

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 09-cv-00714-RPM

JOSEF HARMATA and  
GEORGE SIRACKI,

Plaintiffs,

v.

ALLSTATE INDEMNITY COMPANY,

Defendant

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ORDER FOR REMAND AND AWARD OF ATTORNEY'S FEES

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The Notice of Removal filed by the defendant Allstate Indemnity Company, correctly identified as Allstate Insurance Company, on March 31, 2009, insufficiently alleges diversity jurisdiction as is observed by the plaintiffs' objections, filed April 2, 2009, properly considered a motion to remand and for attorney's fees. The affidavit of attorney's fees attached by counsel Samuel G. Livingston, seeking recovery of \$350.00, is a reasonable amount. Because this matter was improvidently removed from the District Court, City and County of Denver, State of Colorado, it is

ORDERED that this civil action is remanded to the District Court, City and County of Denver, State of Colorado, and the plaintiffs are awarded \$350.00 as attorney's fees for the motion to remand.

DATED: April 6<sup>th</sup>, 2009

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior Judge