

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Honorable Marcia S. Krieger

Civil Action No. 10-cv-00327-MSK-KMT

GERALDINE VARGAS,

Plaintiff,

v.

NASH-FINCH COMPANY, d/b/a AVANZA SUPERMARKET, a Delaware corporation,

Defendant.

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**ORDER GRANTING MOTION TO REMAND**

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THIS MATTER comes before the Court on the Plaintiff's Motion to Remand and For Award of Just Costs and Expenses (Motion) (#8) filed February 24, 2010. Having reviewed the Motion,

**IT IS ORDERED** that the Motion is **GRANTED**. The issue of the Court's jurisdiction was previously, conclusively determined by Judge Arguello's Order Remanding Case (Remand Order) at Docket #8 in 10-cv-00259-CMA. The Remand Order found that the original Notice of Removal was untimely; such order is not subject to collateral attack by the filing of another notice of removal. Although the Defendant generally opposes the request for fees, it offers no case law or argument in support of its opposition and no objection as to the reasonableness of the amount of the fee request. Accordingly, the Motion is **GRANTED** and reasonable fees in the amount of \$6,615.00 are awarded to the Plaintiff, to be paid within **20 days**, failing which judgement shall enter in favor of the Plaintiff and against the Defendant in such amount.

DATED this 21<sup>st</sup> day of April, 2010.

**BY THE COURT:**

*Marcia S. Krieger*

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Marcia S. Krieger  
United States District Judge