

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FRANCES BARRECA

CIVIL ACTION

VERSUS

NO. 18-10315

HOME DEPOT USA, INC., *et al.*

SECTION M (1)

ORDER & REASONS

Before the Court is a motion to remand filed by plaintiff Frances Barreca (“Barreca”) in which she argues that this Court lacks diversity subject-matter jurisdiction because she and a defendant named as “Evangeline” are both citizens of Louisiana.¹ Defendant Home Depot USA, Inc. (“Home Depot”) opposes the motion arguing that “Evangeline” is a fictitious defendant whose citizenship is not considered in the jurisdictional analysis.² After Barreca and Home Depot filed reply memoranda,³ Barreca filed a motion for leave to amend her complaint to properly name “Evangeline” as “Evangeline Karen Thibodeaux.”⁴ On March 21, 2019, Magistrate Judge van Meerveld denied Barreca’s motion, finding that Barreca sought to add Thibodeaux as a defendant solely to defeat diversity subject-matter jurisdiction in that Barreca cannot state a claim against her.⁵ Because Thibodeaux is not a party to this action, and there is complete diversity between Barreca and Home Depot, with more than \$75,000 in controversy, this Court has diversity subject-matter jurisdiction.⁶

¹ R. Doc. 10. Barreca does not contest that there is more than \$75,000 in controversy.

² R. Doc. 16 at 2-5.

³ R. Docs. 19 & 22, respectively.


⁴ R. Doc. 23.

⁵ R. Doc. 34 at 7-8.

⁶ The Court also finds that Barreca’s argument that this matter should be remanded because Home Depot failed to timely file the entire state court record lacks merit. Home Depot timely filed the state court record as directed by the Court. R. Doc. 8.

Accordingly, IT IS ORDERED that Barreca's motion to remand (R. Doc. 10) is DENIED.

New Orleans, Louisiana, this 29th day of March, 2019.


BARRY W. ASHE
UNITED STATES DISTRICT JUDGE