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

ELIZABETH WILLIAMS

CIVIL ACTION 11-916

VERSUS

JUDGE HAIK

HOMESITE INSURANCE COMPANY

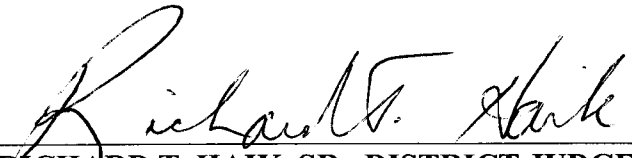
MAGISTRATE JUDGE HANNA

RULING

Before the Court is a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(b)(7) (Doc. #8) and Motion to Dismiss First Amending and Supplemental Complaint (Doc. #23). The Court notes that, due to a scheduling error by the Court, ruling on the motions was delayed. Upon a thorough review of the motion and opposition, the Court rules as follows:

The Motions to Dismiss Pursuant to Rule 12(b)(6) are **DENIED**. Under the circumstances of the case, the Court can not, at this time, find “beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” *Blackburn v. City of Marshall*, 42 F.3d 925 (5th Cir., 1995). The portion of the motions seeking dismissal under Federal Rule of Civil Procedure 12(b)(7) are also **DENIED** at this time. The plaintiff is given fifteen (15) days from this date to add all necessary parties to the suit pursuant to Federal Rule of Civil Procedure 19. This includes, but is not limited to, the escrow agent involved in this matter.

THUS DONE and SIGNED on this 14th day of November, 2012.


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