

IN THE SUPERIOR COURT OF COLQUITT COUNTY  
STATE OF GEORGIA

2005 JUN 14 PM 4:09

Nancy B. Cormier,  
Plaintiff,

Vs.

Denny C. Cormier, M.D.,  
Defendant.

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CIVIL ACTION  
FILE NO. 03-CVD-2211

CAROLYN M. BRUNZEL, CLERK *mb*

**NOTICE TO PARTIES**  
**REGARDING DEFENDANTS RE-REMOVAL**

The Defendant in the above referenced action has filed a "Notice of Re-Removal" of this case to the United States District Court for the Middle District of Georgia.

28 USC § 1446(d) provides in pertinent part that .... "after the filing of such notice of removal... the State Court shall proceed no further...".

However, this matter has previously been removed to the above referenced federal court [6: 04-CV-30(WLS)] and remanded to the state court by order dated November 15<sup>th</sup>, 2004, finding that the federal court did not have jurisdiction over said matter.


As has been found by federal courts addressing multiple attempts to remove a state court action to federal court, Congress did not intend to provide a Defendant with a means of halting a lengthy trial just before the case is to be given to the jury, especially if the attempted removal is frivolous, doubtful, in bad faith, or otherwise improper. Any contrary result would impose an onerous result on both the Federal and State Judicial systems, promote a great waste of state resources, and oppress hapless removal-related litigants by subjecting them to distressing losses of time and money. The Defendant's attempt to remove this matter again should be considered as res judicata and collaterally estopped. Heilman v. Florida Department of Revenue, 727 So. 2d 958; Cok v. Forte, 877 F. Supp. 797; Farm Credit Bank of St. Paul v. RUB, 481 NW 2d 451; Styers v. Pico, Inc., 236 GA. 258.

This matter will proceed to a pre-trial hearing on July 7, 2005, as when and where stated in a previously published calendar. The case will then be called for trial on August 1, 2005, in the

courtroom of the Colquitt County Courthouse.

Be Governed Accordingly,

This 13<sup>th</sup> day of June, 2005.

  
FRANK D. HORKAN  
Judge, Superior Courts  
Southern Judicial Circuit

This is to certify that I have this day sent a true and correct copy of the within Order to: Mr. Dwight May, Attorney for Plaintiff, and Mr. Denny C. Cormier, M.D., Defendant Pro Se

This 14<sup>th</sup> day of June, 2005.

  
Betty Brooks  
Deputy Clerk, Superior Court of Colquitt County