

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

SHARON WEATHERSPOON

CIVIL ACTION

VERSUS

NO. 17-98-SDD-RLB

**JP MORGAN CHASE BANK,
NATIONAL ASSOCIATION, ET AL.**

ORDER

Before the Court is Plaintiff's Motion to Stay (R. Doc. 9) filed on March 10, 2017.

Sharon Weatherspoon ("Plaintiff") initiated this action on or about February 10, 2017 in state court, naming as defendants JP Morgan Chase Bank, National Association ("Chase") and B&BA, LLC ("B&BA"). (R. Doc. 1-1, at 1-8).

Chase removed the action on February 22, 2017, asserting that neither Chase nor B&BA had been served with the Petition at the time of removal. (R. Doc. 1 at 3). Chase subsequently filed documents, however, indicating that service of process was made (or attempted) on Chase on February 21, 2016,¹ and that service of process was made (or attempted) on B&BA on February 20, 2016. (R. Doc. 4-1 at 21-24).

Through the instant motion, Plaintiff seeks an order staying the proceedings until April 11, 2017, and ordering B&BA to retain counsel by April 10, 2017 because it is a legal entity that cannot proceed without counsel. (R. Doc. 9-1 at 2).

Regardless of whether B&BA must obtain counsel in order to appear in this action, the deadline for B&BA to file an answer or responsive pleading is governed by Rule 81(c)(2) of the Federal Rules of Civil Procedure. Assuming that B&BA was served with process on February

¹ Chase has asserted that service on it was improper as it was made through CT Corporation, which is not a registered agent for service of process for Chase in Louisiana. (R. Doc. 2 at 1 n.1).

20, 2017, the deadline for B&BA to answer the Petition or present appropriate defenses would be no earlier than March 13, 2017. *See* Fed. R. Civ. P. 81(c)(2)(B).²

If B&BA does not file an answer or defense in the time allowed by Rule 81, then Plaintiff may take appropriate action, including seeking entry of a default pursuant to Rule 55 of the Federal Rules of Civil Procedure. Furthermore, if B&BA does not make an appearance, the Court will reset the Scheduling Conference set for on April 27, 2017 as needed.

Based on the foregoing,

IT IS ORDERED that Plaintiff's Motion to Stay (R. Doc. 9) is **DENIED**.

Signed in Baton Rouge, Louisiana, on March 13, 2017.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE

² The Court has extended the deadline for Chase Bank to file an answer or defenses to March 29, 2017. (R. Doc. 6).