



Federal Courts Need Not Abstain from Hearing Eviction Actions

The United States Court of Appeals for the First Circuit recently made clear that federal district courts in this Circuit may hear eviction actions over which they have jurisdiction. In *Forty Six Hundred LLC v. Cadence Education, LLC*, the plaintiff lessor (“FSH”) brought a summary process action against Cadence in Massachusetts state district court, seeking an order of eviction and damages. Cadence removed the action to federal district court on diversity grounds. The federal court allowed FSH’s motion to remand, concluding that the case presented the “rare” instance where abstention is appropriate. Specifically, the federal court found that it should abstain from hearing the case in order “to preserve the state statutory scheme” of summary process rules.

On appeal, the First Circuit held that the district court erred in ordering the remand. The First Circuit found that the summary process rules were not the kind of complex state administrative scheme that justifies abstention, as they are straightforward and “no more than stereotypical rules of procedure.” In addition, the First Circuit explained that “[t]he adjudication of an eviction action does not involve the kinds of difficult and unsettled questions of state substantive law that can suffice to trigger abstention” and “there is nothing unusual about the federal court applying Massachusetts law regulating the possession of real property.”

The fact that some proceedings had taken place in state court following remand did not call for a different result, as those proceedings were in the early stages. Although the court could not identify a procedural mechanism for retrieving the removed case from state court, it nonetheless ordered the federal district court to do so. The First Circuit stated that it saw no reason why “general principles of comity, cooperation, and communication between state and federal courts are inadequate to bridge this procedural gap.”

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