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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**
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5 ADRIANA MARTINEZ,

6 Plaintiff,

7 vs.

8 WILD CHERRY TRUCKING, INC., et al.,

9 Defendants.

Case No. 3:20-CV-00394-RCJ-CLB

ORDER

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11 Plaintiff filed this suit in Nevada state court, and Defendants Wild Cherry Trucking and
12 James Dunnington subsequently filed a notice of removal. (ECF No. 1.) Plaintiff then moved for
13 remand arguing, among other things, that Defendants did not have unanimous consent to removal.
14 (ECF No. 11.) Removing Defendants filed a notice of non-opposition to Plaintiff's motion,
15 explaining that they had believed consent was unanimous due to a prior experience with Defendant
16 Carry-On Trailer's former counsel, but did not realize that Defendant Carry-On Trailer had hired
17 new counsel. (ECF No. 12.) Defendant Carry-On Trailer filed a joinder to Plaintiff's motion to
18 remand. (ECF No. 13.)

19 Under 28 U.S.C. § 1441(a), removal is available where a "civil action [is] brought in a
20 State court of which the district courts of the United States have original jurisdiction." Under 28
21 U.S.C. § 1446(b)(2)(A), any "civil action . . . removed solely under section 1441(a)[] [requires] all
22 defendants who have been properly joined and served . . . join in or consent to the removal of the
23 action." Removing Defendants concede that there is not unanimous consent to the removal. This
24 Court therefore grants Plaintiff's motion.

1 **CONCLUSION**

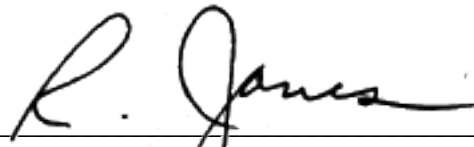
2 IT IS HEREBY ORDERED that Plaintiff's Motion to Remand (ECF No. 11) is
3 GRANTED.

4 IT IS FURTHER ORDERED that this case shall be REMANDED to the Eighth Judicial
5 District Court, Clark County, State of Nevada.

6 IT IS FURTHER ORDERED that the clerk of court shall close this case.

7 IT IS SO ORDERED.

8 Dated September 20, 2020.

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12 ROBERT C. JONES
13 United States District Judge
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