

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

WILLIAM E. SMITH, *et al.*

PLAINTIFFS

VS.

4:13-CV-00626-BRW

DESOTO GATHERING COMPANY, LLC, *et al.*

DEFENDANTS

ORDER

Pending is Plaintiffs' Motion to Sever (Doc. No. 102). Separate Defendants Vanguard Permian, LLC, and Antero Resources Corporation agree to severance.¹ Separate Defendants DeSoto Gathering Company, LLC, Southwestern Midstream Services Company, and SEECO, Inc. object to severance.² For the reasons set out below, the Motion is GRANTED.

This case involves nine named Plaintiffs and five Defendants.³ All nine Plaintiffs have claims pending against Defendants DeSoto, Southwest Midstream, and SEECO for negligence, strict liability, nuisance, and trespass (the parties refer to these claims as the "compressor claims"). In addition to the compressor claims, Plaintiffs William and Margaret Smith (on behalf of themselves and a putative class) have various claims pending against all five Defendants (the parties refer to these claims as the "royalty claims").⁴

Defendants DeSoto, Southwest Midstream, and SEECO previously argued that the compressor claims should be separated from the royalty claims, but now object to severance. Since all Defendants have, at some point, agreed the claims should be separate, I see no reason to

¹ Doc. No. 107, 110.

² Doc. Nos. 108.

³ For a more detailed history of this case, see Doc. No. 70.

⁴ There appears to be some dispute over which royalty claims remain – and against which party the remaining claims are asserted. Severance would help clear up these disputes.

keep the Plaintiffs who have no interest in the royalty claims bogged down while squabbles over the royalty claims drag on.

Accordingly, Plaintiffs' royalty claims are SEVERED – leaving only the compressor claims against Defendants DeSoto, Southwestern Midstream, and SEECO in the case.⁵ Defendants Vanguard and Antero are DISMISSED from this action.

Plaintiffs have 30 days from the date of this Order to file a new complaint on the severed claims. The complaint should be served in accordance with the Rules of Civil Procedure.

If Plaintiffs do not file a new civil action within 30 days of this Order, the royalty claims will be considered dismissed without prejudice.

IT IS SO ORDERED this 11th day of February, 2015.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

⁵ *I.e.*, claims for negligence, strict liability, nuisance, and trespass.