

**IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI**

**JACKSON REDEVELOPMENT AUTHORITY,
a public body corporate**

PLAINTIFF

VS.

CIVIL ACTION NO. G2013-1691 W/4

**WATKINS DEVELOPMENT, LLC, and
FARISH STREET GROUP, LLC**

DEFENDANTS

MOTION TO DISQUALIFY COUNSEL

COMES NOW, the Defendant, Watkins Development, LLC, and moves this Court to disqualify counsel for the Plaintiff, Jackson Redevelopment Authority, and for cause would show unto this Court the following:

1. This motion addresses the unwaivable conflicts of interest of co-counsel for Jackson Redevelopment Authority (JRA), the law firm of Jones, Walker. This motion has no bearing on their other counsel, Ms. Penny Brown.
2. In the present action, Jones Walker, acting as counsel for the JRA, has filed a lawsuit involving millions of dollars. The necessary parties, as outlined in the caption, include the Farish Street Group, LLC. The principal members of the LLC are well known to Jones Walker. They are Watkins Development (50%), Leroy Walker (10%), Socrates Garrett (10%), Deuce McCallister (10%), Robert Gibbs (10%) and Claude Brunson (10%). These facts were reiterated to Jones Walker, through the JRA, by letter dated October 9, 2013, page 8 (attached as Exhibit "1").
3. At present, Jones Walker represents entities and individuals which create unwaivable conflicts of interest. To wit:

- In *Ellis v. Watkins Development, et al*, Hinds County, County Court Cause No. 12-3783, (Exh. “2”) currently pending, Jones Walker represents Retro Metro LLC. Retro Metro LLC includes as principals both Socrates Garrett and Leroy Walker (see Secretary of State filing, attached as Exh. “3”).¹
 - In *Richardson v. Retro Metro, LLC, et al*, Hinds County, County Court Cause No. 12-4511, (Exh. “4”) Jones Walker also represents Retro Metro LLC;
 - In *Climate Masters, et al, v. Watkins, et al.*, Hinds County Circuit Court Cause No. 2012-756, (Exh. “5”), Jones Walker also represents Retro Metro. Upon information and belief, Retro Metro has also filed a cross-claim against Watkins, making their interests adverse;
 - In *Retro Metro, LLC v. Watkins, et al.*, Hinds Circuit Court No. 2013-532, (Exh. “6”), Jones Walker again represents Retro Metro in a direct action against Watkins, as well as an LLC where Watkins is a 75% shareholder (Mississippi Law Enforcement Center LLC), in a claim alleging hundreds of thousands of dollars’ worth of damages owed them.
4. At present, and in the immediate past, Jones Walker has represented members of Farish Street Group LLC individually. To wit:
- In *Watkins v. Walker*, Hinds County, County Court No. 13-3748, (Exh. “7”) Jones Walker represents Leroy Walker individually in a \$75,000 claim for breach of a promissory note.
 - In *Richardson v. Retro Metro, LLC, et al.*, previously cited, Jones Walker represented Socrates Garrett and Leroy Walker individually, until they were dismissed earlier this month (Exh. “8”).
5. It is currently unknown how many other matters Jones Walker is currently handling, or has recently handled, for Garrett, Walker, their respective companies or any other principal in Farish Street Group.

¹The SOS document inaccurately includes Watkins, who was bought out of the project in 2012.

6. Representing parties while simultaneously suing them represents an unwaivable conflict of interest. See Miss. Rule of Prof. Conduct 1.7. The representation by their partners is imputed to them. See Miss. Rule of Prof. Conduct 1.10. Footnote: Although not on the pleadings in the claim *sub judice*, a very fine attorney with Jones Walker named Sabrina Ruffin has been copied on virtually every e-mail shared with lead attorney Mark Herbert in the current matter. Ruffin is a named attorney in at least two of the Retro Metro lawsuits.

7. The impact of this conflict goes beyond esoteric rules of engagement, if such an argument can be made. Garrett and Walker, in conjunction with Jones Walker attorney Zach Taylor, the lead lawyer for JRA in their administrative capacity, have actively taken actions adverse to Watkins' interest in the Farish Street project. Taylor refused to accept a status report from Watkins of over 800 pages at JRA, declaring it 'dead on arrival,' prior to the JRA cancelling the subject lease with the Farish Street Group. Without the drama that a further recitation might incite, Watkins would simply allege the relationship is adverse.

8. In litigation where the parties and attorneys are not conflicted, it is clear that the lawyer opponent would not be allowed to speak to a party outside the presence of their counsel. However, without making any disparaging remarks about counsel, the current relationships are ripe for corruption and present an unacceptable ethical scenario. Watkins' principals, who owe him a duty of good faith and loyalty, but who are in this instance actually attempting to steal the Farish project from him, may collude with an "adverse" lawyer, who also happens to be their own lawyer that also owed them a duty of loyalty and diligence, outside the presence of counsel. Again without any disparaging implications, this set of facts and relationships create an appearance of impropriety so

obvious and so staggering in their corrupt potential, that this Court must use its power to protect the integrity of the system and disqualify Jones Walker as counsel for JRA herein.

9. Further, this Court's order must include language which specifically prohibits Jones Walker from providing any aid to the JRA in the prosecution of this matter and must enjoin them from communicating with Walker, Garrett or any member of the Farish Street Group LLC on any matter addressing, touching upon or implicating their relationship with the Farish Street Group LLC or the Farish Street project.

WHEREFORE, this Defendant respectfully moves this Court for an order disqualifying the entire Jones Walker law firm from representing the JRA in the present action, consistent with paragraphs 8 and 9 herein.

RESPECTFULLY SUBMITTED, this the 30th day of October, 2013.

/s/ LANCE L. STEVENS
Attorney for Defendant, Watkins Development, LLC

CERTIFICATE OF SERVICE

I, Lance L. Stevens, attorney for Defendant, Watkins Development, LLC, does hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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Agent for Service of Process for Farish Street Group, LLC

SO CERTIFIED, this the 30th day of October, 2013.

/s/ LANCE L. STEVENS

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