

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12-cv-233**

ELLIOTT ELECTRIC SUPPLY, INC., a)
Texas corporation,)
)
Plaintiff,)
)
vs.)
)
LRE ROYAL ELECTRIC, LLC, an)
Oklahoma limited liability company)
[also known as LRE/Royal Electric, LLC],)
TURNER CONSTRUCTION COMPANY,)
a New York corporation, and)
EMPLOYERS MUTUAL CASUALTY)
COMPANY, an Iowa corporation,)
)
Defendants.)
)
_____)

ORDER

THIS MATTER is before the undersigned based upon a review by the Court of the pleadings in this matter. It appears to the Court from an examination of the pleadings that this matter was removed by Defendants from Haywood County, North Carolina Superior Court. In the Notice of Removal, the Defendants contend that diversity jurisdiction exists in this matter. An examination of the Complaint shows that the issues in dispute between the Plaintiff and the Defendants arise out of a construction project known as “Harrah’s Cherokee Tower Hotel, III” described in the Complaint as being located at “777 Casino Drive, Swain County, Cherokee, North Carolina.” Neither the Plaintiff nor the Defendants have described in the pleadings any contact or business that either the Plaintiff or the Defendants have in Haywood County, North Carolina or in any of the counties of the Asheville Division for the Western District of North Carolina. This matter appears to totally arise out of a construction contract concerning a project located in Cherokee, North Carolina which is in the Bryson City Division. As a result, the undersigned will enter an order directing the Clerk to assign this

case to the Bryson City Division of the Western District of North Carolina and all further proceedings in this matter shall be administered in the United States District Court for the Western District of North Carolina, Bryson City Division.

ORDER

IT IS, THEREFORE, ORDERED that this matter be assigned by the Clerk to the **Bryson City Division** of the United States District Court for the Western District of North Carolina.

Signed: November 15, 2012

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Dennis L. Howell
United States Magistrate Judge

