

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

BRANNON CROWE

CIVIL ACTION

VERSUS

NO. 14-1130

MARQUETTE TRANSPORTATION
COMPANY GULF-INLAND, LLC

SECTION "N" (5)

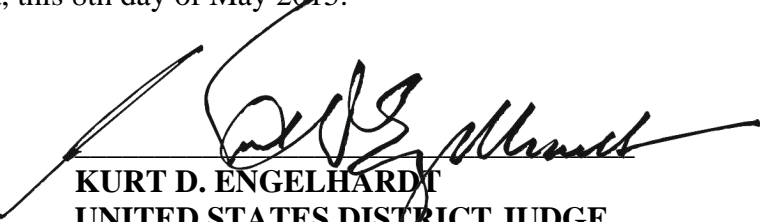
ORDER AND REASONS

Having carefully reviewed Defendant's "Motion for Review of Objections to Magistrate's Order and Reasons Denying Motion for Leave to File Counterclaim" (Rec. Doc. 58), **IT IS ORDERED** that the motion is **GRANTED** such that the Magistrate Judge's March 10, 2015 Order and Reasons (Rec. Doc. 54) is set aside.

Although certainly a close call, the Court finds *Boudreaux v. Transocean Deepwater, Inc.*, 721 F.3d 723 (5th Cir. 2013), *cert. denied*, 134 S. Ct. 1001 (2014), sufficiently distinguishable to warrant allowing Defendant to assert its fraud counterclaim. Specifically, the plaintiff in *Boudreaux* undisputedly suffered an injury during the course and scope of his employment. Here, however, Defendant contends that Plaintiff never suffered an injury while at work. Rather, Defendant maintains that Plaintiff's injury occurred off-duty while he was fishing. Additionally, the

May 4, 2015 trial date has been continued until August 24, 2015, such that timeliness is not an issue. See Rec. Doc. 80. Accordingly, **IT IS FURTHER ORDERED** that Defendant's "Motion for Leave to File Counterclaim" (Rec. Doc. 35) is **GRANTED**.

New Orleans, Louisiana, this 8th day of May 2015.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE

Clerk to Copy: Magistrate Judge North