

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ARIYAN, INC., d/b/a
DISCOUNT CORNER

CIVIL ACTION

NO. 16-2328

VERSUS

SECTION "N" (3)

SEWERAGE & WATER BOARD
OF NEW ORLEANS

ORDER & REASONS

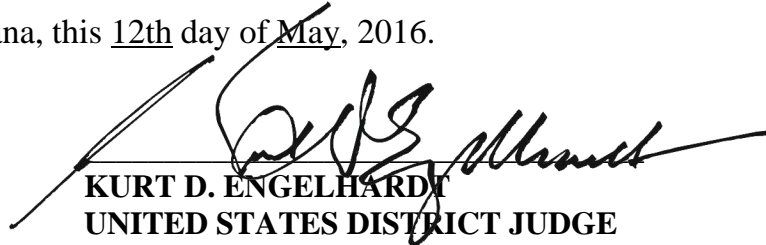
Presently before the Court is Plaintiff's "Motion to Remand" (Rec. Doc. 10) and "Motion to Sever" (Rec. Doc. 12). Having carefully considered the parties' supporting and opposing submissions, and the applicable law, **IT IS ORDERED** that the Motions are **DENIED**.

The issues raised here by Ariyan, Inc. ("Ariyan") in its Motion to Remand were previously addressed by this Court in *Sewell v. Sewerage & Water Board of New Orleans*, No. 15-3117. (*See* Rec. Doc. 36). In that case, which involves the same SELA drainage project, the Court found that B&K, as a government contractor, had properly removed the action pursuant to 28 U.S.C. § 1442(a). (*Id.* at p. 2-3). Here, on the showing made, the Court finds, again, that B&K's use of the federal officer removal statute was appropriate.

Ariyan also moves the Court to sever its case from the other SELA drainage project actions, all of which have been consolidated for discovery purposes only. Ariyan's primary concern appears to be that consolidation will delay a final resolution of this matter.

However, that need not be so. Should Ariyan conclude discovery early, the Court will be receptive of a motion to expedite the trial. A severance is unwarranted.

New Orleans, Louisiana, this 12th day of May, 2016.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE