

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MEMORANDUM AND ORDER

This matter is before the Court on the parties' joint motion (Doc. No. 29) to remand the case to the state court in which it was filed. The case includes state law claims, as well as claims arising under federal law. Defendants removed the action to this Court based on the federal claims.

The parties now inform the Court that the case has settled and they jointly request remand “[i]n order to accomplish the provisions set forth in the settlement agreement.” (Doc. No. 29.)

Despite the agreement of the parties on the issue of remand, this Court has the duty to exercise its federal question jurisdiction over the case that is now before it. *See, e.g., Brazilay v. Brazilay*, 536 F.3d 844, 849 (8th Cir. 2008) (stating that a “federal court’s duty to exercise the jurisdiction given it is ‘virtually unflagging’”). Thus, in order to have the case remanded, Plaintiff will first have to dismiss, with or without prejudice as the parties agree, the federal claims. If such claims are not dismissed on or before **June 28, 2015**, the Court will deny the motion to remand.

Dated this 19th day of June, 2015.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE