

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FOREST M. STARLING and
LINDA STARLING,

Plaintiffs,

vs.

Case No. 09-CV-13189
HON. GEORGE CARAM STEEH

GROSSE POINTE MOVING CO.,
GROSSE POINTE MOVING CO. d/b/a
GROSSE POINTE MOVING AND STORAGE CO.,
and GROSSE POINTE MOVING AND
STORAGE COMPANY,

Defendants.

ORDER DISMISSING AUGUST 19, 2009 SHOW CAUSE ORDER (# 2)

Defendants Grosse Pointe Moving Co. and Grosse Pointe Moving and Storage Co. (collectively "GPM") were ordered on August 19, 2009 to show cause by September 8, 2009 why this matter should not be remanded to state court for lack of federal question jurisdiction consistent with the well-pleaded complaint rule and the plaintiffs' six count complaint alleging state law claims arising out of GPM's acts of moving the plaintiffs' personal property from Grosse Isle Township, Michigan, to Naples, Florida, in September 2006. In timely responding to the show cause order, GPM has established that the plaintiffs' state law claims are completely preempted by the federal Carmack Amendment, and therefore removal to federal court was proper as a narrow exception to the well-pleaded complaint rule. See Solectron USA, Inc. v. FedEx Ground Package Systems, Inc., 520 F. Supp. 2d 904, 908-910 (W.D. Tenn. 2002) (citing inter alia Am. Synthetic Rubber Corp. v. Louisville Nashville RR Co., 422 F.2d 462, 465-66 (6th Cir. 1970)). Defendants

GPM have shown cause as ordered. Accordingly,

The court's August 19, 2009 Order requiring defendants GPM to show cause is hereby DISMISSED.

SO ORDERED.

Dated: September 2, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 2, 2009, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk