

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CARGILL INCORPORATED
VERSUS
CLARK FARM #2, L.L.C.

CIVIL ACTION
NUMBER 08-460-FJP-SCR

RULING

This matter is before the Court on the plaintiff's appeal¹ of the Magistrate Judge's Ruling² which denied plaintiff's motion for leave to file a supplemental and amending complaint.³ The Court has considered the arguments of the parties, the Magistrate Judge's ruling, and the applicable case law, and finds that the Magistrate Judge's ruling should be affirmed.

After filing this lawsuit for breach of contract, plaintiff moved to stay this proceeding pending arbitration, which was granted. Plaintiff was awarded a judgment against Clark Farm #2 and Brett Michael Clark by the National Grain and Feed Association (NGFA). Plaintiff now seeks to file a supplemental and amending complaint against Brett Michael Clark and Bayou Current Farms under several legal theories.

¹Rec. Doc. No. 24.

²Rec. Doc. No. 23.

³Rec. Doc. No. 20.

The Court finds that it is too late for plaintiff to amend its complaint at this procedural stage in the suit, since a final award of arbitration has been rendered.

Further, the Court affirms the ruling of the Magistrate Judge for the reasons set forth in that ruling. The Court also believes that plaintiff's attempt to join these parties to this action is improper under applicable jurisprudence. Because this case was stayed and plaintiff chose to proceed with arbitration, the Court must treat this motion/appeal as an action to confirm the arbitration award. The law is clear that:

[A]n action for confirmation is not the proper time for a District Court to "pierce the corporate veil." . . . It would unduly complicate and protract the proceeding were the court to be confronted with a potentially voluminous record setting out details of the corporate relationship between a party bound by an arbitration award and its purported "alter ego."⁴

Finally, the Court finds that the arbitration award is only enforced as to Clark Farm #2, L.L.C. If the plaintiff wishes to pursue liability against Brett Michael Clark and Bayou Current Farms, it may do so by filing a lawsuit against those parties.

Therefore:

It is ordered that the Magistrate Judge's ruling in this

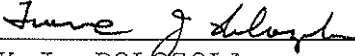
⁴*Orion Shipping & Trading Co., Inc. v. Eastern States Petroleum Corporation of Panama, S.A.*, 312 F.2d 299, 300 (2nd Cir. 1963).

matter is affirmed, and the arbitration award in favor of the plaintiff against Clark Farm #2, L.L.C. is confirmed. The Court reserves to the plaintiff the right to file suit against other parties for recovery of damages relating to this judgment.

The Oral Argument scheduled for Tuesday, June 2, 2010, is hereby cancelled.

IT IS SO ORDERED.

Baton Rouge, Louisiana, this 1 day of ^{June}~~May~~, 2010.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA