

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

BILLY WAYNE JACKSON
AND ANDRE POOLE

PLAINTIFFS

V.

1:12-CV-01009-SOH

DWAYNE OBERMEYER
dba DWAYNE OBERMEYER TRUCKING
AND/OR FIKES TRUCK
LINE, INC. and FIKES TRUCK
LINE, LLC

DEFENDANTS

REMAND ORDER

On February 6, 2012, Defendants filed a Petition for Removal to this court stating there was a diversity of jurisdiction due to Defendant Fikes Truck Line, LLC's principal place of business being located in Indianapolis, Indiana. (ECF No. 1)

On February 16, 2012, Plaintiffs filed a Response to Defendants' Petition for Removal (ECF No. 5) stating there was not diversity of jurisdiction due to one or more of the Defendants having interest in Fikes Truck Line, Inc., which is an Arkansas corporation and was doing business in the state of Arkansas at the time of the incident.

On February 20 and 21, 2012, respectively, Defendants filed a Reply (ECF No. 6) and Supplemental Reply to Plaintiffs' Response to Defendants' Petition (ECF No. 7). Within their Supplemental Reply, Defendants state that the principle place of business for Defendant Fikes Truck Line, LLC is located in Hope, Arkansas and therefore, no diversity of jurisdiction exists.

Both parties agree that there is no diversity of jurisdiction and this case should be remanded back to the Circuit Court of Columbia County, Arkansas.

IT IS THEREFORE FURTHER ORDERED AND ADJUDGED based upon the

agreement of the parties that the Petition for Removal is denied and this case is remanded to the Circuit Court of Columbia County, Arkansas.

IT IS SO ORDERED, this 23rd day of March, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge