

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

BRYAN HOLT CAMP,

Plaintiff,

v.

OTTO TRUCKING, INC. and MAMURJON
K. JUMANIYAZOV,

Defendants.

CAUSE NO.: 2:23-CV-396-TLS-JEM

OPINION AND ORDER

This matter is before the Court on the Plaintiff's Motion to Set Aside State Court's Order of November 15, 2023 [ECF No. 15], filed on December 7, 2023. The Defendants have not filed a response, and the time to do so has passed.

The Plaintiff filed this action in the Porter County, Indiana, Superior Court on August 28, 2023. *See* ECF No. 5. The Defendants filed a Motion for Partial Dismissal on October 21, 2023, *see* ECF No. 10, and the Plaintiff filed a response in opposition on November 2, 2023, *see* ECF No. 11. On November 15, 2023, the state court entered the Defendants' proposed order granting the Motion for Partial Dismissal. *See* ECF No 12. However, in the line on the proposed order for the order's date, the court instead entered: "February 14, 2024 at 11:00 a.m." *See id.* And, on the state court docket, the order was docketed as an "Order for Hearing," with the hearing scheduled for February 14, 2024, at 11:00 a.m. Mot. Ex. A, ECF No. 15-1.

On November 16, 2023, the Defendants' filed their Notice of Removal [ECF No. 1], depriving the state court of jurisdiction over the case. *See Roman Cath. Archdiocese of San Juan v. Acevedo Feliciano*, 140 S. Ct. 696, 700 (2020) (citing 28 U.S.C. § 1446; *Kern v. Huidekoper*, 103 U.S. 485, 493 (1881)). On November 17, 2023, the state court entered an order vacating the

November 15, 2023 Order on Defendants’ Motion for Partial Dismissal, explaining that the order had been entered in error. *See* Mot. Ex. B, ECF No. 15-2. Based on all these facts, the Plaintiff now asks this Court to enter an order vacating the state court’s November 15, 2023 Order. *See* 28 U.S.C. § 1450 (providing that all “orders[] and other proceedings had in such [state court] action prior to its removal shall remain in full force and effect until dissolved or modified by the district court”); *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70*, 415 U.S. 423, 436 (1974) (“The ‘full force and effect’ provided state court orders after removal of the case to federal court was not intended to be more than the force and effect the orders would have had in state court.”).

Finding the motion well taken, the Court hereby GRANTS the Plaintiff’s Motion to Set Aside State Court’s Order of November 15, 2023 [ECF No. 15] and ORDERS that the state court’s order dated November 15, 2023, is vacated.

SO ORDERED on January 3, 2024.

s/ Theresa L. Springmann
JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT