a contract in excess of \$500.00 can be

accomplished by one witness and other corroborating evidence.<sup>1</sup> Terral Jackson would satisfy the one witness prong of the test because he signed the annual report, which “scratched out” Camilee Work and Kevin Work as members. The “scratch outs” could be equivalent to a writing when read in conjunction with the name not scratched out and insertion of Terral Jackson as a new member. Camile Work no doubt would appear and testify that she withdrew from the limited liability company as would also Kevin Work, M.D.

Plaintiff cannot refute that evidence; hence, it is required to dismiss these defendants from the complaint.

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<sup>1</sup> La. Civ. Code art. 2277; Samuels v. Firestone Tire & Rubber Company, 342 So.2d 661 (La. 1977); La. R.S. 12:1304.

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Ronnie J. Berthelot

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

J&J SPORTS PRODUCTIONS, INC.

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CASE NO: 14-cv-269

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VERSUS

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KCK HOLDINGS, LLC d/b/a THE M BAR,

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JUDGE: BRIAN A. JACKSON

KEITH B. HODGE, MD, TERRAL C.

\*

JACKSON, JR., KEVIN G. WORK, MD

\*

AND J. CAMILLE WHITWORTH

\*

MAGISTRATE JUDGE:

STEPHEN C. RIEDLINGER

ORDER

Considering the foregoing motion,

IT IS ORDERED that J. Camille Whitworth and Kevin G. Work, M.D. are dismissed, with prejudice, and at plaintiff's costs.

IT IS FURTHER ORDERED **that** the plaintiff's rights and complaint against the remaining defendants are fully reserved and preserved.

Baton Rouge, Louisiana this \_\_\_\_ day of July, 2014.

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HONORABLE BRIAN A. JACKSON  
JUDGE, United States District Court  
Middle District of Louisiana

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

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