

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

MARY ELIZABETH RICHARD,

Plaintiff,

v.

WEST WARD PHARMACEUTICALS, et  
al.,

Defendants.

Civil Action No. 15-2039 (MAS) (LHG)

**MEMORANDUM ORDER**


This matter comes before the Court on the motion to remand by Plaintiff Mary Elizabeth Richard (“Plaintiff”). (ECF No. 5.) Defendants West-Ward Pharmaceuticals, Inc. and David Waite (collectively, “Defendants”) indicated that they will not file opposition to Plaintiff’s motion. (ECF No. 7.) Here, Defendants removed the matter from state court based on diversity jurisdiction pursuant to 28 U.S.C. §§ 1332(a)(1) and 1441. (Notice of Removal (“NOR”) ¶¶ 4-9, ECF No. 1.) The Notice of Removal provides that Defendants accepted service on March 3, 2015. (NOR ¶ 3.) In addition, Defendants acknowledge that West Ward Pharmaceuticals is a citizen of New Jersey for purposes of 28 U.S.C. § 1331(a)(1). (NOR ¶ 7.)

Pursuant to 28 U.S.C. § 1441(b), “[a] civil action otherwise removable solely on the basis of [diversity of citizenship] may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” Since West Ward Pharmaceuticals was properly joined and served as a defendant and is a citizen of New Jersey, the Court finds good cause to grant Plaintiff’s motion.

Accordingly,

**IT IS**, on this 14<sup>th</sup> day of September 2015, **ORDERED** that:

1. Plaintiff’s motion to remand is **GRANTED**.
2. This matter is remanded to the Superior Court of New Jersey, Monmouth County.

  
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MICHAEL A. SHIPP  
UNITED STATES DISTRICT JUDGE