

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHN FALKNER,

Plaintiff,

v.

WERNER COMPANY, INC., et al.,

Defendants.

Case No. 08-cv-546-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is Plaintiff's Motion to Remand (Doc. 12). Defendants originally removed this case on the basis of diversity jurisdiction, asserting that the non-diverse defendant, Alexander Knoll was fraudulently joined for the purposes of defeating diversity jurisdiction (Doc. 8). Plaintiff seeks a remand, arguing that his negligence claims against defendant Alexander Knoll are valid and therefore, defendant Knoll was not fraudulently joined. As such, Plaintiff states that diversity jurisdiction does not exist and therefore, this case should be remanded. Defendants have filed a Response (Doc. 16), consenting to Plaintiff's Motion to Remand.

Accordingly, with Defendants' consent, Plaintiff's Motion to Remand (Doc. 12) is hereby **GRANTED**. This case is hereby **REMANDED** back to the Circuit

Court of the Twentieth Judicial Circuit, St. Clair County, Illinois. The Clerk of the Court is hereby directed to close the case file for this matter.

IT IS SO ORDERED.

Signed this 20th day of October, 2008.

/s/ David Herndon

**Chief Judge
United States District Court**