

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**CHAREEN GREENWOOD KIRKLAND
AND BRUCE KIRKLAND**

CIVIL ACTION

VERSUS

NO. 10-1940

**TRAVELERS PROPERTY AND CASUALTY
INSURANCE COMPANY, ET AL.**

SECTION "N" (4)

ORDER AND REASONS

Presently before the Court are three pending motions. Having carefully reviewed the parties' submissions, the Court rules on the motions as stated herein.

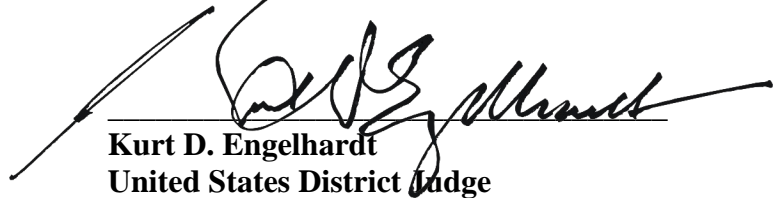
IT IS ORDERED that Plaintiffs' "Motion for New Trial" (Rec. Doc. 16) is **GRANTED IN PART** and **DENIED IN PART**. The motion is granted to the extent that it simply seeks confirmation, on the record, that the Court's March 22, 2011 Order and Reasons (Rec. Doc. 14) resulted in *only* Defendant The Standard Fire Insurance Company ("Standard Fire") being dismissed from this action.¹ On the showing made, however, the motion is denied to the extent that it requests a remand of Plaintiffs' claims against the remaining defendants. In short, Plaintiffs have not demonstrated, by means of a properly supported motion, that a remand to state court is either by consent of the remaining parties, or otherwise warranted based on the circumstances presented here.

Defendant The Standard Fire Insurance Company indicates that it was initially incorrectly designated in the petition as Travelers Property and Casualty Insurance Company.

IT IS ORDERED that the “Motion to Dismiss for Lack of Jurisdiction” filed by First National Bank of Omaha, NE (“First National”) (Rec. Doc. 18) is **GRANTED** to the extent that Plaintiffs’ claim(s) against First National is **DISMISSED WITHOUT PREJUDICE**. As stated in First National’s supporting memorandum, Plaintiffs have not demonstrated that this Court has personal jurisdiction over it. Indeed, the Court notes that, to date, Plaintiffs have not filed any memorandum in opposition to this motion.

IT IS ORDERED that Standard Fire’s “Motion to Convert Dismissal Without Prejudice to Dismissal With Prejudice” (Rec. Doc. 21) is **GRANTED**. In its prior Order and Reasons (Rec. Doc. 14), the Court ordered that Standard Fire’s motion to dismiss be granted without prejudice to Plaintiffs’ right to seek leave to amend their petition within fifteen (15) days of the entry of that ruling. To date, Plaintiffs have not sought leave to file an amended complaint in this matter relative to Standard Fire. Accordingly, **IT IS ORDERED** that Plaintiffs’ claim(s) against Standard Fire is **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, this 28th day of October 2011.


Kurt D. Engelhardt
United States District Judge