

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 3 SAN FRANCISCO DIVISION
 4

5 ANNE HOLLAND VENTURES, INC.,

No. C 12-02454 RS

6 Plaintiff,

**ORDER GRANTING PLAINTIFF'S
 MOTION TO REMAND**

7 v.

8 DEBORAH BETH KIRSCH, ET AL.,

9 Defendants.

10 _____/

11 Plaintiff, a Rhode Island citizen, filed this action in Santa Clara Superior Court asserting
 12 claims for breach of contract and common counts against a number of California citizens.
 13 Defendant Deborah Beth Kirsch removed the case, contending that federal jurisdiction exists on the
 14 basis of diversity of citizenship. Plaintiff now moves to remand pursuant to the “no local defendant
 15 rule” set forth in 28 U.S.C. § 1441(b). This rule precludes removal based on diversity jurisdiction
 16 where any defendant is a citizen of the state in which the action was brought. 28 U.S.C. § 1441(b);
 17 *Spencer v. U.S. Dist. Ct. N.D. Cal. (Altec Indus., Inc.)*, 393 F.3d 867, 870 (9th Cir. 2004)
 18 (“[Diversity actions] shall be removable only if none of the parties in interest properly joined and
 19 served as defendants is a citizen of the State in which such action is brought.”). Here, Kirsch’s
 20 notice of removal acknowledges that she is a California citizen. *See* Dkt. No. 1 at 2 (“All
 21 Defendants are citizens of California.”). Accordingly, plaintiff’s motion to remand is granted.

22 IT IS SO ORDERED.

23
 24 Dated: 6/1/12

25 
 26 RICHARD SEEBORG
 27 UNITED STATES DISTRICT JUDGE
 28

No. C
 ORDER