

**MYRA MAUDRA MUNSTER,
CHRISTEN COOK AND JOHN
COOK**

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NO. 2007-CA-0294

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COURT OF APPEAL

VERSUS

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FOURTH CIRCUIT

**BILL WATSON FORD, INC.,
FORD MOTOR COMPANY
AND DON BOHN FORD, INC.**

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STATE OF LOUISIANA

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TOBIAS, J., CONCURS AND ASSIGNS REASONS.

I respectfully concur in order to assign additional reasons in support of the majority's decision.

Even assuming that the trial court was correct and did not abuse its discretion in dismissing Paulstra CRC Corporation as a party defendant because the late addition of it as a party violated a pretrial order, nothing prevented the plaintiffs/appellants from filing a separate suit against Paulstra and thereafter, as mandated by rules of court, moving for consolidation of the suits for trial.

(Judicial economy would warrant such a result.) Whether Paulstra is a joint or solidary obligor, the filing of suit against the remaining defendants interrupted prescription against all potential defendants. See La. C.C. arts. 1793 and 2324C. The plaintiffs merely chose the more direct method: filing a supplemental and amending petition adding Paulstra. The trial court by its 2005 order granted the supplementation and amendment.

This is not a unique case. Substantially similar things occurred in *Dubuclet v. St. Paul Fire and Marine Ins. Co.*, 94-0708 (La. App. 4 Cir. 12/15/94), 647 So.2d 1344.