

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

FIFTH SEASON FINANCIAL, L.P.,

Plaintiff,

v.

BRYNDA E. PARKER and JAWAD BUKHARI,

Defendants.

1:16-cv-1458 (LMB/MSN)

ORDER

Plaintiff Fifth Season Financial, L.P. ("Fifth Season") filed this interpleader action against claimants Brynda E. Parker and Jawad Bukhari, invoking the Court's jurisdiction under both the federal interpleader statute, 28 U.S.C. § 1335(a), and the general diversity statute, 28 U.S.C. § 1332. On April 28, 2017, the Court dismissed this civil action for lack of subject matter jurisdiction, citing the lack of diversity among the claimants. Fifth Season has moved for reconsideration, supported by defendant Jawad Bukhari ("Bukhari"), arguing that under the Fourth Circuit's decision in Lembach v. Allen, 976 F.2d 912, 917 (4th Cir. 1992), which held that "the dismissal of the stakeholder before final judgment does not destroy jurisdiction" under § 1332, this Court retains diversity jurisdiction notwithstanding Fifth Season's dismissal. Accordingly, Fifth Season's Motion for Reconsideration [Dkt. 64] is GRANTED IN PART and it is hereby

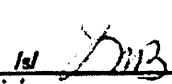
ORDERED that the dismissal order entered on April 28, 2017 [Dkt. 63] be and is VACATED; and it is further

ORDERED that Fifth Season accept the cashier's check in the amount of \$465,273.52 from the clerk's office and immediately re-deposit the money into the Court Registry Investment System pursuant to Local Civil Rule 67.

The Clerk is directed to forward copies of this Order to counsel of record.

Entered this 30th day of May, 2017.

Alexandria, Virginia


Leonie M. Brinkema
United States District Judge