

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE A. COLLADO,

Plaintiff,

- against -

MALGORZATA KORASADOWICZ and
STANISLAW A. KORASADOWICZ,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

REMAND ORDER
12-CV-3079 (RRM)(JO)

This personal injury action was commenced on or about May 21, 2012 with the filing in the Supreme Court of the State of New York, County of Queens of a summons and verified complaint. On June 19, 2012, defendants Malgorzata Korasadowicz and Stanislaw Korasadowicz removed the action to this Court, citing as the basis for removal this Court's diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Notice of Removal (Doc. No. 1) ¶ 9.) On June 22, 2012, the Court issued an Order to Show Cause, directing defendants to explain, in writing, by June 29, 2012, "why this action should not be remanded to the Supreme Court of the State of New York, County of Queens." (Order (Doc. No. 4) at 1.) As of the date of this Order defendants have filed no response, but instead filed an answer to the complaint on July 9, 2012.¹ (Doc. No. 6.)

Therefore, for the reasons articulated in the June 22, 2012 Order, defendants have failed to demonstrate by a "preponderance of the evidence" the amount in controversy requisite to invoke federal diversity jurisdiction. 28 U.S.C. §§ 1446(c)(2)(B); 1332(a). As such, this Court

¹ Inexplicably, on the same day the Court issued its Order to Show Cause, defendants filed a second, substantively identical, notice of removal. (*Compare* Doc. No. 1 *with* Doc. No. 5.)

lacks subject matter jurisdiction, and thus orders that this case be remanded to the Supreme Court of the State of New York, County of Queens.²

CONCLUSION

For the reasons set forth herein and by Order, dated June 22, 2012, the Court hereby REMANDS this action to the Supreme Court of the State of New York, County of Queens. The Clerk of Court is directed to notify the state court accordingly, and close the file in this Court.

SO ORDERED.

Dated: Brooklyn, New York
August 28, 2012

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge

² “[T]his Court, like all federal courts, has an ‘obligation to raise the matter of subject matter jurisdiction *whenever* it appears from the pleadings or otherwise that jurisdiction is lacking.’ ” *Lauffer Wind Grp. LLC v. DMT Holdings L.L.C.*, No. 10-CV-8716(RJH), 2010 WL 5174953, at *2 (S.D.N.Y. Dec. 20, 2010) (emphasis in original) (quoting *Durant, Nichols, Houston, Hodgson Cortese-Costa P.C. v. Dupont*, 565 F.3d 56, 63 (2d Cir. 2009) (internal quotation marks omitted)).