

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

CYNTHIA VAILLANCOURT

v.

UNUM GROUP CORPORATION, ET AL.

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Civil No. – JFM-16-3484

MEMORANDUM


Plaintiff has filed a motion to remand this case to the Circuit Court for Howard County, Maryland. Defendants have opposed the motion. The motion will be granted.

This court previously granted a motion for remand in the same case. *See* Civil Action No. JFM-16-939. After remand, the Circuit Court dismissed the action without prejudice because the caption in the complaint, which had been filed in a fictitious name, failed to state plaintiff's full name, address, and zip code. (The action had been filed in the name of "CLV," the initials of plaintiff.) Plaintiff responded to the dismissal order by filing a motion to vacate, together with an amended complaint which corrected the misnomer. Defendants then filed a second notice of removal.

Successive removals are proper based on "a showing that the posture of the case is so changed that it is substantially a new case." *See McDanell v. Precision Pipeline, LLC*, 2015 U.S. Dis. LEXIS 46535, Civ. A. No. 5:15CV4, *10 (N.D. W. Va April 9, 2015). Here, the posture of the case has not changed. The only change made in the amended complaint filed by plaintiff was in the caption, substituting plaintiff's actual name for the initials "CLV." Otherwise, the amended complaint was the same as the original complaint.

A separate order granting plaintiff's motion to remand is being entered herewith.

Date: 12/4/14



J. Frederick Motz
United States District Judge