

RECEIVED
USDC, WESTERN DISTRICT OF LA
TONY H. MOORE, CLERK
DATE 6/28/11
68

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

LAFAYETTE DIVISION

**OPELOUSAS GENERAL HOSPITAL
AUTHORITY, A PUBLIC TRUST,
D/B/A OPELOUSAS GENERAL HEALTH
SYSTEM**

CIVIL ACTION 11-523

VERSUS

JUDGE HAIK

**FAIRPAY SOLUTIONS, INC., LEMIC
INSURANCE CO. AND ZURICH
AMERICAN INSURANCE CO.**

MAGISTRATE JUDGE HILL

RULING

BEFORE THE COURT is the plaintiff, Opelousas General's Motion to Remand [Rec. Doc. 15]. For the following reasons and those stated during the Court's June 16, 2011 motion day, the court rules as follows:

The plaintiff filed suit in the 27th Judicial District Court for the Parish of St. Landry, Louisiana. The defendants removed the suit to this Court. Among other things, the defendants allege that the "local controversy" exception pursuant to 28 U.S.C. § 1332 does not apply. Specifically, the defendants allege that the putative class is not seeking significant relief from the co-defendant, LEMIC Insurance Co. (LEMIC). The defendants also allege that LEMIC's alleged conduct does not form a significant basis for the claims asserted by the putative class. On June 16, 2011, the Court found that the local controversy exception applies, and the Court ruled that the case be remanded.

Subsequent to the Court's, June 16, 2011 ruling, the defendants sought to stay the Court's entry of order to remand pending appeal of the Court's ruling. United States Code, Title 28,

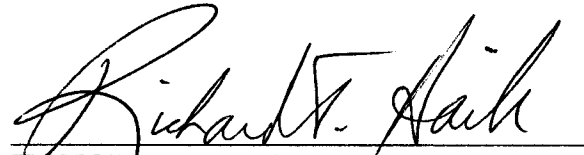
Section 1453, provides an appeal of a district court's granting of a motion to remand a class action if application to the court of appeals is made not more than 10 days after entry of the order. 28 U.S.C. § 1453(c) (2011).

As such, IT IS ORDERED that the plaintiff's motion to remand [Rec. Doc. 15] is GRANTED.

However, IT IS FURTHER ORDERED that the Clerk of Court shall SUSPEND EXECUTION OF THE REMAND for a period of not more than 10 days from this date.

IT IS FURTHER ORDERED that the defendants' motions to stay [Rec. Doc. 63 & 64] are DENIED.

THUS DONE AND SIGNED this 27th day of June, 2011, Lafayette, Louisiana.


HONORABLE RICHARD T. HAIK, SR.
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA