

The “Master of the Complaint”: The Supreme Court Gives Plaintiffs a New Avenue to Avoid Federal Court

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A recent Supreme Court decision strengthened plaintiffs’ ability to control whether their case will be litigated in state or federal court.

In *Royal Canin U.S.A., Inc. v. Wullschleger*, No. 23–677 (S. Ct. Jan. 15, 2025), the Supreme Court considered whether a plaintiff, after removal to federal court, can direct their case back to state court by amending the complaint to exclude all federal claims. The Court resolved a circuit split on this issue, answering the question in the affirmative.

Royal Canin originally involved claims under the Missouri Merchandising Practices Act, state antitrust law, and the Federal Food, Drug, and Cosmetic Act (FDCA). Royal Canin removed the suit to federal court on the basis of the FDCA claims. After removal, Wullschleger amended her complaint to strike all references to the FDCA. She then asked the district court to remand the case to state court.

The district court refused to remand the case, holding that one of Wullschleger’s claims still required the resolution of substantial, disputed issues of federal law. But the Eighth Circuit reversed, noting that the amended state law claims did not necessarily raise a substantial federal issue.

That ruling split from others in the First, Second, Third, Fourth Fifth, Sixth, Seventh, Tenth, and Eleventh Circuits, which held that jurisdiction is evaluated at the time of removal and courts have discretion in the case of later amendments. See, e.g., *In Touch Concepts, Inc. v. Celco P’ship*, 788 F.3d 98, 101 (2d Cir. 2015). Those cases noted that “removal cases raise forum-manipulation concerns that simply do not exist when it is the *plaintiff* who chooses a federal forum and then pleads away jurisdiction through amendment.” *Id.* (citing *Rockwell Int’l Corp. v. United States*, 549 U.S. 457, 474 n.6 (2007)).

The Supreme Court granted certiorari and unanimously affirmed the Eighth Circuit’s opinion. The Court pointed to other portions of *Rockwell* holding that the amended complaint controls the jurisdictional inquiry for cases originally filed in federal court. *Royal Canin*, No. 23–677, at 8. And the Court went on to explain that nothing in 28 U.S.C. § 1367 (the supplemental jurisdiction statute) mandates a different conclusion for removed cases. *Id.* at 9. The opinion emphasized that “[t]he appropriateness of federal jurisdiction—or the lack thereof—does not depend on whether the plaintiff first filed suit in federal or state court. Rather, it depends, in either event, on the substance of the suit.” *Id.* at 15.

Ashley Keller of Keller Postman argued the case for Wullschleger. The plaintiffs' law firm [posted online](#) after the verdict that the decision will “simplify and accelerate the remand process for plaintiffs who prefer to litigate in state court.”

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