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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD CHARLSON, on behalf of)	
THE ESTATE OF SCOTT CHARLSON;)	
RICHARD CHARLSON, individually;)	2:08-CV-2756-GEB-KJM
NINA CHARLSON, individually,)	
)	<u>ORDER</u> *
Plaintiffs,)	
)	
v.)	
)	
CARSON HELICOPTERS, INC., et al.,)	
)	
Defendants.)	
_____)	

Plaintiffs move to remand this action to state court. The motion is premised on Plaintiffs' contentions that Carson Helicopter Services, Inc. ("CHSI") is a defendant in this action, that removal was defective since CHSI did not join in the removal petition, and that complete diversity is lacking since Plaintiffs and CHSI are citizens of Oregon.

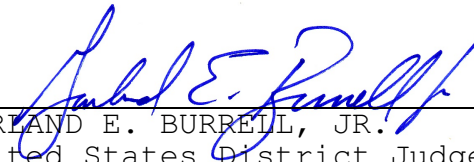
Defendants rejoin that CHSI is not a party in this action since it was not named in the caption of the Complaint, nor the summons. Defendants support this argument citing California Rule of

* This matter was determined to be suitable for decision without oral argument. L.R. 78-230(h).

1 Court 2.111(4), which provides the caption of the Complaint must
2 contain "the name of each party," and California Code of Civil
3 Procedures § 412.20(a)(2), which provides the summons shall contain
4 "the names of the parties to the action."

5 Plaintiffs have not shown that CHSI is a party in this
6 action; therefore, the motion is denied.

7 Dated: January 22, 2009

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11 GARLAND E. BURRELL, JR.
12 United States District Judge
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