

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KIRANJEET BADYAL, an individual; No. 2:11-cv-00349-MCE-GGH
DILAWAR BADYAL, an individual,

Plaintiffs,

V.

ORDER

BOSCH PACKAGING TECHNOLOGY,
INC.; SBM SCHOELLER-BLECKMAN
MEDIZINTECHNIK; KUHLMAN
TECHNOLOGIES, INC.; and DOES 1
through 50, inclusive,

Defendants.

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Through this personal injury action, Kiranjeet and Dilawar Badyal ("Plaintiffs") seek redress in connection with the explosion of an autoclave sterilizer allegedly designed, manufactured, and sold by Robert Bosch Packaging Technology, Inc. ("RBPT"); SBM Schoeller-Bleckman Medizintechnik ("SBM"); and Kuhlman Technologies, Inc. ("Kuhlman"). Plaintiffs filed this action in Yolo County Superior Court. On February 7, 2011, RBPT removed to this Court on the basis of diversity jurisdiction.

1 After an initial review, the Court found jurisdiction
2 lacking, and remanded the case back to Superior Court on
3 February 25, 2011 (ECF No. 10). Specifically, the Court found
4 that RBPT failed to properly allege that the parties were
5 sufficiently diverse in their Notice of Removal (ECF No. 1), and
6 therefore had not met its burden to establish proper subject
7 matter jurisdiction.

8 Defendant RBPT filed a Motion for Relief from Remand (ECF
9 No. 11), arguing that the parties should have had an opportunity
10 to amend any jurisdictional defects before remand. Defendant
11 RBPT is correct, as the parties should have had an opportunity to
12 address any jurisdictional defects before the case was closed.
13 In their Proposed Amended Notice of Removal (ECF No. 12),
14 Defendant RBPT now states they are able to cure any
15 jurisdictional defects and, through research, have determined
16 that all parties are properly diverse in conformity with
17 28 U.S.C. § 1332.

18 Accordingly, the Court's Order dated February 25, 2011 (ECF
19 No. 10) is VACATED and Defendant's Motion for Relief from Remand
20 is GRANTED. Defendant RBPT is ordered to file its Amended Notice
21 of Removal, proving proper jurisdiction, within ten (10) days of
22 this Order being electronically filed.

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Defendant's failure to file a properly Amended Notice of Removal will result in the case being remanded to Yolo County Superior Court without further notice to the parties.

IT IS SO ORDERED.

Dated: May 20, 2011

Moran C. England, Jr.

MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE