

17-1471 HOME DEPOT U.S.A., INC. V. JACKSON

DECISION BELOW: 880 F.3d 165

LOWER COURT CASE NUMBER: 17-1627

QUESTION PRESENTED:

This action was commenced when Citibank, N.A. filed a routine state-court collection action against respondent George W. Jackson. Petitioner Home Depot U. S. A., Inc. was not a party to that action and never became a party to that collection dispute. Jackson then filed a counterclaim against Citibank asserting class-action consumer-protection claims. In addition to naming Citibank, Jackson named Home Depot and another company as original defendant to that counterclaim class action. The Class Action Fairness Act of 2005, Pub. L. No. 109-2, 119 Stat. 4, permits "any defendant in a state-court class action to remove the action to federal court if it satisfies certain jurisdictional requirements. Petitioner Home Depot is an original defendant in the class action at issue here and was never a plaintiff in any claim associated with this case. The question presented is:

Whether an original defendant to a class-action claim can remove the class action if it otherwise satisfies the jurisdictional requirements of the Class Action Fairness Act when the class action was originally asserted as a counterclaim against a co-defendant.

IN ADDITION TO THE QUESTIONS PRESENTED BY THE PETITION, THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTION: SHOULD THIS COURT'S HOLDING IN *SHAMROCK OIL & GAS CORP. V. SHEETS*, 313 U. S. 100 (1941) - THAT AN ORIGINAL PLAINTIFF MAY NOT REMOVE A COUNTERCLAIM AGAINST IT- EXTEND TO THIRD-PARTY COUNTERCLAIM DEFENDANTS?

CERT. GRANTED 9/27/2018