

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CARLO DEMATTEO

CIVIL ACTION

VERSUS

NO. 14-751
c/w 14-752

DOLGENCORP, LLC, ET AL

SECTION "N" (3)

RELATES TO ALL CASES

ORDER AND REASONS

Before the Court are: (1) Objections to Magistrate's Order (Rec. Doc. 37) on Plaintiffs' Motions for Leave to Amend Complaint (Rec. Doc. 40), filed by the defendants; and (2) Plaintiff's Motion to Remand (Rec. Doc. 14).

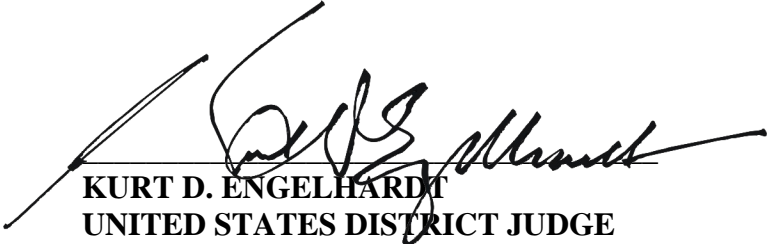
The plaintiffs' motion to remand is made pursuant to 28 U.S.C. § 1447(e), on grounds that the joinder of Frederick Clark, a Louisiana resident, destroys the Court's subject matter jurisdiction. No party disputes that Clark's joinder would destroy diversity, the only basis for jurisdiction in this case, thereby requiring remand pursuant to 28 U.S.C. § 1447(e). Thus, the merits of the motion to remand hinge strictly on the propriety of the joinder, which is challenged in the defendants' objections to the Magistrate Judge's Order. Having carefully reviewed the Order (Rec. Doc. 37), the defendant's objections, the record, and the applicable law, the Court can find no error in the Magistrate Judge's ruling allowing the joinder. Indeed, the Court agrees that the Magistrate's decision is the correct one. Joinder of the non-diverse defendant being proper, remand is required. *See* 28 U.S.C. § 1447(e).

Accordingly;

IT IS ORDERED that:

- (1) The Objections to Magistrate's Order (Rec. Doc. 37) on Plaintiffs' Motions for Leave to Amend Complaint, filed by the defendants (**Rec. Doc. 40**) are hereby **OVERRULED** and **DENIED**;
- (2) The Magistrate's Order (Rec. Doc. 37) is hereby **AFFIRMED**, and the Court adopts it as its opinion;
- (3) Plaintiff's Motion to Remand (**Rec. Doc. 14**) is hereby **GRANTED**; and
- (4) Both consolidated actions (14-cv-751 and 14-cv-752) are hereby **REMANDED** to the Twenty-Fourth Judicial District Court for the Parish of Jefferson.

New Orleans, Louisiana, this 23rd day of July, 2014.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE