

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

HARTFORD CASUALTY INSURANCE  
COMPANY

CIVIL ACTION

VERSUS

NO. 10-4369

MDI CONSTRUCTION, L.L.C.,  
KION C. DARKSHANI AND MARY D'ANGELO  
DARKSHANI

SECTION "N" (5)

**ORDER AND REASONS**

Before the Court are Plaintiff Hartford's Motion for Review of Magistrate Chalez's November 3, 2011 Order (Rec. Doc. 47) and Defendant The Audubon Commission's Motion for Leave to Deposit Funds into Court Registry in Connection with Interpleader Claim, for Temporary Restraining Order and for Preliminary Injunction. (Rec. Doc. 49). Having considered the parties' submissions, including the oppositions to these motions (Rec. Docs. 51 and 50, respectively), the Court rules as set forth herein.

**IT IS ORDERED** that Hartford's Motion for Review of Magistrate Chalez's November 3, 2011 Order (Rec. Doc. 47) is **DENIED**. The Court finds that Magistrate Judge Chalez properly granted Audubon's Motion for Leave to File Amended Counterclaim and that the Order granting Audubon's Motion for Leave to File Amended Counterclaim was neither

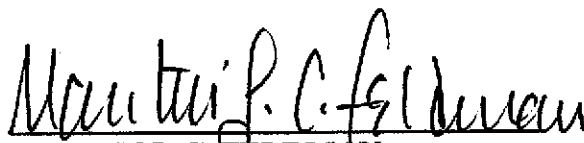
erroneous nor contrary to law. Fed. R. Civ. P. 72.

**IT IS FURTHER ORDERED** that **Defendant The Audubon Commission's Motion for Leave to Deposit Funds into Court Registry in Connection with Interpleader Claim, for Temporary Restraining Order and for Preliminary Injunction, (Rec. Doc. 49), is GRANTED** with respect to the request to deposit funds with the court and the request for a temporary restraining order, with the request for a preliminary injunction to be considered at a later date. On the showing made and pursuant to Title 28 of the United States Code, it is **ORDERED** that all parties comply with the following:

1. Plaintiff deposit into the Registry of Court funds in the amount of \$222,171.50;
2. Defendants Hartford Casualty Company, the Internal Revenue Service, Investar Holding Corporation, and MDI Construction, LLC, and their agents, attorneys, servants, and employees and all persons in active concert or participation with any of them, are restrained, pending the hearing and determination of the motion for preliminary injunction, from instituting or prosecuting any proceeding in any State or United States court affecting the \$222,171.50 in remaining contract funds which are the subject of The Audubon Commission's interpleader counterclaim, including, but not limited to, that action pending in the Civil District Court for the

Parish of Orleans, State of Louisiana, No. 11-10622, entitled "*Hartford Casualty Insurance Company v. The Audubon Commission*;"

New Orleans, Louisiana, this 4<sup>th</sup> day of November 2011.

  
**MARTIN L.C. FELDMAN**  
**United States District Judge**