

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:14-CV-00489-H

JOSEPH SMITH, et al

PLAINTIFFS

V.

DISMAS CHARITIES, INC., et al

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Plaintiffs have moved to remand their claims to state court on the grounds that their complaint does not assert any causes of action under federal laws. The Court has carefully reviewed the complaint. It does not specifically reference any federal statute or constitutional provision. It makes reference vaguely to certain “unreasonable searches” and to Defendants acting “under color of state law.” These references are insufficient to state a federal claim.

Nevertheless, Defendants point specifically to the complaint’s *ad damnum* clause which requests costs and attorney’s fees under the “laws of this Commonwealth and these United States.” They argue that these references show an intent to assert federal claims. The Court does not believe, however, that such vague references are sufficient to assert a claim for relief under federal law. In short, the essence of the complaint seems grounded in state law. This is not a matter of state claims predominating; rather of federal claims not existing.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Plaintiffs’ motion to remand is SUSTAINED and the case is REMANDED to Jefferson Circuit Court.

August 19, 2014

Handwritten signature of John G. Heyburn II in black ink. The signature is written in a cursive style and includes a small mark at the end.

John G. Heyburn II
Senior Judge, U.S. District Court

cc: Counsel of Record
Jefferson Circuit Court