

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOYCE WATKINS, DAWN BOTTJER,)
and GWENDOLYN RESOP,)

Plaintiffs,)

v.)

Civil Action No. 03-791-KAJ

NEW CASTLE COUNTY, TOWN OF)
ELSMERE, and TOWN OF NEWPORT,)

Defendants.)

TOWN OF NEWPORT,)

Cross-Claimant and)
Cross-Defendant,)

v.)

NEW CASTLE COUNTY and TOWN OF)
ELSMERE,)

Cross-Defendants and)
Cross-Claimants.)

MEMORANDUM ORDER

Before me is plaintiffs' Amended Motion to Remand this case to the Superior Court of the State of Delaware in and for New Castle County, from which the action was removed. (Docket Item ["D.I."] 9; the "Motion".) The only basis plaintiffs have articulated for remand is that "only one of three defendants...[has] requested removal." (*Id.* at ¶ 4.) All defendants, however, have noted their concurrence in the removal of this case (D.I. 14), and they have provided affidavits indicating that consent was provided prior to removal. (See *id.* at Exhibits A and B.) Thus, even if there were a

requirement that all defendants in a case must agree to removal before removal is proper, as plaintiffs claim, that requirement was met in this case.

Accordingly, IT IS HEREBY ORDERED that the Motion (D.I. 9) is DENIED.

Kent A. Jordan
UNITED STATES DISTRICT JUDGE

March 2, 2004
Wilmington, Delaware