

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 13-8361 PA (Ex) Date December 12, 2013

Title Marian Turner, et al. v. Hartford Cas. Ins. Co., et al.

Present: The Honorable PERCY ANDERSON, UNITED STATES DISTRICT JUDGE

Paul Songco

None

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: IN CHAMBERS — COURT ORDER

The Notice of Removal filed by plaintiffs Marian Turner, Lisa Turner, and Cornelius Turner (collectively “Plaintiffs”) on November 12, 2013, appears to suffer from numerous procedural defects. Among these potential procedural defects are:

- (1) The Notice of Removal was filed by Plaintiffs despite the fact that both 28 U.S.C. § 1443 and 28 U.S.C. § 1446 allow only a defendant to file a Notice of Removal.
- (2) The Notice of Removal appears to have been filed well after the expiration of the 30-day limit on the filing of a Notice of Removal established by 28 U.S.C. § 1446(b).
- (3) The Notice of Removal appears to be based on the same grounds as Plaintiffs’ December 6, 2012 Notice of Removal in Case No. CV 12-10434 PA (Ex). As a result, the current Notice of Removal may violate the rule against successive removals. See Seedman v. U.S. Dist. Court for Cent. Dist. of Cal., 837 F.2d 413, 414 (9th Cir. 1988) (“[A] second removal petition based on the same grounds does not ‘reinvest’ the court’s jurisdiction.”).
- (4) The Notice of Removal does not appear to include “a copy of all process, pleadings, and orders served” upon defendants as required by 28 U.S.C. § 1446(a). Specifically, the Notice of Removal, among other things, does not appear to include a complete copy of Plaintiff’s Complaint.

In light of these potential procedural defects, the parties are ordered to show cause in writing why this action should not be remanded. Defendants’ response to this order to show cause shall be filed no later than December 20, 2013. The failure by defendants to file a response by that date shall be deemed a waiver of any procedural defects. Should defendants respond to the order to show cause and assert that the Notice of Removal is procedurally defective, Plaintiffs’ response to this order to show cause shall be filed no later than January 3, 2013. After that date, the matter will be deemed submitted and the Court will notify the parties once it has reached a decision.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 13-8361 PA (Ex)

Date December 12, 2013

Title Marian Turner, et al. v. Hartford Cas. Ins. Co., et al.

Nothing in this order to show cause shall be considered to limit the Court's authority to address the serious issues related to Plaintiffs' invocation of 28 U.S.C. § 1443 as a basis for the Court's subject matter jurisdiction. The Court may, at any time before final judgment, remand an action for lack of subject matter jurisdiction. See 28 U.S.C. § 1447(c).

IT IS SO ORDERED.