

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7
8 JAMES BRIMMAGE,

9 Plaintiff,

10 v.

11 BANK OF AMERICA, N.A., a National
12 Association, and JOHN DOES 1-10,
13 Defendants.

NO. 2:17-cv-00226-SAB

**ORDER GRANTING PARTIES'
STIPULATED MOTION TO
REMAND**

14
15 Before the Court is the Parties' Stipulated Motion For Order to Remand,
16 ECF No. 7. Plaintiff filed this action on May 15, 2017 in Stevens County Superior
17 Court alleging that Defendant improperly recorded a lien on Plaintiff's property.
18 ECF No. 1-1. For the purposes of the present motion, Defendant stipulates that it
19 was provided with proof of mail service of the Complaint on May 16, 2017. ECF
20 No. 7. Defendant filed a Notice of Removal on June 19, 2017 pursuant to 28
21 U.S.C. § 1332, ECF No. 1, and the parties' stipulated motion to remand was filed
22 on July 20, 2017. ECF No. 7.

23 Under 28 U.S.C. § 1446(b), a notice of removal of a civil action must be
24 filed within thirty days of receipt by the defendant, through service or otherwise,
25 of a copy of the initial pleading setting forth the claim for relief. A timely motion
26 to remand based on a non-jurisdictional defect must be made within thirty days of
27 the filing of the notice of removal. 28 U.S.C. § 1447(c). Here, Defendant's Notice
28 of Removal was filed more than thirty days after Defendant was served with the

ORDER GRANTING PARTIES' STIPULATED MOTION TO REMAND + 1

1 Complaint, making it untimely. Because the parties' stipulated motion to remand
2 based on this procedural defect was made within thirty days of the filing of the
3 notice of removal, the Court grants the parties' motion and remands this case to
4 Stevens County Superior Court.

5 Accordingly, **IT IS HEREBY ORDERED:**

6 1. The Parties' Stipulated Motion to Remand, ECF No. 7, is **GRANTED**.

7 2. The District Court Executive is directed to remand this action to the
8 Stevens County Superior Court.

9 3. All deadlines are **VACATED** and any pending motions are **DENIED as**
10 **moot**.

11 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
12 file this Order and provide copies to counsel.

13 **DATED** this 1st day of August, 2017.



17
18

A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive style and is positioned above a horizontal line.

19 Stanley A. Bastian
20 United States District Judge
21
22
23
24
25
26
27
28