

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 15-cv-00293-RM-KLM

GOLD MEDAL RANCH, LLC, a Colorado limited liability company,

Plaintiff,

v.

BYERS PEAK DOWNHILL PROPERTIES, LLC, a Colorado limited liability company;
BYERS PEAK PROPERTIES, LLC, a Colorado limited liability company;

C. CLARK LIPSCOMB; and
MEREDITH C. LIPSCOMB

Defendants,

and

BYERS PEAK DOWNHILL PROPERTIES, LLC;
BYERS PEAK PROPERTIES, LLC; and
C. CLARK LIPSCOMB,

Counterclaim and Third Party Plaintiffs,

v.

GOLD MEDAL RANCH, LLC; and
NORMAN A. CARPENTER,

Counterclaim and Third Party Defendants,

ORDER GRANTING MOTION TO REMAND

THIS MATTER is before the Court on Plaintiff's Motion to Remand (ECF No. 25).

Upon consideration of the Motion and other relevant portions of the Court file, the applicable law, and the parties' arguments at the hearing held on March 6, 2015, the Court finds that this case should be remanded to the state court based on the "forum defendant rule," 28 U.S.C.

§ 1441(b)(2). The Court also finds there was no intent to violate the “forum defendant rule,” but nonetheless finds an award of some fees is appropriate. It is therefore

ORDERED that Plaintiff’s Motion to Remand (ECF No. 25) is **GRANTED** as stated herein; it is

FURTHER ORDERED that, due to the “forum defendant rule” under 28 U.S.C. § 1441(b)(2), pursuant to 28 U.S.C. § 1447(c) this case is **REMANDED** to the District Court, Grand County, Colorado, where it was originally filed as Civil Action No. 2014CV30133; and it is

FURTHER ORDERED that, pursuant to 28 U.S.C. § 1447(c), Plaintiff is awarded \$1,000.00 in attorney’s fees.

DATED this 6th day of March, 2015.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge