

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

ITT EDUCATIONAL SERVICES, INC.,)	
and CARRIE WILKE,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:16-MC-9005-ODS
)	
LISA WEBSTER,)	
)	
Defendant.)	

ORDER DENYING PLAINTIFFS' MOTION TO COMPEL ARBITRATION
AND ENJOIN DEFENDANT'S PROSECUTION OF STATE COURT ACTION

Plaintiffs ITT Educational Services, Inc. and Carrie Wilke initiated this matter with a motion to compel arbitration and enjoin a lawsuit filed by Lisa Webster that is currently pending in the Circuit Court of Jackson County, Missouri. Doc. #1. Plaintiffs did not institute a civil action and did not remove the pending state court matter to this Court. The relief sought by Plaintiffs must be denied.

First, unlike one of the cases cited by Plaintiffs, this matter was not removed to this Court.¹ The state court matter remains pending. The Federal Arbitration Act ("FAA"), which is the basis for Plaintiffs' motion, does not authorize this Court to direct state courts how to handle their own proceedings.

Second, the Anti-Injunction Act bars this Court from enjoining a state court in this particular circumstance. The Anti-Injunction Act provides the following:

A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.

28 U.S.C. § 2283; *see also Vendo Co. v. Lektro-Vend Corp.*, 433 U.S. 623, 630 (1977).

"[T]he Act is an absolute prohibition against any injunction of any state-court

¹ *Novelo v. ITT Technical Institute*, Case No. 4:11-CV-951-DW, was removed to this Court from the Circuit Court of Jackson County, Missouri. Contemporaneous with the Notice of Removal, Defendants filed a motion to compel arbitration.

proceedings, unless the injunction falls within one of the three specifically defined exceptions in the Act.” *Vendo*, 433 U.S. at 630. Plaintiffs failed to set forth any legal basis that would permit this Court to enjoin the state court.

For these reasons, Plaintiffs’ motion is denied. Plaintiffs’ request for attorneys’ fees associated with filing this matter is also denied.

IT IS SO ORDERED.

DATE: February 9, 2016

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT