

**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF LOUISIANA**

BRAD GRIZER

CIVIL ACTION

VERSUS

16-145-SDD-EWD

CF INDUSTRIES, INC., ET AL.

**RULING**

The Court has carefully considered the *Petition*,<sup>1</sup> the record, the law applicable to this action, and the *Report and Recommendation*<sup>2</sup> of United States Magistrate Judge Erin Wilder Doomes dated May 25, 2017. Plaintiff has filed a *Motion to Remand*<sup>3</sup> which the Court will treat as an objection to the *Report and Recommendation* of Magistrate Judge Erin Wilder-Doomes.

The Court notes Plaintiff's objection to the *Report and Recommendation*, specifically Plaintiff's reliance on *Teacher Retirement System of Texas v. Reilly Mortgage Group Inc.* Upon review, the Court finds that *Reilly* is factually distinguishable because it was at a more advanced stage of litigation than the case at bar. The Court finds, like the court in *Brown v. Sullair, LLC.*, that "if after removal the plaintiff seeks to join additional **defendants** whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court. But this applies only to what happens after removal when plaintiff seeks to join additional non-diverse **defendants**."<sup>4</sup> Zurich American Insurance Company's ("Zurich") motion to intervene

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<sup>1</sup> Rec. Doc. 1-2.

<sup>2</sup> Rec. Doc. 64.

<sup>3</sup> Rec. Doc. 65.

<sup>4</sup> 13-2388, 2015 WL 9261354 at \*3 (W.D. La. Nov. 17, 2015)(emphasis original).


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aligns Zurich as a plaintiff, and not as a defendant. Given that the clear language of 28 U.S.C. § 1447 (e) states that its applicability is limited to non-diverse defendants, and Zurich is not a defendant, Rule 19(b) of the Federal Rules of Civil Procedure clearly requires dismissal.

The Court hereby approves the *Report and Recommendation* of the Magistrate Judge and adopts it as the Court's opinion herein.

**Accordingly**, the Plaintiff's *Petition* is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Signed in Baton Rouge, Louisiana on June 15, 2017.

  
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**JUDGE SHELLY D. DICK**  
**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF LOUISIANA**