

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
at LEXINGTON

CIVIL ACTION NO. 11-347-KKC

ALEX FUGATE, et al.

PLAINTIFFS

v.

MEMORANDUM OPINION AND ORDER

KROGER GROUP INC., et al.

DEFENDANTS

* * * * *

This matter is before the Court on the Plaintiffs' Motion to Remand. [DE 7]. The Plaintiffs' filed a Motion to Amend Complaint [DE 6] to add additional non-diverse defendants. At the same time, the Plaintiffs' filed a Motion to Remand because if their Motion to Amend was granted, there would no longer be complete diversity and this Court would lack subject-matter jurisdiction.

Kroger objected to the Motion to Amend and the Motion to Remand, but did not clearly state its legal grounds for the objection. [DE 15]. The Court granted the Motion to Amend. [DE 16]. The Plaintiffs then filed their First Amended Complaint stating that the new named Defendants are citizens of Kentucky. [DE 17 at 2-3]. Absent a clear legal objection to the Motion to Remand stating the grounds in opposition, the Court will GRANT the Motion to Remand because complete diversity no longer exists.

It is ORDERED that:

- 1) Plaintiffs' Motion to Remand [DE 7] is GRANTED;
- 2) This action is remanded back to the Powell County Circuit Court for further

proceedings; and

3) This matter is STRICKEN from the DOCKET.

Dated this 16th day of February, 2012.



Signed By:

Karen K. Caldwell *KKC*

United States District Judge