

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

BLANE P. RONQUILLE

CIVIL ACTION

VERSUS

NO. 14-164

AVONDALE INDUSTRIES, INC., ET AL

SECTION "N" (4)

ORDER AND REASONS

Having carefully considered the parties' submissions, the original petition, and the first supplemental and amended petition, **IT IS ORDERED** that Defendant Mosaic Global Holdings' "Rule 12(b)(6) Motion to Dismiss" Plaintiff's fraud claims (Rec. Doc. 10) is **GRANTED** for essentially the reasons stated in Defendant Mosaic's original and reply memoranda (Rec. Docs. 10-4 and 44).

IT IS FURTHER ORDERED, that, if Plaintiff desires to proceed further with the fraud claims asserted against Defendant Mosaic, Plaintiff must seek leave, no later than twenty (20) days from the entry of this Order and Reasons, to file a second amended and superseding petition remedying the identified pleading deficiencies. The second amended and superseding petition must include all of the allegations from Plaintiff's original and first amended petitions on which Plaintiff continues to rely, as well as his new allegations, such that the case can proceed on the basis of the second amended and superseding petition without requiring further reference to the original or first

amended petition. If Plaintiff cannot, or does not, cure these deficiencies by timely amendment, the Court shall, upon appropriate motion by Defendant Mosaic, order its dismissal of Plaintiff's fraud claims against it to be with prejudice.

New Orleans, Louisiana, this 4th of September 2014.



KURT D. ENGELHARDT
United States District Judge