

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
HELENA DIVISION**

**THE SCOULAR COMPANY**

**PLAINTIFF**

**v.**

**CASE NO. 2:09CV00060 BSM**

**WILLIAM ERNEST HEIDELBERGER and  
HENRY HERMAN HEIDELBERGER**

**DEFENDANTS**

**ORDER**

Defendants' motion to transfer (Doc. No. 6) and plaintiff's motion to remand (Doc. No. 9) are pending before the court. On August 13, 2009, the court erroneously docketed a draft order reaching the opposite conclusion. The court hereby vacates that order, grants defendants' motion to transfer, and denies plaintiff's motion to remand.

United States District Court Judge William R. Wilson has addressed the identical issue in a case related to the present one. *See Scoular Company v. DJCB Farm Partnership*, Case No. 2:09-cv-00061 WRW (Doc. No. 21). The court adopts Judge Wilson's rationale and finds that transfer is appropriate.

Accordingly, the order entered on August 13, 2009 (Doc. No. 19) is vacated. Plaintiff's motion to remand (Doc. No. 9) is denied. Defendants' motion to transfer (Doc. No. 6) is granted and Defendants' request for attorney's fees and costs is denied. The Clerk of the Court is directed to immediately transfer this case to the United States District Court for the District of Nebraska.

IT IS SO ORDERED this 14th day of August, 2009.

*Brian S. Miller*

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UNITED STATES DISTRICT JUDGE