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NOT FOR PUBLICATION

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

Advocates for Individuals With Disabilities
LLC and David Ritzenthaler,

Plaintiffs,

v.

CNL Funding 2000-A Limited Partnership,

Defendant.

No. CV-16-01974-PHX-DJH
ORDER

Pending before the Court is a motion to remand by plaintiff Advocates for Individuals with Disabilities LLC (“AID”) (Doc. 16) filed on November 4, 2016. Plaintiff David Ritzenthaler is not mentioned anywhere in the motion to remand. Given that Mr. Ritzenthaler and AID are represented by the same counsel, presumably AID’s motion is intended to encompass Mr. Ritzenthaler.¹ Any other construction of this motion would be nonsensical. In any event, Defendant did not file a response to this remand motion and the time to do so has passed. *See* LRCiv 7.2(c) (“The opposing party shall, . . . , have fourteen (14) days after service in a civil . . . case within which to serve and file a responsive memorandum.”). Therefore, pursuant to LRCiv 7.2(i), the Court “summarily . . . dispose[s]” of this motion by deeming this non-compliance to be “a consent to the . . . granting of the motion.”


¹ Plaintiffs’ filings in this District and in Arizona State Courts are legion. That does not excuse Plaintiffs’ carelessness or oversight in identifying Plaintiff’s subject to this this motion.

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Accordingly,

IT IS HEREBY ORDERED GRANTING Plaintiffs’ Motion to Remand (Doc. 16) and directing the Clerk of the Court to remand this action back to the Superior Court of Arizona, Maricopa County.

Dated this 29th day of November, 2016.



Honorable Diane J. Humetewa
United States District Judge