Removal

If the Court has a concern regarding the appropriateness of removal, it will issue an Order to Show Cause. Pursuant to Local Rule 81.1(e), the Court does not sua sponte remand a case to state court on the ground that the amount in controversy does not exceed the required jurisdictional amount without an opportunity to be heard. Oral argument will typically be held on Motions to Remand. Attorneys should raise jurisdictional objections as soon as the grounds for them are known, and in no case should a Motion to Remand for procedural defects be filed more than thirty (30) days from the notice of removal.

Upon removal, the parties shall file with the Court -- as separate docket entries -- all answers, amended pleadings, responsive pleadings, pending motions, and responses/replies to those motions that were originally filed in state court. Unless the Court orders otherwise, it will not consider any unresolved motions pending in state court at the time of removal, unless they have been re-filed on the Court's docket. The same is true for any responses or replies that had been filed in state court in connection with motions not yet resolved at the time of removal. Each party is responsible for the docketing of its own documents with the Court.

To the extent briefing has not been completed on a pending motion at the time of removal, the briefing schedule set forth in Local Rule 7.1(e) applies upon docketing with the Court, unless the Court orders otherwise.