UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

BROOKSGREENBLAT, L.L.C.

                                        CIVIL ACTION

VERSUS

                                        NUMBER 08-454-RET-SCR

C. MARTIN COMPANY, INC.

RULING ON MOTION TO SEVER

Before the court is Brooksgreenblat, L.L.C.'s Motion to Sever Third-Party Claims and Alternative Motion for Separate Trials. Record document number 50. The motion is opposed by defendant C. Martin Company, Inc.[1]

No useful purpose would be served by repeating the parties arguments. For essentially the reasons stated by the defendant in its opposition memorandum, the plaintiff's motion is denied.

Also, the deadline for the parties to complete their fact discovery expired last month, and the deadline to file dispositive motions will expire next week.[2] If no dispositive motion is filed, the case will be ready to be assigned for a final pretrial conference and then a bench trial. Defendant anticipates the trial of the entire case will take less than a day.[3] Even if the

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[1] Record document number 66.

[2] Record document number 68, Amended Scheduling Order.

[3] Although the defendant certainly did not concede liability, the tenor of the defendant's argument suggests that the defendant does not anticipate defeating the plaintiff's main demand, thus
                                                (continued...)

defendant is wrong and the trial takes two days, in the circumstances of this case preparing for a single two-day trial is likely less burdensome than preparing for two one-day trials. And trying the whole case one time is more efficient that trying parts of it separately on different dates. Neither the parties nor judicial efficiency are served by a severance or separate trials.

Accordingly, Brooksgreenblat, L.L.C.'s Motion to Sever Third-Party Claims and Alternative Motion for Separate Trials is denied.

Baton Rouge, Louisiana, May 12, 2009.

STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE

3(...continued)
requiring the defendant to prove its third party demand. At least from the defendant's perspective, a single trial would be more efficient and less burdensome than two trials.