Fifth Circuit Court of Appeal
State of Louisiana

No. 26-C-93

ASHTON R. O'DWYER, JR.

versus

PROGRESSIVE PROPERTY INSURANCE COMPANY

ON APPLICATION FOR SUPERVISORY REVIEW FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 844-763, DIVISION "N"
HONORABLE STEPHEN D. ENRIGHT, JR., JUDGE PRESIDING

April 27, 2026

STEPHEN J. WINDHORST

JUDGE

Panel composed of Judges Jude G. Gravois,
Stephen J. Windhorst, and Timothy S. Marcel

MOTION TO RECUSE DENIED; MOTION FOR STAY DENIED; WRIT APPLICATION DENIED

SJW
JGG
TSM

TRUE COPY
JALISA WALKER
DEPUTY CLERK

PLAINTIFF/RELATOR,
ASHTON R. O'DWYER, JR.
In Proper Person

WINDHORST, J.

Relator/plaintiff, Ashton R. O'Dwyer, (1) seeks review of the trial court's February 6, 2026 judgment denying his motion for disqualification and recusal of Judge Stephen Enright, Jr. in all cases involving plaintiff in the 24th Judicial District Court; (2) requests expedited consideration of his motion to stay; and (3) re-urges his previous motion for disqualification and recusal of the Judges of the Louisiana Fifth Circuit Court of Appeal. For the reasons that follow, on the showing made, plaintiff's re-urged motion to recuse the Fifth Circuit, motion for stay, and this writ application are denied.

PROCEDURAL HISTORY

On February 6, 2026, in case number 844-763,[1] plaintiff filed a motion for disqualification and recusal of trial judge, Judge Enright, in all cases involving plaintiff in the 24th JDC, contending that the trial judge should be recused under La. C.C.P. art. 151 A(4) and B. Plaintiff contended that the grounds set forth under La. C.C.P. art. 151 A(4) were "called to Judge Enright's attention" in his pleadings and during oral arguments at hearings, including the last hearing on December 9, 2025, to no avail.[2] He averred that La. C.C.P. art. 151 B, required the trial judge's recusal "because there exists a substantial and objective basis that would reasonably be expect to prevent Judge Enright from conducting any aspect of this cause, or any cause involving [plaintiff], in a fair and impartial manner." The motion also asserted that the trial judge had "repetitively, intentionally, and willfully" violated the standards set forth in In re Quirk, 97-1143 (La. 12/12/97), 705 So.2d 172, by "committing egregious legal errors," in bad faith, as part of a recurring pattern or

[1] Plaintiff has a pending writ application in this court (26-C-94) regarding the trial court's denial of the **same** motion to recuse, which was also filed in case number 849-260.

[2] Plaintiff did not specify which pleadings, hearings, or what specific grounds were "called to Judge Enright's attention," nor did he attach any transcripts with the alleged dialogue with the trial court judge.

practice of legal error on issues involving plaintiff, which also demonstrates grounds for recusal under La. C.C.P. art. 151 A(4) and B.

In his motion, plaintiff asserted that the following constitutes objective evidence which showed the trial judge's bias, prejudice, and inability to render impartial justice to plaintiff, and a pattern or practice of committing judicial misconduct in violation of the standards set forth in In re Quirk:

1) Plaintiff contended that Judge Enright erred in the summary dismissals of plaintiff's claims against defendants Underwriters at Lloyds ("Lloyds"), Advanced Property Restoration Services, LLC ("APRS"), Jason Houp, and Cyntia Bologna and the Loeb Law Firm, LLC (the Loeb defendants) because Judge Enright ignored the law and the uncontradicted allegations of plaintiff's petition for damages, which should have been accepted as true. Specifically, he argued that Judge Enright a) should have given plaintiff an opportunity to conduct discovery prior to the dismissal of defendants Lloyds, APRS, Houp, and the Loeb defendants; b) ignored plaintiff's sworn testimony and uncontradicted evidence in his summary dismissal of these defendants; c) ignored the fact that plaintiff specifically pled fraud in his "intellectually dishonest Judgment;" and d) ignored the law of agency and mandate, when it was specifically pled by plaintiff.

2) Plaintiff asserted that when Judge Enright summarily sustained Lloyd's exceptions and dismissed plaintiff's claims against Lloyds by judgment dated September 10, 2024, he a) ignored plaintiff's timely filed request for written findings of fact and reasons for judgment, which constituted judicial misconduct and demonstrated his bias, prejudice, and inability to be fair and impartial towards plaintiff; b) ignored relevant provisions of the governing condominium documents regarding unit owners and the Lloyd's policy; and c) ignored the law set forth in La. R.S. 22:853 regarding "an insurable interest."

3) Plaintiff claimed that Judge Enright issued conclusory judgments and reasons for judgment (or no reasons for judgment as to defendant Lloyds) and made no effort to analyze the facts of the case. Moreover, plaintiff alleged that when Judge Enright did discuss the facts of the case, "he got the facts all wrong," as he did with plaintiff's claims against APRS and Houp.

4) Plaintiff averred that Judge Enright dismissed plaintiff's claims against APRS and Houp without addressing their lawyer's false statement that the Association hired APRS to perform mitigation services on the Association's property, when the Association in fact did not own property or have an insurable interest, which plaintiff contended that

Judge Enright did not understand. Plaintiff further claimed that Judge Enright a) ignored the allegation that it was APRS and Houp, while fraudulently conspiring with others, who caused the total loss of plaintiff's unit; b) ignored the contents of plaintiff's pleadings and plaintiff's sworn testimony during oral argument regarding the hearing on defendants' exceptions as to Jack Whitehead, APRS, and Houp; c) ignored the allegation that plaintiff pled that APRS and Houp had committed various torts against plaintiff and his property, including La. C.C. arts. 1953, 2315- 2317, and 2324. Plaintiff contended Judge Enright ignored the statement "APRS and Houp destroyed my property," which constituted disqualifying judicial misconduct "because it obviously was done willfully and in bad faith." He further asserted that the September 29, 2025 judgment and reasons for judgment, sustaining APRS and Houp's exceptions of no right and no cause of action and dismissing plaintiff's claims against APRS and Houp, are "conclusory" and "intellectually dishonest."

5) Plaintiff claimed that when Judge Enright summarily dismissed plaintiff's claims against the Loeb defendants, he ignored the clear provisions of La. C.C. art. 3007. Plaintiff further asserted that when Judge Enright summarily sustained the Loeb defendants' exception of no right of action, dismissing plaintiff's claims against them, he included in his reasons for judgment, "false statements,"[3] which he knew to be false because each false statement had been contradicted by plaintiff's sworn testimony and evidence[4] introduced during the hearing on December 9, 2025.

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[3] Plaintiff contended that Judge Enright willfully and maliciously made the following false statements in the January 7, 2026 judgment (regarding the December 9, 2025 hearing): a.) "Plaintiffs failed to establish the threshold burden in a legal malpractice case of the existence of an attorney-client relationship with the Loeb Defendants;" b) "Plaintiffs do not allege the existence of an attorney-client relationship between Plaintiffs and the Loeb Defendants and Plaintiffs admit the that Loeb Defendants represented the interests of The Metairie Towers Condominium Association ("MTCA");" c) "There is no evidence to establish that Plaintiffs could have reasonably believed that Plaintiffs had an attorney-client relationship with the Loeb defendants;" d) Further, the Loeb Defendants client MTCA is a corporate entity, and while Plaintiffs may hold shareholder's interests in MTCA, they are not permitted under Louisiana law to sue the corporation's lawyers for legal malpractice; e) "Plaintiff's do not allege that the Loeb Defendants drafted any contract or participated in any specific legal transactions in which Plaintiffs could have conceivably been treated as a third-party beneficiary of their legal services;" f) "The Condominium Documents do not establish Plaintiffs as third party beneficiaries of an engagement agreement with the MTCA's attorneys;" g) "The Condominium Documents do not manifest a clear intention that the future legal services of any attorney hired by the Board of Directors shall be for the benefit of the unit owners as members of the MTCA;" h) "There is no evidence that the agreement between the MTCA and the Loeb Defendants manifests a clear intention to benefit Plaintiffs;" i) "Plaintiffs provide no factual allegations supporting their personal right to sue the Loeb defendants for legal services provided to the MTCA and do not cite to a law that provides them a personal right of action to sue them a personal right of action to sue for legal services they did not personally engage or receive (sic.)." This court points out that plaintiff did not attach the reasons for judgment or transcript to support these alleged "false statements."

[4] In response to the "false statements," plaintiff stated in his motion to recuse that he adopted and referred to the following pleadings as evidence that contradicted the false statements: (1) Plaintiff's Verified Memorandum in Opposition to the Peremptory Exception of no Right of Action filed by Defendants Charles E. Sutton, Jr. and Sutton Law Firm, LLC, together with the Exhibits filed of record on February 21, 2024; (2) Plaintiff's Verified Memorandum in Opposition to Defendants' Pending Exceptions, together with Exhibits, filed of record on March 12, 2024; and (3) Plaintiff's (1) Verified Memorandum in Opposition to the Exceptions filed by Defendants Cynthia Bologna and the Loeb Law Firm, LLC, as well as (2) Incorporated Verified Motions, and (3) Verified Memorandum in Support of Motions, together with Exhibits, filed of record on November 14, 2025.

Plaintiff also pointed out in his motion to recuse that he had posed several questions to the trial judge during the December 9, 2025 hearing, to which the trial judge did not answer.[5] Plaintiff averred that the trial judge demonstrated his bias and prejudice towards plaintiff by admonishing him and stating that the purpose of the December 9, 2025 hearing was not to give plaintiff an opportunity to pose questions to the court (or words to that effect). He contended that the trial judge's "refusal to answer these simple questions speaks volumes." Plaintiff reiterated several times that he was an innocent former unit owner in this litigation and yet, the trial judge continued to summarily dismiss all of his claims against every defendant named in the lawsuit, despite plaintiff's uncontradicted evidence and sworn testimony.

Plaintiff further asserted that his motion to recuse was timely filed within "thirty days after discovery of the facts constituting the ground upon which the motion is based" (*i.e.*, within thirty days of the January 7, 2026 judgment and reasons) pursuant to La. C.C.P. art. 154 A.

In his motion to recuse, plaintiff additionally pointed out that he predicted that the trial judge would "conclusively prove his own bias and prejudice" against plaintiff and his inability to be fair and impartial in matters involving plaintiff by denying the motion, ignoring the law, and failing to follow the mandatory requirements set forth in La. C.C.P. art. 154 B (*i.e.*, either self-recuse or request the appointment of an *ad hoc* judge). Plaintiff further predicted that the trial judge would make additional, intentionally false statements in denying the motion, which would constitute judicial misconduct. Specifically, plaintiff predicted that the trial judge would (1) falsely state the motion to recuse was untimely; (2) falsely state the motion

[5] Plaintiff stated he asked the following questions: (1) "Since I am innocent why have I lost every battle in the Courts?" (2) "Am I fighting a machine?" and (3) "Are you, Judge Enright, part of the machine I am fighting?" Plaintiff averred that these were not rhetorical questions, and therefore, Judge Enright should have answered them.

failed to set forth a ground for recusal under art. 151; (3) summarily deny the motion without requesting the appointment of an *ad hoc* judge, while providing "some entirely conclusory and half-baked 'reasons' for not doing;" and (4) further compound the judicial misconduct he has already committed against plaintiff by ignoring the standards as set forth in In re Quirk.

On February 6, 2026, the trial judge denied relator's motion to recuse with reasons. In his written reasons, the trial judge found that (1) the motion failed to set forth any valid ground for recusal under La. C.C.P. art. 151; (2) no rulings have been made in the instant case; (3) adverse rulings against plaintiff in a different case (case number 849-260) do not show bias or prejudice; (4) the trial judge's rulings rendered on March 20, 2024 and September 10, 2024, in case number 849-260, were affirmed by the Fifth Circuit Court of Appeal in case numbers 24-CA-277[6] and 24-CA- 594,[7] with the Louisiana Supreme Court denying writs in both cases; (5) the motion did not contain any factual allegations that support the argument that the trial judge's rulings were the result of any bias or inability of the court to be impartial; (6) claims of bias or prejudice must be based on more than conclusory allegations; (7) plaintiff failed to present any valid factual basis for his allegations under La. C.C.P. art. 151 A(4) or B; (8) the motion is an attempt to remove the trial judge because plaintiff does not like the adverse rulings that have been rendered; (9) the motion to recuse was untimely under La. C.C.P. art. 154 A, as shown by pleadings filed by plaintiff on August 19, 2025 and November 14, 2025, in case number 849-260, which were

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[6] See O'Dwyer v. Metairie Towers Condominium Association Board President, 24-277 (La. App. 5 Cir. 1/29/25), 404 So.3d 1059, writ denied, 25-282 (La. 5/20/25), 409 So.3d 216 (this court affirmed the trial court's judgment sustaining exceptions of no right of action filed by defendants, J. Bartholomew Kelly, III, Alvendia, Kelly & Demarest, LLC, Charles E. Sutton, Jr., Sutton Law Firm, LLC, Jack K. Whitehead, Jr., Strategic Claim Consultants, LLC, and Brandon Lewis, and dismissing plaintiff's claims against them with prejudice).

[7] See O'Dwyer v. Metairie Towers Condominium Association Board President, 24-594 (La. App. 5 Cir. 9/25/25), 423 So.3d 237, writ denied, 25-1348 (La. 1/21/26), 424 So.3d 1100 (this court affirmed the trial court's judgment sustaining Lloyds exceptions of no right of action, no cause of action, and prescription, and dismissing plaintiff's claims against Lloyds).

filed more than thirty days prior to the motion to recuse;[8] and (10) the motion does not contain any allegations of fact constituting the ground for recusal which were allegedly discovered less than thirty days from the filing of the motion.

Plaintiff filed the instant writ application, asserting that the trial court erred by denying his motion to recuse.[9] Plaintiff contends that despite his complete

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[8] The trial judge referred to (1) Plaintiff's Verified Memorandum in Opposition to the Exceptions Filed by Defendants Advanced Property Restoration Services, LLC and Jason Houp, as well as Incorporated Motions, Which Include a Motion for CCP Art. 152 Disclosures by Judge Enright and for Disclosure by His Honor of any Conflicts and Relationships that Might Bear on Judge Enright's Full Compliance with Canon 2 of the Louisiana Code of Judicial Conduct, Among Other Motions, filed on August 19, 2025; and (2) Plaintiff's Verified Memorandum in Opposition to the Exceptions Filed by Defendants Cynthia Bologna and the Loeb Law Firm, filed on November 14, 2025.

[9] Plaintiff asserted the following specific assignments of error: [*All emphasis hereafter is original*.]

(1) Judge Enright committed error when he DENIED [plaintiff's] Verified CCP Art. 154 Motion for Disqualification and Recusal and entered Judgment against [plaintiff].

(2) Judge Enright committed error by stating in his Reasons for Judgment that AROD "'fails to set forth any valid ground for recusal under La. C.C.P. article 151." That statement constituted a bold-faced ***LIE*** by Judge Enright, and the Judge ***knew*** that the statement was ***false*** when he included the statement in his Reasons.

(3) Judge Enright committed error by failing to follow the procedures recently mandated by the Supreme Court of Louisiana in In re Judge Donald "Chick" Foret, Case No. 25- 0-320 (La. October 15, 2025), namely:

> Louisiana Code of Civil Procedure article 151 sets forth the grounds for recusal of judges, while La. C.C.P. art. 154 sets forth the procedure. "A party desiring to recuse a judge of a district court shall file a written motion therefor assigning the ground for recusal under Article 151." La. C.C.P. art I 54(A). "If the motion to recuse sets forth a ground for recusal under Article 151, not later than seven days after the judge's receipt of the motion from the clerk of court, the judge shall either recuse himself or make a written request to the supreme court for the appointment of an ad hoc judge as provided in Article 155." La. C.C.P. art. 154(B) (emphasis added). Thus, the recusal procedure sets forth two valid options for a judge facing possible recusal: either self-recuse or request the appointment of an ad hoc judge. If an ad hoc is requested, this court "shall appoint an ad hoc judge to hear the motion to recuse." La. C.C.P. art. 155.

(4) Judge Enright committed error by stating in his Reasons for Judgment: "Furthermore, the mere fact that this Court has previously ruled against [plaintiff] does not show bias or prejudice," because Judge Enright failed to address in any substantive way, or to even begin to analyze, the specific reasons for why [plaintiff] sought his disqualification and recusal, which included the following, *inter alia*:

> a) bias and prejudice;
> b) inability to be fair and impartial in matters involving [plaintiff];
> c) unable to conduct fair and impartial proceedings involving [plaintiff];
> d) willful judicial misconduct;
> e) willfully violating the standards established by the SCOLA in In re Quirk, 705 So.2d 172 (La. 1997);
> f) violating his Judge's Oath;
> g) violating the Canons and Commentary of the Code of Judicial Conduct;
> h) failing to address in any substantive or analytical way even one of the allegations made against him by [plaintiff] in his nineteen (19) page Verified CCP Art. 154 Motion for Disqualification and Recusal, which contained many separately numbered paragraphs, each of which Judge Enright ***ignored,*** as is Judge Enright's habit, and "pattern or practice" in matters involving [plaintiff].

(5) Judge Enright committed error by stating in his Reasons for Judgment that: "there are no facts alleged that support the argument that the Court's rulings were the result of any bias or inability of the Court to be impartial." That statement constituted another bold-faced ***LIE*** and the Judge ***knew*** that the statement was ***false*** when he made it.

(6) Judge Enright committed error in his Reasons for Judgment by stating: "Claims of bias or prejudice must be based on more than conclusory allegations," which falsely suggested that [plaintiff's] claims that Judge Enright was biased and prejudiced were merely based on "conclusory allegations." Indeed, [plaintiff] predicted ***EXACTLY*** how Judge Enright was going to rule on [plaintiff's] Verified Motion and argued that by doing what [plaintiff] had predicted he would do, Judge Enright would confirm his own bias, prejudice, and judicial misconduct. What did Judge Enright do? He ruled

"innocence"[10] and lack of "legal fault," the trial judge has summarily dismissed "on the papers" every defendant, who has "wrongfully caused" plaintiff to suffer damages in this litigation, by granting those defendants peremptory exceptions of no cause of action and/or no right of action and the Fifth Circuit has affirmed those erroneous dismissals. Plaintiff avers that the "last straw" occurred on January 7,

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EXACTLY as [plaintiff] had predicted he would rule, thus confirming his bias, prejudice, and judicial misconduct in precisely the manner [plaintiff] had predicted. See the "Statement of the Case," *supra* for a detailed discussion of [plaintiff's] predictions and argument that "the proof of the pudding will be in the eating." And it ***was!*** See also "Memorandum in Support," *infra*.

(7) Parenthetically, Judge Enright's failure to support his repetitively erroneous Judgments by failing to substantively address and analyze issues of fact and law, is part of a "pattern or practice" by Judge Enright. Accordingly, it is noteworthily ironic that Judge Enright would falsely accuse [plaintiff] of "conclusory allegations," when the so-called "legal decisions" emanating from Division "N" in [plaintiff's] Metairie Towers litigation lack any factual bases and substantive analyses whatsoever.

(8) Judge Enright committed error by including in his Reasons for Judgment the following untrue statements:

"Under La. C.C.P. article 154 [plaintiff] has failed to present any valid factual basis for his allegations of bias, prejudice, or interest in the cause or its outcome or against the parties or the parties' attorneys. [Plaintiff's] allegations do not raise any legitimate question as to whether a substantial and objective basis exists that would reasonably be expected to prevent Judge Enright from conducting any aspect of the case in a fair and impartial manner. This motion is simply an attempt by [plaintiff] to have the undersigned Judge recused because he does not like the rulings that have been rendered."

Each statement in the quoted paragraph, *supra* constituted a bold-faced ***LIE***.

(9) Judge Enright committed error in his Reasons for Judgment by falsely stating: "Additionally, the motion to recuse was not timely filed pursuant to La. C.C.P. art. 154(A) which requires that a motion to recuse be filed not later than thirty days after discovery of the facts upon which the motion is based." The most recent disqualifying judicial misconduct, Judge's Oath violations, Code of Judicial Conduct violations disqualifying CCP art. 151 conduct, and violation of the standards established in In re Quirke, [sic] supra, all evidencing Judge Enright's bias and prejudice and inability to be fair and impartial, occurred on January 7, 2026 when he dismissed [plaintiff's] claims against Cynthia Bologna and the Loeb Law Firm. [Plaintiff's] Verified CCP Art. 154 Motion for Disqualification and Recusal was filed on February 2, 2026, and was, therefore, timely. Judge Enright's "interpretation" of CCP Art. 154(A) would effectively "legislate by judicial edict" a 30-day prescriptive period for parties whose legal rights are being denied, repetitively and willfully, by errant and misbehaving Judges. Also, Judge Enright's interpretation of CCP art. 154(A) is disingenuous because it ignores that fact that In re Quirke, [sic] *supra*, also requires a "pattern or practice" of behavior [sic] by a Judge in order to gauge qualifying misconduct. That behavioral pattern or practice by Judge Enright was recently established on the 7th of January by his erroneous dismissal of [plaintiff's] claims against Cynthia Bologna and the Loeb Law Firm. Lastly, Judge Enright's position is that "I know I'm bad, and that I failed the system and denied justice to [plaintiff], and that I did so intentionally and repetitively; however, [plaintiff] didn't call me on my misbehavior in a timely manner." That, like all of Judge Enright's rulings against [plaintiff], ***makes no common sense whatsoever***.

(10) Judge Enright committed error by falsely stating in his Reasons for Judgment that: "The motion to recuse sets forth no allegations of fact constituting the ground upon which the motion to recuse is based which were discovered less than thirty days before the motion to recuse was filed." That statement also is a bold-faced LIE and Judge Enright knew it, because his intellectually dishonest granting of the Loeb Defendants' Exceptions, and his corrupt dismissal of [plaintiff's] claims against Cynthia Bologna and the Loeb Law Firm, occurred on January 7, 2026, with [plaintiff's] CCP Art. 154 Verified Motion for Disqualification and Recusal having been filed on February 2, 2026, which was well-within 30 days of the 7th of January.

[*All emphasis heretofore is original*.]

[10] Plaintiff contends that he posed the following questions to Judge Enright: (1) "Since I am innocent, why have I lost every battle in the Courts since Hurricane IDA?;" (2) " Am I fighting a machine?;" and (3) "Are you, Judge Enright, part of the machine I am fighting?" Plaintiff claims that not only did Judge Enright not answer those questions, but he also demonstrated his bias and prejudice towards plaintiff by admonishing him and stating that the purpose of the hearing on December 9, 2025, was not to give plaintiff an opportunity to pose questions to the court (or words to that effect). Plaintiff asserts that Judge Enright's steadfast refusal to answer those questions "speaks volumes."

2026, when the trial judge granted the exception of no right of action filed by defendants Cynthia Bologna and the Loeb Law Firm, LLC. Plaintiff asserts that he filed the instant motion to recuse Judge Enright because he "had enough" of the trial judge's (1) bias and prejudice against him and in favor of others; (2) violations of the Judge's Oath; (3) violations of the La. Code of Judicial Conduct; (4) willful, knowing, and intentional judicial misconduct and his repetitive violations of the standards set forth in In re Quirk; and (5) acts committed while acting maliciously. Plaintiff contends that he predicted the trial judge would "conclusively prove his own bias and prejudice" against plaintiff and his inability to be fair and impartial by summarily denying the motion to recuse without failing to self-recuse or requesting the appointment of an ad hoc as provided in La. C.C.P. art. 155. Plaintiff asserts that he also predicted that the trial judge would make false statements (*i.e.*, that the motion to recuse is untimely and/or fails to set forth a ground for recusal), the summary denial would contain "entirely conclusory and half-baked 'reasons,'" and the trial judge would not comply with procedures for recusal as mandated in In re Foret, 25-320 (La. 10/15/25), 420 So.3d 683. Plaintiff contends that the trial judge did exactly as he predicted, "thereby confirming the Judge's own bias, prejudice, and inability to be fair and impartial" in all matters involving him.

Plaintiff asserts that the motion to recuse specifically provided the following grounds for the trial judge's recusal under La. C.C.P. art. 151 A(4) and B. As to the grounds listed under C.C.P. art. 151 A(4), plaintiff contended that "[s]ome of these disqualifying impediments" were "called to Judge Enright's attention" in plaintiff's pleadings and during oral argument at hearings, including the last hearing on December 9, 2025, to no avail. Plaintiff reiterated aspects of the motion to recuse and the specific grounds as stated above and "encouraged" this court to look at the motion to recuse, which he argued clearly stated grounds for recusal under La. C.C.P. art. 151 and was timely under La. C.C.P. art. 154. Plaintiff further urged that

the trial judge's judicial misconduct was in violation of the standards set forth in In re Quirk.

Preliminary Issue

Re-urged motion to recuse the entire Fifth Circuit bench:

In his writ application, plaintiff also "re-urged" his prior motion for recusal of the entire Fifth Circuit bench, which was filed on April 29, 2025, in case number 24-CA-594. On May 2, 2025, a panel of this court denied the motion to recuse with reasons.[11] The Louisiana Supreme Court denied plaintiff's writ application on October 1, 2025. O'Dwyer v. Metairie Towers Condominium Association Board President, 25-707 (La. 10/1/25), 417 So.3d 575.[12]

Plaintiff has not alleged any new factual grounds for recusing this court pursuant to La. C.C.P. art. 151. Consequently, on the showing made, we find plaintiff is not entitled to the relief requested for the reasons previously stated in our

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[11] The May 2, 2025 Order stated, in pertinent part, the following:

> . . . After considering the motion filed by Appellant, we find the following:
>
> 1. The motion makes conclusory allegations, quoting the law pertaining to instances when a recusal hearing is required but makes no particular factual allegations to support the existence of bias or any ground required under La. C.C.P. art. 151. The bias or prejudice must be of a substantial nature and based on more than conclusory allegations. Lepine v. Lepine, 17-45 (La. App. 5 Cir. 6/15/17), 223 So.3d 666, 673.
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> 2. The motion complains of two prior adverse rulings issued by another panel of this Court on January 29, 2025, and seeks to impute what Appellant considers egregious, "legally erroneous," and "intellectually dishonest" rulings to this entire court. Prior adverse or unfavorable rulings alone are not considered evidence of bias. Frierson v. Frierson, 14-64, p. 11 (La. App. 4 Cir. 7/2/14), 2014 WL 3045068, writ denied, 14-1628 (La. 8/22/14), 146 So.3d 540. There has been no showing or explanation that the prior rulings have been palpably wrong.
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> Accordingly,
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> **IT IS HEREBY ORDERED** that the motion for disqualification and recusal is denied, in accordance with La. C.C.P. art. 158(C). Upon review of the motion, we find that Appellant has failed to set forth sufficient allegations to support a ground, pursuant to La. C.C.P. art. 151, that necessitates the recusal of any of the judges of this Court eligible for assignment to this matter. Additionally, there has been no legal determination rendered by the Louisiana Supreme Court that any decision from this Court concerning Appellant has been egregious, made in bad faith, or made as part of a pattern or practice of legal error. See, In re Quirk, 97-1143 (La. 12/12/97), 705 So.2d 172, 178.
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> **IT IS FURTHER HEREBY ORDERED** that, to the best of each panel member's information and belief, there is no ground applicable to this matter, pursuant to La. C.C.P. art. 152, that requires disclosure from a judge on this panel.

The footnotes omitted from this order indicated that the motion to recuse was filed seven days before oral argument and that Chief Judge Susan M. Chehardy and Judge Fredericka Homberg Wicker have recused themselves from this matter.

[12] On October 1, 2025, the Louisiana Supreme Court also denied plaintiff's motion to "Disqualify and Recuse the Supreme Court."

May 2, 2025 Order. Accordingly, plaintiff's "re-urged" motion to recuse this court is denied.

DISCUSSION

La. C.C.P. art. 151 sets forth the grounds for recusal of judges, while La. C.C.P. art. 154 sets forth the procedure. La. C.C.P. art. 151 provides, in pertinent part:

> A. A judge of any trial or appellate court shall be recused upon any of the following grounds:
>
> * * *
>
> (4) The judge is biased, prejudiced, or interested in the cause or its outcome or biased or prejudiced toward or against the parties or the parties' attorneys or any witness to such an extent that the judge would be unable to conduct fair and impartial proceedings.
>
> B. A judge of any trial or appellate court shall also be recused when there exists a substantial and objective basis that would reasonably be expected to prevent the judge from conducting any aspect of the cause in a fair and impartial manner.

La. C.C.P. art. 154 provides:

> A. A party desiring to recuse a judge of a district court shall file a written motion therefor assigning the ground for recusal under Article 151. This motion shall be filed no later than thirty days after discovery of the facts constituting the ground upon which the motion is based, but in all cases prior to the scheduling of the matter for trial. In the event that the facts constituting the ground upon which the motion to recuse is based occur after the matter is scheduled for trial or the party moving for recusal could not, in the exercise of due diligence, have discovered such facts, the motion to recuse shall be filed immediately after such facts occur or are discovered.
>
> B. If the motion to recuse sets forth a ground for recusal under Article 151, not later than seven days after the judge's receipt of the motion from the clerk of court, the judge shall either recuse himself or make a written request to the supreme court for the appointment of an ad hoc judge as provided in Article 155.
>
> C. If the motion to recuse is not timely filed in accordance with Paragraph A of this Article or fails to set forth a ground for recusal under Article 151, the judge may deny the motion without the appointment of an ad hoc judge or a hearing but shall provide written reasons for the denial.

Thus, pursuant to La. C.C.P. art. 154 C, if the trial court finds that the motion to recuse is not timely filed or fails to set forth a ground for recusal under Article 151, the trial court may deny the motion without self-recusing or the appointment of an *ad hoc* judge but must provide written reasons for the denial.

We review the denial of a motion to recuse for an abuse of discretion. Vincent v. National General Insurance Company, 23-554 (La. App. 5 Cir. 10/9/24), 399 So.3d 140, 149, writ denied, 24-1441 (La. 2/19/25), 400 So.3d 933. A judge is presumed to be impartial. Id. To rebut that presumption, the party moving for recusal has the burden of introducing evidence to prove facts constituting grounds for recusal, and cannot rely on mere allegations or conclusory opinions. Slaughter v. Board of Sup'rs of Southern University and Agr. and Mechanical College, 10-1114 (La. App. 1 Cir. 8/2/11), 76 So.3d 465, 471, writ denied, 11-2112 (La. 1/13/12), 77 So.3d 970; Couvillion v. Couvillion, 00-143 (La. App. 5 Cir. 9/26/00), 769 So.2d 747, 753, writ denied, 00-3185 (La. 1/12/01), 781 So.2d 562; England v. England, 16–936, 16-1229 (La. App. 4 Cir. 6/28/17), 223 So.3d 582, 587.

The party seeking to recuse cannot merely allege lack of impartiality; he must present some factual basis. Vincent, 399 So.3d at 149. La. C.C.P. art. 151 requires actual bias or prejudice. "Substantial appearance of the possibility of bias" or the "mere appearance of impropriety" is insufficient to remove a judge from presiding in a given action. Lepine v. Lepine, 17-45 (La. App. 5 Cir. 6/15/17), 223 So.3d 666, 673. The alleged bias or prejudice must be of a substantial nature and based on more than conclusory allegations. Vincent, 399 So.3d at 149; Lepine, 223 So.3d at 673.

Upon a thorough examination of the writ application and attachments thereto, especially the motion to recuse, we find the trial court did not abuse its discretion in summarily denying the motion to recuse upon finding that the motion to recuse (1) was untimely; and (2) failed to enunciate a ground for recusal under La. C.C.P. art. 151.

Initially, we must determine whether the motion to recuse was untimely. A review of the record shows that the motion to recuse was untimely as to the majority of the allegations asserted under La. C.C.P. art. 154. Specifically, as to the allegations regarding the September 10, 2024 judgment dismissing Lloyds and the September 29, 2025 judgment dismissing APRS and Houp, we find the motion to recuse filed on February 6, 2026 was clearly filed more than thirty days after discovery of the facts constituting the ground upon which the motion is based, in violation of La. C.C.P. art. 154 A. However, as to the allegations regarding the January 7, 2026 judgment dismissing the Loeb defendants, the record shows that the motion to recuse filed on February 6, 2026, was timely.

Numerous allegations were untimely and were therefore properly summarily denied by the trial judge. However, because the alleged grounds for recusal concern rulings and judgments of the trial court, and the unique circumstances presented by the history of this litigation, this court has considered ***all*** of the allegations in the motion to recuse, timely and untimely, to determine whether plaintiff alleged a ground for recusal. Upon review of the allegations, as stated above, we find that plaintiff offered no specific factual allegations or relevant evidence to support the existence of actual bias or prejudice, or any ground required under C.C.P. art. 151 A(4). Plaintiff's motion only makes conclusory and speculative allegations, neither of which are sufficient to either require the trial judge to self-recuse or to request the appointment of an *ad hoc* judge.

Having found that the motion does not state any grounds for recusal under La. C.C.P. art. 151 A, we now consider whether the motion states facts under La. C.C.P. art. 151 B, which may constitute a substantial and objective basis that would reasonably be expected to prevent the trial judge from conducting any aspect of the case in a fair and impartial manner. Evaluating the allegations contained in a motion to recuse under La. C.C.P. art. 151 B requires a trial judge to consider the duty of

fairness and impartiality together with the duty of promoting public confidence in the judiciary. Anderson v. Dean, 22-233 (La. App. 5 Cir. 7/25/22), 346 So.3d 356, 369. The word "substantial" means something of substance, material, real, and not imaginary. Id., citing Black's Law Dictionary (11th ed. 2019). "Objective" is defined as something externally verifiable, as opposed to the feelings of one individual. Id. Thus, pursuant to La. C.C.P. art. 151 B, the words "substantial" and "objective" require that the mover support his motion to recuse with material evidence, not mere allegations, and that the claims be externally verifiable, as opposed to the feelings of one individual. Id. "Basis" means some foundation or starting pong on which something may rest. Id. This is a broad term clearly intended to cover more instances than solely "bias." Id. Lastly, the phrase "reasonably expected" recognizes that there may be substantial and objective bases claimed that a neutral observer would not expect to prevent the trial judge from trying the cause in a fair and impartial manner. Id.

Our review of the motion reveals that the requirements set forth in La. C.C.P. art. 151 B have not been met in this case: Mr. O'Dwyer's claims instead appear to be entirely subjective and unsubstantiated by any evidence. We find, based on the motion presented, that there is no substantial or objective basis that would reasonably be expected to prevent the trial judge from conducting any aspect of the cause in a fair and impartial manner under La. C.C.P. art. 151 B.

Moreover, plaintiff's motion to recuse, as documented herein, is largely premised on his vehement disagreement with the trial judge's judgments and his reasons. These judgments were rendered after contradictory hearings, and dismissed plaintiff's claims against those defendants (*i.e.*, the September 10, 2024 judgment dismissing Lloyds, the September 29, 2025 judgment dismissing APRS and Houp, and the January 7, 2026 judgment dismissing the Loeb defendants). Plaintiff's numerous conclusory allegations and complaints focus on the trial judge's alleged

incorrect interpretation and application of the law, the trial judge's alleged "false statements" regarding the facts and evidence, and the trial judge's alleged "intellectually dishonest summary dismissal" of plaintiff's claims, despite plaintiff being "totally innocent."

Complaints of adverse rulings alone are insufficient to establish bias to recuse a trial judge. Vincent, 399 So.3d at 149; Lepine, 223 So.3d at 674; Wells Fargo Bank, NA v. Jones, 23-463 (La. App. 3 Cir. 2/7/24), 379 So.3d 1273, 1282; David v. David, 14-999 (La. App. 3 Cir. 2/14/15), 157 So.3d 1164, 1168, writ denied, 15-494 (La. 5/15/15), 170 So.3d 968. Likewise, when the alleged bias or prejudice originates from testimony and evidence presented in the proceedings, the bias or prejudice is not of an extrajudicial nature as would warrant recusal. Vincent, 399 So.3d at 149; See also Brown v. Brown, 39,060 (La. App. 2 Cir. 7/21/04), 877 So.2d 1228, 1238; Augman v. City of Morgan City, 03-396 (La. App. 1 Cir. 12/31/03), 864 So.2d 248, 249; Rodock v. Pommier, 16-809 (La. App. 3 Cir. 2/1/17), 225 So.3d 512, 520, writ denied, 17-631 (La. 5/1/17), 221 So.3d 70; Tamporello v. State Farm Mut. Auto. Ins. Co., 95-458 (La. App. 5 Cir. 11/15/95), 665 So.2d 503506-507. We find In re Quirk, which sets forth the standard for determining whether erroneous legal error constitutes judicial misconduct in a judicial disciplinary proceeding, to be inapplicable under La. C.C.P. art. 151.[13] Thus, to the extent plaintiff's motion to

[13] We further point out that In re Quirk concerned the Louisiana Supreme Court's review of a judicial disciplinary proceeding. In that case, the supreme court was presented with an issue of first impression in Louisiana, that is, "under what circumstances may legal error by a judge constitute grounds for a finding of judicial misconduct." 705 So.2d at 177. The supreme court stated that "[i]t is with great care that we address this issue, for subjecting a judge to discipline because of an erroneous legal ruling has the potential to trammel the exercise of judicial discretion and stifle the independence of the judiciary." Id. at 177. The supreme court explained that to preserve an independent judiciary, "mere errors of law or simple abuses of judicial discretion should not amount to judicial misconduct." Id. at 178. However, the supreme court found that "there are circumstances under which legal error may constitute grounds for a finding of judicial misconduct." Id. The supreme court then set forth the standard to be "*to be applied by*" the Louisiana Supreme Court and by the Judiciary Commission for determining whether a judge had committed legal error sufficient to rise to the level of judicial misconduct. Id. at 180. Specifically, the supreme held that "a judge may be found to have violated La. Const. Art. V, Sec. 25 by a legal ruling or action made contrary to clear and determined law about which there is no confusion or question as to its interpretation and where this legal error was egregious, made in bad faith, or made as part of a pattern or practice of legal error." Id. at 180-181. Thus, this standard, which was set forth in the context of judicial *disciplinary* proceedings, is to be applied by the Louisiana Supreme Court and by the Judiciary Commission, whereas La. C.C.P. art. 151 sets forth the specific grounds for recusal in the trial and appellate court.

recuse is premised on his disagreement over the various judgments and reasons for judgment by the trial judge after contradictory hearings,[14] we find the trial court did not abuse its discretion in denying the motion to recuse because the alleged bias or prejudice is not of an extrajudicial nature as would warrant recusal.

CONCLUSION

Because the motion to recuse was in part untimely and failed to state facts constituting a ground for recusal under La. C.C.P. art. 151 A(4) or B as to both timely and untimely allegations, the trial judge was not required to self-recuse or request the appointment of an *ad hoc* judge. Therefore, we find the trial judge did not abuse his discretion by summarily denying the motion to recuse. We further find that the trial judge complied with La. C.C.P. art. 154 C in that he provided written reasons for the denial.

DECREE

Accordingly, on the showing made, plaintiff's re-urged motion to recuse the Fifth Circuit, motion for stay, and this writ application are denied.

MOTION TO RECUSE DENIED; MOTION FOR STAY DENIED; WRIT APPLICATION DENIED

[14] Plaintiff did not attach the complained of judgments, reasons for judgment, or the transcripts from the hearings. Nevertheless, we point out that courts have held that the trial judge's reasons for judgment represent impressions and conclusions drawn from the trial judge's participation as presiding judge in the hearings. See Brown, 877 So.2d at 1238; Tamporello, 665 So.2d at 506-507; State v. Williams, 601 So.2d 1374, 1375 (La. 1992), citing United States v. Grinnell Corp., 384 U.S. 563, 86 S.Ct. 1698, 16 L.Ed.2d 778 (1966).

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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **APRIL 27, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

Curtis B. Pursell

CURTIS B. PURSELL
CLERK OF COURT

26-C-93

E-NOTIFIED
24TH JUDICIAL DISTRICT COURT (CLERK)
HONORABLE STEPHEN D. ENRIGHT, JR. (DISTRICT JUDGE)
JASON P. FOOTE (RESPONDENT)

MAILED
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