

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

DONNA RENEE TIPTON

*

v.

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Civil No. – JFM-11-55

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BALTIMORE AMERICAN MORTGAGE,
CORPORATION, INC., et al.

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MEMORANDUM

Plaintiff Donna Renee Tipton (“Plaintiff”) has filed a motion for remand of this case to the Circuit Court for Baltimore City. This Motion will be denied.

I previously determined that the court has federal-question jurisdiction, *see Nance v. Balt. Am. Mortg. Corp.*, Civil No. JFM-10-2083, 2010 WL 4291579 (D. Md. Oct. 29, 2010), and bankruptcy jurisdiction, *see Johnson v. Residential Funding Co., LLC*, Civil No. JFM-10-2769, slip op. at 2–6 (D. Md. Feb. 8, 2011), in cases involving the same relevant facts as the present action. Moreover, as in *Johnson*, abstention under 28 U.S.C. § 1334(c) is not appropriate here. *See id.* at 6–7. Finally, I need not remand this case because one defendant did not consent to its removal. The consent of all defendants is not necessary to remove a state court action under the bankruptcy removal statute. *Creasy v. Coleman Furniture Co.*, 763 F.2d 656, 660 (4th Cir. 1985).

As I indicated in a prior Opinion in this case, Plaintiff’s claims against Residential Funding Company, LLC and JP Morgan Chase Bank should be dismissed. Accordingly, I will enter an order denying Plaintiff’s Motion for Remand and dismissing the claims against these defendants.

February 22, 2011
Date

/s/
J. Frederick Motz
United States District Judge