

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DR. RAGHUVVEER VALLABHANENI,
et ux.

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Plaintiffs

* CIVIL ACTION NO. MJG-17-1171

vs.

*

PRIME BUILDING ADVANTAGE LLC,
et al.

*

Defendants

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MEMORANDUM AND ORDER

The Court has before it the Motion to Remand filed by Plaintiffs Raghuveer and Adrienne Vallabhaneni [ECF No. 17], the Rule 12(b)(6) Motion of Defendant Monument Real Estate Group, LLC to Dismiss [ECF No. 25], and the materials submitted relating thereto. The Court finds that a hearing is unnecessary.

On April 28, 2017, Plaintiffs filed the Complaint [ECF No. 4] in Baltimore City Maryland Circuit Court alleging that all Defendants violated a lease agreement. On April 28, 2017, Defendants Jonathan and Jeannie Chun filed a Notice of Removal [ECF No. 2] asserting that they were not Maryland citizens and that they could properly remove the case to the federal district court pursuant to the diversity jurisdiction provided by 28

U.S.C. § 1332(a). The Defendants other than the Chens filed¹ Defendants' Consent to Removal [ECF No. 9] erroneously stating that they had not been served. It is now apparent that one or more of the Defendants was, and is, a Maryland citizen and had been served prior to the filing of the removal.

The parties now agree that remand is appropriate.

Under the circumstances, the Court shall grant the motion seeking remand but will not act upon the motion seeking dismissal.

Accordingly:

1. The Motion to Remand filed by Plaintiffs Raghuveer and Adrienne Vallabhaneni [ECF No. 17] is GRANTED.
2. A separate Order of Remand shall be issued.
3. The Rule 12(b)(6) Motion of Defendant Monument Real Estate Group, LLC to Dismiss the Complaint [ECF No. 25] remains pending for resolution by the state court after remand.

SO ORDERED, this Tuesday, June 20, 2017.

/s/_____
Marvin J. Garbis
United States District Judge

¹ Movants contend that the Consent to removal was not properly filed by the co-defendants.