

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

JOHNNY HARLAN HARGROVE : **DOCKET NO. 10-CV-0318**

VS. : **JUDGE MINALDI**

BRIDGESTONE/FIRESTONE NORTH : **MAGISTRATE JUDGE KAY**
AMERICAN TIRE, LLC, ET AL.

ORDER

Currently before the court is a Motion to Remand filed by plaintiff. Doc. 27. Finding additional briefing necessary before the court is able to reach its final determination, it is


ORDERED that counsel provide additional briefing on the issue of whether the rule of unanimity as defined in *Getty Oil Corp. v. Ins. Co. of N. America*, 841 F.2d 1254 (5th Cir. 1988) has been satisfied in this proceeding. For purposes of this briefing, counsel are to assume (although the court has not finally decided) that diversity jurisdiction existed at the time of removal on February 25, 2010, and that the discovery responses confirming plaintiff’s settlement with the non-diverse defendants, which responses were received March 16, 2010, constitute an “other paper” as contemplated by 28 U.S.C. § 1446(b). Of particular interest to the court is a discussion of whether the thirty-day requirement for consent as set forth in *Getty* would begin to run on February 25, 2010, the date of removal, or on March 16, 2010, the date of receipt of the “other paper.”

IT IS FURTHER ORDERED that Counsel list for the benefit of the court all defendants named in the original state court proceeding, when those defendants were served, and what has

become of the defendants who were named in the original petition but who are not participating in this federal court proceeding.

IT IS FURTHER ORDERED that each party submit one memorandum and there will be no replies or responses absent approval by the court. The memoranda are limited to ten (10) pages in length absent court approval and are to be filed on or before December 6, 2010.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on November 8, 2010.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE