

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

FRITZNER MOZOUL,

Plaintiff,

v.

HARTFORD FIRE INSURANCE
COMPANY,

Defendant.

3:11-cv -01504 (CSH)

RULING ON MOTION TO REMAND

HAIGHT, Senior District Judge:

Plaintiff Fritzner Mozoul originally filed two actions, since consolidated, against the Defendant Hartford Fire Insurance Company (“The Hartford”) in Connecticut Superior Court, alleging employment discrimination and retaliation in violation of state and federal law as well as other state law claims concerning breach of contract, promissory estoppel, and intentional infliction of emotional distress. The Hartford filed a Notice of Removal on September 29, 2011. [Doc. 1.] On October 4, 2011, Mozoul moved to remand the case to state court. [Doc. 13.] A week after filing this motion, Mozoul filed a “Consolidated Complaint” with the Court that limited his claim of employment discrimination to state law but still included a claim of retaliation in violation of both state and federal law. [Doc 14.] at ¶ 98.

The Hartford opposed Mozoul’s Motion to Remand, correctly noting that the operative complaint included a federal law claim that gives this Court jurisdiction. [Doc. 19.] Three days after The Hartford filed its opposition, Mozoul filed an Amended Complaint that does not include any federal law claims. [Doc. 20.] Although Mozoul did not seek the Court’s permission to file what is

in effect a second amended pleading, The Hartford has not objected to this filing, and the Court adopts the Amended Complaint as the operative complaint in this case.

Because the Amended Complaint contains no federal claim and the parties are not diverse, there is no basis on which the Court may exercise jurisdiction, and the case must be remanded. *See Neal v. Scapa North America*, No. 3:09cv1171 (JBA), 2010 U.S. Dist. LEXIS 45774 (D. Conn 2010). The case is hereby remanded to Connecticut Superior Court. The Clerk is directed to return the papers in the case to the Clerk of the Superior Court and close the file in this Court.

It is SO ORDERED.

Dated: New Haven, Connecticut
November 15, 2011

/s/ Charles S. Haight, Jr.
Charles S. Haight, Jr.
Senior United States District Judge