

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

ADVOCAT INC.; DIVERSICARE  
MANAGEMENT SERVICES CO.;  
DIVERSICARE LEASING CO., doing  
business as Conway Healthcare and  
Rehabilitation Center

PLAINTIFFS

v.

No. 4:11CV00895 JLH

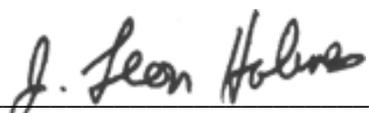
RICHARD W. BLANCHARD, as  
Special Administrator of the Estate  
of Richard E. Blanchard, Deceased, and  
on behalf of the Wrongful Death Beneficiaries  
of Richard E. Blanchard

DEFENDANT

**ORDER**

The plaintiffs filed their complaint seeking to compel arbitration on December 19, 2011. Subsequently, the defendant filed a motion to dismiss contending that the Court lacked subject-matter jurisdiction because the Federal Arbitration Act does not provide an independent basis for federal question jurisdiction and because complete diversity did not exist. The defendants then filed an amended complaint on February 15, 2012, as permitted by Fed. R. Civ. P. 15(a)(1). All plaintiffs named in the amended complaint are citizens of different states than the defendant. Furthermore, the amended complaint seeks an order compelling arbitration of a controversy exceeding the value of seventy-five thousand dollars. *See Northport Health Servs. of Ark., LLC v. Rutherford*, 605 F.3d 483 (2010). Consequently, the defendant's motion to dismiss for lack of jurisdiction is DENIED AS MOOT. Document #3.

IT IS SO ORDERED this 5th day of April, 2012.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE