

Complaint, she is liable” due to Michael Ledet’s alleged breach of a provision of their Judgment of Divorce. (Doc. 21-1 at 1, ¶ 3 (emphasis added)). Due to this alleged breach, Linda Ledet claims that “[Michael Ledet] is liable to [her] for all of [Wells Fargo]’s claims against [her]” and “demands judgment against Third-Party Defendant, Michael T. Ledet for *all sums that may be adjudged against Defendant/Third-Party Plaintiff, Linda Ledet, in favor of Plaintiff, [Wells Fargo.]*” (*Id.* at 2 (emphasis added)). Because Wells Fargo’s claims are due to be dismissed, Linda Ledet will have no liability to Wells Fargo *in this action*, and her claim that Michael Ledet indemnify her for any liability *in this action* will be moot.

The Court’s subject matter jurisdiction over Wells Fargo’s Complaint is based on diversity pursuant to 28 U.S.C. § 1332. Linda Ledet’s Third-Party Complaint fails to allege a basis for jurisdiction, and a review of the record indicates a lack of diversity between Linda and Michael Ledet, who both appear to be Alabama residents.² However, supplemental jurisdiction over the Third-Party Complaint is proper pursuant to 28 U.S.C. § 1367(a). Nevertheless, pursuant to § 1367(c)(3), the Court may decline to exercise supplemental jurisdiction over a claim if it “has dismissed all claims over which it has original jurisdiction.” Therefore, to the extent that Linda Ledet’s indemnity claim is not rendered moot by Wells Fargo’s dismissal of its claims, the Court declines to continue exercising supplemental jurisdiction over it. As such, Linda Ledet’s third-party claim is **DISMISSED without prejudice**.

For these reasons, it is **ORDERED** that the stay previously entered as to Linda Ledet is **LIFTED** and that this action is **DISMISSED without prejudice** from the active docket of this Court, subject to the right of Wells Fargo to reinstate this action for good cause within thirty (30)

² In her Answer (Doc. 21 at 1, ¶ 1), Linda Ledet admits to Wells Fargo’s allegation that she is a resident of Alabama (Doc. 1 at 1, ¶ 2), and both Ledets were served at Alabama street addresses (Docs. 7 & 28).

days of the date of this Order.

DONE and ORDERED this the **12th** day of **December 2012**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE