

Plaintiff filed her Complaint on August 13, 1998. Defendants received the Complaint on August 18, 1998. On September 14, 1998, Defendants filed their Notice of Removal to federal court based on diversity jurisdiction pursuant to 28 U.S.C. § 1332.¹ Plaintiff's instant motion to remand the case back to state court is based on her argument that Defendants' Notice of Removal was untimely.

II. DISCUSSION

Under the relevant statute, "[t]he notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based" 28 U.S.C. § 1446(b). "[T]he thirty day period begins to run when the defendant learns the case is removable." Foster v. Mutual Fire, Marine & Inland Ins. Co., 986 F.2d 48, 51 (3d Cir. 1993). The Third Circuit has set a standard for determining whether a pleading causes the thirty day period to run: "[t]he inquiry begins and ends with the four corners of the pleading. The inquiry is succinct: whether the document informs the reader, to a substantial degree of specificity, whether all the elements of federal jurisdiction are present." Id. at 53 (quoting Rowe v.

¹ District courts have jurisdiction over cases between citizens of different states when the amount in controversy is in excess of \$75,000. 28 U.S.C. § 1332.

Marder, 750 F. Supp. 718, 721 (W.D. Pa. 1990), aff'd, 935 F.2d 1282 (3d Cir. 1991)).

In the instant action, Plaintiff argues that the pre-Complaint documents gave Defendants sufficient notice of federal diversity jurisdiction. The court disagrees. "In order to establish jurisdiction under 28 U.S.C. § 1332, the citizenship of the parties, and not merely their residences or addresses, must be alleged." Robinson v. Troy A. Nutter and Quality Supply Trucking, No. 94-7758, 1995 WL 61158, at *2 (E.D. Pa. Feb. 14, 1995); see also QVC, Inc. v. J.D. Ross Int'l., No. 95-7946, 1996 WL 156422 (E.D. Pa. April 3, 1996). Although the pre-Complaint documents list Plaintiff's address and residence as Pennsylvania, none of the pre-Complaint documents give Defendants notice of Plaintiff's citizenship. Thus, Defendants' receipt of the pre-Complaint documents did not trigger the running of the thirty day period for removal. Because Defendants filed their Notice of Removal within thirty days of receiving Plaintiff's Complaint, such removal was timely.² Therefore, the court will deny Plaintiff's motion for remand.

An appropriate Order follows.

² The court notes that even the Complaint alleges only Plaintiff's residence and not her citizenship. (Compl. ¶ 1.) However, even if the Complaint is construed as sufficient notice of the action's removability, Defendants' Notice of Removal was timely because it was filed within thirty days after they received the Complaint.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BETH M. GINSBERG	:	CIVIL ACTION
	:	
v.	:	
	:	
SEME FATIMA KHAN and	:	NO. 98-4876
VAQAR KHAN	:	

ORDER

AND NOW, TO WIT, this day of December, 1998, upon consideration of plaintiff Beth M. Ginsberg's ("Plaintiff") motion to remand the instant action back to the Court of Common Pleas of Philadelphia County and defendants Seme Fatima Khan's and Vaqar Khan's ("Defendants") response thereto, IT IS ORDERED that said motion is DENIED.

LOUIS C. BECHTLE, J.