

Case No. 1:21-cv-02246
GWIN, J.

state tort claims. In addition, unlike the earlier case, Plaintiffs here invoke the Court's Federal Question jurisdiction.

Local Rule 3.1(b) makes random draw judge assignment the default rule. Only under certain exceptions does the rule require assignment to a non-randomly selected judge.

The Rule 3.1(b)(4) exception is the following:

If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State Court, and subsequently refiled, it shall be assigned to the same District Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled.

This action does not require reassignment to Judge Polster because it is not a "subsequently refiled" case. Taken together, the new parties, claims, relief sought, and jurisdictional basis make this action different from the earlier one—such that this action is not properly described as the earlier case now refiled.

Accordingly, Defendants' motion is **DENIED**.

IT IS SO ORDERED.

Dated: December 20, 2021

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE