

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:13-CV-633-BO

THE STATE OF NORTH CAROLINA,)
by and through its agency, the NORTH)
CAROLINA DEPARTMENT OF)
ADMINISTRATION,)

Plaintiff,)

v.)

ALCOA POWER GENERATING, INC.,)

Defendant)

MOTION TO REMAND
AND ALTERNATIVE
MOTION FOR ABSTENTION
(28 U.S.C. § 1447)

Plaintiff State of North Carolina, by and through its agency, the North Carolina Department of Administration, specially appearing, and pursuant to 28 U.S.C. §1447 respectfully moves the Court to remand the above-captioned case to the General Court of Justice, Superior Court Division, Wake County, North Carolina for lack of subject matter jurisdiction, or on the basis of the bar of sovereign immunity under the Eleventh Amendment to the Constitution of the United States, or, in the alternative, abstain from the exercise of jurisdiction in this case. In support of this Motion, Plaintiff attaches its Memorandum in Support of Plaintiff's Motion to Remand and Alternative Motion for Abstention.

This the 3rd day of October, 2013.

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of October, 2013, the foregoing or attached Motion to Remand and Alternative Motion for Abstention was served to the following via the CM-ECF system:

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This the 3rd day of October 2013.

By: /s/ Donald R. Teeter, Sr.
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