

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

KAREN WOODARD

CIVIL ACTION NO. 13-cv-0042

VERSUS

JUDGE STAGG

RENT-A-CENTER EAST, INC., ET AL

MAGISTRATE JUDGE HORNSBY

**MEMORANDUM ORDER**

Karen Woodard (“Plaintiff”) filed suit in state court against Rent-A-Center East, Inc. and Ray Doe. Doe is a fictitious name for an actual employee of Rent-A-Center who Plaintiff alleges made several inappropriate sexual remarks to her and even touched and grabbed her in a sexual manner. Plaintiff states that she believes Doe is domiciled in Caddo Parish, Louisiana, and she states that his name and other identifying information will be supplemented following discovery.

Rent-A-Center removed the case based on assertion of diversity jurisdiction between Plaintiff (Louisiana) and Rent-A-Center (Delaware and Texas). With respect to Doe, Rent-A-Center stated that the court must disregard the citizenship of fictitious defendants pursuant to 28 U.S.C. § 1441(b).

It appears there is a substantial likelihood that Ray Doe, when his true identity is learned, may be a Louisiana citizen whose presence as a defendant would destroy diversity jurisdiction. Accordingly, Plaintiff is granted leave of court to conduct discovery limited to determining the identification and citizenship of Ray Doe. Rent-A-Center is encouraged to voluntarily provide the relevant information so that the expense and delay of formal

discovery may be avoided and this preliminary jurisdictional issue can be decided promptly and efficiently.

Plaintiff will be allowed until **February 28, 2013** to file a motion for leave to amend her complaint and substitute the actual employee for Ray Doe. If the actual employee is, like Plaintiff, a citizen of Louisiana, the court's decision on whether to allow the amendment and remand the case will be guided by the factors in Hensgens v. Deere & Co., 833 F.2d 1179 (5th Cir. 1987).

If Plaintiff does not file a timely motion for leave to amend and substitute the actual employee, the claim against Ray Doe will be dismissed and the case will proceed in federal court solely against Rent-A-Center.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 11th day of January, 2012.

  
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MARK L. HORNSBY  
UNITED STATES MAGISTRATE JUDGE