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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Van E. Flury,

10 Plaintiff,

11 v.

12 Chex System, Inc.,

13 Defendant.

No. CV13-01284-PHX-DGC

ORDER

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15 Plaintiff has filed a motion to remand this case to State court. Doc 10. The
16 motion is fully briefed. Doc. 11, 12. No party has requested oral arguments. For the
17 reasons that follow, the motion will be denied.

18 After a notice of removal has been filed with this Court, defendants are required to
19 “give written notice thereof to all adverse parties and shall file a copy of the notice with
20 the clerk of such State court.” 28 U.S.C. § 1446(d). Plaintiff argues that Defendant did
21 not properly notify the South Mountain Justice Court or the Encanto Justice Court of the
22 removal because the Notice of Removal (Doc 1) is not time-stamped by either State
23 court. Doc. 10 at 1. Plaintiff also argues that the Encanto Justice Court’s docket shows
24 that the State courts are unaware of removal. *Id.* at 2-5.

25 Defendant has provided stamped versions of the notice of removal in the response
26 brief (Doc. 11-1 at 4 and 11), along with an order from the Encanto Justice Court
27 confirming notice of the transfer. *Id.* at 19. The State courts were properly notified as
28 required under 28 U.S.C. § 1446(d).

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IT IS ORDERED that the motion to remand (Doc. 10) is **denied**.

Dated this 19th day of August, 2013.



David G. Campbell
United States District Judge