

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

COLONIAL SAVINGS, F.A.,

Plaintiff,

-vs-

Case No. 13-C-57

TIMOTHY GENS, LAURA GENS,

Defendants.

DECISION AND ORDER

This is the second time that the defendants, Timothy and Laura Gens, have attempted to remove this matter from Walworth County Circuit Court. The first time, the district court granted Colonial Savings' motion to remand because the removal was untimely. Case No. 10-C-354-CNC, September 9, 2011 Order Granting Plaintiff's Motion to Remand. To state the obvious, the passage of more time cannot cure the initial untimeliness—as the court explained, the defendants were aware that this case was removable in July 2009. *Id.* at 3. Therefore, the defendants lacked an objectively reasonable basis for seeking removal, *Martin v. Franklin Cap. Corp.*, 546 U.S. 132, 141 (2005), entitling the plaintiff to costs and attorney's fees.

Plaintiff's motion to remand [ECF No. 3] is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 22nd day of January, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA

U.S. District Judge