

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

THE ESTATE OF KELLY UNRUH, by  
and through administrator Michael  
Unruh, *et al.*,

Plaintiffs,

vs.

Case No. 16-1262-JTM

PREMIER HOUSING INC. d/b/a  
PREMIER HOMES, INC. *et al.*,

Defendants.

MEMORANDUM AND ORDER

On January 19, 2017, the court granted the motion to dismiss of defendants Midwest Energy, Inc., and Tallgrass Interstate Gas Transmission, LLC, and determined that federal energy regulations failed to provide subject matter jurisdiction over the plaintiffs' claims relating to a fire at a residence in Finney County, Kansas. (Dkt. 37). The remaining defendants, Premier Housing Inc. and Premier Construction LLC have now moved (Dkt. 40) to dismiss the plaintiffs' claim of negligence against them, arguing that diversity does not exist between the parties, and, to the extent plaintiffs claim that the construction of the home violated federal natural gas regulations, jurisdiction is precluded by the court's previous order.

The plaintiffs have filed no response to the motion to dismiss of the Premier defendants. Accordingly, for good cause shown and pursuant to D.Kan.R. 7.4, the defendants' Motion to Dismiss (Dkt. 40) is hereby granted.

IT IS SO ORDERED this 26th day of May, 2017.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE