

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

**LOCUST RIDGE PLANTATION,
L.L.C. & E. R. MCDONALD AND
SONS, INC.**

*** CIVIL ACTION NO. 17-0746**

VERSUS

*** JUDGE ROBERT G. JAMES**

**ADCO PRODUCING COMPANY,
INC., ET AL.**

*** MAG. JUDGE KAREN L. HAYES**

RULING

Pending before the Court is a Motion to Remand [Doc. No. 17] in which Plaintiffs move to remand this case to state court and for attorneys' fees and costs. On October 11, 2017, Magistrate Judge Karen L. Hayes issued a Report and Recommendation [Doc. No. 32] in which she found that Defendants had failed to meet their heavy burden of establishing improper joinder of at least one non-diverse Defendant. She found further that Defendants' removal was untimely.

Defendants Southern Natural Gas Co., LLC, and ConocoPhillips Co. ("ConocoPhillips") filed objections. [Doc. Nos. 33 & 34]. Plaintiffs filed a response to the objections. [Doc. No. 35]. Having conducted a *de novo* review of the record, including the objections and responses, the Court finds that Magistrate Judge Hayes correctly stated and applied the law and ADOPTS her Report and Recommendation.

The Court issues this Ruling to address one objection raised by ConocoPhillips. ConocoPhillips objects, in part, that Magistrate Judge Hayes' analysis incorrectly relied on the Louisiana Business Corporation Act ("BCA"), which was not effective until January 1, 2015, after the non-diverse Defendant J.C. Trahan was dissolved. While ConocoPhillips is correct,

The law in effect prior to the BCA is substantially similar: “Upon issuance of the certificate of dissolution, the corporate existence shall cease as of the effective date stated in the certificate, except for the sole purpose of any action or suit commenced theretofore by, or commenced timely against, the corporation.” LA. REV. STAT. ANN. § 12:148C. Accordingly, even if the Court applies the law prior to the BCA, it would reach the same conclusion.

For the foregoing reasons and those set forth in Magistrate Judge Hayes’ Report and Recommendation, adopted by this Court, a Judgment shall issue granting Plaintiffs’ Motion to Remand and denying their request for attorney’s fees and costs.

MONROE, LOUISIANA, this 5th day of December, 2017.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE