

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

DONALD J. BRATTON

PLAINTIFF

v.

NO. 4:09-CV-00363GTE

**ALLSTATE INSURANCE COMPANY;
WILLIAMS ROBINS II; AND JOHN DOES I-V**

DEFENDANTS

ORDER

Before the Court is a Motion for Leave to Amend Complaint¹ filed by Plaintiff Donald J. Bratton (“Bratton”). The proposed Amended Complaint adds a fraud cause of action against Defendant Williams Robins II to the other state law claims. Counsel for Defendant Allstate Insurance Company has advised that it will not oppose the motion. For good cause shown, the motion will be granted.

Additionally, Plaintiff’s Motion to Remand,² which the Court held in abeyance for the reasons stated in its Order of June 26, 2009,³ must also be granted. With the addition of the fraud cause of action against Robins, his citizenship may not be disregarded for purposes of determining whether this Court may exercise diversity subject matter jurisdiction. Complete diversity is therefore destroyed as Bratton and Robins are both Arkansas citizens. The Court

¹ Doc. No. 12.

² Doc. No. 6.

³ Doc. No. 10.

must remand the action for lack of subject matter jurisdiction.

IT IS HEREBY ORDERED THAT Plaintiff's Motion for Leave to File Amended Complaint (Docket No. 12) be, and it is hereby, GRANTED. Plaintiff is directed to file the Amended Complaint in this action and the Clerk is directed to accept same for filing.

IT IS FURTHER ORDERED THAT Plaintiff's Motion to Remand (Docket No. 6) be, and it is hereby, GRANTED. The Clerk of the Court is directed to remand this action back to the Saline County Circuit Court from which it was removed immediately upon the filing of the Amended Complaint.

IT IS SO ORDERED this 13th day of July, 2009.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE