

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ALISON YUDA

PLAINTIFF

v.

CRIMINAL ACTION NO. 3:17CV-365-CRS

CHEST MEDICINE ASSOCIATES, P.S.C.

DEFENDANT

MEMORANDUM OPINION

This matter is before the court on motion of the plaintiff, Alison Yuda, to remand this action to the Jefferson County, Kentucky, Circuit Court (DN 4).

Yuda, an Indiana citizen, sued her former employer, Chest Medicine Associates, P.S.C., (“CMA”) a Kentucky corporation, in state court, and CMA removed the action to this court under our diversity jurisdiction. Yuda has moved for remand on the ground that the forum defendant rule precluded CMA from removing the case. Indeed, CMA states in its response that it “acknowledges that it bears the burden to establish that removal is proper, and given the current state of the law, it does not dispute Plaintiff’s right to seek remand to state court. CMA does not dispute that it is a Kentucky corporation having its principal place of business in Louisville, Kentucky, and therefore is subject to the prescriptions of the forum defendant rule found in 28 U.S.C. § 1441(b)(2).” (DN 7, p. 3).

The motion of the plaintiff is well-taken and is conceded by the defendant. A separate order will be entered granting Yuda's motion and remanding this action to the Jefferson County, Kentucky, Circuit Court.

IT IS SO ORDERED.

cc: Counsel of Record