

CLOSED, CONSOL, SEVERED

**U. S. District Court  
Eastern District of Louisiana (New Orleans)  
CIVIL DOCKET FOR CASE #: 2:07-cv-04457-SRD-JCW**

Aguda v. State Farm Fire and Casualty Insurance Company  
Assigned to: Judge Stanwood R. Duval, Jr  
Referred to: Magistrate Judge Joseph C. Wilkinson, Jr  
Lead case: [2:05-cv-04182-SRD-JCW](#)  
Member case: [\(View Member Case\)](#)  
Cause: 28:1332 Diversity-Insurance Contract

Date Filed: 08/27/2007  
Date Terminated: 02/04/2009  
Jury Demand: None  
Nature of Suit: 110 Insurance  
Jurisdiction: Diversity

**Plaintiff**

**Joseph Aguda**  
*et al*

represented by **Stuart Thomas Barasch**  
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V.

**Defendant**

**State Farm Fire and Casualty  
Insurance Company**

represented by **David A. Strauss**  
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Date Filed	#	Docket Text
08/27/2007	<u>1</u>	COMPLAINT against State Farm Fire and Casualty Insurance Company (Filing fee \$ 350.) filed by all plaintiffs.(gec, ) Additional attachment(s) added on 8/27/2007 (gec, ). (Entered: 08/27/2007)
08/27/2007	2	Summons Issued as to State Farm Fire and Casualty Insurance Company. (gec, ) (Entered: 08/27/2007)
08/31/2007	<u>3</u>	ORDER REASSIGNING CASE. Case reassigned to Judge G. Thomas Porteous, Jr for all further proceedings. Judge Mary Ann Vial Lemmon no longer assigned to case. Signed by Judge Mary Ann Vial Lemmon.(gec, ) (Entered: 08/31/2007)
10/05/2007	<u>4</u>	ORDER – Accordingly, unless service is made on the named defendants within 120 days of the filing of the complaint or unless within that time you show good cause in writing for having failed to do so, plaintiff's claims against the named defendant(s) will be dismissed without further notice. Signed by Judge G. Thomas Porteous Jr. on 10/3/07.(ala, ) (Entered: 10/05/2007)
01/22/2008	<u>5</u>	MOTION to Dismiss Case <i>Pursuant to Rule 12(b)(6)</i> by State Farm Fire and Casualty Insurance Company. Motion Hearing set for 2/13/2008 10:00 AM before Judge G. Thomas Porteous Jr.. (Attachments: # <u>1</u> Memorandum in Support # <u>2</u> Exhibit 1# <u>3</u> Notice of Hearing)(Strauss, David) (Entered: 01/22/2008)
01/22/2008	<u>6</u>	Request/Statement of Oral Argument by State Farm Fire and Casualty Insurance Company regarding <u>5</u> MOTION to Dismiss Case <i>Pursuant to Rule 12(b)(6)</i> MOTION to Dismiss Case <i>Pursuant to Rule 12(b)(6)</i> . (Strauss, David) (Entered: 01/22/2008)
01/22/2008	<u>7</u>	ANSWER to Complaint by State Farm Fire and Casualty Insurance Company.(Strauss, David) (Entered: 01/22/2008)
02/06/2008	<u>8</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Supplemental Memorandum in Opposition to Sate Farm's Motion to Dismiss</i> by Joseph Aguda. (Attachments: # <u>1</u> Proposed Pleading # <u>2</u> Proposed Order)(Barasch, Stuart) Modified on 2/7/2008 (gec, ). (Entered: 02/06/2008)
02/06/2008	<u>9</u>	MOTION for Leave to File <i>Plaintiff's First Amended Complaint</i> by Joseph Aguda. Motion Hearing set for 2/27/2008 11:00 AM before Magistrate Judge Alma L. Chasez. (Attachments: # <u>1</u> Memorandum In Support of Motion # <u>2</u> Proposed Pleading # <u>3</u> Notice of Hearing # <u>4</u> Proposed Order)(Barasch, Stuart) Certificate of Counsel attached on 2/7/2008 (gec, ). Modified on 2/7/2008 (gec, ). (Entered: 02/06/2008)
02/07/2008	<u>10</u>	**ERROR: FILED AS A SEPARATE DOCUMENT** CERTIFICATE of Counsel by Stuart Thomas Barasch re <u>9</u> MOTION for Leave to File <i>Plaintiff's First Amended Complaint</i> . (Barasch, Stuart) Modified on 2/7/2008 (gec, ). (Entered: 02/07/2008)
02/07/2008	11	Correction of Docket Entry by Clerk re <u>8</u> MOTION for Leave to File <i>Supplemental Memorandum in Opposition to Sate Farm's Motion to Dismiss</i> . Filing attorney should have changed 'N' to 'Y' at the question 'Is this an Exparte/Consent Motion Y/N?' before

		clicking the Next button. Filing attorney did not select category 'Proposed Pleading' when attaching document for which leave to file is being requested. Clerk took corrective action. (gec, ) (Entered: 02/07/2008)
02/07/2008	<u>12</u>	Correction of Docket Entry by Clerk re <u>9</u> MOTION for Leave to File <i>Plaintiff's First Amended Complaint</i> . Filing attorney selected incorrect judicial officer and time for hearing. When setting a motion for hearing there is a reminder message 'Be sure to select the correct Judge or Magistrate Judge:'. Motion is to be heard before Magistrate Judge Alma L. Chalez 2/27/2008 11:00 AM. Filing attorney should have changed 'N' to 'Y' at the question 'Is this an Exparte/Consent Motion Y/N?' before clicking the Next button. Clerk took corrective action. (gec, ) (Entered: 02/07/2008)
02/07/2008	<u>13</u>	Correction of Docket Entry by Clerk re <u>10</u> Certificate of Counsel. Incorrectly filed as a separate document instead of an attachment to document #9. Clerk took corrective action. No further action is needed. (gec, ) (Entered: 02/07/2008)
02/08/2008	<u>14</u>	ORDER granting <u>8</u> Motion for Leave to File Supplemental Memorandum. Signed by Judge G. Thomas Porteous Jr. on 2/7/08. (gec, ) (Entered: 02/08/2008)
02/08/2008	<u>15</u>	Supplemental Memorandum filed by Joseph Aguda, in Opposition of <u>5</u> MOTION to Dismiss Case <i>Pursuant to Rule 12(b)(6)</i> . (gec, ) (Entered: 02/08/2008)
02/11/2008	<u>16</u>	<b>**DEFICIENT**</b> EXPARTE/CONSENT MOTION for Leave to File <i>Defendant's Reply to Plaintiffs' Opposition to Rule 12(b)(6) Motion to Dismiss</i> by State Farm Fire and Casualty Insurance Company. (Attachments: # <u>1</u> Supplement Reply to Plaintiff's Opposition to Rule 12(b)(6) Motion to Dismiss# <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C# <u>5</u> Exhibit D# <u>6</u> Proposed Order)(Garbett, Christian) Modified on 2/12/2008 (gec, ). (Entered: 02/11/2008)
02/12/2008	<u>17</u>	<b>**DEFICIENT**</b> RESPONSE to Motion filed by State Farm Fire and Casualty Insurance Company re <u>9</u> MOTION for Leave to File <i>Plaintiff's First Amended Complaint</i> . (Attachments: # <u>1</u> Supplement Defendant's Reply to Plaintiff's Opposition to Rule 12(b)(6) Motion to Dismiss# <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C# <u>5</u> Exhibit D# <u>6</u> Proposed Order)(Garbett, Christian) Modified on 2/13/2008 (gec, ). (Entered: 02/12/2008)
02/12/2008	<u>18</u>	<b>**DEFICIENT**</b> EXPARTE/CONSENT MOTION for Leave to File <i>Defendant's Reply to Plaintiffs' Opposition to Rule 12(b)(6) Motion to Dismiss</i> by State Farm Fire and Casualty Insurance Company. (Attachments: # <u>1</u> Proposed Pleading Reply to Plaintiffs Opposition to Rule 12(b)(6) Motion to Dismiss# <u>2</u> Proposed Pleading Exhibit A# <u>3</u> Proposed Pleading Exhibit B# <u>4</u> Proposed Pleading Exhibit C# <u>5</u> Proposed Pleading Exhibit D# <u>6</u> Proposed Order)(Garbett, Christian) Modified on 2/13/2008 (gec, ). (Entered: 02/12/2008)
02/12/2008	<u>19</u>	<b>**DEFICIENT**</b> Amendment/Supplement to Document by Joseph Aguda re <u>9</u> MOTION for Leave to File <i>Plaintiff's First Amended Complaint (Amended Notice of Hearing)</i> . (Barasch, Stuart) Modified on 2/13/2008 (gec, ). (Entered: 02/12/2008)
02/12/2008	<u>20</u>	<b>**DEFICIENT**</b> NOTICE by Joseph Aguda <i>APPEARANCE OF ATTORNEY LARRY CENTOLA</i> . (Barasch, Stuart) Modified on 2/13/2008 (gec, ). (Entered: 02/12/2008)
02/12/2008	<u>21</u>	RESPONSE/MEMORANDUM in Opposition filed by State Farm Fire and Casualty Insurance Company re <u>9</u> MOTION for

		Leave to File <i>Plaintiff's First Amended Complaint</i> . (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Garbett, Christian) Modified on 2/13/2008 (gec, ). (Entered: 02/12/2008)
02/14/2008	<u>22</u>	**DEFICIENT** EXPARTE/CONSENT MOTION for Leave to File <i>Defendant's Reply to Plaintiffs' Opposition to Rule 12(b)(6) Motion to Dismiss</i> by State Farm Fire and Casualty Insurance Company. (Attachments: # <u>1</u> Proposed Pleading Defendant's Reply to Plaintiffs' Opposition to Rule 12(b)(6) Motion to Dismiss# <u>2</u> Proposed Pleading Exhibit A# <u>3</u> Proposed Pleading Exhibit B# <u>4</u> Proposed Pleading Exhibit C# <u>5</u> Proposed Pleading Exhibit D# <u>6</u> Proposed Order)(Strauss, David) Modified on 2/15/2008 (gec, ). (Entered: 02/14/2008)
02/14/2008	<u>23</u>	MOTION for Leave to File <i>Plaintiff's First Amended Complaint</i> by Joseph Aguda. Motion(s) referred to Alma L. Chasez. Motion Hearing set for 3/5/2008 11:00 AM before Magistrate Judge Alma L. Chasez. (Attachments: # <u>1</u> Memorandum in Support # <u>2</u> Supplement Certificate of Counsel# <u>3</u> Notice of Hearing # <u>4</u> Proposed Order # <u>5</u> Proposed Pleading Plaintiff's First Amended Complaint for Damages)(Barasch, Stuart) (Entered: 02/14/2008)
02/14/2008	<u>24</u>	EXPARTE/CONSENT MOTION to Appear as Counsel of Record by Joseph Aguda. (Attachments: # <u>1</u> Proposed Order Proposed Order to Appear as Additional Counsel)(Barasch, Stuart) (Entered: 02/14/2008)
02/19/2008	<u>25</u>	ORDER TRANSFERRING CASE. Case transferred to Judge Stanwood R. Duval, Jr and Joseph C. Wilkinson, Jr for all further proceedings. Judge G. Thomas Porteous, Jr, Alma L. Chasez no longer assigned to case. Signed by Judge G. Thomas Porteous Jr. on 2/13/08. (NEF: J. Chasez)(gec, ) (Entered: 02/19/2008)
02/19/2008	<u>26</u>	ORDER Setting/Resetting oral argument on <u>23</u> MOTION for Leave to File <i>Plaintiff's First Amended Complaint</i> : Motion Hearing set for 3/5/2008 11:00 AM before Magistrate Judge Alma L. Chasez.. Signed by Judge Alma L. Chasez.(car, ) (Entered: 02/20/2008)
02/26/2008	<u>27</u>	CASE CONSOLIDATED with 05-4182. PROTOCOL for Case Management Order Number 2, Case Management Order No. 3 and Case Management Order No. 4. Counsel to Comply with Case Management Orders. Signed by Judge Stanwood R. Duval Jr. on 10/20/06. (Attachments: # <u>1</u> Case Management Order No. 3# <u>2</u> Case Management Order No. 4)(blg) (Entered: 02/26/2008)
12/30/2008	<u>28</u>	SEVERANCE ORDER – ORDERED that plaintiffs' counsel must, no later than 1/30/09, file an individualized amended complaint for each plaintiff or set of related plaintiffs asserting claims as to particular property allegedly insured by State Farm. Upon filing, the Clerk will assign a new docket number and will allot the case at random among the judges of the court. All pleadings regarding that claim shall thereafter bear the new title, docket number and section of the new case. IT IS FURTHER ORDERED that plaintiffs shall serve the new amended complaint, a copy of the original complaint or Notice of Removal, and a copy of this order on opposing counsel. Any claims not timely brought before the court by amended complaint as ordered herein will be dismissed without further notice. Specifically, by separate order on or after February 2, 2009, Judge Duval will dismiss the cases specifically referenced above, so that the newly filed severed cases may proceed. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 12/30/08. (NEF sent to Judge Duval) (blg) (Entered: 12/31/2008)

02/04/2009	<u>29</u>	DISMISSAL ORDER – ORDERED that all of the above-referenced "mass joinder" cases are hereby DISMISSED, as follows: (1) without prejudice as to all claims that have been reasserted via severed amended complaint, pursuant to the court's severance order; (2) as to all settled claims, without prejudice to the right, upon good cause shown within ninety (90) days, to seek summary judgment enforcing the compromise or to reopen the action if settlement is not consummated, the court having approved the settlements, incorporated them into its dismissal order, and retained jurisdiction for enforcement purposes; and (3) with prejudice for failure to prosecute as to all claims that have not been settled, previously dismissed or reasserted via severed amended complaint. Signed by Judge Stanwood R. Duval, Jr on 2/4/09. (blg) (Entered: 03/06/2009)
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