

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Lionel Richard v. BP Products North America, Inc., et al.

Civil Action No. 25-596, Section "O" · No. Civil Action No. 25-596, Section "O" · Decided March 27, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana considers Lionel Richard’s motion to remand a NORM-exposure lawsuit removed from state court on diversity-jurisdiction grounds. The court analyzes whether the Louisiana defendant, OFS, Inc., was improperly joined because it was allegedly defunct and unable to satisfy a judgment. Concluding that disputed facts regarding OFS’s corporate status prevented the removing defendants from meeting their heavy burden, the court determines that OFS’s Louisiana citizenship defeats complete diversity and that remand is required.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Brandon S. Long
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	March 27, 2026
DOCKET	Civil Action No. 25-596, Section "O"
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed state-court personal-injury action on the ground that the parties were not completely diverse because plaintiff and in-state defendant OFS, Inc. were both Louisiana citizens. The removing defendants argued that OFS was improperly joined because it was allegedly defunct and unable to satisfy a judgment.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal jurisdiction and improper joinder. The court examines the allegations and ambiguities of state law in the light most favorable to the party resisting jurisdiction, resolves factual disputes and legal ambiguities in favor of remand, and ordinarily applies a Rule 12(b)(6)-type inquiry. A limited summary inquiry may pierce the pleadings only to identify discrete and undisputed facts that preclude recovery against the nondiverse defendant.

PRECEDENTIAL VALUE

unpublished district court order; persuasive but not binding outside the case

TOPICS

subject matter jurisdiction

civil procedure

pleadings

negligence

strict liability

PRACTICE AREAS

civil procedure

federal jurisdiction

torts

QUESTIONS PRESENTED

1. Whether OFS, Inc., the nondiverse Louisiana defendant, was improperly joined so that its citizenship could be disregarded for purposes of diversity jurisdiction.
2. Whether disputed evidence concerning OFS's allegedly defunct corporate status established that Richard had no reasonable possibility of recovery against OFS.
3. Whether the court was required to remand because OFS's Louisiana citizenship defeated complete diversity.

HOLDINGS

1. The removing defendants failed to establish that OFS, Inc. was improperly joined because they did not show that Richard had no reasonable possibility of recovery against OFS.
2. Complete diversity was lacking because Richard and OFS, Inc. were both Louisiana citizens, and OFS was not improperly joined.
3. The motion to remand was granted, and the case was remanded to the 24th Judicial District Court for the Parish of Jefferson.

KEY QUOTATIONS

“The party claiming improper joinder bears a “heavy burden” of persuasion.” (II.A.2)

“Because the facts pertaining to OFS’s status are disputed, the removing defendants fail to carry their heavy burden to show that Mr. Richard is precluded from recovering against non-diverse OFS based on this status.” (II.B.3)

“Accordingly, IT IS ORDERED that the motion“ to remand is GRANTED. The case shall be remanded to the 24th Judicial District Court for the Parish of Jefferson.” (III)

FACTUAL BACKGROUND

Richard alleged that he worked from 1978 to 2008 at used oilfield pipe yards operated by Hydril Company, where he cleaned oilfield pipe contaminated with naturally occurring radioactive material. He alleged that the pipe-cleaning process generated aerosolized radioactive dust, which he inhaled and ingested, causing his 2023 diagnosis of papillary urothelial carcinoma. He asserted negligence and strict-liability claims against OFS, Inc., a

pipe-cleaning contractor that allegedly operated at the Hydril yards and knew of the NORM hazards. Defendants relied on an affidavit stating that OFS had no employees, assets, or business activity and was scheduled for administrative termination, while Richard presented evidence that OFS had not been formally dissolved, remained active or in existence in relevant records, owned property, and participated in related litigation.

PROCEDURAL HISTORY

Lionel Richard filed suit in the 24th Judicial District Court for the Parish of Jefferson, Louisiana, against seven out-of-state oil companies and Louisiana citizen OFS, Inc., alleging negligence and strict liability arising from workplace exposure to NORM. Chevron U.S.A., Inc. and Marathon Oil Company removed the case based on diversity jurisdiction. The district court granted Richard's motion to remand, concluding that defendants failed to show improper joinder of OFS and that OFS's Louisiana citizenship defeated complete diversity.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand the case to the 24th Judicial District Court for the Parish of Jefferson, Louisiana.

CASES CITED

- Hain Celestial Group, Inc. v. Palmquist, 607 U.S. ---, 146 S. Ct. 724, 728 (2026)
- Manguno v. Prudential Property & Casualty Insurance Co., 276 F.3d 720, 723 (5th Cir. 2002)
- Pace v. Cirrus Design Corp., 93 F.4th 879, 888-89 (5th Cir. 2024)
- Gutierrez v. Flores, 543 F.3d 248, 251 (5th Cir. 2008)
- Flagg v. Stryker Corp., 819 F.3d 132, 135-37 (5th Cir. 2016) (en banc)
- Smallwood v. Illinois Central Railroad Co., 385 F.3d 568, 571-74 (5th Cir. 2004) (en banc)
- In re Levy, 52 F.4th 244, 246 (5th Cir. 2022)
- Lincoln Property Co. v. Roche, 546 U.S. 81, 84 (2005)
- McDonal v. Abbott Laboratories, 408 F.3d 177, 183 (5th Cir. 2005)
- Williams v. Homeland Insurance Co. of N.Y., 18 F.4th 806, 811-12 (5th Cir. 2021)
- Campbell v. Stone Insurance, Inc., 509 F.3d 665, 669 (5th Cir. 2007)
- Palmquist v. Hain Celestial Group, Inc., 103 F.4th 294, 304 (5th Cir. 2024)
- Travis v. Irby, 326 F.3d 644, 646-47 (5th Cir. 2003)
- Allen v. Walmart Stores, L.L.C., 907 F.3d 170, 183 (5th Cir. 2018)
- International Energy Ventures Management, L.L.C. v. United Energy Group, Ltd., 818 F.3d 193, 207-08 (5th Cir. 2016)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Davidson v. Georgia-Pacific, LLC, 819 F.3d 758, 765-66 (5th Cir. 2016)

- Ledet v. BP Products North America, Inc., No. 25-793, 2025 WL 1668509 (E.D. La. June 13, 2025)
- Alegria v. BP Products North America, Inc., No. 25-790, 2025 WL 1668505 (E.D. La. June 13, 2025)
- Cline v. BP Products North America, Inc., No. 23-856, 2023 WL 4558876 (E.D. La. July 17, 2023)
- Coleman v. H.C. Price Co., No. 11-2937, 2014 WL 354443 (E.D. La. Sept. 2, 2014)
- Wilson v. Kemper Corporate Services, Inc., 134 F.4th 339, 347 (5th Cir. 2025)

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