

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

PATRICIA SEARS, ETC.

CIVIL ACTION

VERSUS

NO. 08-3418

SHERIFF HARRY LEE, ET AL

SECTION "C" (3)

ORDER AND REASONS

IT IS ORDERED that the motion to review magistrate judge's order and objections to the order denying motion for leave to file a fourth supplemental and amended complaint is DENIED. Rec. Doc. 137. The Court finds that the finding of the magistrate judge that "undue delay, failure to cure deficiencies by amendments previously allowed and undue prejudice to the opposing party weigh against granting leave to amend here" is not clearly erroneous or contrary to law. Rec. Doc. 135 at 5. Not only are the explanations afforded by plaintiff's counsel belied by the record and the plaintiff's own filings, but the Court questions the alleged basis for the plaintiff's fundamental argument that a principal/agency relationship exists between Correcthealth Jefferson, L.L.C. and Jefferson Parish because of the contract and/or its insurance provisions. Instead, the Court's reading of that contract indicates that it contains an entire section providing for Correcthealth's status as an independent

contractor. Rec. Doc. 130-1 at 6. The lack of a coherent explanation by the plaintiff as to the basis of liability against Jefferson Parish provides an additional factor in support of the order of the magistrate judge for denying another amendment in this protracted litigation.

New Orleans, Louisiana, this 29th day of August, 2011

A handwritten signature in black ink, appearing to read "Helen G. Berrigan", written over a horizontal line.

HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE