



1 Federal law prohibits this Court from enjoining state court proceedings “except as  
2 expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to  
3 protect or effectuate its judgments.” 28 U.S.C. § 2283. The exceptions to the Anti-Injunction  
4 Act are to be narrowly construed: any doubts regarding the propriety of an injunction should be  
5 resolved in favor of permitting the state court to determine the controversy. Quackenbush v.  
6 Allstate Ins. Co., 121 F.3d 1372, 1378 (9th Cir. 1997); Merle Norman Cosmetics, Inc. v. Victa,  
7 936 F.2d 466, 468 (9th Cir. 1991).

8 Courts have found that the federal removal statute expressly authorizes the  
9 injunction or stay of state court proceedings in any action that was actually removed to federal  
10 court. See 28 U.S.C. § 1446(d). The statute is silent regarding the Court’s power to enjoin later-  
11 filed state actions, however. Filling the breach, the Ninth Circuit has determined that where “a  
12 second state court suit is fraudulently filed in an attempt to subvert the removal of a prior case, a  
13 federal court may enter an injunction.” Lou v. Belzberg, 834 F.2d 730, 741 (9th Cir. 1987).  
14 Unfortunately, the case law does not define “fraud” and “subversion” in this context. How these  
15 terms will be applied in situations like that presented here is not clear.

16 Defendants argue that, because they were entitled to remove plaintiff’s entire case  
17 to federal court, any attempt to break the litigation into pieces and litigate part of it in state court  
18 should be construed as an attempt to subvert the removal of these claims. Policy considerations  
19 against claim-splitting and forum-shopping also support defendants’ request for an injunction.  
20 Plaintiff, on the other hand, points out that she would have been entitled to file two separate  
21 lawsuits in the first instance (one in state court asserting only state law claims and one in federal  
22 court asserting only federal claims) without running afoul of any procedural or jurisprudential  
23 bars. Noel v. Hall, 341 F.3d 1148, 1159 (9th Cir. 2003). Because the removal statute was not  
24 designed to remedy the inefficiencies of our federal system, the fact that the parties may end up  
25 litigating similar claims in two different jurisdictions does not necessarily constitute either  
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