



matter jurisdiction. ECF No. 15. In response, the Court directed the parties to show cause why the case should not be remanded. ECF No. 16.

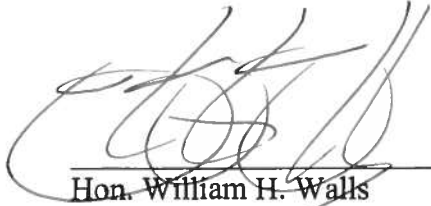
“The party asserting jurisdiction bears the burden of showing that at all stages of the litigation the case is properly before the federal court.” *Samuel-Bassett v. KIA Motors Am., Inc.*, 357 F.3d 392, 396 (3d Cir. 2004). “If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c).

Defendants do not demonstrate that this Court has subject matter jurisdiction over this action. Defendants concede that they do not seek to invoke the Court’s diversity jurisdiction. Def.’s Br. 2, ECF No. 17. Instead, they continue to invoke federal question jurisdiction, arising under the Carmack Amendment. *Id.* Defendants offer: “[i]f Plaintiffs will dismiss all claims related to the cargo claims and amend the Complaint to separately allege the property damage to the house, i.e. floors, walls, and door frames, then Defendants will not oppose the remand to state court.” Def.’s Br. 2-3, ECF No. 17. In fact, the common law counts relating to the damaged goods are no longer pending—the Court already dismissed them. *See* Court’s Op. The only pending causes of action are related to the property damage to the house, claims which arise under common law. *Id.* It follows that federal subject matter jurisdiction is lacking, and the matter is remanded.

**ORDER**

IT IS HEREBY ORDERED that this case is remanded to New Jersey Superior Court, Bergen County.

DATE: *14 August 2015*

  
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Hon. William H. Walls  
Senior United States District Judge