

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

TONY FERGUSON

CIVIL DOCKET NO. 17-cv-1570

VERSUS

CHIEF JUDGE HICKS

SWIFT TRANSPORTATION CO. OF
ARIZONA, ET AL

MAGISTRATE JUDGE HORNSBY

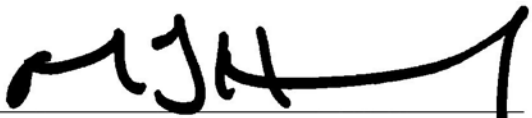
MEMORANDUM ORDER

The court issued a Memorandum Order (Doc. 5) that noted questions about whether defendant Swift Transportation Co. of Arizona, LLC is (as its name suggests) a limited liability company or (as stated in some of the pleadings) a corporation. The court directed that Swift determine whether it is a corporation or LLC and allege its citizenship in accordance with the applicable rules.

Swift filed an amended notice of removal (Doc. 7) that stated in paragraph 10 that Swift Transportation Company of Arizona, LLC is incorporated in Delaware with its principal place of business in Arizona. The notice gives no explanation for the fact that LLC is in the name of the company. The court will, for now, accept the assertion that Swift is a corporation rather than an LLC, but this is an issue that must be explored as the case progresses. If the company with LLC in its name it really an LLC, then the notice of removal will require another amendment because it “must specifically allege the citizenship of every member of every LLC or partnership involved in a litigation.” Settlement Funding, L.L.C. v. Rapid Settlements, Ltd., 851 F.3d 530, 536 (5th Cir. 2017).

Other than this concern about subject matter jurisdiction, the case appears to be in a position for a scheduling conference other than the lack of answers to the complaint in intervention that was filed by Granite State Insurance Co., the worker's compensation insurer. Once the defendants in intervention have filed an answer, the court will promptly set a scheduling conference.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 19th day of January, 2018.



Mark L. Hornsby
U.S. Magistrate Judge