

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

HOPE OLIVER, personal representative of the	:	
estate of Eldon C. Keener, Jr.	:	
Plaintiff,	:	Civil Action No.
	:	3:07cv1912 (CFD)
v.	:	
	:	
BUFFALO PUMPS, INC., et al.	:	
Defendants.	:	

RULING ON MOTION TO REMAND

The plaintiff, Hope Olivar, as the personal representative of Eldon Keener, Jr., brought this action against Buffalo Pumps, Inc., General Electric Co. (“GE”), and several other defendants in Connecticut Superior Court on or about December 6, 2007. Mr. Keener was diagnosed with malignant mesothelioma in March of 2005, and died of the mesothelioma on December 26, 2005. Keener was a Navy Machinist from 1938 to 1958, and a Navy technical writer and medical employee from 1958 through the late 1970s. The complaint alleges that Mr. Keener developed mesothelioma because he was exposed to asbestos-containing products manufactured by the defendants during his Navy service, and that the defendants violated their duty under Connecticut law to warn him of the dangers of asbestos exposure. Buffalo Pumps filed notice of removal pursuant to 28 U.S.C. § 1442(a)(1) on December 28, 2007. GE joined in the removal. Olivar now seeks to remand the case back to state court. The Court held a hearing on the motion to remand on October 20, 2008.

Olivar has not demonstrated that this removal is materially different from the removal this Court addressed in Machnick v. Buffalo Pumps, 506 F. Supp. 2d 99 (D. Conn. 2007). For the reasons stated in Machnick, the Court finds that Buffalo Pumps and GE met their burden to

justify federal officer removal of this suit from the Connecticut Superior Court. Accordingly, Olivar's motion to remand [docket # 17] is denied, and the case will remain in federal court.

SO ORDERED this 21st day of October 2008, at Hartford, Connecticut.

/s/ Christopher F. Droney
CHRISTOPHER F. DRONEY
UNITED STATES DISTRICT JUDGE