

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

KANSAS ST. GREGORYS LLC,

Plaintiff,

v.

OTIS ELEVATOR COMPANY,

Defendant.

Case No. 20-4054-DDC-JPO

MEMORANDUM AND ORDER

Defendant Otis Elevator Company removed this case from the District Court of Shawnee County, Kansas on September 18, 2020. Doc. 1 at 1. The Notice of Removal alleges that the court has federal diversity jurisdiction under 28 U.S.C. § 1332(a). *Id.* at 2. But the Notice of Removal fails to allege enough facts to allow the court to confirm whether diversity of citizenship exists. *See id.* at 1–2. In the months since defendant removed the case, the parties have been unable to establish that they are completely diverse under § 1332. The court afforded the parties time to acquire the necessary information.¹ But that information has proved elusive. The parties have informed the court that they are unable to show that diversity exists.

The federal statute governing post-removal procedures guides the court how to proceed in this situation. “If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c). Here, diversity is absent and no other basis for subject matter jurisdiction presents itself. It appears that the district court lacks subject matter jurisdiction. So, the court must remand the case to state court.

¹ *See* Doc. 11; Doc. 26; Doc. 29; Doc. 35; Doc. 38.

IT IS THEREFORE ORDERED BY THE COURT THAT this matter is remanded to the District Court of Shawnee County, Kansas for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Dated this 25th day of February, 2021, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge