

NOT FOR PUBLICATION

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

BERNA CANSEVEN, on behalf of herself
and those similarly situated,

Plaintiff(s),

v.

JUST PUPS, LLC and VINCENT
LOSACCO,

Defendants.

Civ. No. 15-5633

MEMORANDUM ORDER

THOMPSON, U.S.D.J.

This action was originally filed in the Superior Court of New Jersey. The parties agree that the basis of federal jurisdiction in this case would be the Class Action Fairness Act, 28 U.S.C. § 1332(d)(2) (“CAFA”). CAFA states that a district court should deny jurisdiction where “two-thirds or more of the members of all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the State in which the action was originally filed.” 28 U.S.C. § 1332(d)(4)(B).

It is undisputed that defendants Just Pups, LLC and Vincent Losacco are citizens of New Jersey. On September 25, 2015, the parties stipulated that more than two-thirds of the putative plaintiff class is made up of New Jersey citizens. This Court therefore lacks subject matter jurisdiction under CAFA, and must remand the case to state court. 28 U.S.C. § 1447.

For these reasons, IT IS, on this 29th day of September, 2015,

ORDERED that this case is REMANDED for lack of subject matter jurisdiction, and

IT IS ORDERED that the case is closed.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.