

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

JOSEPH P. KELLY, MANDA L. KELLY,  
and CARA L. MERRILL,

Plaintiffs,

v.

ALLAGASH TIMBERLANDS LP,

Defendant.

**DOCKET NO.** \_\_\_\_\_

**NOTICE OF REMOVAL**

To: The Judges of the United States District Court for the District of Maine

Defendant Allagash Timberlands LP (“Allagash”), by counsel and pursuant to 28 U.S.C. §§ 1441, *et seq.*, requests removal of a civil action commenced in the Maine Superior Court for Aroostook County - Caribou, titled *Joseph P. Kelly, Manda L. Kelly, and Cara L. Merrill v. Allagash Timberlands LP*, Civil Action No. CARSC-CV-2026-013 (the “State Court Action”).

In support of removal, Allagash respectfully states as follows:

1. Plaintiffs Joseph P. Kelly, Manda L. Kelly, and Cara L. Merrill (“Plaintiffs”) commenced this action by serving Allagash with a Summons and Complaint in the State Court Action on February 26, 2026.

**I. Allagash Has Satisfied the Procedural Requirements for Removal.**

2. Pursuant to 28 U.S.C. § 1446(b)(2), this Notice of Removal is timely as it has been filed with the Court within thirty (30) days after service of the Summons and Complaint in the State Court Action.

3. Pursuant to 28 U.S.C. § 1446(b)(2)(A), Allagash desires to remove the State Court Action to this Court. There are no other Defendants.

4. Because this Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332(a)(2), this action may be removed to this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a).

5. The United States District Court for the District of Maine is the federal judicial district encompassing the Superior Court of Aroostook County, Maine, where suit was originally filed. Venue therefore is proper in this judicial district under 28 U.S.C. § 1441(a).

6. Pursuant to 28 U.S.C. § 1446(a), copies of the Complaint, Summary Sheet, and Summons that were served on Allagash are attached as **Exhibits A through C** to the Declaration of Nolan L. Reichl (“Reichl Decl.”).

7. On March 13, 2025, counsel for Allagash filed a consented-to motion and proposed order to extend the deadline to file a responsive pleading until and including April 17, 2026, along with a proposed order on the consented-to motion and counsel’s entries of appearance. **Reichl Decl. Ex. D through G.**

8. The Aroostook Superior Court - Caribou granted the above-referenced consented-to motion in an Order dated March 16, 2026 and attached as **Reichl Decl. Ex. H.**

9. Allagash is not aware of any further proceedings having occurred in the State Court Action other than as described above and reflected in Exhibits A through H to the Reichl Declaration. Reichl Decl. ¶ 10.

10. Counsel for Allagash has requested a certified copy of the state court record from the clerk of the Aroostook Superior Court – Caribou and will submit the state court record to this Court upon receipt. Reichl Decl. ¶ 11.

11. Pursuant to 28 U.S.C. § 1446(d), Defendant this same day will transmit a copy of this Notice of Removal to the Aroostook County Superior Court - Caribou and will send copies of this Notice of Removal to Plaintiff’s counsel.

**II. Jurisdiction Exists under 28 U.S.C. § 1332(a).**

12. The preponderance of the evidence demonstrates that this is a civil action arising between citizens of different states in which the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, such that this Court may exercise jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a).

13. The following facts demonstrate by at least a preponderance of the evidence that there is complete diversity between Plaintiff and Defendant:

- a. Plaintiff Joseph P. Kelly is an individual residing in Aroostook County, Maine. *See* Complaint, Ex. A to Reichl Decl. (the “Complaint”) ¶ 3; *see also* Ex. B to Reichl Dec. at 2 (Summary Sheet, listing Kelly’s address in Aroostook County, Maine).
- b. Plaintiff Manda L. Kelly is an individual residing in Aroostook County, Maine. *See* Complaint ¶ 3; Ex. B to Reichl Dec. at 2 (Civil Summary Sheet, listing Kelly’s address in Aroostook County, Maine).
- c. Plaintiff Cara L. Merrill is an individual residing in Aroostook County, Maine. *See* Complaint ¶ 4; Ex. B to Reichl Dec. at 3 (Civil Summary Sheet, listing Merrill’s address in Aroostook County, Maine).
- d. Defendant Allagash Timberlands LP is a limited partnership. Complaint ¶ 5; Declaration of Jason Limongelli (“Limongelli Dec.”) ¶ 3.
- e. Defendant Allagash Timberlands LP is owned by four partners: J. D. Irving, Limited, Consolidated Rambler Mines Limited, Eagle Lake Timberlands Inc., and Allagash Holdings Limited. Limongelli Dec. ¶ 4.
- f. J. D. Irving, Limited is a New Brunswick, Canada corporation with a principal place of business in New Brunswick, Canada. Limongelli Dec. ¶ 5. That is the

location from which its executives direct, control, and coordinate the corporation's activities. *Id.*

- g. Consolidated Rambler Mines Limited is an Ontario, Canada corporation with a principal place of business in Ontario, Canada. Limongelli Dec. ¶ 6. That is the location from which its executives direct, control, and coordinate the corporation's activities. *Id.*
- h. Eagle Lake Timberlands Inc. is a New Brunswick, Canada corporation with a principal place of business in New Brunswick, Canada. Limongelli Dec. ¶ 7. That is the location from which its executives direct, control, and coordinate the corporation's activities. *Id.*
- i. Allagash Holdings Limited is a New Brunswick, Canada corporation with a principal place of business in New Brunswick, Canada. Limongelli Dec. ¶ 8. That is the location from which its executives direct, control, and coordinate the corporation's activities. *Id.*

14. Thus, while Plaintiffs are citizens of Maine, Defendant is a citizen of Canada. *See BRT Mgmt. LLC v. Malden Storage LLC*, 68 F.4th 691, 696 (1st Cir. 2023) (for purposes of a limited partnership, it is “the members’ citizenships that are relevant for jurisdictional purposes, not the principal place of business or the state of organization of the entity”).

15. The following facts demonstrate by at least a preponderance of the evidence that the matter in controversy exceeds the sum or value of \$75,000:

- a. Plaintiffs seek a declaratory judgment declaring they have acquired fee simple ownership of approximately 80 acres of property located in Allagash, Aroostook County, Maine by adverse possession. *See* Complaint ¶¶ 6, 23-30.

- b. In cases seeking declaratory relief with respect to title to real property, it is well-established that the fair market value of the property in question may be included in determining the amount in controversy. *See Emigrant Mortg. Co., Inc. v. Bourke*, 712 F. Supp. 3d 164, 172–73 (D. Mass. 2024), *aff'd*, 127 F.4th 385 (1st Cir. 2025).
- c. The fair market value of the subject approximately 80 acres of real property is greater than \$75,000. Limongelli Dec. ¶ 9.

16. The foregoing demonstrates by at least a preponderance of the evidence that this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(2), and that the action therefore may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

WHEREFORE, Defendant Allagash Timberland LP respectfully gives notice that the State Court Action has been removed from the Maine Superior Court for Aroostook County - Caribou to the United States District Court for the District of Maine pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and requests that this Court assume jurisdiction over this action.

Dated: March 27, 2026

/s/ Nolan L. Reichl  
Nolan L. Reichl  
Julia B. MacDonald  
PIERCE ATWOOD LLP  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101  
Tel: 207.791.1100  
[nreichl@pierceatwood.com](mailto:nreichl@pierceatwood.com)  
[jmacdonald@pierceatwood.com](mailto:jmacdonald@pierceatwood.com)

*Attorney for Defendant Allagash  
Timberlands LP*

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

I hereby certify that on March 27, 2026, I electronically filed the foregoing document, via email to the U.S. District Court in Portland, Maine, and served the same, via email and U.S. Mail, postage prepaid, upon counsel for Plaintiff addressed as follows:

John E. Baldacci, Jr., Esq.  
Steve Smith Trial Lawyers  
191 Water Street  
Augusta, ME 04330  
[jack@americantrialgroup.com](mailto:jack@americantrialgroup.com)

/s/ Nolan L. Reichl

Nolan L. Reichl  
PIERCE ATWOOD LLP  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101  
Tel: 207.791.1100  
nreichl@pierceatwood.com

*Attorney for Defendant Allagash  
Timberlands LP*