

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

RONITA MILLER, next friend
of Rashaad Miller, a minor

PLAINTIFF

v.

Case No. 4:16-cv-4077

CHRISTUS ST. MICHAEL HEALTH
SYSTEMS¹ and SMITHS MEDICAL,
a subsidiary of Smiths Medical ASD, Inc.

DEFENDANTS

ORDER

Before the Court is Defendant CHRISTUS St. Michael Health Systems' ("CHRISTUS") Motion to Dismiss Due to Lack of Personal Jurisdiction. (ECF No. 4). Plaintiff Ronita Miller filed a response. (ECF No. 9).

On June 7, 2016, Plaintiff filed this medical malpractice case in the circuit court of Miller County, Arkansas. On August 3, 2016, CHRISTUS filed the present motion, asking the state court to dismiss the case due to lack of personal jurisdiction. On August 5, 2016, Defendant Smiths Medical ("Smiths") removed this action to the United States District Court for the Western District of Arkansas, Texarkana Division. Upon removal, the present motion carried over to the Court's docket, and Plaintiff responded to the motion on August 26, 2016. (ECF No. 9).

On October 10, 2016, CHRISTUS filed a second motion to dismiss, styled "Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue, or to Transfer Venue," in which it asserts a similar argument regarding personal jurisdiction, as well as an argument on venue.

¹ CHRISTUS St. Michael Health Systems asserts that it was improperly named in Plaintiff's complaint, and that its correct name is "CHRISTUS Health Ark-La-Tex." For consistency, the Court will nonetheless refer to it as CHRISTUS St. Michael Health Systems.

(ECF No. 14). The Court finds CHRISTUS's first motion to dismiss to be moot, as its arguments on personal jurisdiction rely predominately on state authority, and CHRISTUS has filed a second motion to dismiss based on federal authority.

For the reasons stated above, the Court finds that CHRISTUS's Motion to Dismiss Due to Lack of Personal Jurisdiction (ECF No. 4) is hereby **DENIED AS MOOT**. The Court will issue a separate order on CHRISTUS's second motion to dismiss (ECF No. 14) at a later date.²

IT IS SO ORDERED, this 6th day of March, 2017.

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

² Plaintiff did not respond to CHRISTUS's second motion to dismiss, and the time for her to do so has passed. However, the Court notes that several of Plaintiff's arguments in her response to the first motion to dismiss were based on federal authority. When the Court makes its determination on the second motion to dismiss, it will consider Plaintiff's arguments from her response to the first motion to dismiss to the extent that they also apply to the second motion.