

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Demarcus Lilly v. Summit Hotel Properties, Inc. and Nola Lodging,
LLC

Lilly · No. 2:25-cv-02237 · Decided December 18, 2025

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Plaintiff Demarcus Lilly’s motion to remand a personal injury action to state court. The court held that Nola Lodging, LLC was improperly joined because it was inactive, lacked an agent for service of process, and had been converted and renamed before the underlying incident. Accordingly, Summit Hotel Properties, Inc. did not need Nola Lodging’s consent to removal, and the court exercised diversity jurisdiction.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Susie Morgan
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	December 18, 2025
DOCKET	2:25-cv-02237
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed personal-injury action to Louisiana state court, arguing that a properly joined and served co-defendant had not consented to removal and that the removing defendant had not alleged the co-defendant's citizenship.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal subject-matter jurisdiction and the propriety of removal. Diversity jurisdiction is assessed at the time of removal.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- subject matter jurisdiction
- joinder
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Nola Lodging was properly joined and served such that its consent to removal was required.
2. Whether Nola Lodging was improperly joined and therefore could be disregarded for purposes of the rule requiring consent to removal and the complete-diversity analysis.
3. Whether the court had diversity jurisdiction based on complete diversity between Plaintiff and Summit Hotel Properties, Inc. and an amount in controversy exceeding \$75,000.

HOLDINGS

1. Nola Lodging was not properly served because it was inactive and had no agent for service of process; additionally, it was improperly named and joined because it had converted to a Delaware LLC under a different name before the underlying incident.
2. The court was not required to consider Nola Lodging's citizenship or the citizenship of its members because Nola Lodging was improperly joined.
3. The court had diversity jurisdiction because Plaintiff and Summit Hotel Properties, Inc. were diverse and the amount in controversy exceeded \$75,000.

KEY QUOTATIONS

“All defendants who have been properly joined and served in a case must consent to another defendant’s removal.”

“The removing party bears the burden of showing that federal jurisdiction exists and that removal was proper.”

“As a result, Defendant was not required to obtain Nola Lodging’s written consent prior to removal.”

FACTUAL BACKGROUND

Plaintiff alleged that he was injured in a slip-and-fall on October 1, 2024, while staying at a hotel in New Orleans. He sued Summit Hotel Properties, Inc. and Nola Lodging, LLC in Louisiana state court and sought damages exceeding the jurisdictional threshold. Plaintiff asserted that he served Nola Lodging through a former manager and member, while the defendant presented Louisiana Secretary of State records showing that Nola Lodging was inactive, lacked an agent for service, and had previously converted to a Delaware LLC under a different name.

PROCEDURAL HISTORY

Plaintiff filed a personal-injury petition in Orleans Parish Civil District Court. Summit Hotel Properties, Inc. removed the action under the diversity-jurisdiction statutes, and the federal court ordered an amended notice of removal supported by summary-judgment-type evidence concerning the amount in controversy. After the amended notice was filed, Plaintiff moved to remand; the court denied the motion.

DISPOSITION

remanded

REMAND INSTRUCTIONS

None. The motion to remand was denied, so the action remained in federal court.

CASES CITED

- *Howery v. Allstate Ins. Co.*, 243 F.3d 912, 916 (5th Cir. 2001)
- *Aerojet-General Corp. v. Askew*, 511 F.2d 710, 716 n.6 (5th Cir. 1975)
- *Garcia v. Koch Oil Co. of Tex., Inc.*, 351 F.3d 636, 638 (5th Cir. 2003)
- *St. Paul Reinsurance Co. v. Greenburg*, 134 F.3d 1250, 1253 (5th Cir. 1998)
- *Gebbia v. Wal-Mart Stores, Inc.*, 233 F.3d 880 (5th Cir. 2000)
- *Rico v. Flores*, 481 F.3d 234, 239 (5th Cir. 2007)
- *Jernigan v. Ashland Oil Inc.*, 989 F.2d 812, 817 (5th Cir. 1993)
- *Manguno v. Prudential Property and Cas. Ins. Co.*, 276 F.3d 720, 723 (5th Cir. 2002)

OPINION

Lilly

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

DEMARCUS LILLY, CIVIL ACTION

Plaintiff

VERSUS NO. 25-2237

SUMMIT HOTEL PROPERTIES, INC. SECTION: “E” (5)

AND NOLA LODGING, LLC

Defendants

ORDER AND REASONS

Before the Court is a Motion to Remand¹ filed by Plaintiff, Demarcus Lilly (“Plaintiff”). Defendant Summit Hotel Properties, Inc. (“Defendant”) filed an opposition.² For the following reasons, the motion is DENIED.

BACKGROUND

This case is a personal injury action originally filed in state court.³ Plaintiff alleges he sustained injuries as a result of a slip and fall on October 1, 2024, while Plaintiff was staying as a hotel guest at the Canopy by Hilton New Orleans Downtown. On September 11, 2025, Plaintiff filed a Petition for Damages in Orleans Parish Civil District Court against Defendant and Nola Lodging, LLC (“Nola Lodging”).⁴ In his state court petition, Plaintiff sought damages for past and future

physical pain and suffering, past and future mental pain and suffering, lost wages, loss of earning capacity, mental anguish, physical impairment and disability, past and future medical expenses, and loss of society.⁵ 1 R. Doc. 10. 2 R. Doc. 13. 3 R. Doc. 1-1. 4 Id. 5 Id. at p. 3. On October 31, 2025, Defendant. removed this matter to federal court pursuant to 28 U.S.C. §§ 1441(a); §§ 1446(a), (b), and (d); and § 1332. On November 5, 2025, this Court ordered Defendant to file an amended notice of removal to provide “summary- judgment type evidence” demonstrating the amount in controversy in this case exceeds \$75,000.⁶ Defendant timely filed its Amended Notice of Removal.⁷ On November 13, 2025, Plaintiff filed the present Motion to Remand.⁸ In his supporting memorandum, Plaintiff argues that Nola Lodging was properly joined and served in this case at the time of removal and therefore, Defendant was required to obtain written consent from Nola Lodging before removal.⁹ Plaintiff argues Defendant “failed to secure written consent from Nola Lodging” and as a result, this Court should remand this matter to state court. Defendant responds that Nola Lodging is not a proper defendant to this suit as it is inactive and has no agent for service of process listed with the Louisiana Secretary of State.¹⁰

LAW AND ANALYSIS

Federal courts are courts of limited jurisdiction and possess only the authority conferred upon them by the U.S. Constitution or by Congress.¹¹ A civil action over which federal courts have original jurisdiction may be removed to federal court unless expressly prohibited by another statute.¹² 6 R. Doc. 3. 7 R. Doc. 11. 8 R. Doc. 10.

9 Id. at 3.

10 R. Doc. 13 at p. 2. 11 *Howery v. Allstate Ins. Co.*, 243 F.3d 912, 916 (5th Cir. 2001). 12 28 U.S.C. § 1441(a). A common ground for removal is diversity jurisdiction.¹³ When removal is based on federal diversity jurisdiction, 28 U.S.C. § 1332 requires the removing party to show that (1) complete diversity of citizenship exists between the parties, and (2) the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.¹⁴ Jurisdiction is decided at the time of removal.¹⁵ All defendants who have been properly joined and served in a case must consent to another defendant’s removal.¹⁶ However, “a removing party need not obtain the consent of a co-defendant that the removing party contends is improperly joined.”¹⁷ In addition, a court need not consider the domicile of an improperly joined party for purposes of diversity jurisdiction.¹⁸ “The removing party bears the burden of showing that federal jurisdiction exists and that removal was proper.”¹⁹ There is no dispute that the amount-in-controversy requirement of diversity jurisdiction is met, that Defendant is diverse from Plaintiff, or that removal was timely. Rather, Plaintiff argues Defendant did not obtain Nola Lodging’s written consent before removing this action and failed to allege the citizenship of all members of Nola Lodging.²⁰ Plaintiff argues he properly served Nola Lodging by serving his complaint on Amir N. Patel, the former manager and member of Nola Lodging, on October 30, 2025.²¹ However, the Louisiana Secretary of State Website shows that NOLA Lodging is inactive ¹³ *Aerojet-General Corp. v. Askew*, 511 F.2d 710, 716 n.6 (5th Cir. 1975). ¹⁴ *Garcia v. Koch Oil Co. of Tex., Inc.*, 351 F.3d 636, 638 (5th Cir. 2003) (citing *St. Paul*

Reinsurance Co. v. Greenburg, 134 F.3d 1250, 1253 (5th Cir. 1998)). 15 Id. See Gebbia v. Wal-Mart Stores, Inc., 233 F.3d 880 (5th Cir. 2000) (recognizing that subsequent events, such as a reduction in the amount in controversy, will generally not divest jurisdiction). 16 28 U.S.C. § 1446(b)(a)(A). 17 Rico v. Flores, 481 F.3d 234, 239 (5th Cir. 2007). 18 Jernigan v. Ashland Oil Inc., 989 F.2d 812, 817 (5th Cir. 1993). 19 See Manguno v. Prudential Property and Cas. Ins. Co., 276 F.3d 720, 723 (5th Cir. 2002). 20 R. Doc. 10-1. 21 R. Doc. 10-1 at p. 2. and that its last report was filed on September 20, 2021.²² As a result, Nola Lodging has no agent for service of process and Plaintiff could not properly serve Nola Lodging. In addition, the Louisiana Secretary of State's website reflects that Nola Lodging was converted to a Delaware LLC and changed its name to Summit NCI JV 184, LLC, on March 23, 2022.²³ This change occurred before the incident that is the subject of this suit, rendering Nola Lodging an improperly named and joined party. As a result, Defendant was not required to obtain Nola Lodging's written consent prior to removal. Furthermore, because Nola Lodging is an improperly joined party, this Court need not consider the citizenship of Nola Lodging or its members for purposes of diversity jurisdiction.²⁴ As Plaintiff and Defendant are diverse and the amount in controversy exceeds \$75,000, this Court may exercise diversity jurisdiction over this matter.

CONCLUSION

IT IS ORDERED that Plaintiffs Motion to Remand is DENIED. New Orleans, Louisiana, this 18th day of December, 2025. Sexé —_ SUSIE sion

UNITED STATES DISTRICT JUDGE

22 R. Doc. 13-1. 23 Id. 24 Rico, 481 F.3d at 239. 25 Jernigan, 989 F.2d at 817.