

- M L H B P A m e r i c a P r o d D u o

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

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BP AMERICA PRODUCTION CO.

CIVIL ACTION NO. 5:08-cv-01895

VERSUS

JUDGE ELIZABETH ERNY FOOTE

R. D. BRISCOE, INC.

MAGISTRATE JUDGE HORNSBY

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**ORDER**

The Baker Group, composed of eleven individuals, has filed a Motion to Intervene [Record Document 37] in the above captioned matter. Magistrate Judge Hornsby issued an Order denying the Motion to Intervene [Record Document 68], and the Baker Group has appealed the denial of intervention to this Court.

Pursuant to Griffin v. Lee, 2010 WL 3704910 (5th Cir. Sept. 23, 2010), if an intervenor is aligned as a defendant, 28 U.S.C. § 1367(b) “does not deprive the district court of supplemental jurisdiction over a counterclaim raised by the intervening defendant, even where the requirements of [28 U.S.C.] § 1332 are not met.” Id. at \*7, *citing with approval*, Development Finance Corp. v. Alpha House & Health Care, Inc., 54 F.3d 156, 161 (3d Cir. 1995). Because the Baker Group was properly aligned as defendants, this Court may exercise supplemental jurisdiction over the Baker Group’s counterclaims.

**IT IS ORDERED** that the Motion to Intervene [Record Document 37] be and is hereby **GRANTED**, and that Magistrate Judge Hornsby’s Order [Record Document 68] be and is hereby **REVERSED**.

**THUS DONE AND SIGNED** in Shreveport, Louisiana, on this   3rd   day of November, 2010.

  
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ELIZABETH ERNY FOOTE  
UNITED STATES DISTRICT JUDGE