

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

RONALD KREGER, SR.,

CIVIL ACTION

VERSUS

NO: 07-575

**GENERAL STEEL CORPORATION, GREGG
LANIER HOWELL, WORLDWIDE
CONCRETE AND STEEL ERECTIONS, L.L.C.**

SECTION: "C" (1)

ORDER AND REASONS

Before the Court is Defendant General Steel Corporation's ("General Steel") Motion to Dismiss portions of Plaintiff's Third Amended and Supplemental Complaint. (Rec. Doc. 744). General Steel argues that the first and sixth claims of the Third Amended Complaint fail to state a claim for relief. However, General Steel has subsequently abandoned the portion of its Motion attacking the first claim of Plaintiff's Third Amended Complaint. (Rec. Doc. 756 at 1).

Plaintiff Kreger filed his Third Amended Complaint on October 12, 2010. (Rec. Doc. 739). In the sixth claim of that amended complaint, Kreger asserts that Defendants conspired to fraudulently entice him to order a building and submit a deposit for its erection. *Id.* at 37. General Steel argues that under Louisiana law, there is no independent tort of conspiracy, and therefore the sixth claim of the Third Amended Complaint should be dismissed for failure to state a claim under Rule 12(b)(6). (Rec. Doc. 744-1 at 5). While Plaintiff concedes that under Louisiana law there is no independent tort of conspiracy, he argues that since Louisiana law does allow for in solido recovery against conspiring defendants, his conspiracy claim should not be dismissed. (Rec. Doc. 747 at 7).

As this Court has previously ruled, “Louisiana law does not recognize an action for civil conspiracy independent of the underlying alleged torts.” *Tepsic v. National R.R. Passenger Corp.*, 1995 WL 448010 *1 (E.D.La. 1995) (granting a motion to dismiss because civil conspiracy was not an independent tort under Louisiana law).

Accordingly,

IT IS ORDERED that Defendants’ Motion to Dismiss is GRANTED IN PART and DENIED IN PART. (Rec. Doc. 744). It is GRANTED to the extent that the sixth claim in Plaintiff’s Third Amended Complaint is DISMISSED. (Rec. Doc. 756). It is DENIED in all other respects.

New Orleans, Louisiana, this 17th day of December, 2010.


HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE