

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 07, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THE BANK OF NEW YORK
MELLON, F/K/A THE BANK OF
NEW YORK, AS SUCCESSOR-IN-
INTEREST TO JPMORGAN CHASE
BANK, N.A., AS TRUSTEE FOR
STRUCTURED ASSET MORTGAGE
INVESTMENTS II INC., BEAR
STEARNS ALT-A TRUST,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES
2005-10,

Plaintiff,

v.

SUSAN M. TOMBARELLI;
OCCUPANTS OF THE SUBJECT
REAL PROPERTY; and ALL OTHER
UNKNOWN PERSONS CLAIMING
ANY RIGHT, TITLE, ESTATE,
LIEN, OR INTEREST IN THE REAL
ESTATE DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO: 2:24-CV-0407-TOR

ORDER REMANDING TO THE
SPOKANE COUNTY SUPERIOR
COURT

1 BEFORE THE COURT is Plaintiff's Motion to Remand to State Court.
2 ECF No. 3. Defendant Susan M. Tombarelli has not responded, timely or
3 otherwise.


4 This action concerns real property located in Liberty Lake, Washington.
5 The case began in state court on February 2, 2016. This is Defendant's second
6 attempt to remove the case to federal court. However, a removal action must be
7 filed within 30 days after receipt of a copy of the initial pleading. *See* 28 U.S.C.
8 § 1446(b)(1). Here, this second attempt at removal is untimely.

9 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 10 1. This case is hereby **REMANDED** to the Spokane County Superior Court
11 for all further proceedings (former Spokane County Superior Court No.
12 16-2-00437-1).
- 13 2. The District Court Executive is hereby directed to enter this Order, furnish
14 copies to counsel and Ms. Tombarelli, mail a certified copy to the Clerk of
15 the Spokane County Superior Court, and **CLOSE** the file.

16 **DATED** January 7, 2025.



19 
20 THOMAS O. RICE
 United States District Judge