

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CMKM DIAMONDS, INC. §
§
V. §
§
CORRINE WARD, ERIC REID, §
MARGARET REID, CAROLYN §
CASAVANT, DALE CASAVANT, §
RON CASAVANT, VICTOR §
CASAVANT, and MAX CASAVANT §

Case No. 6:09-cv-391

**PLAINTIFF'S AGREED
MOTION FOR REMAND**

TO THE HONORABLE COURT:

COMES NOW plaintiff CMKM Diamonds, Inc., and files this Agreed Motion For Remand, and would show as follows:

1. On September 5, 2008, Plaintiff sued defendant DALE CASAVANT and others for conspiracy, conversion, restitution, and stock cancellation arising out of the alleged diversion of proceeds from the sale of Plaintiff's stock. Suit was filed in the 7th Judicial District Court of Smith County, Texas, Cause No. 08-2214-A. Plaintiff amended its petition on August 13, 2009 to sue additional defendants.

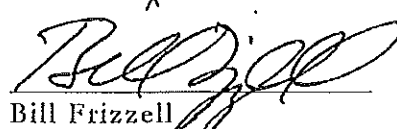
2. Defendant DALE CASAVANT filed his Notice of Removal to this Court on August 28, 2009 on the basis of diversity jurisdiction under 28 U.S.C. § 1332(a)(2). At the time of the removal, no other defendant had been served or appeared. Consequently, no other defendant consented or objected to removal.

3. Plaintiff and Defendant DALE CASAVANT have resolved the issues in dispute between them, but Plaintiff wishes to pursue its claims against the remaining defendants, none of whom have yet filed an appearance or consented to removal.

WHEREFORE, Plaintiff CMKM DIAMONDS, INC. respectfully requests the Court to remand this case back to the 7th Judicial District Court in Smith County, Texas for further proceedings.

Respectfully submitted,

FRIZZELL LAW FIRM



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COUNSEL FOR PLAINTIFF
CMKM DIAMONDS, INC.

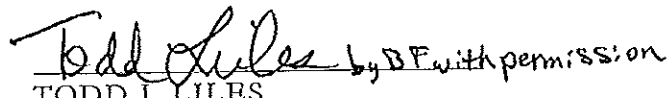
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document was served by certified mail, return receipt requested, on Defendant Dale Casavant's attorney of record, Todd J. Liles, 1999 Bryan Street, Suite 3330, Dallas, TX 75201 on this 29th day of December, 2009.



BILL FRIZZELL

AGREED:



TODD J. LILES
COUNSEL FOR DEFENDANT DALE CASAVANT

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ORDER

On this day came on to be considered Plaintiff's Agreed Motion for Remand. After considering the motion, the Court is of the opinion that it should it all things be granted.

The Court orders that this cause be remanded to the 7th District Court of Smith County, Texas, Cause No. 08-2214-A where the action was originally filed for further proceedings.

Signed on this _____ day of _____, 2009.

U. S. DISTRICT JUDGE