

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

South Carolina Environmental Law)
Project and Amy E. Armstrong,)
)
Plaintiffs,)
)
v.)
)
Scott Dilliard,)
)
Defendant.)
_____)

C.A. No.: 2:16-cv-3405-PMD


ORDER

This matter is before the Court upon removal from South Carolina state court. Plaintiffs have filed a motion to remand (ECF No. 8). Plaintiffs ask the Court to remand the case to state court and to award them expenses they incurred as a result of the removal. Defendant consents to remand but opposes the requested expenses award.

Because the parties consent, the Court will remand the case. However, the Court declines to award expenses to Plaintiffs. Defendant removed the case on the basis that the Court had jurisdiction pursuant to 28 U.S.C. § 1331. Although Defendant’s stated reason for believing there was § 1331 jurisdiction is clearly unsound, removal in reliance on § 1331 was nonetheless objectively reasonable because Plaintiffs labeled one of their causes of action “Libel—Constitutional Claim,” thus indicating they intended to base that claim on the federal Constitution.

It is therefore **ORDERED** that this matter is **REMANDED** to the Court of Common Pleas for Georgetown County, South Carolina and that the expense award request is **DENIED**.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

**January 18, 2017
Charleston, South Carolina**