IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DEANNE DIAZ,	)	
	)	
Plaintiff(s),	)	
	)	
v.	)	**CASE No.: 1-12-cv-1024**
	)	
BIEBEL SALONS, INC., d/b/a COST, CUTTERS FAMILY HAIR CARE	)	
	)	
Defendant(s).	)	

ORDER

On reference for determination is the motion of the Defendant for an award of its costs in the amount of $350.00, the cost of Defendant's removal of this lawsuit from State Court to Federal Court [D.E.19].

The relevant factual background has Plaintiff filing a complaint under the Tennessee Human Rights Act and the matter was removed on the basis of diversity of citizenship with damages sought in an amount greater than $75,000.00. Thereafter, the case was voluntarily dismissed without prejudice and re-filed in State Court seeking damages less than $75,000.00.

Defendant now asks for $350.00 in costs pursuant to Rule 41(d) of the Federal Rules of Civil Procedure which reads: If a plaintiff who previously dismissed an action in any court files an action based on or including the same claim against the same defendant, the court: (1) may order the plaintiff to pay all or part of the costs of that previous action and (2) may stay the proceedings until the plaintiff has complied.

A telephonic conference was held on May 29, 2013 with the parties without resolution.

Based upon the above, the Court determines the Defendant is entitled to recover $350.00 costs from the Plaintiff. Plaintiff shall effect payment to the Defendant's attorney within 30 days of this order being finalized.

IT IS SO ORDERED.

s/Edward G. Bryant
EDWARD G. BRYANT
UNITED STATES MAGISTRATE JUDGE

Date: **June 19, 2013**