

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

Paul Logistics, Inc. v. New England Desperado, LLP and Rodney
Rollins, Consolidated Plaintiff

Paul Logistics · No. 25-cv-119-CDL; consolidated with 25-cv-00256-CDL · Decided March 31, 2026

SUMMARY

The United States District Court for the Northern District of Oklahoma addressed motions to dismiss, withdrawal of counsel, and the obligations of an entity and an individual appearing in consolidated litigation. The court denied New England Desperado, LLP’s motion to dismiss Paul Logistics’ claims, granted Paul Logistics’ motion to dismiss the claims and counterclaims of New England Desperado and Rodney Rollins without prejudice, and directed New England Desperado to obtain substitute counsel. The court concluded that the dismissed claims lacked sufficient factual allegations showing that Paul Logistics’ statements were false or wrongful and that a carrier’s lien had properly attached or been enforced.

CASE DETAILS

COURT	United States District Court for the Northern District of Oklahoma
WRITING FOR THE COURT	Christine D. Little
JURISDICTION	United States District Court for the Northern District of Oklahoma
DECIDED	March 31, 2026
DOCKET	25-cv-119-CDL; consolidated with 25-cv-00256-CDL
DISPOSITION	other
PROCEDURAL POSTURE	The court ruled on cross-motions to dismiss in two consolidated civil actions, as well as defense counsel's renewed motion to withdraw. New England Desperado's motion under Rule 12(b)(6) was denied without prejudice, while Paul Logistics' motion to dismiss New England Desperado's counterclaims and Rodney Rollins's claims was granted without prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the claimant's favor, but disregards conclusory allegations and legal conclusions. The pleading must contain sufficient factual matter to state a plausible claim for relief. The court declined to convert New England Desperado's motion

into a Rule 56 motion because it relied on matters outside the pleadings and did not satisfy Rule 56's requirements.

PRECEDENTIAL VALUE

unpublished district court opinion

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QUESTIONS PRESENTED

1. Whether New England Desperado's Rule 12(b)(6) motion, filed after its answer, could be treated as a Rule 56 motion based on matters outside the pleadings.
2. Whether Paul Logistics's complaint plausibly stated a claim under the Carmack Amendment and whether its related state-law claims were preempted.
3. Whether New England Desperado's counterclaims and Rollins's claims for false imprisonment, intentional infliction of emotional distress, defamation, and interference with business expectations plausibly alleged that Paul Logistics made false or wrongful statements.
4. Whether New England Desperado, a partnership, could proceed without counsel and whether its counsel should be permitted to withdraw.

HOLDINGS

1. The court would not consider New England Desperado's Rule 12(b)(6) motion as a motion for summary judgment because the motion relied on a bill of lading outside the pleadings, the bill of lading was not attached to or incorporated into the complaint, and the motion did not satisfy Rule 56's requirements.
2. New England Desperado's motion to dismiss was denied without prejudice because the complaint adequately alleged enough factual matter to suggest that Paul Logistics was entitled to relief.
3. The counterclaims and claims were dismissed without prejudice under Rule 12(b)(6) because they did not allege sufficient nonconclusory facts showing that Paul Logistics made a false or otherwise wrongful statement.
4. New England Desperado, a partnership, could not appear pro se and was required to cause substitute counsel to enter an appearance within ten days.

KEY QUOTATIONS

"A complaint must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action.""

"It must contain enough "facts to state a claim to relief that is plausible on its face," and the factual allegations "must be enough to raise a right to relief above the speculative level.""

“However, a party’s complaint must contain enough detail to “nudge their claims across the line from conceivable to plausible,” and do more than recite the prima facie elements of a claim.”

FACTUAL BACKGROUND

Paul Logistics and New England Desperado contracted for shipment of commercial goods to two delivery locations. After the first delivery, damage allegedly occurred to New England Desperado's tractor-trailer at the second delivery site, the receiver allegedly refused to provide insurance information, and New England Desperado left with the cargo still loaded. After the parties failed to agree on repair costs, Rollins and New England Desperado allegedly sold the freight under a claimed carrier's lien. They later alleged that Paul Logistics made a false police report and published statements accusing them of theft, hostage-taking, deceptive business practices, and related misconduct.

PROCEDURAL HISTORY

Paul Logistics filed its original action in Tulsa County District Court on January 16, 2025, asserting breach of contract, Carmack Amendment, conversion and larceny, and willful and malicious injury to property. New England Desperado removed the action on March 13, 2025, answered, and asserted counterclaims. Rollins separately filed claims in federal court in Connecticut; that case was transferred and consolidated with the Oklahoma action on September 22, 2025. After prior continuances, the court held a hearing on January 8, 2026, despite Rollins's failure to appear, and then resolved the pending motions.

DISPOSITION

other

CASES CITED

- *Ehrenhaus v. Reynolds*, 965 F.2d 916, 920 (10th Cir. 1992)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
- *Alvarado v. KOB-TV, L.L.C.*, 493 F.3d 1210, 1215 (10th Cir. 2007)
- *Moffett v. Halliburton Energy Servs., Inc.*, 291 F.3d 1227, 1231 (10th Cir. 2002)
- *Erikson v. Pawnee Cnty. Bd. of Cnty. Comm’rs*, 263 F.3d 1151, 1154-55 (10th Cir. 2001)
- *Cory v. Allstate Ins.*, 583 F.3d 1240, 1244 (10th Cir. 2009)
- *Hall v. Bellmon*, 935 F.2d 1106, 1109-10 (10th Cir. 1991)
- *Robbins v. Oklahoma*, 519 F.3d 1242, 1247, 1249 (10th Cir. 2008)
- *Khalik v. United Air Lines*, 671 F.3d 1188, 1190-91, 1193 (10th Cir. 2012)
- *Bacon v. TCIM Servs., Inc.*, No. 09-CV-0777-CVE-FHM, 2010 WL 915051 (N.D. Okla. Mar. 10, 2010)
- *Papasan v. Allain*, 478 U.S. 265, 286 (1986)