

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARSHA A. WILLIS

CIVIL ACTION

VERSUS

NO. 12-760-BAJ-RLB

EAN HOLDINGS, LLC, ET AL.

ORDER

This matter is before the Court *sua sponte*. On November 30, 2012, the defendant EAN Holdings, LLC filed a Notice of Removal, asserting diversity jurisdiction based upon 28 U.S.C. § 1332. Specifically, defendant EAN Holdings, LLC alleges that the non-diverse defendant Troy David Thibodaux was fraudulently joined as a defendant and his citizenship should be disregarded for the purposes of determining diversity jurisdiction.

The removing party bears the burden of demonstrating fraudulent joinder. *Carriere v. Sears, Roebuck & Co.*, 893 F.2d 98, 100 (5th Cir. 1990). Whether this court has subject-matter jurisdiction over this action is a threshold matter that cannot be resolved on the face of the pleadings filed to date. Accordingly,

IT IS ORDERED that defendant EAN Holdings, LLC shall submit a brief, not later than 21 days after the date of this order, in support of their contention that this court has jurisdiction, specifically addressing the alleged fraudulent joinder of defendant Thibodaux.

IT IS FURTHER ORDERED that the plaintiff shall then have 21 days from the submission of the defendants' brief to file a response brief.

Signed in Baton Rouge, Louisiana, on June 10, 2013.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE