

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 21-cv-00067-CMA-NYW

RICHARD P KISSINGER,

Plaintiff,

v.

CHASE MARTIN, and
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Defendant.

ORDER GRANTING JOINT MOTION TO REMAND

This matter is before the Court on Plaintiff Richard P. Kissinger and Defendants Chase Martin and State Farm Mutual Automobile Insurance Company's (collectively, "the Parties") Joint Motion to Remand. (Doc. # 40.) Therein, the Parties jointly move the Court to remand this case to the District Court for the City and County of Denver, Colorado, with each side to pay its own costs and attorneys' fees related to this action, pursuant to the terms of the agreement between the Parties as outlined in the Joint Motion to Remand.

The Court finds, pursuant to the Joint Motion to Remand and upon review of the case file, that Plaintiff and Defendant Martin are both citizens of the State of Colorado, and complete diversity is lacking at this time. Therefore, the Court lacks subject matter jurisdiction over this action, and it is must be remanded. See 28 U.S.C. § 1447(c) ("If at

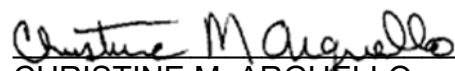
any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”).

Accordingly, it is ORDERED as follows:

- The Parties’ Joint Motion to Remand (Doc. # 40) is GRANTED;
- Defendant Chase Martin’s Motion to Dismiss on the Basis of Fraudulent Joinder (Doc. # 25) is hereby WITHDRAWN pursuant to Defendant Chase Martin’s Notice of Withdrawal of Motion to Dismiss on the Basis of Fraudulent Joinder (Doc. # 41);
- Defendants’ Motion to Certify a Legal Question to the Colorado Supreme Court Under C.A.R. 21.1 (Doc. # 26) is hereby WITHDRAWN pursuant to Defendants’ Notice of Withdrawal of Motion to Certify Legal Question to the Colorado Supreme Court Under C.A.R. 21.1 (Doc. # 42);
- Plaintiff’s Motion to Remand (Doc. # 27) is DENIED AS MOOT;
- This matter is hereby REMANDED to the District Court for the City and County of Denver, Colorado, where it was originally filed as Case No. 2020CV34106, with each side to pay its own costs and attorneys’ fees related to this action; and
- The Clerk of Court is directed to close this case.

DATED: April 7, 2021

BY THE COURT:


CHRISTINE M. ARGUELLO
United States District Judge