

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SHEILA MCCLURE, : NO. 1:10-CV-00830
: Plaintiff, :
v. : : **OPINION AND ORDER**
: :
: :
TRIHEALTH, INC., :
et al., :
: :
Defendants. : :

On September 20, 2010, Plaintiff filed a complaint in the Hamilton County Court of Common Pleas, alleging breach of contract, gender discrimination in violation of Ohio Revised Code § 4112.02 and the "equal pay act" and retaliation in violation of Ohio Revised Code § 4112.02 (doc. 1). Defendants removed the action to this Court on the federal-question jurisdiction conferred by the Equal Pay Act codified at 29 U.S.C. § 206 (Id.).

Plaintiff seeks remand on the basis that federal-question jurisdiction does not exist because the reference to the "equal pay act" in the complaint was a reference to Ohio's Equal Pay Act, Ohio Revised Code § 4111.17, not to the federal Equal Pay Act (doc. 5). Because Plaintiff submitted an amended complaint clarifying that she is seeking relief only under Ohio laws, Defendants do not oppose the motion to remand (doc. 9).

Unlike Plaintiff's first complaint, which merely references a generic equal pay act, Plaintiff's amended complaint clarifies that she is claiming that Defendants acted in violation

of Ohio's Equal Pay Act (doc. 6, citing Ohio Rev. Code § 4111.17). With that made clear, remand of this case is proper. The Court thus GRANTS Plaintiff's motion to remand and REMANDS this case back to the Hamilton County Court of Common Pleas.

SO ORDERED.

Dated: January 5, 2011

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge