

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

<b>DENNIS HASLUP,</b>	*	
<b>Plaintiff</b>	*	
<b>v.</b>	*	<b>CIVIL NO. JKB-11-1411</b>
<b>JOHNS HOPKINS HOSPITAL, et al.,</b>	*	
<b>Defendants</b>	*	
*   *   *   *   *   *   *   *   *   *   *   *		

**MEMORANDUM AND ORDER**

Dennis Haslup (“Plaintiff”) brought this suit in the Circuit Court for Baltimore City against Johns Hopkins Hospital, Guy Barber, and Kathy DeRuggiero (“Defendants”), alleging violations of the Americans With Disabilities Act, 42 U.S.C. § 12101, *et seq.* (West 2011), the Maryland Wage Payment and Collection Law, MD. CODE. ANN., LABOR AND EMPLOYMENT, §§ 3-501 to -509, (West 2011), the Maryland Wage and Hour Law, MD. CODE. ANN., LABOR AND EMPLOYMENT, § 3-401 to -431 (West 2011), intentional infliction of emotional distress, defamation, and intentional interference with business relations. Defendants removed the action to this Court. Plaintiff now moves to remand the case to the Circuit Court for Baltimore City. The issues have been briefed and no oral argument is required. Local Rule 105.6. For the reasons set forth below, Plaintiff’s Motion To Remand (ECF No. 10) is DENIED.

**I. BACKGROUND**

On March 16, 2011, Plaintiff filed this action in the Circuit Court for Baltimore City. The original complaint contained six counts, stating the above-named causes of action. Plaintiff alleges that he served the complaint on Defendant Johns Hopkins by certified mail, restricted

delivery, on April 21, 2011. Thirty three days later, on May 24, 2011, Defendants filed a notice of removal, which alleged, *inter alia*, that they did not receive service until April 25, 2011. On June 9th, 2011, Plaintiff filed the instant motion, seeking remand to the Circuit Court for Baltimore City on the grounds that Defendant's notice of removal was untimely. Shortly thereafter, on June 17, 2011, Plaintiff filed an amended complaint, adding new factual allegations and a new cause of action for alleged violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201-219 (West 2011).

## II. STANDARD OF REVIEW

28 U.S.C. § 1441(a) allows a defendant in a state civil action to remove the case to federal district court provided that the court would have had original jurisdiction had the action been filed there in the first instance. The removing party bears the burden of establishing federal jurisdiction. *Mucahey v. Columbia Organic Chemicals Co.*, 29 F.3d 148, 151 (4th Cir. 1994). On a motion to remand, a court should resolve any doubts about its jurisdiction in favor of remanding to the state court. *Richardson v. Philip Morris, Inc.*, 950 F.Supp. 700, 701-02 (D. Md. 1997) (internal quotation marks and citations omitted). A plaintiff, however, may waive his right to object to procedural, rather than jurisdictional, defects in removal by failing to make a timely objection or by engaging in "affirmative activity" in federal court. *In re Mutual Funds Inv. Litigation*, 767 F.Supp.2d 542, 546 (D. Md. 2011); *see also Payne v. Brake*, 439 F.3d 198, 203-04 (4th Cir. 2006); *Moffit v. Baltimore Am. Mrtg.*, 665 F.Supp.2d 515, 517 (D. Md. 2009).

## III. ANALYSIS

This Court has previously held that a plaintiff whose original complaint has been removed from state to federal court waives his right to seek remand by filing an amended complaint in federal court alleging facts that give rise to federal jurisdiction. *Moffit*, 665

F.Supp.2d at 517. In this case, shortly after Plaintiff filed the instant motion to remand, he filed an amended complaint (ECF No. 12), that alleges a new federal cause of action under the Fair Labor Standards Act. In so doing, Plaintiff has waived his right to seek remand to state court.

**IV. ORDER**

Accordingly, it is ORDERED that Plaintiff's Motion To Remand (ECF No. 10) is DENIED.

Dated this 5<sup>th</sup> day of August, 2011

BY THE COURT:

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/s/  
James K. Bredar  
United States District Judge