

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 11-cv-00066-PAB-MEH

WILLIAM SCHRENK, an individual resident of Indiana,

Plaintiff,

v.

DELTA AIR LINES, INC., a Delaware corporation, and
FLIGHT SERVICES & SYSTEMS, INC., an Ohio corporation,

Defendants.

ORDER OF REMAND

This matter is before the Court on plaintiff's motion to remand for lack of subject matter jurisdiction [Docket No. 29]. Plaintiff's motion to remand notes that the Amended Complaint [Docket No. 22] alleges that plaintiff's primary residence is in Ohio (not Indiana, as asserted in the case caption) and adds an Ohio corporation as a defendant, thus destroying diversity between the parties. As the party invoking this Court's jurisdiction, see Docket No. 1, defendant Delta Air Lines, Inc. ("Delta") "bears the burden of establishing such jurisdiction as a threshold matter." *Radil v. Sanborn W. Camps, Inc.*, 384 F.3d 1220, 1224 (10th Cir. 2004). Delta does not oppose the remand of this action for lack of subject matter jurisdiction. See Docket No. 29 at 2. Therefore, it is

ORDERED that plaintiff's motion for remand [Docket No. 29] is GRANTED. It is further

ORDERED that this case is REMANDED to the District Court of Denver County, Colorado, where it was originally filed as Case No. 2010CV9587.

DATED May 25, 2011.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge