

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

REATA PETROLEUM, LTD.,)

Plaintiff,)

v.)

Civil No. 3:08-1009

Judge Trauger

ESM LIMITED, WILLIAM F. DIPPOLITO, P.S.,)

INC., WILLIAM F. DIPPOLITO, individually,)

MARTIN BURKE, individually and in his)

corporate capacity with ESM, Limited,)

DAVID PRAISE, individually and in his corporate)

capacity with ESM, Limited,)

N. KAMANGA MWANGI, individually, and in)

his corporate capacity with Kamro Consulting)

Group, International Corporation, N. Kamanga)

Mwangi, Chairman and CEO; and)

SaZara Investments,)

Defendants,)

and)

HARISH RAGHAVAN,)

Plaintiff,)

v.)

SEAN HORNBECK,)

Defendant.)

ORDER

The Emergency Motion to Remand filed by plaintiff Harish Raghavan is well-taken and is, therefore, **GRANTED**. The Notice of Removal and Civil Cover Sheet state that defendant Sean Hornbeck, who removed the case, is a citizen and resident of the State of Tennessee.

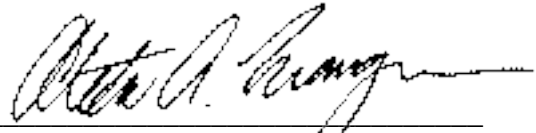
Because this action was removed based on diversity of citizenship only, removal is inappropriate

under 28 U.S.C. § 1441(b) because defendant Hornbeck is a “citizen of the State in which such action is brought,” namely Tennessee.

The Clerk shall **REMAND** this case to the Chancery Court for Davidson County, Tennessee, from whence it was improperly removed.

It is so **ORDERED**.

ENTER this 15th day of October 2008.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', written over a horizontal line.

ALETA A. TRAUGER
U.S. District Judge