

# UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

## Renee S. Hartz, M.D. v. Victor R. Farrugia; Robert A. Kutcher; Nicole Tygier; Chopin, Wagar, Richard & Kutcher, LLP

360 F. App'x 541 (5th Cir. 2010) (per curiam) · No. 09-30358 · Decided January 11, 2010

### SUMMARY

Renee Hartz brought a legal-malpractice action alleging that an attorney failed to inform her of a potential claim against her former lawyer. The United States Court of Appeals for the Fifth Circuit affirmed the district court's grant of summary judgment for the defendants and denial of summary judgment for Hartz, finding no reversible error.

### CASE DETAILS

|                       |                                                                                                                                                                   |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the Fifth Circuit                                                                                                              |
| WRITING FOR THE COURT | Per curiam; Edith H. Jones; Jerry E. Smith; Jennifer W. Elrod                                                                                                     |
| JURISDICTION          | Federal                                                                                                                                                           |
| DECIDED               | January 11, 2010                                                                                                                                                  |
| DOCKET                | 09-30358                                                                                                                                                          |
| DISPOSITION           | affirmed                                                                                                                                                          |
| PROCEDURAL POSTURE    | Plaintiff appealed the district court's grant of summary judgment for defendants and denial of her own motion for summary judgment in a legal-malpractice action. |
| PRECEDENTIAL VALUE    | unpublished and nonprecedential                                                                                                                                   |
| PARTIES               | Renee S. Hartz, M.D. v. Victor R. Farrugia, Robert A. Kutcher, Nicole Tygier, Chopin, Wagar, Richard & Kutcher, LLP                                               |

### TOPICS

professional negligence summary judgment appellate procedure standard of review civil procedure

### PRACTICE AREAS

legal malpractice professional negligence civil procedure

### QUESTIONS PRESENTED

1. Whether the district court committed reversible error by granting summary judgment for the defendants and denying Hartz's motion for summary judgment in the legal-malpractice action.

## HOLDINGS

1. The district court committed no reversible error in granting summary judgment for the defendants and denying Hartz's motion for summary judgment.

## KEY QUOTATIONS

“Because there is no reversible error, the judgment is *AFFIRMED*.” (slip op. at 2)

## FACTUAL BACKGROUND

Renee Hartz brought a legal-malpractice claim arising from an allegedly actionable failure by one of her attorneys to inform her of a potential claim against her former lawyer. The district court entered summary judgment for the defendants and denied Hartz's motion for summary judgment.

## PROCEDURAL HISTORY

Hartz sued her attorneys and law firm for legal malpractice based on an alleged failure to inform her of a potential claim against her former lawyer. The United States District Court for the Eastern District of Louisiana granted summary judgment to defendants and denied summary judgment to Hartz. The Fifth Circuit affirmed.

## DISPOSITION

affirmed