

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 16-24507-CIV-MORENO

SHELITHEA HALLUMS,

Plaintiff,

vs.

INFINITY INSURANCE COMPANY and
INFINITY AUTO INSURANCE COMPANY,

Defendants.

**ORDER REQUIRING THAT PLAINTIFF CASTILLO'S LESSOR BE JOINED AS A
DEFENDANT AND GRANTING LEAVE TO AMEND COMPLAINT**

THIS CAUSE came before the Court upon Plaintiffs' Motion for Clarification (**D.E. 87**), filed on **March 7, 2018**.

THE COURT has considered the motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that Plaintiff Castillo's lessor be joined as a DEFENDANT because absent the "proper case" exception,¹ which is not present here, "the preferred method is to designate and serve involuntary parties as defendants . . ." *Eikel v. States Marine Lines, Inc.*, 473 F.2d 959, 961 (5th Cir. 1973).² Plaintiffs shall file a Second Amended Complaint no later than **March 26, 2018**, for the **sole purpose** of including Plaintiff Castillo's lessor as a DEFENDANT, thus permitting the Clerk to issue a summons. Defendants shall file an answer to the Second Amended Complaint no later than **April 2, 2018**.

¹ "The proper case is meant to cover only those instances where the absent party has either a duty to allow the plaintiff to use his name in the action or some sort of an obligation to joint plaintiff in the action." *Eikel*, 473 F.2d at 962 (internal quotations omitted).

² Fifth Circuit cases decided prior to October 1, 1981 are binding in the Eleventh Circuit. See *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc).

DONE AND ORDERED in Chambers at Miami, Florida, this 19th of March 2018.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of record