

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

**Daigle, Himel, Daigle Physical Therapy Center and Rehabilitation,
Inc. v. Universal AdCom, LLC and Jim Gildenblatt**

No. No. 25-2147, United States District Court for the Eastern District of Louisiana (May 28, 2026)

SUMMARY

The United States District Court for the Eastern District of Louisiana grants Daigle, Himel, Daigle Physical Therapy Center and Rehabilitation, Inc.’s motion to remand. The court holds that defendants’ removal was untimely under 28 U.S.C. § 1446(b)(3), because the state-court consolidation order established the amount in controversy and the dismissal of the nondiverse defendant established complete diversity no later than May 6, 2025. The court denies attorney fees and costs, leave to amend the removal notice, and a motion to strike.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	William J. Crain
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	May 28, 2026
DOCKET	No. 25-2147
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a diversity action removed from Louisiana state court. Defendants opposed remand, sought leave to amend their notice of removal, and moved to strike plaintiff's reply. Plaintiff also sought attorney fees and costs under 28 U.S.C. § 1447(c).
STANDARD OF REVIEW	The removing party bears the burden of establishing federal jurisdiction, and doubts concerning removal are resolved in favor of remand. Timeliness under 28 U.S.C. § 1446(b)(3) is triggered when an amended pleading, motion, order, or other paper makes removability unequivocally clear and certain.
PRECEDENTIAL VALUE	Unknown; district-court order designated per curiam, with no precedential-status determination in the source.

TOPICS

subject matter jurisdiction

civil procedure

commercial litigation

attorney fees

PRACTICE AREAS

civil procedure

commercial litigation

removal and remand

federal jurisdiction

QUESTIONS PRESENTED

1. Whether defendants' October 15, 2025 notice of removal was timely under 28 U.S.C. § 1446(b)(3).
2. Whether the August 2023 state-court consolidation order made the aggregate amount in controversy unequivocally clear and certain for purposes of removal.
3. Whether the dismissal of the nondiverse defendant made complete diversity unequivocally clear and certain, thereby starting the 30-day removal period.
4. Whether the bad-faith exception in 28 U.S.C. § 1446(c)(1) could extend the 30-day removal deadline in § 1446(b)(3).
5. Whether plaintiff was entitled to attorney fees and costs under 28 U.S.C. § 1447(c).

HOLDINGS

1. Removal was untimely because the August 2023 consolidation order made the amount in controversy exceeding \$75,000 unequivocally clear and certain, and the May 6, 2025 dismissal of the nondiverse defendant made complete diversity clear. The 30-day removal period therefore expired no later than June 5, 2025, more than four months before defendants removed.
2. The bad-faith exception in 28 U.S.C. § 1446(c)(1), even if applicable, does not extend or eliminate the separate 30-day filing requirement in § 1446(b)(3).
3. Attorney fees and costs were denied because defendants had an objectively reasonable basis for removal in light of the unusual procedural history involving 28 consolidated lawsuits.

KEY QUOTATIONS

“The August 2023 order merged the 17th JDC cases into a single proceeding, making it unequivocally clear and certain that at that time the amount in controversy exceeded \$75,000.” (Conclusion)

“The bad faith exception under section 1446(c)(1), even if applicable, does not extend the 30-day filing deadline of section 1446(b)(3).” (Conclusion)

FACTUAL BACKGROUND

Daigle filed 28 nearly identical lawsuits against Universal AdCom, LLC and Jim Gildenblatt involving alleged fraud in the execution of advertising contracts and withdrawals from Daigle's account. No individual lawsuit exceeded \$36,000, but defendants' own February 2023 consolidation motion identified aggregate claims of approximately \$389,724.50 and described the claims, parties, issues, and defenses as substantially identical. The state court consolidated the 19 17th Judicial District Court cases in August 2023 for all further proceedings and final disposition, and the nondiverse defendant Synergy was dismissed on May 6, 2025. Defendants removed on October 15, 2025.

PROCEDURAL HISTORY

The plaintiff filed 28 related lawsuits against defendants in Louisiana state courts. Nineteen suits were consolidated in August 2023 for all further proceedings and final disposition; the remaining suits were later transferred and consolidated with them. After the nondiverse defendant settled and was dismissed on May 6, 2025, defendants removed the consolidated matter on October 15, 2025. The district court held removal untimely, granted remand, denied leave to amend the notice of removal, denied the motion to strike, and denied attorney fees and costs.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter was remanded to the 17th Judicial District Court, Lafourche Parish, Louisiana. Defendants' request for leave to amend the notice of removal was denied; the motion to strike was denied; and plaintiff's request for attorney fees and costs was denied.

CASES CITED

- Hoyt v. Lane Constr. Corp., 927 F.3d 287, 293 (5th Cir. 2019)
- Mumfrey v. CVS Pharmacy, Inc., 719 F.3d 392, 397 (5th Cir. 2013)
- Manguno v. Prudential Prop. & Cas. Ins. Co., 276 F.3d 720, 723 (5th Cir. 2002)
- Acuna v. Brown & Root, Inc., 200 F.3d 335, 339 (5th Cir. 2000)
- Bosky v. Kroger Texas, LP, 288 F.3d 208, 211 (5th Cir. 2002)
- Matter of Succession of Breen, 2021-0806 (La. App. 1 Cir. 7/11/23), 370 So. 3d 1114
- Poole v. Poppell, No. 18-6921 c/w 18-6961, 2019 WL 1397944, at *2 (E.D. La. Mar. 27, 2019)
- Howell v. State Farm Mut. Auto. Ins. Co., No. 17-2069, 2017 WL 1506053, at *4 (E.D. La. Apr. 27, 2017)
- DeCuir v. United Fin. Cas. Co., No. 23-1572, 2023 WL 5200525, at *2 (E.D. La. Aug. 14, 2023)
- Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005)