

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

GEORGE FUQUA, PAUL W. BRUNSON,	)	
JR., and WENDY ANN REEVES,	)	
	)	
Plaintiffs,	)	
v.	)	Case No. 2:11cv688-WHA
	)	
OCWEN LOAN SERVICING, LLC, et al.,	)	(WO)
	)	
Defendant.	)	

**ORDER**

This cause is before the court on the Plaintiff’s Motion to Remand (Doc. #6) for lack of subject matter jurisdiction, filed on September 23, 2011.

The Plaintiffs filed a Complaint in the Circuit Court of Barbour County, Alabama bringing claims of fraudulent misrepresentation (Count One), slander of title (Count Two), and violation of the federal Truth in Lending Act (“TILA”) (Count Three).

The Defendant removed the case to this court on August 24, 2011. The Defendant asserted that original jurisdiction exists, based on the TILA claim, and supplemental jurisdiction exists over the state law claims. The Defendant alternatively asserted that diversity subject matter jurisdiction also exists.

The Plaintiffs have moved to remand, arguing that the Defendant has not shown that the requisite amount in controversy has met. Regardless of whether diversity jurisdiction can be satisfied in this case, there is a federal claim asserted in Count III, and there is no amount in controversy requirement under 28 U.S.C. § 1331 for federal question jurisdiction. Therefore, the court has federal question subject matter jurisdiction over the TILA claim in Count Three, and can exercise supplemental jurisdiction over the state law claims in Counts One and Two,

pursuant to 28 U.S.C. § 1367. Accordingly, it is hereby ORDERED that the Motion to Remand (Doc. #6) is DENIED.

Done this the 23rd day of September, 2011.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE