

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

MARIANA LABASTIDA, et. al.,

Plaintiff,

vs.

MCNEIL TECHNOLOGIES, INC., et. al.,

Defendant.

CASE NO. 10cv1690-MMA (CAB)

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR RECONSIDERATION**

[Doc. No. 16]

**REMANDING ACTION TO STATE  
COURT**

This matter is before the Court on Plaintiffs' motion for reconsideration of the Court's November 23, 2010 Order denying Plaintiffs' motion to remand [Doc. No. 8]. Defendants oppose Plaintiffs' motion, and Plaintiffs filed a reply [Doc. Nos. 17, 18]. Having considered the briefing, and for the reasons stated herein, the Court **GRANTS** Plaintiffs' motion for reconsideration and **REMANDS** this action to state court.

**BACKGROUND AND PROCEDURAL POSTURE**

The Court detailed the events giving rise to this action in its previous order denying Plaintiffs' motion to remand [Doc. No. 15]. Those sections of the Court's November 23 Order are incorporated by reference herein. The Court in its November 23 Order ultimately denied Plaintiffs' motion to remand because the Court found that Invizion's Notice of Removal was proper both procedurally and substantively, pursuant to 28 U.S.C. 1446(b), and the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1332(d). Specifically, the Court found that