

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

STATE FARM FIRE AND CASUALTY  
COMPANY, ET AL

CIVIL ACTION

VERSUS

NUMBER 08-765-FJP-DLD

TARGET CORPORATION, ET AL

**RULING**

After the original demand was dismissed in this case,<sup>1</sup> the Court questioned whether it had jurisdiction over the third party demand.<sup>2</sup> The Court asked the parties to submit briefs on whether the Court still had jurisdiction over the third party demand. After reviewing the briefs, the Court finds that it has jurisdiction over the third party demand under 28 U.S.C. § 1367. The parties have briefed all of the issues involved in the third party demand. The Court believes it would be in the interest of justice and judicial economy to resolve the final issue in this case. All that needs to be done in this case is for the Court to rule on the pending third party demand. To dismiss this case after

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<sup>1</sup>Rec. Doc. No. 22.

<sup>2</sup>For the Court to proceed without making a specific ruling on the issue of jurisdiction could have caused this same issue to be raised on any appeals taken by the parties. The Court has, on its own motion, raised the issue of jurisdiction at this time to at least let the appellate court know this Court raised the issue and set forth reasons why the Court has jurisdiction.

all of the discovery has been completed and the parties having stipulated to the facts set forth in the third party demand would, in this Court's opinion, be a clear abuse of discretion under 28 U.S.C. § 1367.

Thus, the Court finds it has subject matter jurisdiction.

The parties shall submit a modified pretrial order which shall set forth the contentions of the parties, witnesses, and legal issues on or before August 20, 2010.

The parties shall also advise the Court whether the remaining claims can be tried on cross motions for summary judgment.

Baton Rouge, Louisiana, August 6, 2010.



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FRANK J. POLOZOLA  
MIDDLE DISTRICT OF LOUISIANA