

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STEVEN WINOGRAD,

Plaintiff,

v.

MERCEDES-BENZ USA, LLC., et al.,

Defendants.

Civ. No. 2:16-cv-04914 (WJM)

ORDER

This products liability action was removed to federal court on August 11, 2016. Plaintiff Steven Winograd (“Plaintiff”) subsequently moved to join three additional defendants, Prestige Auto, Inc., Ferrara’s Auto Body, and Daimler Trust of Forth Worth Texas, and to remand the case. On June 14, 2017, United States Magistrate Judge Mark Falk issued a Report and Recommendation finding that Plaintiff’s motion for joinder pursuant to 28 U.S.C. § 1447(e) should be granted and that the case should be remanded for lack of federal subject matter jurisdiction because two of the newly joined defendants share New Jersey citizenship with Plaintiff. In his Report, Judge Falk soundly applied the factors under *Hensgens v. Deere & Co.*, 833 F.2d 1179, 1182 (5th Cir. 1987) and found no impropriety in the joinder of the three additional defendants. Because federal diversity jurisdiction no longer exists, the case must be remanded. *See* 28 U.S.C. § 1447(e).

For the reasons set forth in detail in the Report and Recommendation, and for good cause appearing;

IT IS on this 10th day of July 2017, hereby,

ORDERED that Defendants' objections to the Report and Recommendation are overruled; and it is further

ORDERED that the Report and Recommendation of Magistrate Judge Mark Falk is adopted as the Opinion of this Court; and it is further

ORDERED that this matter is hereby remanded to the Superior Court of New Jersey.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.