

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

JOANNA DIVASTA, )  
 )  
 Plaintiff )  
 )  
 v. ) Civil No. 98-0130-B  
 )  
 MICHAEL DAVIS, et al., )  
 )  
 Defendants )

***ORDER<sup>1</sup>***

Defendant has filed an unopposed Motion to Dismiss this matter for the reason that the parties agree Plaintiff will recover no more than \$17,800, far short of the jurisdictional minimum under 28 U.S.C. section 1332. The Motion was filed following a discussion between the Court and counsel during the Final Pretrial Conference held in this matter on February 8, 1999. At that time the parties indicated they agreed the matter should be remanded to the state court, rather than dismissed outright, and the Court will accordingly construe this Motion to seek remand rather than dismissal. As construed, the Motion is hereby GRANTED and the matter is REMANDED to the Maine District Court for Somerset County, from which it was removed on June 29, 1998.

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 73(b), the parties have consented to allow the United States Magistrate Judge to conduct any and all proceedings in this matter.

***SO ORDERED.***

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Eugene W. Beaulieu  
U.S. Magistrate Judge

Dated on March 3, 2000.