

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOSEPH DANILLA,

Plaintiff,

v.

Case No. 8:16-cv-2671-T-33JSS

ATM MAINTENANCE SERVICES, INC.,
et al.,

Defendants.

_____ /

ORDER

This matter comes before the Court *sua sponte*. Plaintiff Joseph Danilla filed his Complaint in state court on August 3, 2016. (Doc. # 2). In his Complaint, Danilla brings two counts: Workers' Compensation Retaliation (Count I) and Family Medical Leave Act Interference (Count II). Defendants ATM Maintenance Services, Inc., Ameri-Tech Realty, Inc., and Fox Chase West Property Owners Association, Inc. subsequently removed to this Court on the basis of federal question jurisdiction as to Count II and supplemental jurisdiction as to Count I. (Doc. # 1).

The Court held a Case Management Hearing on September 30, 2016, and, because federal courts are courts of limited jurisdiction, this Court inquired as to the propriety of

exercising jurisdiction as to Count I. (doc. # 11). The Court orally ordered, and shortly thereafter entered an endorsed Order directing (Doc. # 13), Defendants to show cause why Count I should not be remanded.

In response to the Court's Order to show cause, the parties have filed a joint statement of remand, by which the parties "consent to remand of Count I of Plaintiff's Complaint (Workers' Compensation Retaliation) to the Circuit Court of the Sixth Judicial Circuit, in and for Pinellas County, Florida." (Doc. # 18). After review, the Court agrees that remand is appropriate. See Catuey v. Flatiron-Tidewater Skanska, No. 8:10-cv-2730-T-23EAJ, 2011 WL 766342, at *2-3 (M.D. Fla. Feb. 25, 2011) (remanding a workers'-compensation retaliation claim brought under § 440.205, Fla. Stat., for lack of subject-matter jurisdiction, while retain jurisdiction over ADA claim).

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

Count I of Plaintiff Joseph Danilla's Complaint (Workers' Compensation Retaliation) is **REMANDED** to the Circuit Court of the Sixth Judicial Circuit, in and for Pinellas County, Florida.

DONE and **ORDERED** in Chambers in Tampa, Florida, this
31st day of October, 2016.

