

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES L. FELDKAMP,

Plaintiff,

v.

BBK, LTD.,

Defendant.

Case No. 08-12979

Honorable Patrick J. Duggan

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on September 16, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

In this diversity lawsuit, Plaintiff James L. Feldkamp (“Plaintiff”) alleges that Defendant BBK, Ltd. (“Defendant”) breached his employment contract that provided for the payment of various sums upon any termination without cause. Presently before the Court is Defendant’s motion to dismiss for failing to join a party under Federal Rule of Civil Procedure 19.

Specifically, Defendant contends in its motion that BBK Consulting Company, Ltd. (“BBK China”) is a necessary and indispensable party to this litigation and that the case should be dismissed because of BBK China’s absence. Alternatively, Defendant requests that Plaintiff be ordered to amend his complaint to add BBK China with the understanding that BBK China will voluntarily submit to jurisdiction and that Defendant is authorized to accept service on BBK China’s behalf.

A hearing was held on Defendant's motion on September 16, 2008.

For the reasons set forth at the hearing, the Court is satisfied that BBK China is neither a necessary nor an indispensable party to this litigation and, therefore, Defendant's motion to dismiss must be denied.

The Court also denies Defendant's request that Plaintiff be ordered to amend his Complaint to add BBK China.

Therefore,

IT IS ORDERED that Defendant's motion to dismiss is **DENIED**, and

IT IS FURTHER ORDERED that Defendant's request to require Plaintiff to add BBK China as a party to this action is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Thomas E. Marshall, Esq.
Randal R. Cole, Esq.