

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

LETITIA MALKMUS and
GLEN MALKMUS,

Plaintiffs,

v.

DEPUY ORTHOPAEDICS, INC.
and TRP & ASSOCIATES, LLC,

Defendants.

Case No. 2:11-cv-00365-AEG

**PLAINTIFFS' MOTION TO REMAND THIS CASE TO THE
CIRCUIT COURT OF KENOSHA COUNTY, WISCONSIN
BECAUSE DIVERSITY JURISDICTION DOES NOT EXIST**

Plaintiffs Letitia Malkmus and Glen Malkmus move this Court for an order remanding this case to the Circuit Court of Kenosha County, Wisconsin. This motion is filed in accordance with 28 U.S.C. § 1447(c). Because both Plaintiffs and Defendant TRP & Associates, LLC are citizens of the State of Wisconsin, diversity jurisdiction does not exist. This case, therefore, has been improperly removed and should be remanded to State Court.

Plaintiffs' Memorandum in Support of this motion is filed contemporaneously herewith.

Dated at Kenosha, Wisconsin, this 20th day of April, 2011.

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Signature of this document certifies that a copy was served to the persons named below on the date and in the manner indicated:

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