

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

JERRY L. HOLMES, ET AL

CIVIL ACTION NO. 12-cv-0896

VERSUS

JUDGE HICKS

KENNETH C. HANSON, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Jerry and Christal Holmes (“Plaintiffs”), citizens of Louisiana, filed suit in state court against three individual defendants who are citizens of Texas, Nevada, and Georgia. Plaintiffs sought a declaration that a mineral servitude claimed by the defendants had extinguished by non-use for 10 years. Defendants removed the case based on an assertion of diversity jurisdiction.

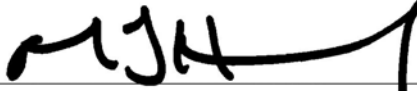
After the case was removed, Plaintiffs filed a motion for leave to amend their complaint and add additional defendants. They alleged that the original defendants had granted mineral leases to the newly proposed defendants, and those leases would be affected by the outcome of this case. The lessees would, therefore, likely be indispensable parties to the suit. See El Paso E & P Co., LP v. Crabapple Properties, Ltd., 2008 WL 2051109 (W.D. La. 2008). The motion for leave to amend was granted without opposition.

The amended complaint set forth the citizenship of all defendants except Indigo Minerals, LLC. The pleading stated that the identities of the members of that company were unknown. Indigo later stated in response to a request for admission that it has at least one member that is an LLC that has at least one member who is a human being domiciled in

Louisiana. That means that Indigo, like Plaintiffs, is a Louisiana citizen. Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077 (5th Cir.2008).

Plaintiffs filed a Motion to Remand (Doc. 41) based on the lack of complete diversity. The motion was noticed for briefing. Indigo and Chesapeake filed a response in which they stated they did not oppose the motion. None of the other defendants filed any opposition to the motion. Given the admitted lack of diversity and the lack of opposition, the **Motion to Remand (Doc. 41)** is **granted**, and this case is **remanded** to the 42nd Judicial District Court, DeSoto Parish, Louisiana, where it was pending as Civil Action No. 73582.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 15th day of October, 2013.



Mark L. Hornsby
U.S. Magistrate Judge