

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAFAYETTE DIVISION

Vanessa Blanc v. Jerue Logistics Solutions LLC et al.

Blanc · No. 6:25-CV-02010 · Decided March 18, 2026

SUMMARY

The magistrate judge addresses which defendants and claims remain after removal, dismissal, settlement, and transfer proceedings involving negligence claims arising from a trucking accident. The court recommends treating John J. Jerue Truck Broker, Inc. as the sole remaining defendant, dismissing Rolando Ramirez, Jr. and Nolan Logistics without prejudice, deferring the motion to dismiss, and staying the case pending the Supreme Court’s resolution of whether the FAAAA preempts state-law negligence claims against brokers.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lafayette Division
WRITING FOR THE COURT	Carol B. Whitehurst
JURISDICTION	United States District Court for the Western District of Louisiana, Lafayette Division
DECIDED	March 18, 2026
DOCKET	6:25-CV-02010
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation addressing Defendants' Rule 12(b)(6) motion to dismiss, Plaintiff's motion for abstention and stay, and Plaintiff's motion for reconsideration concerning the transferor court's denial of remand.
STANDARD OF REVIEW	On the Rule 12(b)(6) motion, the court must limit review to the pleadings and attached materials, accept well-pleaded facts as true, and view them in the light most favorable to the plaintiff; conclusory allegations and unwarranted factual deductions are not accepted as true. A discretionary stay is reviewed for whether it is immoderate or indefinite.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; not a final judgment of the district court.

PARTIES

Vanessa Blanc v. Jerue Logistics Solutions LLC et al.

TOPICS

motions to dismiss

civil procedure

negligence

statutory interpretation

federalism

PRACTICE AREAS

civil procedure

transportation law

federal preemption

negligence

QUESTIONS PRESENTED

1. Which defendants remained in the action after the voluntary dismissals and the prior settlement?
2. Whether Plaintiff's arguments concerning improper removal, the tolling agreement, and remand remained viable after Plaintiff voluntarily transferred the case to the Western District of Louisiana.
3. Whether John J. Jerue Truck Broker, Inc. should be dismissed under Rule 12(b)(6) on the ground that the Federal Aviation Administration Authorization Act preempted Plaintiff's negligence claim.
4. Whether the court should stay proceedings until the Supreme Court resolved the FAAAA broker-preemption issue in *Montgomery v. Caribe Transport*.

HOLDINGS

1. The report recommends treating Rolando Ramirez, Jr. and Nolan Logistics as improperly joined defendants and dismissing them without prejudice; the three removing Jerue entities had already been voluntarily dismissed, leaving John J. Jerue Truck Broker, Inc. as the only remaining viable defendant.
2. The report recommends rejecting Plaintiff's attempt to rely on the tolling agreement to require litigation in Hidalgo County or obtain remand because Plaintiff voluntarily moved to transfer the case to the Western District of Louisiana with the consent of all defendants.
3. The report recommends deferring the motion to dismiss rather than deciding whether the FAAAA preempts Plaintiff's negligence claim.
4. The report recommends granting a stay until July 31, 2026, with supplemental briefing and resolution of the motion to dismiss thereafter or earlier if the Supreme Court issues its decision.

KEY QUOTATIONS

"For a contractual clause to prevent a party from exercising its right to removal, the clause must give a 'clear and unequivocal' waiver of that right." (at 10)

*"The case be STAYED until July 31, 2026. Either party may move to re-open the case thereafter or at any time after the Supreme Court issues a ruling in *Montgomery v. Caribe Transport*."* (at 15-16)

FACTUAL BACKGROUND

Blanc alleged negligence claims arising from a March 2020 accident in Lafayette, Louisiana involving an eighteen-wheeler. She previously sued the driver and four Jerue entities in Texas; claims against three Jerue

entities were dismissed on summary judgment, and she later settled with the driver and Nolan Logistics. Pursuant to a tolling agreement, she nonsuited the first action and refiled in Texas state court, after which three Jerue entities removed the case. Those three entities were later voluntarily dismissed, leaving John J. Jerue Truck Broker, Inc. as the only viable remaining defendant for purposes of the recommendation.

PROCEDURAL HISTORY

Blanc filed suit in Texas state court arising from a 2020 Louisiana truck accident. Three Jerue entities removed the case to the Southern District of Texas, where the court denied Plaintiff's amended motion to remand. Plaintiff voluntarily dismissed her claims against the three removing entities, later moved to transfer the case to the Western District of Louisiana, and sought reconsideration of rulings concerning remand. The case was transferred, and the matters were referred to Magistrate Judge Whitehurst for a report and recommendation.

DISPOSITION

other

CASES CITED

- Audler v. CBC Innovis Inc., 519 F.3d 239, 255 (5th Cir. 2008)
- Moore v. Louisiana ex rel. Insurance Rating Commission, 459 F. Supp. 2d 504, 507 (M.D. La. 2006)
- Meyerland Co. v. Federal Deposit Insurance Corp., 910 F.2d 1257, 1263 (5th Cir. 1990)
- Breen v. Knapp, No. CV 22-3962, 2023 WL 3434984, at *2 (E.D. La. May 12, 2023)
- City of New Orleans v. Municipal Administrative Services, Inc., 376 F.3d 501, 504 (5th Cir. 2004)
- Collins v. Morgan Stanley Dean Witter, 224 F.3d 496, 498 (5th Cir. 2000)
- U.S. ex rel. Riley v. St. Luke's Episcopal Hospital, 355 F.3d 370, 375 (5th Cir. 2004)
- In re Katrina Canal Breaches Litigation, 495 F.3d 191, 205 (5th Cir. 2007)
- Kaiser Aluminum & Chemical Sales v. Avondale Shipyards, 677 F.2d 1045, 1050 (5th Cir. 1982)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570, 127 S. Ct. 1955, 1974 (2007)
- Hughes v. Boston Scientific Corp., 631 F.3d 762, 771 (5th Cir. 2011)
- Witty v. Delta Air Lines, Inc., 366 F.3d 380, 384 (5th Cir. 2004)
- Elam v. Kansas City Southern Railway Co., 635 F.3d 796, 803 (5th Cir. 2011)
- Patterson v. Hunt Perfection LLC, 768 F. Supp. 3d 781, 785 (S.D. Tex. 2025)
- Aspen American Insurance Co. v. Landstar Ranger, Inc., 65 F.4th 1261, 1272 (11th Cir. 2023)
- Hamby v. Wilson, No. 6:23-cv-249-JDK, 2024 WL 2303850, at *4 (E.D. Tex. May 21, 2024)
- Lopez v. Amazon Logistics, Inc., 458 F. Supp. 3d 505 (N.D. Tex. 2020)
- Meek v. Toor, 2024 WL 943931, at *2 (E.D. Tex. Mar. 5, 2024)
- Scott v. Milosevic, 372 F. Supp. 3d 758, 769 (N.D. Iowa 2019)
- Mann v. C.H. Robinson Worldwide, Inc., 2017 WL 3191516, at *7 (W.D. Va. July 27, 2017)
- Ye v. GlobalTranz Enterprises, Inc., 74 F.4th 453 (7th Cir. 2023)
- Montgomery v. Caribe Transport II, LLC, 146 S. Ct. 79, 222 L. Ed. 2d 1241 (2025)

- *In re Ramu Corp.*, 903 F.2d 312, 318 (5th Cir. 1990)
- *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996) (en banc)

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