

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DONALD LABER, et al.,)	CASE NO. 5:13CV640
)	
PLAINTIFFS,)	JUDGE SARA LIOI
)	
vs.)	
)	ORDER
)	
)	
UNITED STEEL, PAPER AND)	
FORESTRY, RUBBER,)	
MANUFACTURING, ENERGY,)	
ALLIED INDUSTRIAL AND)	
SERVICE WORKERS)	
INTERNATIONAL, et al.,)	
)	
DEFENDANTS.)	

On January 31, 2014, the Court entered a Memorandum Opinion and Order denying plaintiffs’ motion to remand this action to state court. (Doc. No. 14.) In so ruling, the Court held that plaintiffs’ breach of contract and tortious interference with contract claims were completely preempted by § 301 of the Labor Management Relations Act. (*Id.* at 174.) Plaintiffs sought reconsideration and also sought leave to amend their complaint to include a fraud claim. The Court denied reconsideration but ruled that plaintiffs’ proposed fraud claim was not preempted by federal law. (Doc. No. 25.) The Court afforded plaintiffs leave to amend their complaint to assert a fraud claim and remove all preempted claims. (*Id.* at 244.)

Plaintiffs have filed a fully compliant amended complaint that sets forth a state law claim for fraudulent misrepresentation and omits any claims that are dependent

upon a federal labor contract. (Doc. No. 26.) Having reviewed plaintiffs' amended complaint, and recognizing that there is not complete diversity of parties or some other basis for federal jurisdiction, the Court remands this matter to the Summit County Court of Common Pleas.

IT IS SO ORDERED.

Dated: October 3, 2014



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE