UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAY MERRILL, *et al*.,

Plaintiffs,

v.

PRO-POINT, INC., *et al*.,

Defendants.

Case No. 2:12-cv-2155-LDG (NJK)

ORDER

The plaintiffs, Jay and Cherie Merrill, move to remand (#18), to which the removing defendant, Karcher North America, Inc., has responded (#24).

The court has original jurisdiction of this matter pursuant to 28 U.S.C. §1332(a), as the amount in controversy exceeds $75,000, and the suit is between citizens of different states. (The plaintiffs are citizens of Missouri; The defendants are citizens of Delaware, Colorado, Utah, and Nevada.) Nevertheless, the plaintiffs have shown that a procedural defect exists in the removal pursuant to 28 U.S.C. §1441(b)(2), as Pro-Point Inc., was properly joined and served as a defendant and is a citizen of Nevada, the state in which this action was brought. The plaintiffs timely brought their motion to remand within 30 days of the filing of the notice of removal, in compliance with 28 U.S.C. §1447(c). Accordingly,

the Court will remand this action to state court, but will not require the payment of costs and fees incurred as a result of the removal. Therefore,

THE COURT **ORDERS** that Plaintiffs' Motion for Remand (#18) is GRANTED as follows. This action is REMANDED to the Eighth Judicial District Court of Clark County, Nevada. The Clerk of the Court shall mail a certified copy of this Order to the clerk of the State court.

DATED this 11 day of February, 2013.

Lloyd D. George
United States District Judge