

United States District Court
District of Massachusetts

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DAVID STRUSKI AND CHRISTINE)	
STRUSKI,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.
)	17-12037-NMG
)	
BANK OF AMERICA, N.A., M&T BANK)	
CORPORATION, AND GUAETTA &)	
BENSON, LLC)	
)	
Defendants.)	
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ORDER

GORTON, J.

On October 25, 2017, plaintiffs David and Christine Struski ("plaintiffs") filed an emergency motion for remand, a temporary restraining order ("TRO") and sanctions (Docket No 9). Because the foreclosure sale scheduled to occur on October 30, 2017 was postponed, the Court denied the emergency motion for a TRO as moot on October 26, 2017. In its response to plaintiffs' motion for remand (Docket No. 19), defendant Bank of America, N.A. (the removing party), states that defendants do not oppose remand of the case to the Massachusetts Superior Court.

In light of defendants' assent, plaintiffs' motion for remand and sanctions (Docket No. 9) is, with respect to remand, **ALLOWED** but is, with respect to its request for sanctions, **DENIED**.

Defendant Guaetta & Benson, LLC's motion to dismiss (Docket No. 16) is **DENIED** as moot.

Plaintiffs' motion to stay (Docket No. 20) is **DENIED** as moot.

Accordingly, the case is hereby **REMANDED** to the Massachusetts Superior Court for Middlesex County.

So ordered.

/s/ Nathaniel M. Gorton_____
Nathaniel M. Gorton
United States District Judge

Dated: November 16, 2017