

THOUGHT LEADERSHIP

News

FEDERAL DISTRICT COURT RELIES ON WELL-SETTLED LAW, DENYING MOTIONS TO REMAND IN TWO SEPARATE OPINIONS

Newsbrief

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In orders on motions to remand in two unrelated Hurricane Ike cases, a federal court in the Southern District of Texas denied both motions last Monday. *Ponton v. Allstate Texas Lloyd's*, 2011 WL 2837592 (S.D. Tex. July 18, 2011) (slip opinion) and *Emmanuel Deliverance Temple of Refuge, Inc. v. Scottsdale Ins. Co.*, 2011 WL 2837588 (S.D. Tex. July 18, 2011) (slip opinion). In *Ponton*, the plaintiff moved to remand because the Texas Department of Insurance's website lists Allstate as having a "Home City/State" in Irving, Texas. But, the court rejected the plaintiff's argument that Allstate should be estopped from claiming to be a foreign entity. The court instead relied on well-settled law that a Lloyd's plan, an unincorporated association, takes its citizenship from that of its members. And, since all of the members resided outside of Texas, the court denied the motion to remand. In *Emmanuel*, the plaintiff brought claims against in-state defendants, the adjusters who worked on the claim, and argued for remand on that basis. The court rejected the plaintiff's arguments, finding that the plaintiff had not pled any facts against the adjusters apart from their work for the insurer.