

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

FEDERATED CAPITAL CORPORATION :

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v.

Civil No. CCB-13-538

KEVIN C. BETSKOFF

MEMORANDUM AND ORDER

Plaintiff Federated Capital Corporation, doing business as Federated Financial Corporation of America (“Federated”) filed this action in Utah state court on January 4, 2013. Defendant Kevin Betskoff filed a notice of removal to this court on February 19, 2013 under 28 U.S.C. § 1441(a). That provision unequivocally states that if the federal district court would have had original jurisdiction over a civil action brought in state court, the action “may be removed . . . to the district court of the United States for the district and division embracing the place where such action is pending.” Federated has filed a motion for remand, asserting that this court lacks jurisdiction because the amount in controversy does not meet the jurisdictional requisite under 28 U.S.C. § 1332. Even assuming this court would have jurisdiction over this matter, Betskoff’s removal was plainly improvident on the face of the removal statute because it was filed in the wrong district. *See Addison v. North Carolina Dept. of Crime & Public Safety*, 851 F. Supp. 214, 217-18 (M.D.N.C. 1994). Furthermore, because removal to this court was obviously improper, the court will grant Federated’s motion for attorney’s fees under 28 U.S.C. § 1447(c). *See In re Crescent City Estates, LLC*, 588 F3d 822, 826 (4th Cir. 2009) (“[Section] 1447(c) was meant to overcome the first premise underlying the American Rule (that parties bear their own legal fees), thereby enabling courts to shift fees from the prevailing party (here, the party successfully

obtaining remand) to the losing party (here, the party erroneously attempting removal.”). Given Betskoff’s pro se status, however, the court will limit the fee award to \$500.

Accordingly, it is hereby ORDERED that:

1. Federated’s Motion for Remand (ECF No. 11) is **Granted**;
2. Kevin Betskoff Motion to Dismiss (ECF No. 12) is **Denied without prejudice**;
3. Betskoff’s Motion to Strike (ECF No. 13) is **Denied**;
4. Betskoff **SHALL PAY** attorney’s fees to Federated in the amount of \$500;
5. This action is **REMANDED** to the Third Judicial District Court in Salt Lake County, Utah;
6. The Clerk shall **CLOSE** this case; and
7. The Clerk shall send copies of this Memorandum and Order to defendant Kevin C. Betskoff, counsel of record, and the Clerk for the Third Judicial District Court in Salt Lake County, Utah, 450 S. State Street, Salt Lake City, Utah 84114.

April 11, 2013
Date

/s/
Catherine C. Blake
United States District Judge