

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

WARREN WRIGHT

CIVIL ACTION

VERSUS

VELOCITY EXPRESS, LLC, ET AL.

NO.: 14-00751-BAJ-RLB

**ORDER**

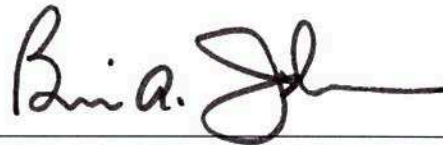
On February 4, 2016, Transforce, Inc. (“Transforce”) filed a Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) (Doc. 18). Transforce seeks to be dismissed as a defendant on the ground that this Court lacks personal jurisdiction because Transforce is a Canadian corporation that is not licensed to do business in Louisiana. (Doc. 18-1 at p. 2).

This action was filed in the 18th Judicial District Court, West Baton Rouge Parish on March 12, 2014. (Doc. 1-2 at p. 1). On November 7, 2014, Transforce filed a Declinatory Exception of Lack of Personal Jurisdiction in state court, seeking to be dismissed for lack of personal jurisdiction. (Doc. 1-2 at p. 12). Before the state court held a hearing on Transforce’s motion, Transforce and co-defendants, Dynamex, Inc. and Velocity Express, LLC, removed this action to federal court on December 4, 2014. (Doc. 1). Transforce never filed an answer in state court or in federal court, and Transforce did not raise the personal jurisdiction issue until it filed the subject motion of February 4, 2016, over a year after removal.

Given Transforce's delay in raising the personal jurisdiction issue in this Court:

**IT IS ORDERED** that all parties supporting or opposing the Court's personal jurisdiction over Transforce file memoranda of points and authorities addressing whether, pursuant to Federal Rule of Civil Procedure ("Rule") 12(h), Transforce has waived the defense of personal jurisdiction under Rule 12(b)(2). The memoranda are limited to **five pages** and shall be filed **on or before 5:00 p.m. May 9, 2016.**

Baton Rouge, Louisiana, this 29<sup>th</sup> day of April, 2016.

A handwritten signature in black ink, appearing to read "Brian A. Jackson", written over a horizontal line.

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