

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

ELEANOR ABRAHAM et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 2012-011
)	
ST. CROIX RENAISSANCE GROUP, LLLP,)	
)	
Defendant.)	
)	
)	

Attorneys:
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 St. Croix, U.S.V.I.
For the Plaintiffs

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For the Defendant

NOTICE

THIS MATTER comes before the Court on Plaintiffs’ “Motion for Extension of Time to File Plaintiffs’ Motion to Remand Nunc Pro Tunc,” filed on April 12, 2012. (Dkt. No. 10). Plaintiffs seek a two-day enlargement of time to file their Motion for Remand. Plaintiffs included their “Motion to Remand for Lack of Federal Subject Matter Jurisdiction” as an exhibit to their Motion for Extension of Time. (Dkt. No. 10-1).

The procedure for the remand of civil actions is governed by 28 U.S.C. § 1447(c), which provides:

A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a). 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) (2011). Accordingly, “[t]his thirty-day limit [set forth in § 1447(c)] does not apply . . . to jurisdictional defects” *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 69 (1996); *Korea Exch. Bank v. Trackwise Sales Corp.*, 66 F.3d 46, 51 (3d Cir. 1995) (explaining that a remand motion for lack of subject-matter jurisdiction “could be raised at any time.”). Accordingly, Plaintiffs may file their “Motion to Remand for Lack of Federal Subject Matter Jurisdiction” beyond the thirty-day limit provided under 28 U.S.C. § 1447(c) without seeking leave from this Court.

Date: May 1, 2012

_____/s/_____
WILMA A. LEWIS
District Judge