

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

LISA A. WHITE-WILEY

PLAINTIFF

v.

No. 5:18-cv-298-DPM

EVERGREEN PACKAGING, INC.;
and VAN HENDRY

DEFENDANTS

ORDER

The Arkansas Minimum Wage Act considers anyone who acts directly or indirectly in an employer's interest in relation to an employee to also be an employer. ARK. CODE ANN. § 11-4-203(4)(A). Evergreen employed White-Wiley. For a time, Hendry was an Evergreen manager. Notwithstanding Elmore's declaration about the limited scope of Hendry's authority and actions, White-Wiley's allegations provide a reasonable basis for a non-frivolous claim that the Act covers him, too. *Filla v. Norfolk Southern Railway Co.*, 336 F.3d 806, 811 (8th Cir. 2003). His presence destroys complete diversity. The motion to remand, *No. 6*, is therefore granted. The motion to dismiss and plead more clearly remains for the state court. The case is remanded to the Circuit Court of Jefferson County, Arkansas. 28 U.S.C. § 1447(c).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

11 January 2019