

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE DELACO COMPANY, :
 :
 Plaintiff, :
 :
 v. :
 :
 CENTURY INDEMNITY COMPANY, et al., :
 :
 Defendants. :
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ORDER
04 Civ. 2635 (RO)

OWEN, District Judge:

In September, 2001, the New Jersey Supreme Court ordered that all litigation statewide involving phenylpropanolamine (“PPA”), which this case concerns, would be handled by New Jersey Superior Court Justice Marina Corodemus. In December, 2003, plaintiff Delaco filed an action in New Jersey state court seeking declaratory and monetary relief from nineteen insurance companies, including defendant Westchester Fire Insurance Company (“Westchester”). On February 18, 2004, Westchester removed the case to federal court in New Jersey pursuant to 28 USC 1452(a) as related to a pending bankruptcy proceeding. Delaco moved before the New Jersey district court to remand the case back to the state court that had been handling it. The New Jersey District Court Judge in fact transferred the case to me to decide the remand issue since I had a related case, but that case has now settled and gone. 28 U.S.C. § 1452(b) provides that “[t]he court to which such claim . . . is removed may remand such claim or cause of action on any equitable ground.” Now clearly the balance of equitable factors tilts in favor of remand, particularly to the State Court with broad experience with PPA cases in

general and this case in particular. Accordingly, plaintiff's motion to remand the case to the New Jersey state court is granted.

So ordered.

Dated: New York, New York
July 29, 2004



United States District Judge