Litigation Attorney Connor Andreen for The Journal Record, Jurisdiction and Dicta: Lessons From Royal Canin U.S.A.

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The United States Supreme Court's opinion in *Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. __ (2025) is destined for law school casebooks. The Court decided a jurisdictional battle and, while doing so, demonstrated the value independent thought can bring to the courtroom.

The saga began with a lawsuit in Missouri state court. The plaintiff alleged she purchased the defendant's prescription dog food, which she contended was marketed in violation of federal law. The defendant removed the case to federal court. Once there, the defendant successfully argued that the district court had federal question jurisdiction over the case under 28 U.S.C. § 1331 and the oft-feared jurisdictional framework prescribed by *Grable & Sons Metal Prods. v. Darue Eng'g & Mfg.*, 545 U.S. 308 (2005).

In response, the plaintiff amended her complaint, removed all references to federal law, and moved to remand the case to state court. The district court denied this request. On appeal, she contended that her amended complaint stripped the district court of supplemental jurisdiction over her remaining state law claims under 28 U.S.C. § 1367. This position contradicted substantial jurisprudence, including the opinions of the U.S. Courts of Appeals for the First, Third, Fourth, Sixth and Eleventh Circuits. It also contradicted the analysis contained in a now-infamous footnote in *Rockwell Int'l Corp. v. United States*, 549 U.S. 457 (2007), which explicitly stated that eliminating the original basis for federal question jurisdiction upon removal "does not defeat jurisdiction."

But the plaintiff was right. The Supreme Court *unanimously* disagreed with the apparent legal consensus previously reached by the Circuit Courts. It held that "the jurisdictional basis for" a cause of action "is reviewed anew" under section 1367 upon the filing of an amended complaint. This holds true regardless of whether a complaint is filed in federal court or removed from state court by the defendant. En route to this holding, the Court disregarded the footnote in *Rockwell Int'l Corp.* as dictum in favor of the plain language of section 1367.

As a result, a plaintiff can now defeat the removal of its case to federal court by eliminating causes of action arising under federal law from its complaint. This is significant. Nevertheless, another lesson underlies *Royal Canin*. In the face of a seeming legal consensus, the plaintiff won—unanimously. Clearly, outside-the-box perspectives may result in a resounding victory.

Attorneys

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