

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

RONALD SCOTT EATON, AMAL MARZOUQ,)
DARRYLL HOLLAND, DANIEL PRUETT,)
KENNETH KARIUKI, DAVID BRUNSON,)
BRANDON BURKHARDT, JAMES OWEN,)
DARYLE PENNINGTON, JAMES GAGNON,)
BOB ROGERS, SHAWN FLEMING, and)
KENNETH BIRD,)

Plaintiffs,)

vs.)

JP&D DIGITAL SATELLITE SYSTEMS, INC.,)

Defendants.)

Case No. 09-CV-734-GKF-FHM

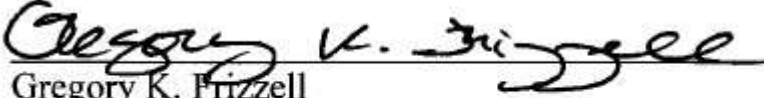
OPINION & ORDER

This matter comes before the Court on the plaintiffs’ Motion to Remand [Dkt. # 13]. Defendant’s response was due February 16, 2010. No response has been filed.

Local Civil Rule 7.2(e) provides that, in the court’s discretion, any non-dispositive motion which is not opposed may be deemed confessed. Having reviewed the motion to remand, and it appearing to the court that plaintiffs are correct on the merits of their motion to remand (“[e]very separate and distinct claim must individually meet the amount in controversy.” *Watson v. Blankenship*, 20 F.3d 383, 386 (10th Cir. 1994)), the court concludes that the Motion to Remand should be granted as confessed.

WHEREFORE, plaintiffs' Motion to Remand [Dkt. # 13] is granted.

IT IS SO ORDERED this 3rd day of March 2010.


Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma