

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE No. 11-22025-CIV-JORDAN

SHANNON McCONNELL)
)
Plaintiff)
)
vs.)
)
MARK DEBAISE, INC., et al.,)
)
Defendants)
)
)
)
_____)

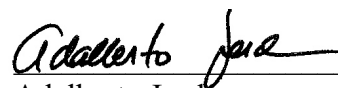
ORDER VACATING ORDER TO STAY

In light of Mr. McConnell’s motion to remand this case [D.E. 5], the previous order [D.E. 9] staying this case pending a ruling from the JPMDL on its transfer is VACATED.

The defendants removed this case based on diversity jurisdiction. *See* 28 U.S.C. § 1332. They did so despite the fact that Mr. Debaise, one of the defendants, is a Florida resident whose inclusion in the suit ostensibly destroys complete diversity. The defendants removed this case nonetheless because they claim that Mr. Debaise was fraudulently joined in order to destroy diversity jurisdiction. In his motion to remand, Mr. McConnell has addressed the issue of Mr. Debaise’s alleged fraudulent joinder, and argues that he has viable claims against him.

Because Mr. McConnell’s motion contests this court’s jurisdiction over the case, I decline to stay these proceedings pending a decision from the JPMDL. Accordingly, the defendants shall file a response to Mr. McConnell’s motion to remand by July 15, 2011.

DONE and ORDERED in chambers in Miami, Florida, this 1st day of July, 2011.



 Adalberto Jordan
 United States District Judge

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