UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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| JONATHAN GOEPNER et al.,<br><br>Plaintiffs,<br><br>vs.<br><br>ABF FREIGHT SYSTEM, INC et al.,<br><br>Defendants. | **MEMORANDUM DECISION AND ORDER**<br><br>Case No. 2:14-cv-743 CW<br><br>Judge Clark Waddoups |

This matter is before the court on a Rule 60(b) Motion to Reconsider filed by defendant ABF Freight System, Inc. ("ABF Freight"). On June 16, 2016, the court issued a memorandum decision and order that remanded this case to the Third Judicial District Court. The court remanded the case based on ABF Freight's failure to show complete diversity between plaintiffs and defendants. ABF Freight seeks to correct that error by contesting plaintiff Jonathan Goepner's place of residency at the time the Complaint was filed. It also seeks to provide additional information about ABF Freight's residency and Atlas Engineering, LLC's residency.[1]

[1] ABF Freight provided a copy of Atlas Engineering, L.L.C.'s Articles of Organization to prove its membership. The Articles are dated November 6, 2002. It lists the name of the manager, who is listed as a Utah resident. The document, however, fails to establish the company's membership during the relevant time. While the manager may have been Atlas Engineering's only member on the date it was joined as a party on October 19, 2015, the Articles do not establish that fact. Thus, the new information fails to correct the jurisdictional issues before the court.

Per statute, "[a]n order remanding a case to the State court from which it was removed is not reviewable on appeal *or otherwise.*" 28 U.S.C. § 1447(d) (emphasis added). Courts interpreting this statute have concluded that once a case is remanded, with very limited exceptions that are not applicable here, a district court lacks jurisdiction to reconsider or vacate its remand order. *See e.g., Chaara v. Intel Corp.*, No. Civ-05-278, 2006 U.S. Dist. LEXIS 95261, at *16-18 (D.N.M. Nov. 21, 2006) (citing cases from the First, Fourth, and Eleventh Circuits and district court cases from the Tenth Circuit holding the same). Because this court lacks jurisdiction to reconsider its remand order, ABF Freight's Motion to Reconsider is DENIED. (Dkt. No. 47).

DATED this 20th day of June, 2016.

BY THE COURT:

Clark Waddoups
United States District Judge