

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

**JAMES ADAMS, on behalf of himself
and other Oklahoma citizens similarly
situated,**

Plaintiff,

v.

**(1) EAGLE ROAD OIL LLC,
(2) CUMMINGS OIL COMPANY,
(3) TERRITORY RESOURCES, LLC,
(4) ENERVEST OPERATING, L.L.C.,
(5) PETRO WARRIOR, L.L.C.,
(6) PETROQUEST ENERGY, LLC, and
(7) TRINITY OPERATING (USG), LLC,**

Defendants.

Case No. 4:18-cv-568-GKF-FHM

PLAINTIFFS' MOTION TO REMAND

COMES NOW Plaintiff James Adams, on behalf of himself and other Oklahoma citizens similarly situated (together, "Plaintiffs"), and move to remand this action back to the Pawnee County District Court.

This motion is based upon 28 U.S.C. § 1332 (d)(4)(A) and Tenth Circuit precedent, *Coffey v. Freeport McMoran Copper & Gold*, 581 F.3d 1240 (10th Cir. 2009). By law, this Court must decline jurisdiction because this class action is a local dispute brought (1) exclusively by Oklahoma citizens, (2) against more than one Oklahoma citizen that is a significant defendant, (3) where all of the injuries were incurred in Oklahoma, and (4) no other class action alleging the same

facts had been filed in the preceding three years of the filing of the original petition. Thus, remand is mandated by 28 U.S.C. § 1332 (d)(4)(A).

Plaintiffs have filed a memorandum of law in support of this motion, which is fully incorporated herein and adopted by reference.

WHEREFORE, Plaintiffs pray for an order remanding this action to Pawnee District Court, for their attorneys' fees and costs in pursuing this motion, and for all other proper and just relief.

DATED: December 3, 2018,

Respectfully Submitted,

/s/ Billy Joe Ellington

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CERTIFICATE OF SERVICE

On this 3rd day of December, 2018, I electronically filed the foregoing via the Court's CM/ECF system. The CM/ECF system will automatically serve all counsel of record.

/s/ Billy Joe Ellington