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# ... spat between lawyer, ex-workers

By KEN WYSOCKY

An unusually acrimonious legal battle between flamboyant attorney Alan D. Eisenberg and five former employees has embroiled Federal Judge Joseph P. Stadtmueller in demands that he withdraw from hearing the case.



Eisenberg

The Federal Court battle over more than \$100,000 in pension and profit-sharing benefits has become so bitter that Stadtmueller, in an order issued last week, likened it to being a referee in "a children's sandbox spat."

The plaintiffs' attorney, L. William Staudenmaier, has asked Stadtmueller to issue sanctions against Eisenberg for allegedly obstructing the case's progress.

According to the affidavit filed in support of that request, Stadtmueller

has suggested that if sanctions were issued, they should be issued against both sides.

Staudenmaier has not accused Stadtmueller of actual bias.

He has argued that Eisenberg's "abrasive style" has raised the appearance of bias, because Stadtmueller seems to "bend over backwards so as not to ruffle Mr. Eisenberg's feathers."

In a motion asking the judge to remove himself from the case, Staudenmaier asked Stadtmueller to "take judicial notice of the fact that during his career, Eisenberg has developed a well-deserved reputation for intimidating people, including other attorneys and some state court judges, by tactics of delay, deceit, bullying and verbal and written abuse, and in so doing, of course, has subverted the legal system."

Such tactics "apparently have been successful with Judge Stadtmueller, to the detriment of my clients," Staudenmaier wrote. He cited as evidence several pretrial motions decided in Eisenberg's favor.

## collateral attack on the wisdom of this court's prior rulings."

— JOSEPH P. STADTMUELLER, federal judge



An affidavit filed by Eisenberg's attorneys said Staudenmaier's affidavit was "not only insulting to the defendants, but is insulting to the court."

The affidavit disputed "both the accuracy of counsel's characterization of Eisenberg's reputation and the assertion that such characterization is 'well-deserved.'"

In an order, Stadtmueller flatly denied Staudenmaier's claims. He noted that references to motions decided in favor of the plaintiffs were "conspicuously absent" in the affidavit.

"Mr. Eisenberg's reputation in the legal community was neither considered nor implicated in any of the court's rulings to which counsel takes exception," Stadtmueller said.

In the order, which denied the motion that the judge withdraw from the case, Stadtmueller said the bias allegations were nothing more than "the product of a badly bruised ego resulting in a poorly disguised collat-

eral attack on the wisdom of this court's prior rulings."

"I find particularly inappropriate the insinuation that the court has been intimidated by Mr. Eisenberg's tactics in this lawsuit. The court's rulings in this case or any other case have been and will always be the product of due consideration of the relevant facts and application of legal precedent."

The fireworks began last November when five former employees sued Eisenberg, alleging he is illegally withholding more than \$100,000 in pension and profit-sharing benefits.

Eisenberg repeatedly has refused requests by the employees for records and information pertaining to their benefits, the suit alleged.

The employees — two attorneys and three secretaries — left the firm at various times in 1986. The plaintiffs are Douglas M. Bihler and Thomas D. Kuehl, who now operate a Downtown law firm, and Kathleen A. Bassler, Paula C. Miller and Lisa P. Tallar.

By STEVEN WAL...

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