

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JENNIFER LARSEN

CIVIL ACTION

VERSUS

RED FROG EVENTS, LLC, ET AL.

NO.: 17-1665-BAJ-EWD

RULING AND ORDER

Before the Court is the United States Magistrate Judge's **Report and Recommendation (Doc. 93)** pursuant to 28 U.S.C. § 636(b)(1). The Report and Recommendation addresses Plaintiff's **Motion to Remand (Doc. 78)**. This case was removed to Federal Court from the 20th Judicial District Court for the Parish of West Feliciana based on 28 U.S.C. § 1332 diversity jurisdiction. (Doc. 1, at 2). Plaintiff argues that remand is required because Defendant West Feliciana Parish, Department of Parks and Recreation ("West Feliciana") is a properly joined, non-diverse defendant. In their Amended Notice of Removal, Defendants, who oppose this Motion, argued West Feliciana was improperly joined. *Id.*

Plaintiff's lawsuit is one of several that arose from the collapse of the "Diesel Dome" during an extreme obstacle race called the "Warrior Dash." (Doc. 36, ¶ 6 & 8). In her Motion to Remand, Plaintiff claims to have a viable negligence claim against West Feliciana, and argues that the Louisiana Recreational Immunity Statute, La. R.S. § 9:2795(B) does not apply because the "Diesel Dome" should be considered "playground equipment." (Doc. 78-2, at 5-12). However, the state court to which

Plaintiff seeks remand has ruled in one of this action's sister cases, *Allen v. Red Frog Events, LLC*, that West Feliciana is in fact shielded by Louisiana's Recreational Use Immunity Statute with respect to claims arising out of the collapse of the "Diesel Dome" during the Warrior Dash race. (Doc. 93, at 9).

The Report and Recommendation notified the parties that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen (14) days from the date they received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. *Id.* at 1. Neither party objected. Having carefully considered the underlying Complaint and related filings, the Court approves the Magistrate Judge's Report and Recommendation, and hereby adopts its findings of fact, conclusions of law, and recommendation.

Accordingly,

IT IS ORDERED that the **Magistrate Judge's Report and Recommendation (Doc. 93)** is **ADOPTED** as the Court's opinion herein.

IT IS FURTHER ORDERED that Plaintiff's **Motion to Remand (Doc. 78)** is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's claims against West Feliciana Parish, Department of Parks and Recreation are **DISMISSED WITHOUT PREJUDICE**.

Baton Rouge, Louisiana, this 20th day of December, 2019.



**JUDGE BRIANA A. JACKSON
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**