

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRUSTEES OF THE 31 PINCKNEY STREET
CONDOMINIUM TRUST,
Plaintiff(s)

vs.

Civil Action No. 1:16-cv-12156-NMG

TIMOTHY CICHOCKI,
Defendant

**PLAINTIFFS' TRUSTEES OF THE 31 PINCKNEY STREET CONDOMINIUM
TRUSTS OPPOSITION TO TIMOTHY CICHOCKI'S PURPORTED NOTICE OF
REMOVAL AND MOTION TO REMAND TO STATE COURT**

Now come the Plaintiffs, the Trustees of the 31 Pinckney Street Condominium Trust, and pursuant to 28 U.S.C. § 1447 (c) respectfully move this Court to remand this case to state court. Remand should be granted because (1) diversity jurisdiction is not alleged, (2) there is no federal question, (3) the notice of removal is not timely, and (4) the Plaintiffs' well pleaded complaint is based entirely on state law, e.g. M.G.L. c. 183A § 6. Lastly, Plaintiffs assert that Defendant's purported Notice of Removal is used for an improper purpose and represents an abuse of judicial process specifically because there is no legal basis for removal.

In support of their Motion, the Plaintiffs incorporate herein their Memorandum in Support filed simultaneously hereto:

Motion allowed; the Clerk is directed to remand this case to the Boston Municipal Court Department of the Trial Court of Massachusetts because it was improperly removed to this Court by defendant and this Court lacks jurisdiction.

1 *S/M Gorton, USDJ 6/15/17*