UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

MARY M. ZENO **CIVIL ACTION**

VERSUS

LIVINGSTON MANAGEMENT, INC. **NO.: 11-00351-BAJ-SCR**

ORDER

Before the Court is **Plaintiff's Motion for Leave to Join Parties Defendant (Doc. 51)**, filed by Plaintiff Mary M. Zeno ("Zeno"), seeking an order from this Court joining Huff Management Co., Inc. and LAP RD, LLC as Defendants in this matter. Defendant Livingston Management, Inc. ("LMI") opposes the motion. (Doc. 53.) Zeno filed a reply memorandum. (Doc. 56.)

A preliminary review of the facts asserted in the parties' submissions to the Court strongly suggests that joinder of Huff Management Co., Inc. and LAP RD, LLC as Defendants, under Federal Rule of Civil Procedure 19, would be proper. However, based on the limited information provided, the Court is unable to ascertain whether LMI can provide any or all relief to Zeno, if judgment is entered in her favor. *See Rojas v. TK Communications, Inc.*, 87 F.3d 745, 750 (5th Cir. 1996).

The Court is also unable to determine the degree of continuity of business operations from LMI to Huff Management Co., Inc., and from LMI to LAP RD, LLC.

See Valdez v. Celerity Logistics, Inc., No. 3:12-CV-4368-D, 2014 U.S. Dist. LEXIS 23981, at *13-21 (N.D. Tex. Feb. 26, 2014).

Accordingly,

IT IS ORDERED that Defendant Livingston Management, Inc. shall submit a supplemental memorandum specifically addressing: (1) the degree of continuity of business operations from LMI to Huff Management Co., Inc., and from LMI to LAP RD, LLC; and (2) LMI's ability to provide relief to Zeno.

Such memorandum shall be filed **no later than August 14, 2014**.

Such memorandum shall address, via a sworn affidavit, LMI's: (1) current assets; (2) projected assets for 2014; (3) current liabilities; (4) projected liabilities for 2014; (5) any insurance policies that may satisfy all or part of a possible judgment and the coverage amounts; and (6) LMI's position as to whether personal liability for all or part of a possible judgment may be imposed on LMI's corporate officers. *See Rojas*, 87 F.3d at 750.

Baton Rouge, Louisiana, this 7th day of August, 2014.

BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA