

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 09-cv-02170-CMA

ANTHONY SNYDER, et al.,

Plaintiffs,

v.

VAIL RESORTS, INC., et al.,

Defendants.

ORDER OF REMAND

This matter is before the Court on Plaintiffs' Forthwith Motion for Remand and Motion for Sanctions (Doc. # 2). The Motion to Remand is GRANTED and the Motion for Sanctions is TAKEN UNDER CONSIDERATION.

Plaintiffs are correct; this Court lacks subject matter jurisdiction to hear this case. The state court record, including the operative Fourth Amended Complaint, reflects that Plaintiffs have asserted state-law contract and business tort claims, and nothing else. Admittedly, the lawsuit involves the use of a ski area situated on land under the control of the United States Forest Service, but Defendants stretch credulity by arguing that one line in Plaintiffs' written response to a jury instruction submitted by Defendants creates federal question jurisdiction, where none existed before. Thus, under 28 U.S.C. § 1447, the Court REMANDS this case back to the state court for further proceedings.

Moreover, the Court believes that Defendant removed this matter (less than two weeks before trial in the state court) for dilatory, nefarious, and improper tactical purposes, so the Court will reserve jurisdiction for the express purpose of determining whether Defendants should be sanctioned for their seemingly frivolous removal of this action. *See, e.g., Lazorko v. Pennsylvania Hosp.*, 237 F.3d 242, 247 (3d Cir. 2000). Defendants shall show cause in a written brief with appropriate citation to legal authority that shall be no less than ten (10) pages in length, why they should not be sanctioned for filing a frivolous notice of removal.

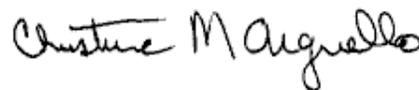
Accordingly, Plaintiffs' Motion for Remand is GRANTED and this matter is REMANDED to state court.

The Court reserves jurisdiction for the limited purpose of taking under advisement Plaintiffs' Motion for Sanctions.

IT IS FURTHER ORDERED that Defendants shall show cause why they should not be sanctioned for filing a frivolous notice of removal in a written brief, no less than ten pages in length, to be filed on or before September 18, 2009. Plaintiffs may respond to Defendants' submission on or before October 5, 2009.

DATED: September 11, 2009

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge