

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
HELENA DIVISION**

**DAN TURLEY**

**PLAINTIFF**

**v.**

**CASE NO. 2:08-CV-00218-BSM**

**WILLIAM FITCH and JOAN FITCH**

**DEFENDANTS**

**ORDER**

Before the court is defendants' motion to conduct remand-related discovery and for additional time to respond to plaintiff's response and objection to notice of removal.

On October 27, 2008, plaintiff petitioned the St. Francis County, Arkansas Circuit Court to quiet title and to grant other relief. The case was removed to this court on December 23, 2008, based on diversity and federal question jurisdiction. At the time of removal, defendants filed an answer and counterclaim. On January 9, 2009, plaintiff answered the counterclaim and filed a response and objection to notice of removal, which the court will treat as a motion to remand. Defendants then filed the present motion.

Defendants assert that plaintiff has merely denied the allegation that federal question jurisdiction exists without any explanation or supporting documentation. Similarly, defendants assert that plaintiff's denial of diversity jurisdiction lacks any substantive explanation. Therefore, defendants are asking for ninety days in which to conduct remand-related discovery, so that they can investigate the substance of plaintiff's denials. Defendants' discovery will also address whether the court has federal question jurisdiction based on a violation of Federal Wetlands Protection Program, and whether there is actually

diversity of citizenship. Defendants also seek an additional thirty days upon completion of the first ninety day discovery period, in order to respond to plaintiff's motion to remand.

In response, plaintiff asserts that he provided details in support of his motion to remand and requests that the court grant the motion to remand.

For good cause shown, the court will grant defendants' motion as stated herein. The parties may conduct remand-related discovery up to and including April 6, 2009. Defendants shall file their response to plaintiff's motion to remand on or before Friday, April 24, 2009.

Accordingly, defendants' motion to conduct remand-related discovery and for additional time to respond to plaintiff's response and objection to notice of removal (Doc. No. 8) is granted in part. The parties may conduct remand-related discovery up to and including April 6, 2009. Defendants shall file their response to plaintiff's motion to remand on or before Friday, April 24, 2009.

IT IS SO ORDERED this 6<sup>th</sup> day of February, 2009.

  
UNITED STATES DISTRICT JUDGE