

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

**ANDREW MORAN ET AL**

**CASE NO. 1:19-CV-01203**

**VERSUS**

**JUDGE DRELL**

**AMERICAN HONDA MOTOR CO INC ET AL MAGISTRATE JUDGE PEREZ-MONTES**

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ORDER

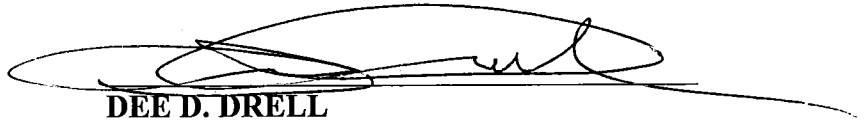
Before the court is the Report and Recommendation of the Magistrate Judge previously filed herein (Doc. 25), recommending that Plaintiffs' motion to amend (Doc. 17) be granted and, accordingly, Plaintiff's prior motion to remand (Doc. 10) also be granted based on lack of jurisdiction. After *de novo* review of the record in this case, including the objections filed by defendant American Honda Motor Co., Inc. (Doc. 26), the court finds that, with a single exception, it agrees with the analysis and proposed findings contained in the Report and Recommendation, finding it to be in accord with applicable law and jurisprudence. Accordingly, the court will ADOPT the proposed findings contained therein with one exception specified below.

IT IS ORDERED that Plaintiff's motion to amend (Doc. 17) is GRANTED, thereby allowing the joinder of defendants Petersen Automotive Interests, LLC d/b/a Team Honda and Joaquin Perez, individually, as defendants to the instant suit. Accordingly, it is also ORDERED that, because Team Honda and potentially Perez are citizens of the State of Louisiana, thus destroying diversity jurisdiction, Plaintiff's motion to remand (Doc. 10) is GRANTED and this suit is REMANDED to Louisiana's Twelfth Judicial District Court for the Parish of Avoyelles.

In so ruling, we note that we did not consider the affidavit of Andrew Moran (Doc. 10-1), wherein Moran recounts being informed that Team Honda performed the repairs at issue, in our analysis. Rather, the court found Plaintiffs' allegations in this matter sufficient to state a viable

claim against both Team and Perez under a standard similar to that applied to motions under Fed. R. Civ. P. 12(b)(6). Tillman v. CSX Transp., Inc., 929 F.2d 1023, 1029 (5<sup>th</sup> 1991); Smallwood v. Illinois Central RR Co., 385 F.3d 568, 573 (5<sup>th</sup> Cir. 2004). As such, we decline to adopt this portion of the Report and Recommendation of the Magistrate Judge (Doc. 25 at pp. 11-13).

THUS DONE AND SIGNED at Alexandria, Louisiana, this 14<sup>th</sup> day of SEPTEMBER, 2019.

  
**DEE D. DRELL**  
**UNITED STATES DISTRICT JUDGE**