

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

CARRON JOHNSON

PLAINTIFF

v.

4:09CV00279 BSM

ROEHL TRANSPORT, INC.

DEFENDANT

ORDER

Plaintiff Carron Johnson filed two motions, pursuant to Federal Rules of Civil Procedure 19 and 21, to join Derrick Nakia Knight as an additional defendant (Doc. Nos. 11 and 13). The first motion (Doc. No. 11) is denied as moot because, although it is materially identical to the second motion (Doc. No. 13), it lacks the attorney's signature.

In support of her motion, Johnson states that her amended complaint, filed in the Circuit Court of Pulaski County, Arkansas on March 5, 2009, inadvertently omits naming Knight as a defendant, although Knight drove the tractor trailer that caused the accident at issue in this case. Johnson asserts that she cannot receive complete relief or just adjudication if Knight is not joined as a defendant. Plaintiff's counsel has informed the court that Knight is not a resident of Arkansas and defendant Roehl Transport, Inc. has not filed a response to the motion.

Federal Rule of Civil Procedure 19(a)(1) provides, "A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if: (A) in that person's absence, the court cannot accord complete relief among existing parties" The motion for joinder of additional party is granted. Johnson

is directed to file her amended complaint adding Derrick Nakia Knight as a defendant forthwith.

Accordingly, Johnson's second motion for joinder of additional party (Doc. No. 13) is granted, and her first motion for joinder of additional party (Doc. No. 11) is denied as moot. Johnson is directed to file her amended complaint adding Derrick Nakia Knight as a defendant forthwith.

IT IS SO ORDERED this 25th day of August, 2009.

A handwritten signature in cursive script, reading "Brian S. Miller".

UNITED STATES DISTRICT JUDGE