

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

CARROLLTON PRESBYTERIAN CHURCH	*	CIVIL ACTION NO.
	*	
Plaintiff	*	3:09-cv-00138-RET-SCR
	*	
VERSUS	*	
	*	
PRESBYTERY OF SOUTH LOUISIANA	*	
	*	
Defendant	*	
	*	

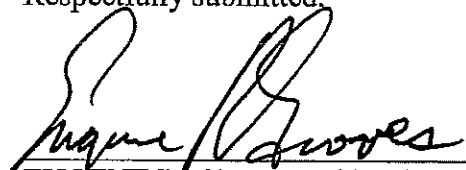
MOTION TO REMAND AND REQUEST FOR ATTORNEYS FEES AND COSTS

Carrollton Presbyterian Church (“Carrollton”) moves this Court pursuant to 28 U.S.C. §1447(c) to remand this case to the state court from which it was improperly removed because this Court lacks federal subject matter jurisdiction. Accompanying this Motion is a Request for Expedited Consideration and Status Conference. As set forth in the memorandum of law filed contemporaneously herewith, this case should be remanded to the Nineteenth Judicial District Court, East Baton Rouge Parish, Louisiana. Moreover, the defendants’ wasteful removal of this action is obviously defective. Pursuant to 28 U.S.C. § 1447(c), Carrollton is entitled to “just costs and any actual expenses, including attorney’s fees, incurred as a result of the removal.” The grounds, authorities, argument and all other matters contained in the memorandum of law are adopted and incorporated herein by reference.

The latest temporary restraining order ("TRO") entered by the state court expires at 6:00 p.m. on March 20th, 2009. This matter was tried on the issue of a Preliminary Injunction in state court for two full days and was supposed to be decided by Judge Kay Bates as soon as she reviewed trial memoranda due for both sides on Friday, March 13, 2009. Because of the removal, the memoranda due in state court will not be filed and the ruling on Carrollton's Petition for Preliminary Injunction obviously cannot proceed. Because this is an urgent and necessitous matter, and although the parties have agreed to extend the TRO until April 13, 2009, by separate request, Carrollton requests expedited consideration and a status conference to determine an expedited briefing schedule.

WHEREFORE, Carrollton Presbyterian Church prays that this action be remanded to state court and requests costs, expenses, and attorney's fees incurred in this matter, together with legal interest, and for all general and equitable relief.

Respectfully submitted,

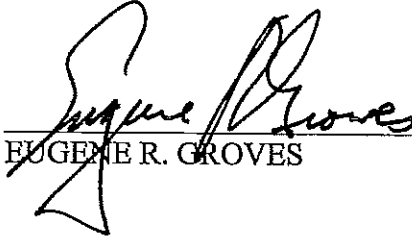

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CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2009, I electronically filed the foregoing with the Clerk of Court and also sent notification of such filings by electronic mail to the following:

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EUGENE R. GROVES

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*
VERSUS *
*
PRESBYTERY OF SOUTH LOUISIANA *
*

ORDER

Considering the foregoing Motion to Remand and Request for Attorneys Fees and Costs filed herein by Carrollton Presbyterian Church:

IT IS ORDERED that the above entitled and numbered cause shall be and is hereby remanded to the 19th Judicial District Court in and for the State of Louisiana, Parish of East Baton Rouge, under Suit Number 565,482, Division 26.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. 1447(c), Carrollton Presbyterian Church shall be awarded \$ _____ in attorneys fees and costs as a result of the defendants' improper removal.

Baton Rouge, Louisiana, this _____ day of _____, 2009.

Magistrate Stephen Reidlinger
Magistrate Judge, U.S. District Court
Middle District of Louisiana