

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 11-1970 DSF (OPx)

Date 12/22/11

Title Marie Cusick v. Kohl's Department Stores, Inc.

Present: The Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Pamela Batalo

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not present

Not present

**Proceedings:** (IN CHAMBERS) ORDER RE REMAND TO STATE COURT

On December 14, 2011, Defendant removed this action from state court, claiming subject matter jurisdiction based on 28 U.S.C. § 1332, otherwise known as diversity jurisdiction. Removal must take place within 30 days after the receipt of a removable pleading. 28 U.S.C. § 1446(b)(1). Defendant's agent for service of process was served on October 19, 2011. (Notice of Removal ¶ 2; Holly Decl. ¶ 3.) It appears that Defendant's December 14 removal was untimely, and Defendant does not contend otherwise in its Notice of Removal.

Defendant is ordered to show cause in writing by January 3, 2012 why this case should not be remanded for untimely removal. **If Plaintiff objects to removal, she must file a notice of the objection within 30 days of the notice of removal being filed. 28 U.S.C. § 1447(c).**

IT IS SO ORDERED.