

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17CV39

LEAH ASH,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
CHARLOTTE SCHOOL OF LAW, LLC,)	
INFILAW, INC., INFILAW HOLDING,)	
LLC, and DOES 1 – 20,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon the Plaintiff’s Motion to Remand. This matter has been fully briefed, however, on June 22, 2017, the Court entered an Order holding this motion in abeyance until such time as the Court ruled upon a motion by Infilaw Holding, LLC (“Infilaw Holding”) to dismiss for lack of personal jurisdiction in a related case, *Krebs v. Charlotte School of Law, et al.*, 3:17CV190-GCM. After a period of discovery on the issue of personal jurisdiction and supplemental briefing, the Court held oral argument on Infilaw Holding’s Motion to Dismiss in the *Krebs* case and granted the motion, dismissing Infilaw Holding from the case for lack of personal jurisdiction. Accordingly, the Court is now prepared to rule on the pending Motion to Remand herein.

The facts of this case are set forth in great detail in the Court’s Orders in the related cases of *Krebs* (Doc. No. 92), *Levy v. Charlotte School of Law, et al.*, 3:17CV26-GCM (Doc. No. 62), and *Barchiesi v. Charlotte School of Law, et al.*, 3:16CV861-GCM (Doc. No. 41), and will not be repeated herein. As the Court has determined that it cannot exercise personal jurisdiction over Infilaw Holding, Plaintiff’s Motion to Remand must be denied. The presence of Infilaw Holding, the only non-diverse defendant, is disregarded for diversity jurisdiction purposes under the doctrine of fraudulent joinder. Accordingly, the Court retains subject matter jurisdiction over this case pursuant to diversity jurisdiction.

IT IS THEREFORE ORDERED that Plaintiffs’ Motion to Remand is hereby DENIED; and Defendant Infilaw Holding is dismissed from this case;

IT IS FURTHER ORDERED that this case shall be consolidated with the other related cases above for purposes of discovery.

Signed: November 14, 2017



Graham C. Mullen
United States District Judge

