

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

| | | |
|--------------------------------|---|-------------------------------------|
| JAY HAMANN, an individual |) | |
| |) | |
| Plaintiffs, |) | Case No. 1:13-cv-00132-BLW |
| |) | |
| vs. |) | ORDER ON MOTION TO SEVER AND |
| |) | REMAND |
| HAMILTON & SPEAR PAINTING, |) | |
| an Idaho company, NORTHCON, |) | |
| INC., an Idaho company, WALL 2 |) | |
| WALL FLOORCOVERING, an |) | |
| Idaho company, STATE OF IDAHO |) | |
| MILITARY DIVISION; IDAHO |) | |
| ARMY NATIONAL GUARD; |) | |
| GOWEN FIELD FIRE AND CRASH |) | |
| RESCUE; WILLIAM |) | |
| MATTRAVERS; and DOES I-X, |) | |
| unknown parties. |) | |
| |) | |
| Defendants. |) | |
| |) | |

Defendants State of Idaho Military Division, Idaho Army National Guard, and Gowen Field Fire and Crash Rescue (“Idaho State Defendants”) having filed a Motion to Sever and Remand (Dkt. 9) seeking to have the claims against the Idaho State Defendants severed from the other claims in this case and remanding the claims made against the Idaho State Defendants back to Fourth Judicial Court, State of Idaho, Ada County, and the other parties to this litigation having filed memorandums indicating that they do not

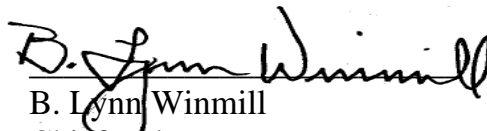
oppose said motion based on the provisions of the 11th Amendment of the United States Constitution (Dkts. 19, 21, 23, 30 and 32), and the Court finding good cause therefore;

IT IS HEREBY ORDERED that the Motion to Sever and Remand (Dkt. 9) filed by the State of Idaho Military Division, Idaho Army National Guard, and Gowen Field Fire and Crash Rescue, is hereby **GRANTED**. All claims against said Idaho State Defendants are hereby severed from the other claims in this litigation and the claims against the Idaho State Defendants are hereby **REMANDED** to the Fourth Judicial District of the State of Idaho, Ada County, for further disposition. The remaining claims against all other defendants shall remain pending in this Court.

IT IS FURTHER ORDERED that the Clerk of the Court shall take appropriate actions to remand all claims against the Idaho State Defendants to the Fourth Judicial District of the State of Idaho, Ada County.



DATED: May 21, 2013


B. Lynn Winmill
Chief Judge
United States District Court