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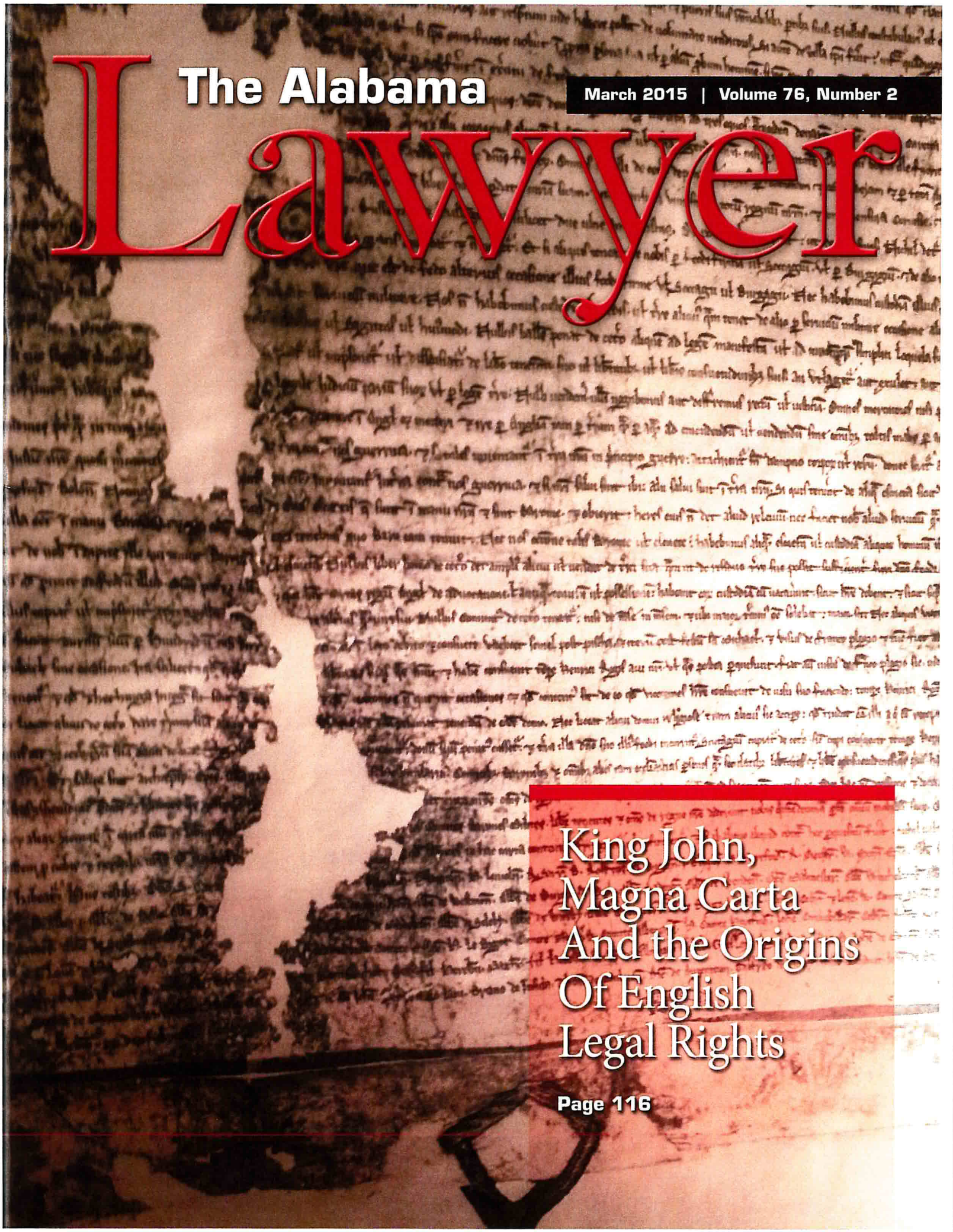

King John, Magna Carta And the Origins Of English Legal Rights

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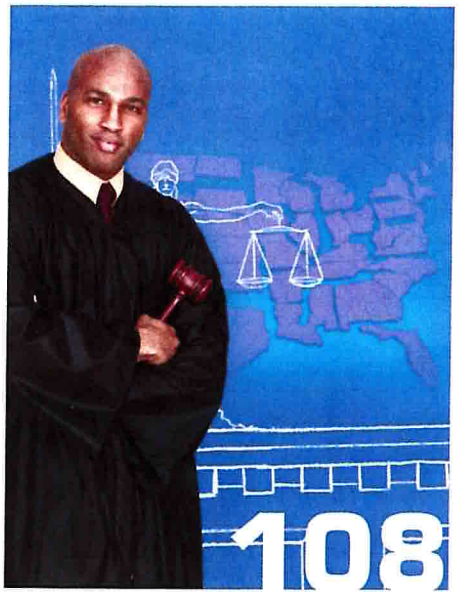

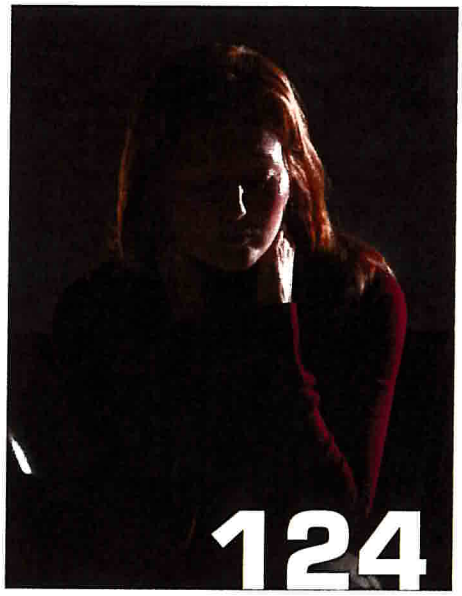

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On The Cover

A passage from an early version of Magna Carta

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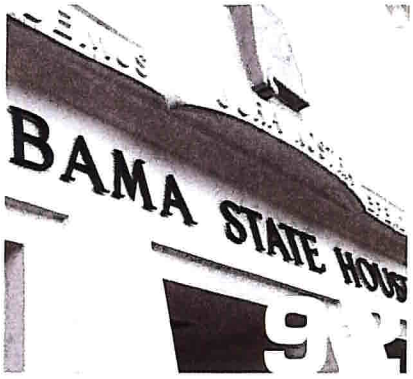

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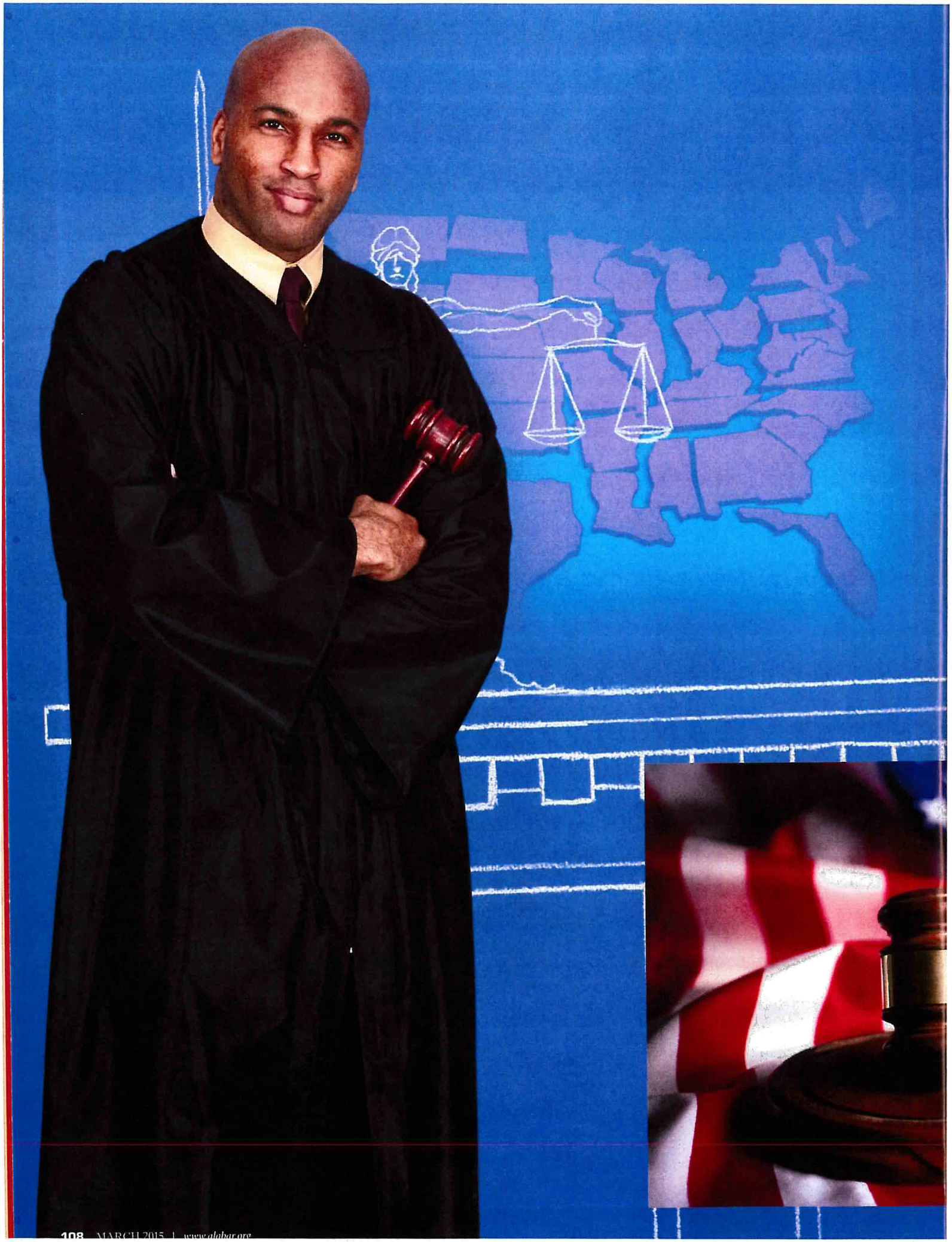
All articles to be considered for publication must be submitted to the editor via email (*ghawley@joneshawley.com*) in Word format. A typical article is 13 to 18 letter-size pages in length, double-spaced, utilizing endnotes and not footnotes.

A brief biographical sketch and a recent color photograph (at least 300 dpi) of the author must be submitted with the article.



Exclusive Legislation Does Not Mean Exclusive Jurisdiction–

State-Court Jurisdiction over Civil Actions Arising upon Federal Enclaves

By David G. Wirtes

Enclave Clause

Article I, Section 8, clause 17, of the Constitution of the United States (the "Enclave Clause") provides:

> The Congress shall have Power ... To exercise exclusive Legislation in all Cases whatsoever over [the District of Columbia], and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.

Clause 17 does not of its own force make a federal court the *exclusive* forum for resolving civil disputes arising upon federal enclaves. On the contrary, state courts and federal courts have concurrent jurisdiction over transitory actions arising upon federal enclaves. A recent decision from the Supreme Court of Alabama, *Ex parte U.S. Innovations Group, Inc.*, 141 So.3d 459 (Ala. 2013) ("*Ex parte USIG*"), conclusively establishes this point of law.

Authorities Establishing Concurrent State And Federal Jurisdiction

Prior to *Ex parte USIG*, the Enclave Clause had been construed by the United States Supreme Court[1] and only a few federal courts of appeal,[2] district courts[3] and state appellate courts[4] to confer concurrent state and federal jurisdiction to adjudicate civil actions arising upon federal enclaves. Secondary authorities concerning enclave jurisdiction were likewise sparse. The author of a 2011 "Practitioners' Notes" article asserted: "Research reveals no published law review articles examining the doctrine." Emily S. Miller, "The Strongest Defense You've Never Heard Of: The Constitution's Federal Enclave Doctrine and Its Effect On Litigants, States, and Congress," 29 *Hofstra Lab. & Emp. L. J.* 73, 74 n. 11 (2011). Miller overlooked two articles in the *Military Law Review*: Maj. Stephen E. Castlen and Lt. Col. Gregory O. Block, "Exclusive Federal Legislative Jurisdiction: Get Rid Of It!," 154 *Mil. L. Rev.* 113 (1997); and Capt. Richard T. Altieri, "Federal Enclaves: The Impact of Exclusive Legislative Jurisdiction Upon Civil Litigation," 72 *Mil. L. Rev.* 55 (1976). The latter article, in 1976, noted that "the emerging trend, which reinterprets the nature of legislative jurisdiction, offers a cure for the existing confusion in the areas of service of process and subject matter jurisdiction." 72 *Mil. L. Rev.* at 85.

Ex parte USIG Properly Rejected Exclusive Federal-Court Jurisdiction

In the case recently decided by the Supreme Court of Alabama, defendants

argued that the enclave clause, of its own force, makes federal courts the *exclusive* forum for civil actions arising on federal enclaves. The Supreme Court of Alabama disagreed: "a grant of 'exclusive federal jurisdiction' over land does not, by itself, indicate an intention to create exclusive federal-court jurisdiction of claims arising on that land."[5]

Ex parte USIG joins the short list of decisions specifically and squarely holding that a state court has jurisdiction over a civil action arising on a federal enclave. The question was previously so unclear that the defendants in *Ex parte USIG* were emboldened to petition the Supreme Court of Alabama for mandamus on the point despite rulings against them by a United States Magistrate Judge,[6] two United States District Judges[7] and the Circuit Court of Madison County, Alabama[8]–and then to apply for rehearing after the Supreme Court of Alabama initially denied the petition without issuing an opinion, and again after it issued its June 28, 2013 opinion on the first rehearing. The Supreme Court of Alabama's ultimate opinion, issued June 28, 2013, succinctly analyzes the authorities on the subject and demonstrates conclusively the correctness of the holding. This article sets forth and builds upon that analysis in hopes of forestalling similar arguments that the "exclusive Legislation" provision or the "like Authority" provision of the Enclave Clause precludes state-court jurisdiction over transitory actions arising upon federal enclaves.

Ex parte USIG–Removed, Remanded and State-Court Jurisdiction Affirmed

On May 5, 2010, Jerry A. Grimes and James R. Hawke, Jr. were employed by Amtec Corporation and working pursuant to a government contract at Redstone Arsenal, a federal enclave located in Madison County, Alabama. Amtec was using a decanter centrifuge to process and reclaim highly explosive ammonium perchlorate from outdated U.S. Army rocket motors. The centrifuge exploded with Grimes and Hawke working only a few feet away. They both suffered unsurvivable third-degree burns and explosion injuries and died.

Carolyn Grimes, individually and as administratrix and personal representative of Mr. Grimes, brought a wrongful-death action in the Circuit Court of Madison County against co-employees of his and the entities and individuals who configured and sold the centrifuge to Amtec.[9] Judy A. Hawke brought a similar action as the administratrix and personal representative of the estate of her deceased husband, Mr. Hawke.[10]

Three defendants ("the Ashbrook Simon-Hartley Defendants") removed the case to federal court.[11] They asserted: "The U.S. District Court has original jurisdiction according to 'federal enclave' jurisdiction, which is a specific type of federal question jurisdiction 'arising under' 28 U.S.C. § 1331."[12] However, the removal did not have the consent of all defendants, and some expressly objected, as Mrs. Grimes stated in her motion to remand.[13] In *Hawke*, defendant Jack Dombroski, an employee of U.S. Centrifuge, filed a notice of removal, but it was untimely so Mrs. Hawke also moved to remand.[14]

In opposition to the motions to remand, the remaining defendants argued that the enclave clause gives federal courts *exclusive* jurisdiction over actions arising on federal enclaves and thus obviates the need to comply with the unanimity and timeliness requirements of the removal statute.[15] The federal district courts disagreed and granted the motions to remand.[16]

Upon remand to the Circuit Court of Madison County, those defendants renewed their arguments for exclusive federal-court jurisdiction over actions arising on federal enclaves, moving to dismiss the state court actions for want of subject-matter jurisdiction. The Madison County Circuit Court denied the motions to dismiss.[17] Defendants then petitioned for a writ of mandamus, arguing that the denials of these motions to dismiss were erroneous. The Supreme Court of Alabama initially denied the petitions without opinions, but after consideration of the defendants' applications for rehearing, denied the petitions with a scholarly dispositive opinion.[18]

Source of Confusion: Two Meanings of "Jurisdiction"

Although the Enclave Clause does not use the word "jurisdiction," courts have used this word to refer to the clause's grant to Congress of political authority over the District of Columbia and other lands (such as forts and arsenals) acquired pursuant to the clause by the United States.[19] "It long has been settled that, where lands for such a purpose are purchased by the United States with the consent of the state legislature, the jurisdiction theretofore residing in the state passes, in virtue of the constitutional provision, to the United States, thereby making the jurisdiction of the latter the sole jurisdiction."[20]

USIG's argument depended upon a failure to correctly observe the difference between two distinct meanings of the word "jurisdiction." *Black's Law Dictionary* gives both definitions:

> jurisdiction, n. (14c) 1. A *government's general power to exercise authority* over all persons and things within its territory; esp., a state's power to create interests that will be recognized under common-law principles as valid in other states. New Jersey's jurisdiction. ... 2. *A court's power to decide a case* or issue a decree. The constitutional grant of federal-question jurisdiction.

Black's Law Dictionary (9th ed. 2009) (emphasis added). Courts are accustomed to using the word "jurisdiction" to mean their "power to decide a case." It is an appropriate use of the word, and courts sometimes use the word to refer to the "government's general power to exercise authority."

The Supreme Court has recognized this dual use of "jurisdiction." Rejecting a similar attack on state-court jurisdiction over actions arising in areas subject to the Outer Continental Shelf Lands Act, the Court held that the defendant's argument "confuses the political jurisdiction of a State with its judicial jurisdiction."[21] Thus, although courts use the term "jurisdiction" in both senses, this question requires keeping the two different meanings of the word distinct. The Enclave Clause gives the United States power to exercise authority

in federal enclaves as defined therein, i.e., political jurisdiction. It says nothing about the authority of federal or state courts to hear and decide civil actions, i.e., judicial or adjudicative jurisdiction.

Federal Government's Exclusive Political Jurisdiction in Federal Enclaves Does Not Oust State Courts of Judicial Jurisdiction

"The general principle of state-court jurisdiction over cases arising under federal laws is straightforward: state courts may assume subject-matter jurisdiction over a federal cause of action absent provision by Congress to the contrary or disabling incompatibility between the federal claim and state-court adjudication."[22] "It is black-letter law ... that the mere grant of jurisdiction to a federal court does not operate to oust a state court from concurrent jurisdiction over the cause of action."[23]

> *Nothing inherent in exclusive federal sovereignty over a territory precludes a state court from entertaining a personal injury suit concerning events occurring in the territory and governed by federal law. Ohio River Contract Co. v. Gordon*, 244 U.S. 68 (1917). ... State courts routinely exercise subject-matter jurisdiction over civil cases arising from events in other States and governed by the other States' laws. ... That the location of the event giving rise to the suit is an area of *exclusive federal jurisdiction* rather than another State, *does not introduce any new limitation on the forum State's subject-matter jurisdiction.*

Gulf Offshore, 453 U.S. at 481-82 (emphasis added). The Supreme Court thus uses "jurisdiction" in both senses–the first two quotations in this paragraph use the word "jurisdiction" in the sense of a court's authority to adjudicate a dispute, and the block quotation uses the phrase "exclusive federal jurisdiction" in the sense of political jurisdiction and the phrase "the forum State's subject-matter jurisdiction" in the sense of judicial jurisdiction. These statements seem clear and dispositive but the *Grimes* and *Hawke* defendants argued that *Gulf Offshore* did not decide the alleged constitutional question pertaining to the enclave clause because it addressed a Congressional statement of jurisdiction in the Outer Continental Shelf Act.

The argument that the Enclave Clause itself gives federal courts exclusive jurisdiction is contrary to precedent: Federal courts do not even consider the Enclave Clause to give federal courts jurisdiction, much less to give them jurisdiction that is exclusive of state-court jurisdiction. Instead, they deem their jurisdiction over disputes arising on enclaves to be conferred only by the Congressional enactment that confers "federal question" jurisdiction: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."[24] In *Mater v. Holley*, the Fifth Circuit held that an action alleging a tort on an enclave "arises under the laws of the United States, within the meaning of 28 U.S.C. § 1331, and therefore should not have been dismissed" by the federal district court for a supposed lack of subject-matter jurisdiction.[25]

The federal courts that remanded *Grimes* and *Hawke* expressly or implicitly held that "concurrent state and federal jurisdiction exists." Magistrate Judge Ott's Report and Recommendation addresses concurrent jurisdiction expressly:

> Consistent with *Mater*, *Akin* [*v. Ashland Chem. Co.*, 156 F.3d 1030 (10th Cir. 1998)], and *Durham* [*v. Lockheed Martin Corp.*, 445 F.3d 1247 (9th Cir. 2006)], this court has federal-question jurisdiction over plaintiff's claims for personal injuries sustained on Redstone Arsenal, a federal enclave. The more specific issue in addressing plaintiff's motion to remand, however, is whether this court's jurisdiction is *exclusive of the state court's* for this action. Stated another way, this court *must determine* whether concurrent state and federal jurisdiction exists because if concurrent jurisdiction exists, the removing defendants must have followed the procedural requirements for removal outlined in 28 U.S.C. § 1446.[26]

Magistrate Judge Ott recommended that the action be remanded because the removal did not meet the requirement of § 1446 that all defendants must join in the removal (the "unanimity" requirement). Senior U.S. District Court Judge Robert B. Propst adopted the Report and Recommendation, quoted at length from *Gulf Offshore*, and remanded the action.[27]

In *Hawke*, U.S. District Court Judge Inge Johnson likewise rejected the arguments that the United States District Court "has exclusive jurisdiction pursuant to 16 U.S.C. § 457 and U.S. Const. Art. I, § 8 cl. 17, because Redstone Arsenal is a 'federal enclave.'"[28]

> Assuming Redstone Arsenal is within the definition of federal enclave, nothing in that status mandates exclusive jurisdiction in the federal courts. Rather, the federal courts share with state courts jurisdiction of personal injury actions on federal lands. See e.g., *Mater* .... Exclusive jurisdiction in the sense of exclusive sovereignty does not divest state courts of jurisdiction over personal injury causes of action. *See also Gulf Offshore* .... The court thus finds this case has been improperly removed.
>
> Because jurisdiction was *not improper in state court*, pursuant to U.S.C. § 1446(b)(1), defendant Dombroski had 30 days from the date he received service of the complaint to file his notice of removal.[29]

Once the distinction between the two different meanings of "jurisdiction" is acknowledged, it becomes clear that federal courts do not enjoy exclusive adjudicative jurisdiction for actions arising upon federal enclaves.

Other Enclave Cases Address Different Issues and Say Nothing about State Court's Jurisdiction Over Transitory Cause of Action Arising on Federal Enclave

The cases USIG relied upon addressed *not* whether a state court has jurisdiction over a transitory action arising upon a federal enclave, but other issues, such as whether state law applies to the incident in question. These include *Surplus Trading Co. v. Cook*, 281 U.S. 647 (1930) (holding that Arkansas personal property tax did not apply on the enclave); *Western Union Tel. Co. v. Chiles*, 214 U.S. 274 (1909) (holding that the Virginia penalty for failing to deliver a telegram did not apply to failure to deliver a telegram on the enclave); *Palmer v. Barrett*, 162 U.S. 399 (1896) (enforcing a condition in a cession of land that did not come under the enclave clause and thus did not create an enclave); *Chicago R. I. & P. R. Co. v. McGlinn*, 114 U.S. 542 (1885) (holding that the federal land in question was not an enclave created as required by the enclave clause and thus applying the Kansas Railroad Fence Law to the federal land); *Fort Leavenworth R. Co. v. Lowe*, 114 U.S. 525 (1885) (after holding that the federal land was not an enclave governed by the enclave clause, upholding the Kansas reservation of the right to tax railroad property that was a condition of the cession of the land to the federal government); *Allison v. Boeing Laser Technical Services*, 689 F.3d 1234 (10th Cir. 2012) (declining to apply Arizona common law adopted after the creation of the enclave); *Lord v. Local Union No. 2088, Int'l Bach. of Elec. Workers AFL-CIO*, 646 F.2d 1057 (5th Cir. 1981) (declining to apply Florida's right-to-work law on the enclave); *Commonwealth v. Clary*, 8 Mass. 72 (1811) (holding that the Massachusetts liquor-license law did not apply on the enclave); and *Foley v. Shriver*, 81 Va. 568 (1886) (holding that the state court could not garnish property in the hands of U.S. officers on a federal enclave).

Cases Addressing Whether Federal Courts Have Jurisdiction over Claims Arising on Enclaves

As late as 1952, it was an open question as to whether a *federal* court had jurisdiction over a cause of action arising upon

an enclave. The United States District Court for the Northern District of Georgia dismissed such an action for lack of federal jurisdiction, but the Court of Appeals for the Fifth Circuit reversed. After discussing the enclave clause and cases interpreting it, the court of appeals concluded: "Upon the principles above cited, we hold that this action arises under the laws of the United States, within the meaning of 28 U.S.C. § 1331, and therefore should not have been dismissed. Existing federal jurisdiction is not affected by concurrent jurisdiction in state courts." *Mater v. Holley*, 200 F.2d 123, 125 (5th Cir. 1952). Later cases have, citing *Mater* or its progeny, similarly held that a cause of action arising on an enclave is subject to federal-question jurisdiction. *Akin v. Ashland Chem. Co.*, 156 F.3d 1030 (10th Cir. 1998)(denying a motion to remand a claim alleging toxic exposure on an enclave); *Corley v. Long-Lewis, Inc.*, 688 F. Supp. 2d 1315 (N.D. Ala. 2010) (denying a motion to remand); *Professional Helicopter Pilots Ass'n, etc. v. Lear Siegler Services, Inc.*, 326 F.Supp.2d 1305 (M.D. Ala. 2004) (upholding reservations in Alabama's cession); *Parker v. Main*, 804 F.Supp. 284 (M.D. Ala. 1992) (finding federal-question jurisdiction under the enclave clause); *Federico v. Lincoln Military Housing*, 901 F.Supp. 2d 654 (E.D. Va. 2012) (holding that federal-question jurisdiction may exist even where the state expressly reserved concurrent civil jurisdiction in its cession of the land); *cf. J & L Management Corp. v. New Era Builders, Inc.*, 2009 WL 1707886 (N.D. Ohio 2009) (not reported in Fed. Supp. 2d) (remanding for lack of a substantial federal question despite the fact that some of the performance of the contract signed in Ohio would take place on the federal enclave); *In re Welding Rod Products Liability Litig.*, Case No. 1:03-CV-17000, p. 12, n. 6 (N.D. Ohio Jan. 13, 2005) ("'When exposures allegedly occur partially inside and partially outside the boundaries of an enclave[,] an argument [will] surface that the state's interest increases proportionally, while the federal interest decreases,' *Akin [v. Big Three Indus., Inc.*, 851 F.Supp. 819, 825, n. 4 (E.D. Tex. 1994)]")).

Criminal Cases

The USIG defendants also relied on criminal cases, which present an entirely different question than the issue of civil jurisdiction over transitory actions. Due process requires that a crime be punished only in the jurisdiction in which the crime or at least some portion of it takes place. *Heath v. Jones*, 941 F.2d 1126, 1138 (11th Cir. 1991). Moreover, Congress has provided that "[t]he district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States." 18 U.S.C. § 3231.

Enclave opinions pertaining only to criminal jurisdiction over enclave crimes include *United States v. Unzeuta*, 281 U.S. 138 (1930) (federal court had jurisdiction over murder committed on railroad right-of-way within enclave); *Battle v. United States*, 209 U.S. 36 (1908) (affirming a federal-court conviction for murder on post office land); *Benson v. United States*, 146 U.S. 325 (1892) (affirming a murder conviction in federal court over the defendant's argument that the portion of the enclave was not used for military purposes and thus was not within the federal court's jurisdiction); *United States v. Cornell*, 2 Mason 60 (1819); *State ex rel. Laughlin*, 318 S.W. 3d 695 (Mo. 2010); and *State of New Jersey v. Morris*, 68 A. 1103 (N.J. 1908). These opinions have no relevance to the issue of civil jurisdiction over transitory causes of action.

Conclusion

United States district courts have federal-question jurisdiction over transitory civil actions arising upon federal enclaves. If such an action is filed in state court, a timely and procedurally correct notice of removal will almost certainly pass without comment and be upheld. In *Grimes*, the removal was procedurally defective because all defendants did not consent. In *Hawke*, the attempted removal was untimely. Thus, these cases present the unusual situations where defendants improperly removed state court federal-enclave actions, the actions were remanded, but defendants then persisted in challenging the state court's jurisdiction after remand. It is understandable that there are only a few reported opinions directly addressing the issue of concurrent jurisdiction. Ordinarily, a defendant would either agree to state-court jurisdiction, or effectively remove the action, or, after an ineffective removal, concede that the state court had jurisdiction.

Nevertheless, the law is clear: "Nothing inherent in exclusive federal sovereignty over a territory precludes a state court from entertaining a personal injury suit concerning events occurring in the territory and governed by federal law." *Gulf Offshore*, 453 U.S. at 481-82. *Accord, Ex parte U.S. Innovations Group, Inc.*, * 4 | AL

Endnotes

1. *Evans v. Cornman*, 398 U.S. 419, 424 (1970) (Persons on enclaves "are subject to the process and jurisdiction of State courts."); *Ohio River Contract Co. v. Gordon*, 244 U.S. 68, 72 (1917) ("an action for personal injuries being in its nature transitory and susceptible of being brought in any jurisdiction, there is no foundation for the contention that the [state] court had no jurisdiction over the subject-matter of the suit" arising on an enclave).
2. *Stokes v. Adair*, 265 F.2d 662, 666 (4th Cir. 1959) ("This decision does not mean that an action for personal injuries inflicted on a federal reservation may not be tried in a state court. On the contrary, it is settled that actions for personal injuries being transitory in nature may be brought in any jurisdiction in which the defen-

dant may be impleaded."); *Mater v. Holley*, 200 F.2d 123, 124 (5th Cir. 1952) (observing that the Supreme Court has permitted state court jurisdiction over tort claims arising out of events on federal enclaves, but that federal courts *also* have jurisdiction over such cases).

3. *Jones v. John Crane-Houdaille, Inc.*, Civil No. CCB-11-2374, 2012 WL 1197391, not reported in F.Supp.2d (D. Md. April 6, 2012) ("That the federal government's exclusive *legislative* jurisdiction federalizes state law in a federal enclave does not necessarily lead to exclusive *judicial* jurisdiction for the federal courts. ... [T]he federal government's exclusive legislative jurisdiction over a federal enclave in effect federalizes state law for the purpose of creating federal question jurisdiction in federal courts. State courts, however, are courts of general subject matter jurisdiction and may hear claims brought under either state or federal law. Thus, ... if the defendants had not chosen to remove this case to federal court, the case could still have been properly tried in Maryland state court."); *Sturgeon v. Jackson*, No. EP-10-CV-244-PRM, 2011 WL 3678472 (W.D. Tex. Feb. 9, 2011) (acknowledging *Mater*'s holding that "the Supreme Court has permitted state court jurisdiction over tort claims arising out of events taking place on federal enclaves but that federal courts also have jurisdiction over such cases"); *Camargo v. Gino Morena Enterprises, L.L.C.*, Ms. EP-10-CV-242-KC Sept. 2, 2010, at 3-4 and n. 3 (W.D. Tex. 2010) (agreeing with *Mater* that the federal government's "exclusive *legislative* authority over federal enclaves" does not mean that "federal tribunals have exclusive *judicial* authority over controversies which arise on such enclaves" (emphasis in original)); *In re Air Crash Disaster at Gander, Newfoundland, on December 12, 1985*, 660 F.Supp. 1202, 1207-08 (W.D. Ky. 1987) (Kentucky state court had subject-matter jurisdiction over claims alleging injuries on Fort Campbell, a federal enclave).

4. *Mendoza v. Neudorfer Engineers, Inc.*, 145 Wash. App. 146, 151, 185 P.3d 1204, 1207 (Wash. App. 2008) (the fact that general laborer plaintiff suffered personal injuries within a federal enclave did not limit a Washington state court's subject-matter jurisdiction to adjudicate the laborer's negligence claim: "[E]xclusive jurisdiction in the sense of exclusive sovereignty does not divest state courts of jurisdiction over personal-injury causes of action."); *Red Top Cab Co. v. Capps*, 270 S.W.2d 273 (Tex. Civ. App. 1954) (Texas state court had subject-matter jurisdiction to adjudicate personal-injury claim stemming from car accident on military base).

5. *Ex parte USIG* at *4.

6. *Grimes v. Amtec Corp.*, No. 5:12-cv-0144-JEO, 2012 WL 3773397 (N.D. Ala. July 30, 2012) (not reported in F.Supp.2d) (Report and Recommendation of Magistrate Judge John E. Ott) ("*Grimes* I").

7. *Id.*, 2012 WL 3772508 (N.D. Ala. Aug. 28, 2012) (not reported in F.Supp.2d) (Memorandum opinion of Judge Robert B. Propst, "accept[ing], adopt[ing], and affirm[ing] said Report and Recommendation" and expanding upon it) ("*Grimes* II"); *Hawke v. US Centrifuge Systems, L.L.C.*, No. 5:12-cv-01857-IPJ (N.D. Ala. June 28, 2012) (Order of Remand by Judge Inge Prytz Johnson) ("*Hawke* I"); *Hawke v. US Centrifuge Systems, L.L.C.*, No. 5:12-cv-02570-IPJ (N.D. Ala. July 31, 2012) (Order of Remand by Judge Johnson after a second removal of *Hawke*) ("*Hawke* II").

8. *Grimes v. Amtec Corp.*, No. 47-CV-2011-901678.00, and *Hawke v. U.S. Centrifuge Systems, LLC*, No. 47-CV-2012-900234.00 (consolidated), Circuit Court of Madison County, Alabama (November 29, 2012 order of Circuit Judge James P. Smith denying motions to dismiss for lack of subject matter jurisdiction) ("*Grimes* III").

9. *Grimes v. Amtec Corp.*, No. 47-CV-2011-901678.00, Circuit Court of Madison County, Alabama.

10. *Hawke v. U.S. Centrifuge Systems, LLC*, No. 47-CV-2012-900234.00, Circuit Court of Madison County, Alabama.

11. *Grimes v. Amtec Corp.*, N.D. Ala. No. 5:12-cv-01144-JEO, Doc. 1, filed April 17, 2012.

12. *Id.*, p. 3, ¶ 4.

13. *Id.*, Doc. 22, p. 2, ¶ 1.

14. *Hawke* I.

15. *See, e.g., Grimes* I, 2012 WL 3773397 at *7 ("if the theory of exclusive jurisdiction had proved to be correct, the removing defendants would not have needed to comply with the procedural requirements of [28 U.S.C.] § 1446, including obtaining the consent of all the then-served defendants").

16. *Grimes* I, *Grimes* II, *Hawke* I and *Hawke* II.

17. See n. 8, *supra*.

18. *Ex parte USIG*, 141 So.3d 459 (Ala. 2013).

19. *See, e.g., Lord v. Local Union No. 2088, Intern. Broth of Elec. Workers, AFL-CIO*, 646 F.2d 1057, 1059 (5th Cir. 1981).

20. *Surplus Trading Co. v. Cook*, 281 U.S. 647, 652 (1930).

21. *Gulf Offshore Co. v. Mobil Oil Corp.*, 453 U.S. 473, 482 (1981). *Gulf Offshore* answers in principle the question of state-court jurisdiction, although not specifically in the context of federal-enclave causes of actions, as discussed below.

22. *Gulf Offshore*, 453 U.S. at 477-78 (citations omitted).

23. *Id.* at 479.

24. 28 U.S.C. § 1331.

25. *Mater v. Holley*, 200 F.2d at 125.

26. *Grimes I*, 2012 WL 3773397 at * 8 (underlining in original; italics added).

27. *Grimes II*.

28. *Hawke* Order of Remand.

29. *Hawke I* (emphasis added).