

NOT FOR PUBLICATIONUNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

| | | |
|---------------------------|---|--------------------------------|
| LAIMONIS DRUNKOVSKIS, | : | CIVIL ACTION NO. 14-6112 (MLC) |
| | : | |
| Plaintiff, | : | MEMORANDUM OPINION |
| | : | |
| v. | : | |
| | : | |
| LEONARD G. MEAUX, et al., | : | |
| | : | |
| Defendants. | : | |
| _____ | : | |

THE COURT remanded the action to state court because the removing defendants — U.S. Xpress Enterprises, Inc. (“USXE”) and U.S. Xpress Leasing, Inc. (“USXL”) — failed to obtain the unanimous consent of all defendants, i.e., the defendant Leonard G. Meaux, also identified as Georgette M. Leonard (“Meaux”). (See dkt. entry no. 8, 12-22-14 Order & J.; dkt. entry no. 7, 12-22-14 Mem. Op.) The Court noted that the action could be removed again by Meaux, and that USXE and USXL could consent to a second removal. (See 12-22-14 Mem. Op. at 2 n.1.)

USXE AND USXL now request reconsideration, arguing that Meaux’s consent was not needed. (See dkt. entry no. 10, Letter dated 12-23-14.) The argument is without merit. See Delalla v. Hanover Ins., 660 F.3d 180, 188–89 (3d Cir. 2011) (in adopting rule allowing earlier-served defendant to join in later-served defendant’s timely removal and noting removal jurisprudence is in flux, stating “[r]emoval requires unanimity—all defendants must join in a notice of removal in order for removal to be permissible”).

THE COURT will deny the request for reconsideration. For good cause appearing, the Court will issue an appropriate order.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: January 6, 2015