IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA NORTHERN DIVISION

Case No.: 2:13-cv-026

JUSTICE FAMILY FARMS, LLC,)	
Plaintiff)	
)	ORDER ON MOTION TO REMAND
VS.)	
)	
SMITH'S CONCRETE)	
CONSTRUCTION, INC.,)	
Defendant)	
	_)	

This matter came before the court upon the request of Plaintiff Justice Family Farms,

LLC ("Plaintiff"), by and through counsel, to remand this case to the Superior Court of

Pasquotank County, North Carolina, and the Court has made the following findings in support
thereof:

- 1. Plaintiff Justice Family Farms, LLC initiated this action on April 3, 2013 in Pasquotank County, North Carolina.
- 2. On April 30, 2013, Defendant Smith's Concrete Construction, Inc., by and through counsel, filed a Notice of Removal removing this case to this Court on the basis of diversity jurisdiction.
- 3. The time limitation for objecting to a Notice of Removal has not yet expired. Counsel for Plaintiff and counsel for Defendant have consulted, and both have consented that this matter should be remanded to the Superior Court of Pasquotank County pursuant to 28 U.S.C. § 1441(b)(2).
- 4. The Defendant contests the venue of this matter in Pasquotank County, but Defendant and Plaintiff agree that such matters should be resolved at the state court level.

It appearing to the Court that Plaintiff has shown good cause for this remand, IT IS

HEREBY ORDERED AND DECREED that this case is REMANDED to the Superior Court of

Pasquotank County, North Carolina.

SO STIPULATED AND AGREED

By: <u>s/Paula M. Shearon</u>

W. Dudley Whitley, III, N.C. Bar No. 13755
Paula M. Shearon, N.C. Bar No. 41583
BATTLE, WINSLOW, SCOTT & WILEY P.A.

P. O. Box 7100

Rocky Mount, NC 27804-0100

Telephone: 252-937-2200 Facsimile: 252-937-8100 dwhitley@bwsw.com pshearon@bwsw.com Counsel for Plaintiff

By: <u>s/Tracy L. Eggleston</u>

Signed:

Tracy L. Eggleston, NC State Bar 18471 301 S. College Street, Suite 2100

Charlotte, NC 28202

Telephone: (704) 376-3400 Facsimile: (704) 334-3351 teggleston@cozen.com Counsel for Defendant

SO ORDERED this 24th day of May.

Louise W. Flanagan

U.S. District Court Judge

Howir W. Dloregen