

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DESMOND LINDWOOD,)
)
Plaintiff,)
)
v.)
)
FERRELLGAS OPERATING, L.P.,)
and)
ENGINEERED CONTROLS)
INTERNATIONAL, LLC,)
)
Defendants.)

No. 4:15CV00028 ERW

MEMORANDUM AND ORDER OF REMAND

This matter comes before the Court on Plaintiff Desmond Lindwood’s “Motion to Remand” [ECF No. 13].

In December 2014, Desmond Lindwood (“Plaintiff”) filed suit against Ferrellgas Operating, L.P. (“Ferrellgas”) and Engineered Controls International, LLC (“Engineered Controls”) in the Circuit Court of the City of St. Louis [ECF Nos. 1, 3]. Alleging he “was injured as a result of a flash fire as a result of the escape of propane” [ECF No. 1 at 1], Plaintiff brings the following claims: negligence against Ferrellgas (Count I); strict liability against Ferrellgas (Count II); strict liability against Engineered Controls (Count III); and negligent failure to warn against Engineered Controls (Count IV) [ECF No. 3].

On January 6, 2015, Ferrellgas filed a Notice of Removal with this Court, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 [ECF No. 1]. The next day, Engineered Controls consented to removal [ECF No. 7]. On February 5, 2015, Plaintiff filed its pending Motion to Remand [ECF No. 13]. On February 10, Ferrellgas filed a Response, “consent[ing] to remand of this matter to

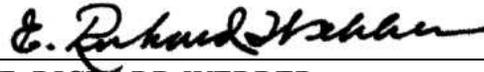
State Court” [ECF No. 14 at 1]. Engineered Controls has not made a responsive filing as to the pending Motion.

Because Ferrellgas has consented to Plaintiff’s Motion to Remand, and because Engineered Controls has failed to seek denial of the Motion, the Court will grant the Motion. The case is hereby remanded back to state court.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s “Motion to Remand” [ECF No. 13] is **GRANTED**.

Dated this 18th Day of March, 2015.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE