

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

KATHRYN FRENCH, ET AL

CIVIL ACTION

VERSUS

NO: 06-8251  
Ref. All Cases

ALLSTATE INDEMNITY COMPANY,  
ET AL

SECTION: "J" (1)

**ORDER**

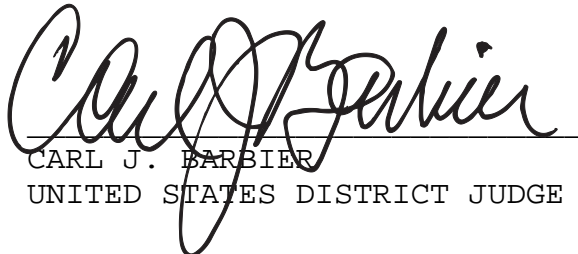
Before the Court is the plaintiffs' **Motion for Leave to Amend Pretrial Order (Rec Doc. 178)**. This motion, which is opposed, was set for expedited hearing and taken under advisement on January 7, 2009 on the briefs. Upon review of the record, the memoranda of counsel, and the applicable law, this Court now finds that plaintiffs' motion should be granted.

Federal Rule of Civil Procedure 16(e) provides that a pretrial order "shall be modified only to prevent manifest injustice." Fed. R. Civ. P. 16(e). The Fifth Circuit has instructed that "an amendment to a pretrial order should be permitted where no substantial injury will be occasioned to the opposing party, the refusal to allow the amendment might result in injustice to the movant, and the inconvenience to the court is

slight." DP Solutions, Inc. v. Rollins, Inc., 353 F.3d 421, 435 (5th Cir. 2003)(quoting Sherman v. United States, 462 F.2d 577, 579 (5th Cir. 1972)). Considering the claims in the complaint and the contested issues of fact already listed in the pretrial order, there would be no substantial injury and no inconvenience occasioned by permitting this amendment to the pretrial order, which might avoid some injustice. Accordingly,

**IT IS ORDERED** that the plaintiffs' **Motion for Leave to Amend Pretrial Order (Rec Doc. 178)** is hereby **GRANTED**. The pretrial order is hereby amended to add paragraph 26(a) under the list of contested issues of fact, which paragraph shall state "Whether Allstate timely initiated loss adjustment on the contents claim?"

New Orleans, Louisiana, this 13th day of January, 2009.

  
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CARL J. BARBIER  
UNITED STATES DISTRICT JUDGE