NOTES

ROYAL CANIN AND THE JURISDICTION IT LEFT BEHIND: THE CLASS ACTION FAIRNESS ACT

*Nicole Brosnan**

Royal Canin U.S.A., Inc. v. Wullschleger *created waves in the federal litigation world by setting forth a new rule, declaring that a plaintiff's amendment of a complaint following removal is capable of destroying federal jurisdiction. Prior to this case, courts generally followed the "time-of-filing rule" by which federal jurisdiction attached at the time of removal. The U.S. Supreme Court was clear that this rule applies to federal claim jurisdiction under 28 U.S.C. § 1331, but the Court remained generally silent on its application to jurisdiction under the Class Action Fairness Act.*

This Note explores this lack of clarity and proposes an approach that divides the requirements of the Class Action Fairness Act into two buckets. The first bucket is controlled by the time-of-filing rule and consists of facts outside of the plaintiff's control, namely alterations to amount in controversy and citizenship of the parties. The second bucket is controlled by the Royal Canin *holding and consists of factors within the plaintiff's control, including alterations to the claims and parties. This framework holds central the legal maxim the Supreme Court highlights throughout the* Royal Canin *opinion: The plaintiff is the master of the complaint.*

INTRODUCTION 732

I. THE PROCEDURE AND SUBSTANCE OF *ROYAL CANIN* AND CAFA 735

A. The Procedural History of Royal Canin 735

B. The Bedrock of Royal Canin 739

C. The Intricacies of CAFA Jurisdiction 741

II. THE IMPACT OF POST-REMOVAL AMENDED COMPLAINTS ON CAFA JURISDICTION 745

* J.D. Candidate 2027, Fordham University School of Law; B.S. 2016, Boston College. Thank you to Professor Julie C. Suk for her guidance and feedback throughout the writing process. I am grateful for Dominic Signa and the editors and staff of *Fordham Law Review* for their careful and skillful review. As always, a thank you to my family and friends for their support and, finally, to my mother and my grandfather for paving the path.

A. Post-Removal Amended Complaints Prior to Royal Canin 746
B. The Ripple Effect of Royal Canin *on Cases Under CAFA Jurisdiction* 750
C. Considerations for Applying Royal Canin *in the Context of CAFA Jurisdiction* 755
1. The Relevant Legal Maxims 755
2. Statutory Language 756
3. Policy Concerns 758
III. THE SOLUTION: TWO BUCKETS OF CAFA REQUIREMENTS 759
A. The Two-Bucket Framework and the Jurisdictional Parallels 759
B. The Pillars of Royal Canin *Support This Framework* 761
1. The Relevant Legal Maxims 761
2. Statutory Language 763
3. Policy Concerns 764
C. Applying This Framework to Overlapping and Interconnected Elements 766
CONCLUSION 767

INTRODUCTION

"Begin from the beginning: The plaintiff is 'the master of the complaint.'"[1] Writing in *Royal Canin U.S.A., Inc. v. Wullschleger*,[2] Justice Kagan definitively asserted that the plaintiff chooses what claims to bring, the forum in which to bring them, and against whom to bring them.[3] Plaintiffs who wish to try their case in federal court have, among others, three options to establish subject matter jurisdiction: the existence of a federal claim or question under "federal question jurisdiction,"[4] the diversity of citizenship between parties under "diversity jurisdiction,"[5] or a nationwide class action under the Class Action Fairness Act[6] (CAFA).[7]

In the context of federal question jurisdiction, authorized by 28 U.S.C. § 1331,[8] the "well-pleaded complaint" rule[9] dictates that jurisdiction is established by a federal claim or question presented in the plaintiff's complaint and not through, for example, the defenses in a defendant's

1. Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 52 (2025) (quoting Caterpillar Inc. v. Williams, 482 U.S. 386, 398–99 (1987)).
2. 145 S. Ct. 41 (2025).
3. *Id.* at 52.
4. For a definition and explanation of federal question jurisdiction, see *infra* notes 35–44.
5. For a definition and explanation of diversity jurisdiction, see *infra* notes 82–84.
6. Pub. L. No. 109-2, 119 Stat. 4 (2005) (codified in scattered sections of 28 U.S.C.).
7. 28 U.S.C. §§ 1331–1332(a), (d).
8. § 1331.
9. *See* 15 MOORE'S FEDERAL PRACTICE § 103.41 (3d ed. 2005); Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987). See *infra* Part I.A for further explanation.

answer.[10] In this way, the plaintiff is the master of the claims.[11] If a plaintiff has a basis for federal jurisdiction over their claim, they may include this in the complaint; if a plaintiff wishes to avoid federal jurisdiction, they may do so, for example, by asserting only state claims.[12]

In the context of diversity jurisdiction, authorized by 28 U.S.C. § 1332(a),[13] a plaintiff from one state may choose to bring claims against parties from different states to create diversity jurisdiction or against parties from the same state to avoid it.[14] The same holds true for a third pathway to federal jurisdiction, CAFA.[15] Plaintiffs may decide to bring a putative class action meeting the statute's requirements[16] to reach federal court.

In *Royal Canin*, the U.S. Supreme Court reinforced that the plaintiff is the master of the complaint not only at the commencement of the suit but throughout litigation.[17] The Court, relying on this premise, announced a new rule for federal question jurisdiction: A plaintiff's post-removal amended complaint that eliminates all federal claims, the hook for federal jurisdiction, is capable of divesting the court of its jurisdiction and warranting a remand to state court.[18] Prior to *Royal Canin*, various circuit courts held that a plaintiff's amended complaint could not divest the court of its jurisdiction after a defendant had removed the case from state to federal court.[19] This aligned with the "time-of-filing rule."[20] *Royal Canin* changed this understanding by clarifying that a plaintiff's elimination of federal claims in an amended complaint can divest the court of its federal jurisdiction.[21]

---

10. *See Caterpillar*, 482 U.S. at 392.
11. *Id.*
12. *See id.*
13. § 1332(a).
14. *See* Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 53 (2025).
15. § 1332(d). For a definition and explanation of CAFA jurisdiction, see *infra* Part I.C.
16. For an explanation of the requirements of CAFA, see *infra* Part I.C.
17. *Royal Canin*, 145 S. Ct. at 52.
18. *Id.* at 57.
19. *See, e.g.*, Ching v. Mitre Corp., 921 F.2d 11, 13 (1st Cir. 1990) (deciding amendment of a complaint following removal to eliminate the federal claim did not end federal jurisdiction); Collura v. City of Philadelphia, 590 F. App'x 180, 184 (3d Cir. 2014) ("However, federal jurisdiction cannot be defeated by amending a complaint to eliminate federal claims after removal."); Behlen v. Merrill Lynch, 311 F.3d 1087, 1095 (11th Cir. 2002) (holding that the court could maintain jurisdiction over supplemental state claims after the plaintiff eliminated any federal cause of action in an amended complaint).
20. The time-of-filing rule articulates that certain facts relevant to jurisdiction are established at the time of filing or when removal occurs. Under this rule, both filing and removal can function as the starting point to the litigation in federal court and thus the jurisdictional facts at that time are unalterable. This Note refers to this rule as the "time-of-filing rule" which encapsulates the time of removal, required to occur within thirty days of filing. 28 U.S.C. § 1446; *see* Mollan v. Torrance, 22 U.S. (9 Wheat.) 537, 539 (1824) ("It is quite clear, that the jurisdiction of the Court depends upon the state of things at the time of the action brought, and that after vesting, it cannot be ousted by subsequent events."). This approach functionally locks in the jurisdictional facts at the time of either filing in federal court or removal to federal court.
21. *Royal Canin*, 145 S. Ct. at 57.

Though the Court in *Royal Canin* discussed how its holding extended to cases in federal court through diversity jurisdiction,[22] the Court was mostly silent regarding the application of this holding to cases in federal court through CAFA jurisdiction.[23] Still, various commentators have recognized the likelihood that this holding affects CAFA jurisdiction.[24] How exactly the *Royal Canin* holding applies to cases removed to federal court through CAFA jurisdiction is, however, unclear.

This Note proposes answering this question by dividing the requirements of CAFA into two buckets and applying two different rules—the time-of-filing rule and the *Royal Canin* rule—to each. The first bucket would contain "facts on the ground"[25] that are outside of a plaintiff's control in litigation, including amount in controversy and citizenship of the parties. The second bucket would consist of changes under the plaintiff's control made to claims or parties in an amended complaint. These include the elimination of class allegations and changes to the composition of the class in ways that either trigger the CAFA exceptions or destroy minimal diversity.

This framework suggests a clear delineation between elements, but in reality, these elements are interconnected: The elimination of a claim may reduce the amount in controversy below the statutory threshold required for federal court, and the removal of class allegations may involve the citizenship of the parties and perhaps the destruction of minimal diversity. This framework builds from the foundation of the *Royal Canin* opinion and relies on the plaintiff being the master of the complaint. Therefore, this proposed framework requires an examination of a plaintiff's action itself rather than the effect of that action.

Part I of this Note explains the procedural history and the central civil procedure concepts of *Royal Canin*. This encompasses the path of the *Royal Canin* case through the courts and an explanation of the final opinion. Part I concludes with a background on class actions and CAFA necessary to understand the arguments for and against applying the *Royal Canin* holding to cases involving CAFA jurisdiction. Part II illustrates how courts, before the *Royal Canin* decision, handled post-removal amendments affecting jurisdiction in the context of CAFA. Part II also provides case illustrations that demonstrate the impact of *Royal Canin* on cases in federal

22. *See id*. at 53.

23. *See* Zurbriggen v. Twin Hill Acquisition Co., No. 17-CV-5648, 2025 WL 1092973, at *4 n.4 (N.D. Ill. Apr. 11, 2025).

24. *See* Stephen Rees & Isaac Chaput, *Supreme Court Holds That Post-Removal Amendment of Complaint Can Destroy Federal Jurisdiction*, COVINGTON: INSIDE CLASS ACTIONS (Jan. 17, 2025), https://www.insideclassactions.com/2025/01/17/supreme-court-holds-that-post-removal-amendment-of-complaint-can-destroy-federal-jurisdiction/ [https://perma.cc/AW7A-U4W4]; Timothy Misner, *A Pet Lovers' Quarrel in the U.S. Supreme Court Could Determine Whether Class Actions Can Be Remanded to State Court*, CLASS ACTIONS BRIEF BLOG (Nov. 4, 2024), https://classactionsbrief.com/2024/11/a-pet-lovers-quarrel-in-the-u-s-supreme-court-could-determine-whether-class-actions-can-be-remanded-to-state-court/ [https://perma.cc/W75C-AW9X].

25. *Royal Canin*, 145 S. Ct. at 53 n.5.

court through CAFA jurisdiction to date, and then outlines the considerations for assessing whether the *Royal Canin* holding applies in equal force to CAFA jurisdiction.

Finally, Part III proposes the answer to this Note's central question. The *Royal Canin* rule applies to CAFA jurisdiction when the post-removal amendment changes class allegations, alters the composition of the plaintiff class or the defendants, or triggers the two CAFA exceptions; the time-of-filing rule instead applies to amendments that change the amount in controversy or the citizenship of the individual members of the class—changes outside of the plaintiff's direct control. Part III explores the legal maxims, statutory language, policy concerns, and legislative history that support the application of this framework.

I. THE PROCEDURE AND SUBSTANCE OF *ROYAL CANIN* AND CAFA

The *Royal Canin* Court asserted a new rule that a post-removal amended complaint that eliminates all references to federal law destroys federal jurisdiction and warrants the remand of any remaining state claims.[26] Part I explains *Royal Canin* and its relevant jurisdictional context. Part I.A discusses the procedural history of the case. Part I.B illustrates the principles that the Court relied on to reach the holding of *Royal Canin*. These principles provide the foundation for answering whether and how the final rule of *Royal Canin* applies in CAFA jurisdiction. Finally, Part I.C articulates the history and requirements of CAFA jurisdiction. This part concludes by acknowledging the lack of clarity regarding *Royal Canin*'s application to CAFA jurisdiction.

A. The Procedural History of Royal Canin

Royal Canin reached the Supreme Court after a complex path through the lower courts.[27] Anastasia Wullschleger, the plaintiff, purchased prescription dog food from Royal Canin, the defendant, at a premium price.[28] After finding out that there was no actual prescription medication in the dog food, Wullschleger filed a putative class action in a Missouri state court for violations of the Missouri Merchandising Practices Act,[29] state antitrust laws, and the Federal Food, Drug, and Cosmetic Act[30] (FDCA).[31] Royal Canin removed the case to federal court on the grounds that the state law claims turned on substantial questions of federal law, specifically the FDCA.[32] Though the district court held that this was

26. *See id.* at 57.
27. *See id.* at 48–49.
28. *Id.* at 48.
29. MO. REV. STAT. § 407.020 (2020).
30. 21 U.S.C. §§ 301–399i.
31. *Royal Canin*, 145 S. Ct. at 48.
32. Nestlé Purina Petcare Company's Notice of Removal ¶ 10, Wullschleger v. Royal Canin USA, Inc., No. 19-cv-235, 2022 WL 1164662 (W.D. Mo. Mar. 22, 2022).

insufficient for federal question jurisdiction and remanded the case, the U.S. Court of Appeals for the Eighth Circuit vacated this remand order.[33] The case then proceeded in the district court.[34]

Through federal question jurisdiction, federal courts hear cases and controversies in which the plaintiff's claim poses a question arising under the constitution, laws, or treaties of the United States.[35] This claim may concern a cause of action under federal law or a cause of action under state law that "turn[s] on substantial questions of federal law."[36] In the latter scenario, courts consider four factors to determine if the questions of federal law are substantial enough to merit federal jurisdiction[37]: (1) the state law raises a question of federal law, (2) the federal issue is actually being litigated, (3) the federal court has a strong interest in addressing this particular issue, and (4) doing so would not negatively impact the balance between state and federal courts inherent to federalism.[38] Whether the basis for federal question jurisdiction is a claim arising out of federal law or a state law claim involving a substantial federal issue, the plaintiff must raise it in their complaint, not at a later point of litigation.[39] This "well-pleaded complaint" rule clarifies that federal question jurisdiction is determined by the plaintiff's claim in their complaint, not by the defendant's planned defense or any other implication of litigation.[40]

Federal courts may hear a case under federal question jurisdiction either when the plaintiff files the claim in federal court, or when the plaintiff files in state court and the defendant removes the case to federal court, as was the case in *Royal Canin*.[41] The defendant bears the burden of demonstrating that removal is appropriate, in part, because of a general presumption against removal.[42] When removing a case, the defendant files a notice of removal within thirty days of receiving the initial pleading.[43] This notice must include a "short and plain statement of the grounds for

33. *See* 28 U.S.C. § 1331; *Royal Canin*, 145 S. Ct. at 49; Wullschleger v. Royal Canin U.S.A., Inc., 953 F.3d 519, 522 (8th Cir. 2020).

34. *See Wullschleger*, 2022 WL 1164662, at *1.

35. § 1331.

36. *See* Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg., 545 U.S. 308, 312 (2005) (holding that cases may warrant federal question jurisdiction when they substantially turn on questions of federal law and satisfy four factors).

37. *Id.* at 314.

38. *Id.*

39. *See* Louisville & Nash. R.R. Co. v. Mottley, 211 U.S. 149, 152 (1908) (explaining that federal question jurisdiction cannot arise from a defendant's anticipated defense).

40. *See* MOORE'S FEDERAL PRACTICE, *supra* note 9, § 103.41.

41. FED. R. CIV. P. 3; 28 U.S.C. §§ 1331, 1441; *see* Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 44 (2025).

42. *See, e.g.*, Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992) (stating that the defendant bears the burden of proving removal to be proper because of the strong presumption against removal); *see also* Laughlin v. Kmart Corp., 50 F.3d 871, 873 (10th Cir. 1995) ("Moreover, there is a presumption against removal jurisdiction.").

43. § 1446. There are certain time limitations on a defendant's ability to remove. For example, removal must occur within one year of filing in cases invoking diversity jurisdiction. *See* § 1446(c)(1).

removal."[44] Royal Canin, in its notice of removal, alleged the grounds for federal question jurisdiction as: "Plaintiffs' claims under the Missouri Antitrust Law, the Missouri Merchandising Practices Act ("MMPA"), and the Missouri common law of unjust enrichment implicate substantial federal questions and necessarily turn on interpretation of the Food, Drug, and Cosmetic Act."[45]

Once a federal court has federal question jurisdiction, it may then exercise supplemental, or pendent, jurisdiction over any state claims that are "so related" to the federal claims.[46] In order to be "so related," these state claims must share a "common nucleus" of fact with the federal claims.[47] In *Royal Canin*, this requirement was met.[48] Wullschleger alleged Royal Canin, in marketing prescription dog food, violated both the Missouri Merchandising Practices Act and state antitrust laws, both turning on the application of the FDCA.[49] The manufacturing, labeling, and marketing of pet food acted as the common nucleus of fact in this case.[50]

If a judge dismisses the federal claims that underlie supplemental jurisdiction, the judge then has discretion over whether to remand or retain the remaining state law claims.[51] Exercising this discretion involves determining the best way to serve the "principles of economy, convenience, fairness, and comity which underlie the pendent jurisdiction."[52] *Royal Canin*, however, presented a situation where the federal claims disappeared because of plaintiff action, not judicial action.[53]

Following removal, Wullschleger eliminated all references to the FDCA and federal law from her amended complaint, leaving only state law claims.[54] Wullschleger, with her amended complaint, then petitioned the district court to remand the remaining state law claims back to state court

---

44. § 1446(a).

45. Nestlé Purina Petcare Company's Notice of Removal, *supra* note 32, ¶ 10.

46. § 1367(a).

47. United Mine Workers of Am. v. Gibbs, 383 U.S. 715, 725 (1966) ("The state and federal claims must derive from a common nucleus of operative fact.").

48. Wullschleger v. Royal Canin U.S.A., Inc., 953 F.3d 519, 522 (8th Cir. 2020).

49. Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 48 (2025).

50. *See id.* at 47–49 (explaining that Wullschleger's FDCA and state law claims, both arising from Royal Canin's dog food marketing, were "factually intertwined" and shared a "nucleus of operative fact").

51. § 1367(c)(3) ("The district courts may decline to exercise supplemental jurisdiction over a claim under subsection(a) if . . . the district court has dismissed all claims over which it has original jurisdiction."); Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 357 (1988) (concluding that the district court has discretion to remand pendent claims to state courts when retaining jurisdiction may be inappropriate).

52. *Carnegie-Mellon*, 484 U.S. at 357.

53. *Royal Canin*, 145 S. Ct. at 49.

54. *Id.* Generally, plaintiffs may amend their complaints in federal court within the confines of Rule 15 of the Federal Rules of Civil Procedure. A plaintiff may amend the complaint once within twenty-one days of serving the complaint or twenty-one days after the service of a required responsive pleading. Otherwise, a party may amend a pleading if either the opposing party provides written consent or the court grants the party leave. *See* FED R. CIV. P. 15.

due to lack of subject matter jurisdiction.[55] The court denied this motion because federal jurisdiction attached at the time of removal, and it eventually dismissed the case on the merits.[56] However, the Eighth Circuit reversed this decision.[57] In doing so, it created a circuit split.[58] Other circuits held that an amended complaint without the formerly present federal claims neither deprived the federal court of its jurisdiction nor required a remand of any remaining state claims.[59]

Aside from the Eighth Circuit, circuit courts had generally handled the jurisdictional impact of amended complaints differently based on whether the case was originally filed in federal court by the plaintiff or removed to federal court by the defendant.[60] In the former scenario, courts looked to the amended complaint to determine jurisdiction.[61] In the latter, courts used the complaint at the time of removal to determine jurisdiction.[62] In removed cases, courts viewed an amended complaint to be an event incapable of divesting the court of its jurisdiction.[63]

In *Rockwell International Corp. v. United States*,[64] the Supreme Court had explained in a footnote that removal cases are different from those originally filed in federal court because "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."[65] The difference in treatment appears to have arisen, at least in part, out of a concern about forum manipulation or forum shopping, a practice in which the plaintiffs' counsel act strategically to file their complaint in the available jurisdiction most advantageous to their case.[66]

The Eighth Circuit, splitting from this line of thinking, held that Wullschleger's amended complaint was the operative complaint.[67] By eliminating all references to the FDCA, the hook for federal jurisdiction, Wullschleger deprived the federal court of its jurisdiction.[68] The court then

55. *Royal Canin*, 145 S. Ct. at 49.

56. *Id.*; Wullschleger v. Royal Canin USA, Inc., No. 19-00235-CV-W, 2022 WL 1164662, at *5 (W.D. Mo. Mar. 22, 2022), *vacated and remanded*, 75 F.4th 918 (8th Cir. 2023), *aff'd*, 145 S. Ct. 41 (2025).

57. *See* Wullschleger v. Royal Canin U.S.A., Inc., 75 F.4th 918, 924 (8th Cir. 2023), *aff'd*, 145 S. Ct. 41 (2025).

58. For further discussion on the circuit split, see *infra* Part II.A.

59. *See supra* note 19.

60. *See* Rockwell Int'l Corp. v. United States, 549 U.S. 457, 474 n.6 (2007) (describing the difference in treatment of amended complaints based on whether the case was filed in or removed to federal court).

61. *See id.* at 473–74.

62. *See id.*

63. *See id.* at 474 n.6.

64. 549 U.S. 457 (2007).

65. *See id.* at 474 n.6.

66. *See id.*

67. *See* Wullschleger v. Royal Canin U.S.A., Inc., 75 F.4th 918, 924 (8th Cir. 2023), *aff'd*, 145 S. Ct. 41 (2025).

68. *Id.*

remanded the remaining state claims to state court.[69] Royal Canin filed a petition for writ of certiorari to the Supreme Court.[70] Granting the petition to resolve the circuit split, the Supreme Court affirmed the Eighth Circuit's holding.[71]

B. The Bedrock of Royal Canin

In reaching its decision, the Supreme Court relied on various legal maxims, statutory language, and precedent.[72] One such maxim centers on the plaintiff's control over the choice to litigate: The plaintiff is the master of the complaint.[73] The Court highlighted that the plaintiff decides what claims to bring and against whom.[74] These decisions determine the basis for subject matter jurisdiction.[75] The Court was clear that this maxim is not contingent on whether the plaintiff originally filed the case in federal or state court.[76] A plaintiff's control is also not affected by the stage of litigation.[77] Thus, this control does not cease at the time of filing but rather exists throughout litigation.[78]

In *Royal Canin*, the Court also emphasized the maxim that federal courts are courts of limited jurisdiction, as dictated by Article III of the U.S. Constitution.[79] The U.S. Congress is vested with the power, within the confines of its constitutional mandate, to determine the jurisdiction of federal courts, aside from that which is granted directly by the Constitution.[80] For example, Congress provided Article III courts with jurisdiction over federal causes of action, inclusive of federal questions—the jurisdiction relevant to *Royal Canin*.[81]

Congress additionally granted Article III courts jurisdiction over cases in which the opposing parties are citizens of different states and the amount in controversy[82] exceeds $75,000.[83] For diversity jurisdiction to exist, there

69. *Id.*
70. Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 49 (2025).
71. *Id.*
72. *See id.* at 48, 51, 52, 55.
73. *Id.* at 52.
74. *Id.*
75. *Id.* at 44.
76. *Id.* at 57 ("Regardless of removal, the plaintiff's excision of her federal-law claims deprives the district court of its authority to decide the state-law claims remaining.").
77. *Id.* at 44.
78. *See id.*
79. *Id.* at 48 ("[F]ederal courts are courts of limited jurisdiction: When they do not have (or no longer have) authorization to resolve a suit, they must hand it over."); U.S. CONST. art. III, § 2.
80. 28 U.S.C. §§ 1331–1332.
81. § 1331.
82. The amount in controversy is the value of damages the plaintiff is seeking, or estimated to seek, in the lawsuit. *See* St. Paul Mercury Indem. Co. v. Red Cab Co., 303 U.S. 283, 284–85 (1938).
83. § 1332(a).

must be complete diversity, meaning all plaintiffs must be citizens of different states from all defendants.[84]

The *Royal Canin* Court used diversity jurisdiction as an illustrative parallel to federal question jurisdiction.[85] In the case of diversity jurisdiction, a plaintiff's amended complaint affects some situations, but not all.[86] The plaintiff's addition of a party that is of the same citizenship of the plaintiffs in an amended complaint divests the court of its jurisdiction.[87] The reverse is also true: A plaintiff dismissing a claim against a diverse party, while maintaining those against a nondiverse party, warrants a remand to state court, as long as the plaintiff acted in good faith.[88]

On the other hand, an amendment to either the amount in controversy or the citizenship of the parties does not have this effect.[89] These are controlled by the time-of-filing rule.[90] These facts establishing diversity jurisdiction are solidified at the time of either filing or removal and are unalterable by subsequent events, such as a plaintiff moving to the state where the defendant is a citizen.[91]

In footnote eight of *Royal Canin*, the Court clarified that its new rule is an exception to the time-of-filing rule.[92] The Court set up a distinction between "facts on the ground" and "plaintiff's selection of claims and parties."[93] The former are established and solidified at the time of filing, whereas the latter may be changed by subsequent events.[94] Amount in controversy remains a "fact on the ground," but the existence of a federal question in the claim remains under the plaintiff's control and alterable by subsequent events.[95]

In resolving the circuit split, the Court addressed the circuit courts' treatment of cases removed to federal court when compared to those

84. *See* Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267, 267 (1806) (holding each plaintiff must be diverse in citizenship from each defendant).

85. Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 53–54 (2025).

86. *See* 13E WRIGHT & MILLER'S FEDERAL PRACTICE & PROCEDURE § 3608 (3d ed.), Westlaw (database updated Apr. 2026).

87. *See* Sharp v. Kmart Corp., 991 F. Supp. 519, 527 (M.D. La. 1998) (holding that adding a nondiverse party post-removal destroys diversity jurisdiction and necessitates remand).

88. *See* Am. Fiber & Finishing, Inc. v. Tyco Healthcare Grp., 362 F.3d 136, 142 (1st Cir. 2004) (finding that the plaintiff's dismissal of a diverse defendant deprived the federal court of its jurisdiction requiring dismissal).

89. *See* Conolly v. Taylor, 27 U.S. (2 Pet.) 556, 564 (1829) (holding that jurisdiction dependent on the condition of the parties is determined by the condition at the time of commencement); Grupo Dataflux v. Atlas Glob. Grp., 541 U.S. 567, 570 (2004) ("[T]he citizenship of the parties is to be determined with reference to the facts as they existed at the time of filing."); *see also* St. Paul Mercury Indem. Co. v. Red Cab Co., 303 U.S. 283, 295 (1938) (finding reduction of the amount in controversy does not deprive the federal court of diversity jurisdiction).

90. *See* Mollan v. Torrance, 22 U.S. (9 Wheat.) 537, 539 (1824).

91. *See Grupo Dataflux*, 541 U.S. at 570; *St. Paul Mercury*, 303 U.S. at 295.

92. Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 54 n.8 (2025).

93. *Id.*

94. *Id.*

95. *Id.*

originally filed in federal court.[96] Relying on the statutory language of § 1367(a) and citing the *Rockwell* footnote as dicta, the Court indicated that there is no statutory basis for this distinction.[97] The Court found further support in § 1367(c), which does not include "leftover state claims in an amended complaint" among the circumstances in which a judge may decline to exercise supplemental jurisdiction.[98] The exclusion of this scenario suggests Congress did not intend for federal courts to retain jurisdiction over these types of claims because jurisdiction, in fact, never existed over the amended complaint absent the originally pled federal questions.[99]

The *Royal Canin* rule clarifies this critical federal question jurisdiction issue for plaintiffs.[100] However, it muddies the water for other avenues of gaining federal jurisdiction.[101] Wullschleger filed a putative class action.[102] Though the basis for federal jurisdiction was § 1331 (federal question jurisdiction), putative class actions may also arrive in federal court through another avenue: 28 U.S.C. § 1332(d), a provision of CAFA.[103]

C. The Intricacies of CAFA Jurisdiction

Enacted in 2005, CAFA created specific requirements for federal jurisdiction over class action lawsuits.[104] Meant to address perceived concerns about the growing class action system and related abuses in state courts, CAFA broadened the diversity requirements of § 1332(a) in order to enable federal jurisdiction over more interstate class actions.[105]

Before the court considers whether the requirements of CAFA jurisdiction are met, the plaintiff must first meet the requirements to file a class action.[106] These requirements vary based on whether the class action is filed in federal or state court.[107] In federal court, the plaintiff must abide

96. *Id.* at 51.
97. *Id.*
98. *Id.* ("Or otherwise said, there is no discretion to decline supplemental jurisdiction here because there is no supplemental jurisdiction at all."); 28 U.S.C. § 1367(a).
99. *See* Clifton Williams, *Expressio Unius Est Exclusio Alterius*, 15 MARQ. L. REV. 191, 191 (1931); § 1367(c).
100. Thomas F. Allen & Darren A. Craig, *All State Law Bark, No Federal Court Bite—Supreme Court's Royal Canin Decision Rules That a Complaint With Only "Leftover" State-Law Claims Will Not Remain in Federal Court*, FBT GIBBONS (Feb. 4, 2025), https://fbtgibbons.com/supreme-court-rules-a-complaint-with-leftover-state-law-claims-will-not-remain-in-federal-court/ [https://perma.cc/2SJS-7B3U].
101. *See* Rees & Chaput, *supra* note 24.
102. *Royal Canin*, 145 S. Ct. at 41.
103. § 1332(d). This particular avenue was not available to Royal Canin because it could not demonstrate minimal diversity (defined as one plaintiff being a citizen of a different state when compared to at least one defendant). *See* Wullschleger v. Royal Canin U.S.A., Inc., 953 F.3d 519, 521 (8th Cir. 2020).
104. § 1332(d).
105. *See* S. REP. NO. 109-14, at 27–28 (2005).
106. FED. R. CIV. P. 23.
107. *Id.*; *see, e.g.*, CAL. CIV. PROC. CODE § 382 (2024).

by Rule 23 of the Federal Rules of Civil Procedure.[108] Plaintiffs must demonstrate satisfaction of four prerequisites to eventually be certified as a class[109]:

> (1) the class is so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the class; (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class; and (4) the representative parties will fairly and adequately protect the interests of the class.[110]

The plaintiffs must then determine which type of class action they are presenting under Rule 23(b).[111] They may file as a class under 23(b)(1) if individual class members filing individual actions would lead to inconsistent adjudications or inadequate relief for other plaintiffs, 23(b)(2) if plaintiffs are seeking injunctive or declaratory relief, or 23(b)(3) if the plaintiffs are seeking divisible compensatory damages and can prove that the common questions of law or fact predominate over the individual claims and that the class action is the superior method for resolution.[112]

If the plaintiff files the putative class action in state court, they must meet the specific class action requirements of that state.[113] As an example of a state statute parallel to Rule 23, California articulates its requirements for class actions as: "[W]hen the question is one of a common or general interest, of many persons, or when the parties are numerous, and it is impracticable to bring them all before the court, one or more may sue or defend for the benefit of all."[114] Building off this statute, California state case law carves out further requirements for class actions, such as an ascertainable class and a "community of interest" among class members.[115] This community of interest consists of three elements: (1) predominant questions of law or fact, (2) a class representative with claims typical of the rest of the class, and (3) a class representative who can adequately represent the class.[116]

New York, as a slightly more rigorous example, closely follows Rule 23 for class certification, requiring numerosity, commonality, typicality, and adequacy.[117] It also requires that the class action must be superior to other methods of adjudication.[118] CAFA enables a wider group of putative class

108. FED. R. CIV. P. 23.
109. *Id.*
110. *Id.* 23(a).
111. *Id.* 23(b).
112. *Id.*
113. *See, e.g.*, CAL. CIV. PROC. CODE § 382; N.Y. C.P.L.R. § 901 (McKinney 2024).
114. CAL. CIV. PROC. CODE § 382.
115. Sav-On Drug Stores, Inc. v. Superior Ct., 96 P.3d 194, 199 (Cal. 2004) (explaining the community of interest requirement for class actions).
116. *See id.*
117. N.Y. C.P.L.R. § 901 (McKinney 2024).
118. *Id.*

actions in state court to be removed by defendants to federal court where they then must meet the requirements of Rule 23.[119]

To allow for a wider group of interstate class actions in federal court, CAFA eased the requirements of § 1332(a) by (1) increasing the required amount in controversy to $5 million in the aggregate across class members and (2) relaxing the complete diversity requirement to minimal diversity, meaning any class member being a citizen of a state different from any defendant is sufficient.[120] Though there is a time limit on removal for diversity jurisdiction, there is no such clock for CAFA jurisdiction and, more generally, no antiremoval presumption for CAFA jurisdiction.[121]

Out of concerns for federalism and protecting the rights of states to adjudicate local class actions, Congress included both discretionary and mandatory exceptions to CAFA jurisdiction.[122] Pursuant to 28 U.S.C. § 1332(d)(3), a district court has discretion to decline jurisdiction over a class action where more than one-third of the class, but less than two-thirds, are citizens of the state where both the action was originally filed and the primary defendant is a citizen.[123]

Under 28 U.S.C. § 1332(d)(4), a district court must decline jurisdiction in two scenarios.[124] In the first scenario, called the "local controversy exception," a district court must decline jurisdiction if three requirements are met: (1) more than two-thirds of the proposed class are citizens of the state where the complaint was originally filed, (2) one defendant from whom significant relief is sought by the class is a citizen of the state where the action was filed, and (3) the principal injury resulting from the conduct at suit occurred in the state of filing.[125] In the second scenario, termed the "home state exception," a district court must decline jurisdiction if two-thirds or more of the proposed class members and the primary defendant are citizens of the state of filing.[126]

---

119. *See* Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 416 (2010) (holding that federal courts must abide by Rule 23 of the Federal Rules of Civil Procedure if and when they conflict with a state's class action requirements); 28 U.S.C. § 1332(d).

120. § 1332(d).

121. §§ 1446(c)(1), 1453(b); Dart Cherokee Basin Operating Co. v. Owens, 574 U.S. 81, 82 (2014) (noting that the district court erroneously relied on a "purported 'presumption' against removal" when there is no such presumption in CAFA cases).

122. *See* S. REP. No. 109-14, at 28 (2005) ("The bill, however, includes several provisions ensuring that where appropriate, state courts can adjudicate certain class actions that have a truly local focus.").

123. § 1332(d)(3). This discretion is meant to take into account a variety of factors: whether (1) the claims involve national interest; (2) the claims are governed by the law of that state or another; (3) the claims were pleaded in a way to avoid federal jurisdiction; (4) there is a connection between the forum where the claim was originally filed and the class members, claim, and defendants; (5) the number of class members who are citizens of the forum state is significantly larger than the number of citizens from any other states; and, finally, (6) there are other class actions filed in the last three years. *Id.*

124. § 1332(d)(4).

125. § 1332(d)(4)(A).

126. § 1332(d)(4)(B).

CAFA defines a "class" as all class members in a class action, and in turn defines "class action" as "any civil action filed under Rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by [one] or more representative persons as a class action."[127] Together, CAFA's definition of the class and the requirements of Rule 23 highlight that certification of the class is not a prerequisite of federal jurisdiction for interstate class actions.[128]

For a class to be certified in federal court, the named plaintiff must show that the class meets the requirements of Rule 23(a) and fits into one of the class categories of Rule 23(b).[129] Certification must be done "at an early practicable time after a person sues or is sued" and must "define the class and the class claims, issues, or defenses."[130] The judge may then grant or deny a motion for class certification.[131]

Scholars recognize the open question of whether a denial of class certification divests the federal court of its jurisdiction.[132] The majority of circuit courts hold that federal courts retain jurisdiction over the remaining individual claims following denial of class certification.[133] Courts relied on the idea that CAFA jurisdiction is unaffected by events in the course of litigation, such as denial of certification, because federal jurisdiction attaches at the time of filing or removal.[134] In *Cunningham Charter Corp. v. Learjet, Inc.*,[135] Judge Richard A. Posner stated clearly that "jurisdiction attaches when a suit is *filed* as a class action . . . . [A] suit filed as a class action cannot be *maintained* as one without an order certifying the class. That needn't imply that unless the class is certified the court loses jurisdiction of the case."[136] Judicial action, in the form of the denial of class certification, is capable, but not determinative, of divesting the court of its jurisdiction in a way that warrants a remand to state court of any

127. § 1332(d)(1).
128. *See* § 1332(d)(8).
129. FED. R. CIV. P. 23(a)–(b).
130. *Id.* 23(c)(1).
131. *Id.* 23(c)(1)(C).
132. For further analyses on the topic of denial of class certification and appropriate jurisdiction, see Tanya Pierce, *Dueling Grants: Reimagining CAFA's Jurisdictional Provisions*, 33 GA. ST. U. L. REV. 723, 740 (2017) (explaining the lack of clarity surrounding the impact of denial of certification on jurisdiction and courts' current practice of maintaining jurisdiction); *see also* WILLIAM B. RUBENSTEIN, NEWBERG AND RUBENSTEIN ON CLASS ACTIONS § 6:18 (6th ed. 2025) ("In the immediate wake of CAFA, courts were split on whether jurisdiction continues once a motion for certification has been denied.").
133. *See, e.g.*, Cunningham Charter Corp. v. Learjet, Inc., 592 F.3d 805, 807 (7th Cir. 2010) (holding that class certification is not a prerequisite for federal jurisdiction under CAFA); *see also* Vega v. T-Mobile USA, Inc., 564 F.3d 1256, 1268 n.12 (11th Cir. 2009) (noting that post-removal events, including denial of certification, do not affect federal jurisdiction).
134. *See Cunningham Charter*, 592 F.3d at 807.
135. 592 F.3d 805 (7th Cir. 2010).
136. *Id.* at 806.

remaining claims.[137] But the impact of plaintiff action, in the form of amended complaints, remains unclear.

Royal Canin reached federal courts through federal question jurisdiction.[138] The case would not have reached federal court through CAFA jurisdiction because the parties were not minimally diverse.[139] Accordingly, the *Royal Canin* opinion did not discuss CAFA jurisdiction.[140] There was only a brief mention of § 1332(d)(7), which provides that an amended complaint may create CAFA jurisdiction when the original complaint does not.[141] The Court in *Royal Canin* relied on this language as additional statutory support for the notion that Congress views amended complaints as capable of affecting jurisdiction.[142]

In *Royal Canin*, the Court did not provide further guidance on whether the rule extends to CAFA jurisdiction. The question therefore lingers: May a plaintiff amend their complaint to drop class allegations, modify the class composition in a way that engages the home state or local controversy exceptions, change the citizenship of the parties, or alter the amount in controversy in such a way that divests the federal court of its jurisdiction? And if a plaintiff does so, must the federal court remand the remaining claims to state court?

II. THE IMPACT OF POST-REMOVAL AMENDED COMPLAINTS ON CAFA JURISDICTION

Part II explores the questions that *Royal Canin* created. Part II.A examines the ways that courts addressed the impact of a plaintiff amending their complaint under CAFA jurisdiction prior to *Royal Canin*. Part II.B discusses how federal courts have grappled with the applicability of *Royal Canin* to cases removed to federal court through CAFA jurisdiction. Part II.C outlines the necessary considerations when deciding whether *Royal Canin* should apply to cases in federal court under CAFA jurisdiction.

137. *See id.*

138. Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 47 (2025).

139. *Id.* at 44.

140. Rees & Chaput, *supra* note 24 ("The *Royal Canin* opinion addressed only supplemental jurisdiction after a post-removal amendment to eliminate federal question jurisdiction, and it did not directly address diversity jurisdiction or the Class Action Fairness Act."); Zurbriggen v. Twin Hill Acquisition Co., No. 17-CV-5648, 2025 WL 1092973, at *4 n.4 (N.D. Ill. Apr. 11, 2025) ("[W]hile *Royal Canin* held that post-removal amendment of a complaint to remove all federal claims defeats subject-matter jurisdiction . . . it never addressed § 1332(d)—the basis for this Court's jurisdiction.").

141. *Royal Canin*, 145 S. Ct. at 52.

142. *Id.*; *see infra* Part II.C.2.

A. Post-Removal Amended Complaints Prior to Royal Canin

Prior to *Royal Canin*, the analysis for cases under CAFA jurisdiction was similar to that of cases under federal question jurisdiction.[143] In cases originally filed in federal court, a plaintiff's amended complaint could divest the court of its jurisdiction.[144] In removed cases, however, federal subject matter jurisdiction attached at removal and was unaffected by an amended complaint.[145] As an example of the former situation, John Q. Gale, the named plaintiff in *Gale v. Chicago Title Insurance Co.*,[146] was a Connecticut attorney representing Connecticut law firms and attorneys in the title insurance industry.[147] Gale filed a putative class action lawsuit in federal court against a group of title insurance companies for tortious interference, among other statutory claims.[148] The court had jurisdiction under CAFA until Gale withdrew all class allegations in his fourth amended complaint.[149] At this point, Gale argued that federal jurisdiction was still appropriate because CAFA jurisdiction was established at the time of filing and was unaffected by his amended complaint.[150] The district court disagreed and dismissed the case for lack of jurisdiction, determining that the fourth amended complaint, without class allegations, was the operative complaint for jurisdictional analysis.[151] The U.S. Court of Appeals for the Second Circuit affirmed this decision.[152]

On the other hand, when defendants removed cases to federal court, circuit courts generally held that CAFA jurisdiction attached at the time of removal and was unaffected by amended complaints.[153] Both the Second Circuit and the U.S. Court of Appeals for the Seventh Circuit held that the district courts overseeing cases removed to federal court under CAFA jurisdiction correctly denied remands to state court when the plaintiffs

143. *See* Gale v. Chi. Title Ins. Co., 929 F.3d 74, 76 (2d Cir. 2019) (holding that the court no longer had jurisdiction after the plaintiff removed all class allegations in an amended complaint); Broadway Grill, Inc. v. Visa Inc., 856 F.3d 1274, 1279 (9th Cir. 2017) (reversing the appellate court's decision to remand based on the amended complaint); In Touch Concepts, Inc. v. Cellco P'ship, 788 F.3d 98, 101–02 (2d Cir. 2015) (finding that a post-removal amendment cannot divest the court of its jurisdiction under CAFA); *In re* Burlington N. Santa Fe Ry. Co., 606 F.3d 379, 380 (7th Cir. 2010) ("The well-established general rule is that jurisdiction is determined at the time of removal and nothing filed after removal affects jurisdiction.").

144. *See, e.g.*, *Gale*, 929 F.3d at 76

145. *See Broadway Grill*, 856 F.3d at 1279; *In Touch Concepts*, 788 F.3d at 101–02; *In re Burlington*, 606 F.3d at 380.

146. 929 F.3d 74 (2d Cir. 2019).

147. *See id.* at 76.

148. *See id.*

149. *Id.* at 77.

150. *Id.* at 78.

151. *Id.* at 76.

152. *Id.* at 78.

153. *See, e.g.*, Vega v. T-Mobile USA, Inc., 564 F.3d 1256, 1268 n.12 (11th Cir. 2009) (articulating that jurisdictional facts are determined at the time of removal and jurisdiction is therefore unaffected by post-removal events); *supra* note 143.

amended their complaints to eliminate the class allegations.[154] Relying on *Rockwell* and *St. Paul Mercury Indemnity Co. v. Red Cab Co.*,[155] the courts both determined that CAFA jurisdiction, like federal question jurisdiction in *Rockwell*, attaches at the time of removal and an amended complaint does not affect the jurisdictional analysis.[156]

This same consideration, CAFA jurisdiction attaching at the time of removal, was relevant in determining whether to grant the plaintiff leave to amend the complaint to provide additional information related to the local controversy exception in *Benko v. Quality Loan Service Corp.*[157] Here, the U.S. Court of Appeals for the Ninth Circuit determined that the district court abused its discretion in denying the lead plaintiff, Jeffrey Benko, leave to amend the complaint to add details regarding claims against Meridian Foreclosure Services, the one in-state defendant.[158] The Ninth Circuit found that the district court incorrectly used the complaint at the time of removal, instead of Benko's second amended complaint, to determine CAFA jurisdiction.[159]

The plaintiffs originally filed their complaint in Nevada state court as a putative class action against Quality Loan Service Corporation and additional defendants for illegal debt collecting practices related to nonjudicial foreclosures.[160] Meridian Foreclosure Services removed the case to federal court.[161] The plaintiffs sought leave to amend the first complaint to demonstrate the significance of the in-state defendant, Meridian Foreclosure Services, and the subsequent relevance of the local controversy exception.[162] The district court denied this request, and the Ninth Circuit reversed and remanded, instructing the district court to remand the case to state court.[163]

The Ninth Circuit held that the plaintiff's second amended complaint determined "the applicability of the local controversy exception."[164] The court acknowledged that a class action originally filed in state court, then removed to federal court, "may not" yet "address CAFA-specific issues, such as the local controversy exception," because the plaintiffs tailored their complaint to state court, not CAFA jurisdiction in federal court.[165]

---

154. *See In re* Burlington N. Santa Fe Ry. Co., 606 F.3d 379, 379 (7th Cir. 2010); In Touch Concepts, Inc. v. Cellco P'ship, 788 F.3d 98, 99–100 (2d Cir. 2015).

155. 303 U.S. 283 (1938).

156. *See In re Burlington*, 606 F.3d at 381; *In Touch Concepts*, 788 F.3d at 101.

157. 789 F.3d 1111 (9th Cir. 2015); *see id.* at 1117 (holding that the district court erred in considering the original complaint rather than the amended complaint when determining applicability of local controversy exception); *cf.* Broadway Grill, Inc. v. Visa Inc., 856 F.3d 1274, 1279 (9th Cir. 2017) (finding that the district court erred in granting plaintiffs leave to amend the complaint in a way that would eliminate minimal diversity).

158. *Benko*, 789 F.3d at 1115.

159. *Id.*

160. *Id.*

161. *Id.*

162. *Id.*

163. *Id.* at 1117, 1119.

164. *Id.* at 1117.

165. *Id.*

Thus, the Ninth Circuit indicated plaintiffs should be granted leave to amend for the purpose of providing the additional "information required to determine whether a suit is within the court's jurisdiction under CAFA."[166] This opinion suggested a post-removal amended complaint might change the jurisdictional analysis.[167]

Two years later, the Ninth Circuit, in *Broadway Grill, Inc. v. Visa Inc.*,[168] was quick to classify the *Benko* decision as an "exception" to the general time-of-filing rule and "unique" within its circuit.[169] In *Broadway Grill*, the Ninth Circuit reversed the district court's decision to grant the plaintiffs leave to amend their complaint in a way that would eliminate minimal diversity and consequently call into question the federal court's subject matter jurisdiction under CAFA.[170] Broadway Grill, the named plaintiff representing a putative class, filed a complaint against Visa and associated corporations for violations of state antitrust laws.[171] Visa removed the case to federal court under CAFA.[172] The case met the minimal diversity requirement as some members of the class, though merchants in California, were not citizens of California and therefore diverse from the defendant, a citizen of California and Delaware.[173]

Broadway Grill, after failing to demonstrate applicability of the local controversy exception, asked for leave to amend the complaint to limit the plaintiff class to only California citizens and, in effect, eliminate minimal diversity.[174] Relying on the *Benko* opinion, the district court granted leave to allow the plaintiffs to amend the complaint.[175] Then, reading the amended complaint, the district court ordered a remand to state court because the plaintiff specified the class as only California citizens, thus eliminating minimal diversity and destroying subject matter jurisdiction.[176] On appeal, the Ninth Circuit reversed and remanded.[177]

Citing to decisions of other circuits,[178] the Ninth Circuit asserted that circuit courts "unanimously and repeatedly" stated CAFA jurisdiction is established by the pleadings at the time of removal.[179] The Ninth Circuit indicated that the complaint at the time of the removal demonstrated the

166. *Id.*
167. *Id.*
168. 856 F.3d 1274 (9th Cir. 2017).
169. *See id.* at 1276.
170. *Id.* at 1275.
171. *Id.* at 1275–76.
172. *Id.* at 1276.
173. *Id.*
174. *Id.*
175. *Id.*
176. *Id.*
177. *Id.* at 1279.
178. *See In re* Burlington N. Santa Fe Ry., Co., 606 F.3d 379, 381 (7th Cir. 2010); Hargett v. RevClaims, LLC, 854 F.3d 962, 966–67 (8th Cir. 2017); In Touch Concepts, Inc. v. Cellco P'ship, 788 F.3d 98, 101 (2d Cir. 2015); Cedar Lodge Plantation, L.L.C. v. CSHV Fairway View I, L.L.C., 768 F.3d 425, 429 (5th Cir. 2014).
179. *Broadway Grill*, 856 F.3d at 1277.

existence of minimal diversity, thus permitting CAFA jurisdiction.[180] Broadway Grill's amended complaint was incapable of divesting the court of this jurisdiction.[181]

The time of removal rule extended to determining the composition of the class in *Doyle v. OneWest Bank, FSB*.[182] The Ninth Circuit reversed the district court's determination of class citizenship based on the second amended complaint instead of the complaint at the time of removal.[183] Geraldine Doyle filed a putative class action in state court in California.[184] OneWest Bank, the defendant, then removed the case to federal court under CAFA.[185] The parties agreed to sever the claims of one particular plaintiff, Kuda Mujeyi, in order to transfer the case to the U.S. District Court for the District of Arizona.[186] To accurately reflect this severance, the court ordered Doyle to amend the complaint.[187] Doyle then moved to remand to state court under an exception to CAFA jurisdiction because the severance of this party created the applicability of the exception.[188] The district court granted this motion, but the Ninth Circuit vacated that decision.[189] The Ninth Circuit referenced the language in § 1332(d)(7) to support its holding that class composition is determined by the complaint at the time of removal for the purposes of CAFA jurisdiction.[190]

Similar rules apply to the amount in controversy.[191] In line with *St. Paul Mercury*, the Supreme Court held in *Standard Fire Insurance Co. v. Knowles*[192] that a plaintiff may not stipulate, prior to class certification, that damages sought will remain below $5 million.[193] Greg Knowles filed a putative class action in Arkansas state court for Standard Fire Insurance Company's failure to include contractor fees in insurance loss payments.[194] In his complaint, Knowles stipulated that the class would seek damages of less than $5 million.[195]

Following removal to federal court for CAFA jurisdiction, Knowles moved for a remand to state court because the amount in controversy did not meet the statutory threshold.[196] The district court granted this remand

180. *Id.* at 1279.
181. *Id.*
182. 764 F.3d 1097 (9th Cir. 2014).
183. *Id.* at 1098.
184. *Id.*
185. *Id.*
186. *Id.*
187. *Id.*
188. *Id.*
189. *Id.*
190. *Id.*; 28 U.S.C. § 1332(d)(7).
191. *See* Standard Fire Ins. Co. v. Knowles, 568 U.S. 588, 590 (2013) (holding that in a putative class action, the named plaintiff may not rely on the stipulation of damages below the amount in controversy threshold to be remanded to state court).
192. 568 U.S. 588 (2013).
193. *Id.* at 590.
194. *Id.* at 590–91.
195. *Id.* at 591.
196. *Id.*

based on the stipulated damages, even though the estimated damages exceeded the $5 million statutory threshold.[197] The Ninth Circuit, however, held that Knowles's stipulation could not overcome the damages estimate because such a stipulation must be binding.[198] A named plaintiff of a putative class action cannot legally bind the class members before the class is certified.[199] Following *Royal Canin*, what remains unclear is how the decision undermines both this line of cases and the presumption that CAFA jurisdiction attaches at the time of removal.

B. The Ripple Effect of Royal Canin *on Cases Under CAFA Jurisdiction*

Royal Canin does not specifically address CAFA jurisdiction.[200] And yet, courts have already noted the influence of this decision in various opinions.[201] These recent opinions highlight the confusion over how to handle post-removal amended complaints in cases brought to federal court under CAFA jurisdiction.

Three circuit courts have thus far ruled on whether the *Royal Canin* rule applies to cases in federal court through CAFA jurisdiction.[202] In *Zurbriggen v. Twin Hill Acquisition, Inc.*,[203] the named plaintiffs pursued state tort law claims against Twin Hill Acquisition Company, a uniform manufacturer, for health problems allegedly caused by worn uniforms.[204] On appeal, the Seventh Circuit addressed jurisdiction.[205] In doing so, the court acknowledged the current case involved original jurisdiction, not removal jurisdiction as in *Royal Canin*, but still applied the *Royal Canin* rule to cases in federal court through CAFA jurisdiction.[206]

Under *Royal Canin*, "'the rule in original cases,' which says 'that jurisdiction follows the amended . . . pleading' applies 'across the board.'"[207] Accordingly, when the plaintiffs eliminated their class claims in filing their third amended complaint, the court lost its jurisdiction over the case.[208] The court in *Zurbriggen* indicated that the *Royal Canin* rule

197. *Id.*
198. *Id.* at 592–93.
199. *Id.* at 593.
200. *See* Zurbriggen v. Twin Hill Acquisition Co., No. 17-CV-5648, 2025 WL 1092973, at *4 n.4 (N.D. Ill. Apr. 11, 2025) (explaining that *Royal Canin* did not address CAFA jurisdiction).
201. *See id.*; Nichols v. 300 M St. Dev. Grp., 783 F. Supp. 3d 273, 277–78 (D.D.C. 2025); Faulk v. JELD-WEN, Inc., 159 F.4th 618, 621–25 (9th Cir. 2025).
202. *See Zurbriggen.*, 178 F.4th at 1086–87; *Faulk*, 159 F.4th at 625 (9th Cir. 2025); Vick v. Fresh Green, LLC, No. 26-2247, 2026 WL 2443852, at *2 (8th Cir. Aug. 20, 2026).
203. 178 F.4th 1081 (7th Cir. 2026).
204. *Id.* at 1085.
205. *Id.* at 1086 ("Whether the parties brief this issue or not, appellate courts have an independent obligation to ensure that jurisdiction is proper.").
206. *Id.* at 1087.
207. *Id.* (quoting Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 53 (2025)).
208. *Id.*

uniformly applies to cases in federal court through CAFA jurisdiction when the plaintiffs amend their complaint to drop class allegations.[209]

As in *Zurbriggen*, the Ninth Circuit in *Faulk v. JELD-WEN, Inc.*[210] also held that the *Royal Canin* rule applied in the context of CAFA jurisdiction when a plaintiff eliminated class allegations in the amended complaint.[211] David and Bonnie Faulk originally brought a putative class action against window manufacturer JELD-WEN and building supplies company Spenard Builders Supply in state court for breach of an oral warranty.[212] JELD-WEN then removed the case to federal court because the putative class action met the requirements for CAFA jurisdiction, including minimal diversity.[213]

Following removal, the Faulks sought both a remand to state court and leave to file a second amended complaint removing the class action allegations.[214] The district court indicated that the amended complaint was an attempt at forum shopping and asserted that jurisdiction is determined at the time of removal.[215] The district court agreed with the defendants, denied the motion to remand, and eventually dismissed the second amended complaint.[216]

On appeal, the Ninth Circuit vacated the district court's decision and instructed the district court to remand the case to state court absent another basis for federal jurisdiction.[217] The Ninth Circuit stated: "Our precedent holding that diversity jurisdiction under CAFA is determined solely at the time of removal is clearly irreconcilable with *Royal Canin*."[218] The court indicated that the pillars of *Broadway Grill*—CAFA's legislative history and forum-shopping concerns—clashed with *Royal Canin*.[219] The Court in *Royal Canin* set aside concerns over forum shopping, grounding its reasoning instead in statutory language and the maxim that the plaintiff is the master of the complaint.[220] The *Faulk* court stated that *Royal Canin* is "clearly irreconcilable" with much of the holding and reasoning of precedent regarding post-removal amended complaints in cases under CAFA jurisdiction.[221]

209. *Id.*
210. 159 F.4th 618 (9th Cir. 2025).
211. *Id.* at 620–21.
212. *Id.* at 621.
213. *Id.* The Faulks were Alaska citizens, whereas JELD-WEN was incorporated in Delaware and Spenard Builders Supply was incorporated in Alaska. *Id.*
214. *Id.*
215. *Id.*
216. *Id.*
217. *Id.* at 625.
218. *Id.* at 622.
219. *Id.* at 623.
220. *Id.*; *see supra* Part I.B.
221. *Faulk*, 159 F.4th at 623–24. The court also said that *Royal Canin* does not completely overrule such precedent. *See id.* at 624 n.2.

As the Court in *Royal Canin* dictated, the Ninth Circuit relied on the operative complaint for its jurisdictional analysis.[222] In this case, the Faulks' post-removal second amended complaint was the operative complaint.[223] And because the jurisdictional hook was eliminated when the Faulks eliminated the class allegations, there was no longer subject matter jurisdiction under CAFA.[224] The court explained that the case no longer met the requirements for diversity jurisdiction under § 1332(a) because the parties were not completely diverse, only minimally diverse as required by CAFA.[225] With neither CAFA jurisdiction nor residual diversity jurisdiction, the district court had to remand the case to state court.[226]

The footnotes of this opinion acknowledged the unresolved issues when reconciling *Royal Canin* with prior precedent, particularly *Broadway Grill*.[227] The Ninth Circuit indicated that "*Royal Canin* does not entirely overrule *Broadway Grill*."[228] The court left in place the limit on types of amendments courts should allow for cases in federal court under CAFA jurisdiction, which were created when *Broadway Grill* narrowed the amendments permitted by *Benko*.[229] The court also did not speak to the related issue of the effect of denial of class certification on CAFA jurisdiction.[230] Finally, the court did not address whether an amendment of class allegations that only alters amount in controversy would deprive the court of its federal jurisdiction.[231] These open questions demonstrate the complexity of the application of *Royal Canin* to CAFA jurisdiction.[232]

Finally, in *Vick v. Fresh Green, LLC*,[233] the Eighth Circuit affirmed the district court's decision that *Royal Canin* applied to a case in federal court under CAFA jurisdiction.[234] Christopher Vick, the named plaintiff, filed a putative class action against seven Missouri marijuana sellers on behalf of all those who paid a tax on legally sold marijuana before this tax was declared unconstitutional.[235] The defendants then removed the case to federal court under CAFA jurisdiction.[236] Vick filed a second amended complaint restricting the class to only Missouri citizens, thus invoking both exceptions to CAFA jurisdiction, and then moved to remand the case to

222. *Id.* at 623.
223. *Id.*
224. *Id.* at 625.
225. *Id.*
226. *Id.*
227. *See id.* at 624 n.2.
228. *Id.*
229. *Id.*
230. *Id.*
231. *See id.* at 625 n.3. The court noted that it found the defendants' reliance on *Nichols* to be unpersuasive.
232. *See id.*
233. No. 26-2247, 2026 WL 2443852 (8th Cir. Aug. 20, 2026).
234. *Id.* at *2–3 ("That [the *Royal Canin*] rule applies in the context of determining CAFA jurisdiction was, in our view, explicitly contemplated by the Supreme Court.").
235. Vick v. Fresh Green, LLC, No. 25-CV-00739, 2026 WL 1590121, at *1 (W.D. Mo. June 3), *aff'd*, No. 26-2247, 2026 WL 2443852 (8th Cir. Aug. 20, 2026).
236. *Id.*

state court.[237] As the district court stated, "In other words, [the p]laintiffs sought amendment to remove the basis for federal jurisdiction under CAFA and thus secure remand to state court."[238]

The defendants argued that the court should maintain jurisdiction after this amended complaint because the *Royal Canin* rule does not apply to cases in federal court through CAFA jurisdiction.[239] But the court disagreed with this premise.[240] The court instead applied *Royal Canin*: The amended complaint is the operative complaint that determines jurisdiction.[241] Therefore, the court no longer had jurisdiction.[242]

In addressing the defendants' argument, the court illuminated the distinction between the citizenship of individual class members and the composition of the class as an entity.[243] The court indicated that after filing, a plaintiff's amended complaint reflecting the changed citizenship of an individual class member does not impact the jurisdictional analysis, but a plaintiff's alteration of the composition of the class might.[244] By restricting the class to only Missouri citizens, the plaintiffs in *Vick* altered the composition of the class, not the citizenship of individual class members.[245] Because the class composition in the amended complaint fit within the exceptions to CAFA jurisdiction, the court remanded the case to state court.[246]

Another district court case within the Eighth Circuit reached the same result.[247] In *Engle v. Windgate Ranch Homeowners Ass'n*,[248] Teri and Brian Engle, representing a putative class, filed a complaint in Nebraska state court against Windgate Ranch Homeowners Association ("Windgate HOA") and Vandelay Industries, the defendants, for a variety of claims, including one federal claim.[249] Following removal, the Engles filed an amended complaint that eliminated the federal claim and restricted the putative class to Nebraska citizens.[250] Because Windgate HOA was a Nebraska citizen, this action destroyed minimal diversity and so Engle moved to remand the case to state court.[251]

Windgate HOA argued that minimal diversity was established by the complaint at the time of removal and therefore was unaffected when the

237. *Id.* at *2.
238. *Id.*
239. *Id.* at *3.
240. *Id.* at *4.
241. *Id.* at *7.
242. *Id.*
243. *Id.* at *5.
244. *Id.* at *6.
245. *Id.* at *2, *7.
246. *Id.*
247. Engle v. Windgate Ranch Homeowners Ass'n, No. 25-CV-479, 2026 WL 1121953 at *4–5 (D. Neb. Apr. 24, 2026).
248. No. 25-CV-479, 2026 WL 1121953 (D. Neb. Apr. 24, 2026).
249. *Id.* at *1–2.
250. *Id.* at *2.
251. *Id.*

Engles restricted the class to only Nebraska citizens in the amended complaint.[252] As in *Vick*, the court rejected the defendants' argument.[253] The district court held that the reconfiguration of the class in the amended complaint destroyed minimal diversity and thus eliminated the basis for federal jurisdiction.[254]

In *Nichols v. 300 M Street Development Group*,[255] the U.S. District Court for the District of Columbia also grappled with how to apply the *Royal Canin* rule to cases in federal court through CAFA jurisdiction, but reached a different conclusion.[256] Abigail Nichols filed a putative class action in local court against her building managers, 300 M Street Development Group and LCOR Asset Management Limited Partnership, for violating consumer protection laws.[257] The defendants removed the case to federal court under CAFA.[258] Nichols then stripped her complaint of all class allegations, specifying that she sought only individual damages.[259] Nichols then moved to remand the case.[260]

The district court denied the motion to remand on the basis that the only practical effect of Nichols's amended complaint was a reduction of the amount in controversy to below the statutory threshold.[261] Therefore, the court held that the time-of-filing rule from *St. Paul Mercury* controlled, not the *Royal Canin* rule as Nichols had argued.[262]

The court called this a "functional" approach.[263] The court assessed Nichols's goal in amending her complaint which then influenced the court's analysis of the amendment's effect on jurisdiction.[264] The court acknowledged briefly the potential scenarios where the holding of *Royal Canin*, not *St. Paul Mercury*, would control the impact of an amended complaint on CAFA jurisdiction.[265] Closing the opinion, the court noted the complexity of this issue and the "functional" approach it put forth: "Nor does the Court resolve the stickier question of what would happen if the class allegations were ameliorating both amount in controversy and diversity of citizenship deficiencies."[266] These cases present the inherent

252. *Id.* at *3.
253. *Id.* at *4–5; *see* Vick v. Fresh Green, LLC, No. 25-CV-00739, 2026 WL 1590121, at *4 (W.D. Mo. June 3), *aff'd*, No. 26-2247, 2026 WL 2443852 (8th Cir. Aug. 20, 2026).
254. *Engle*, 2026 WL 1121953, at *5.
255. 783 F. Supp. 3d 273 (D.D.C. 2025).
256. *Id.* at 277–78.
257. *Id.* at 274.
258. *Id.*
259. *Id.* at 274–75.
260. *Id.* at 275.
261. *Id.* at 276–77 ("Through CAFA, Nichols could aggregate her claims with those of absent class members to assert damages in the several millions. But when the class allegations were stripped away, she was left claiming individual damages of about $62,940.92.").
262. *Id.* at 277.
263. *Id.* at 278.
264. *Id.* at 277–78.
265. *Id.*
266. *Id.*

complexity in applying the *Royal Canin* holding to cases in federal court through CAFA jurisdiction due to its multifaceted requirements.

C. Considerations for Applying Royal Canin *in the Context of CAFA Jurisdiction*

The above cases illustrate the confusion surrounding the applicability of *Royal Canin* to cases heard in federal court under CAFA. *Royal Canin*'s analytical framework provides clarity on the possible answers to this question.[267] Exploring legal maxims, statutory language of § 1332(d), and broader policy concerns demonstrates the implications of extending the *Royal Canin* rule to CAFA jurisdiction.

1. The Relevant Legal Maxims

Three legal maxims are particularly relevant when considering whether *Royal Canin* applies to cases filed under CAFA jurisdiction. First, as in federal question jurisdiction, the plaintiff is the master of the complaint in CAFA jurisdiction.[268] The plaintiff decides where to file the lawsuit, and, as articulated in *Royal Canin*, this control continues throughout litigation.[269] Nothing about class actions in federal court under CAFA jurisdiction modifies this maxim when compared to individual suits in federal court under federal question jurisdiction.[270] This maxim should apply in equal force to cases in federal court through CAFA jurisdiction.

The second maxim, the idea that federal courts are of limited jurisdiction, appears at the start of *Royal Canin*, anchoring the opinion.[271] There is a general presumption against being in federal court, rebutted only by the explicit permission of either the U.S. Constitution or Congress.[272] CAFA operates somewhat differently.[273]

In enacting CAFA, Congress eased the requirements of § 1332(a) to allow more nationally significant class actions into federal court.[274] The U.S. Senate Committee on the Judiciary called CAFA a "narrowly-tailored

267. *See supra* Part I.B.

268. *See* Standard Fire Ins. Co. v. Knowles, 568 U.S. 588, 595 (2013) (agreeing with the plaintiff's contention that plaintiffs are masters of their complaints).

269. *See* Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 44 (2025).

270. *See* Johnson v. Advance Am., 549 F.3d 932, 937 (4th Cir. 2008) ("[T]he plaintiffs, as masters of their complaint, can choose to circumscribe their class definition in this way."); Tanoh v. Dow Chem. Co., 561 F.3d 945, 953 (9th Cir. 2009) (noting, in an opinion about removal to federal court under CAFA, that its holding "is consistent with . . . the well-established rule that plaintiffs, as masters of their complaint, may choose their forum by selecting state over federal court").

271. *Royal Canin*, 145 S. Ct. at 47–48.

272. *See* Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992) (explaining that the defendant bears the burden of proving removal as proper due to a strong presumption against removal).

273. *See* Dart Cherokee Basin Operating Co. v. Owens, 574 U.S. 81, 82 (2014).

274. *See* S. REP. NO. 109-14, at 27 (2005); 28 U.S.C. § 1332(d).

expansion of federal diversity jurisdiction."[275] Viewing CAFA as an expansion may suggest that the *Royal Canin* ruling should not apply in equal force to CAFA jurisdiction because Congress intended to support defendants' ability to remove nationwide class actions to federal court.[276] On the other hand, the maxim that federal courts are of limited jurisdiction may suggest that the *Royal Canin* rule should apply in full force to further limit the number of cases in federal courts.[277]

The third maxim, federalism, highlights relevant considerations to the CAFA jurisdiction exceptions.[278] Congress specifically included these exceptions in CAFA to protect states' rights to hear cases between citizens of their own states regarding local controversies.[279] These exceptions reflect the importance of respecting state sovereignty.[280] Congress sought to avoid infringing on states' rights to resolve their own controversies while still enabling a higher number of nationally significant, interstate class actions to be heard in federal court.[281] Applying the *Royal Canin* rule to cases heard under CAFA jurisdiction and allowing plaintiffs to amend complaints to clarify the applicability of the CAFA exceptions could potentially support states' right to address their own local controversies. Conversely, allowing plaintiffs to amend a complaint after removal could possibly open a wider door to creative class definitions crafted to avoid federal jurisdiction and return to state court.

2. Statutory Language

The Court grounded much of its *Royal Canin* holding in statutory language.[282] In *Royal Canin*, Justice Kagan highlighted the language of § 1367(a) and its lack of distinction between the treatment of amended complaints in cases filed in federal court versus those removed.[283] The Court further used statutory language to demonstrate how Congress views the impact of amended pleadings on jurisdiction.[284] For example, the Court highlighted 28 U.S.C. § 1653 to demonstrate that courts may allow corrections to defective allegations of jurisdiction through amendments.[285]

Most relevant to the CAFA jurisdiction context, the Court relied on § 1332(d)(7) to highlight that a plaintiff's amended complaint may create jurisdiction that did not exist in the original complaint.[286] With this

275. *See* S. REP. NO. 109-14, at 27.
276. *See id.* at 29.
277. *See id.* at 39.
278. *See supra* notes 122–24 and accompanying text.
279. *See* S. REP. NO. 109-14, at 28; § 1332(d)(3).
280. *See* S. REP. NO. 109-14, at 28.
281. *See id.*
282. *See* Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 51 (2025).
283. *Id.* at 44.
284. *Id.* at 51.
285. *Id.*; 28 U.S.C. § 1653 ("Defective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts.").
286. § 1332(d)(7); *Royal Canin*, 145 S. Ct. at 52.

statutory context, the Court indicated that an amended complaint creates the possibility of a new jurisdictional analysis.[287] The Court's rationale implies that an amended complaint creating federal jurisdiction may also work in reverse: An amended complaint that eliminates the jurisdictional basis may also eliminate federal jurisdiction.[288] This logic could apply similarly in CAFA jurisdiction—what may be created in an amended complaint may also be destroyed.

In *Vick*, the defendant, Fresh Green, anchored its argument against remand in the language of § 1332(d)(7).[289] Fresh Green argued that the statutory language dictates that class membership is determined at the time of filing.[290] But the court reasoned that § 1332(d)(7) applies to the citizenship of the individual class members, not the overall composition of the class.[291] Accordingly, § 1332(d)(7) allows for a changed jurisdictional analysis following an amended complaint that alters the composition of the class, but does not allow for a changed jurisdictional analysis resulting from an individual class member's new citizenship after filing the original complaint.[292] This reasoning aligns with that of *Royal Canin* and clarifies an understanding of this statutory language.

There is further relevant statutory language in § 1332(d)(3)(C), though it is not included in the *Royal Canin* opinion.[293] When declining to exercise jurisdiction over class actions under the discretionary exception, courts must consider "whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction."[294] Section 1332(d)(3)(C) thus reflects Congress's intention to limit the plaintiffs' ability to avoid federal court.[295] The Senate Judiciary Committee provided further insight to this consideration, stating that courts must "determine whether the plaintiffs have proposed a 'natural' class—a class that encompasses all of the people and claims that one would expect to include in a class action, as opposed to proposing a class that appears to be gerrymandered."[296] Congress appears to have deliberately limited the strategies available to a plaintiff who wishes to circumvent federal court.[297]

Extending the *Royal Canin* rule to CAFA jurisdiction may run against this intention by opening a wider door for plaintiffs to amend complaints. Under the *Royal Canin* holding, a plaintiff may amend the complaint in an

287. *See Royal Canin*, 145 S. Ct. at 52. There is no time limit on removal for CAFA jurisdiction, whereas there is for diversity jurisdiction (one year from filing of suit). §§ 1446(c)(1), 1453(b).

288. *See Royal Canin*, 145 S. Ct. at 51–52.

289. No. 25-CV-00739, 2026 WL 1590121, at *4–5 (W.D. Mo. June 3), *aff'd*, No. 26-2247, 2026 WL 2443852 (8th Cir. Aug. 20, 2026).

290. *Id.* at *4.

291. *Id.* at *5.

292. *See id.*

293. *See* § 1332(d)(3)(C).

294. *See id.*

295. *Id.*

296. S. REP. NO. 109-14, at 37 (2005).

297. *See id.* at 37.

effort to avoid federal jurisdiction by eliminating class allegations, altering the composition of the class, or attempting to invoke one or both of the CAFA exceptions. However, theoretically, § 1332(d)(3)(C) would continue to protect against a plaintiff's strategic attempt to avoid federal court.[298]

3. Policy Concerns

As seen in the explanation of § 1332(d)(3)(C), Congress enacted CAFA, in part, to address forum selection in class actions, particularly preferential filing in state court over federal court.[299] The Senate Judiciary Committee flagged forum shopping as a specific concern that CAFA aims to address, particularly as related to lawyers filing "copycat"[300] class actions in multiple forums to find the most "receptive" judge.[301] This practice involved filing overlapping class actions across state courts, leaving no effective method to consolidate or coordinate the duplicative cases.[302] Prior to CAFA, plaintiff's lawyers filed putative class actions in the most favorable and available forum.[303]

In addition to forum-shopping concerns, this practice created concerns over judicial economy.[304] Congress saw adjudication of duplicative lawsuits that are in essence "'competing' class actions" as a waste of judicial resources and time.[305] In federal court, duplicative cases can be consolidated and coordinated.[306] Accordingly, Congress enacted CAFA, in part, as an attempt to make federal court more accessible to address this judicial economy and efficiency issue.[307]

The implications of forum shopping and judicial economy influence whether to give jurisdictional effect to post-removal amended complaints.[308] Examining two class actions where judges retained jurisdiction following denial of class certification and the plaintiff's subsequent elimination of class allegations, attorney Don Zupanec noted that "[r]etaining the case in federal court minimizes the expense and delay that result from shuttling a case between courts."[309] Implementing the *Royal Canin* rule in cases involving CAFA jurisdiction could create an

298. *See* § 1332(d)(3)(C).
299. *See* S. REP. NO. 109-14, at 10, 13.
300. Defined by the Senate Judiciary Committee as "duplicative class actions asserting similar claims on behalf of essentially the same people." S. REP. NO. 109-14, at 23.
301. *See id.*
302. *See id.*
303. *See id.*
304. *See id.*
305. *See id.*
306. *See id.* Under the multidistrict litigation (MDL) process, authorized by 28 U.S.C. § 1407, courts can coordinate cases of common fact by transferring all cases to a single MDL district for prelitigation procedures and matters. *See id.* at 38.
307. *See id.* at 23.
308. *See* Don Zupanec, *Jurisdiction Survives Dropping Class Allegations in CAFA-Removed Case*, FED. LIT., July 2010, no. 5.
309. *Id.*

opportunity for more procedural jockeying that would slow the litigation process and decrease judicial efficiency.[310]

Though there is not yet a clear answer to whether and how the ruling in *Royal Canin* applies to cases heard in federal court under CAFA jurisdiction, these legal maxims, statutory language, and policy concerns provide the relevant guidance. Together, they guide and shape the answer to this Note's central question: Should *Royal Canin* apply in equal force to cases in federal court under CAFA jurisdiction?

III. THE SOLUTION: TWO BUCKETS OF CAFA REQUIREMENTS

Part III proposes an answer to whether the *Royal Canin* rule applies in the context of amended complaints following removal for CAFA jurisdiction. In this proposed solution, the *Royal Canin* holding would apply to a post-removal amendment that changes the claims and parties. These amendments would involve either (1) the elimination of the class allegations or (2) changes to the composition of the class or defendants to either destroy minimal diversity or trigger one of the two CAFA exceptions. The *Royal Canin* holding would not apply to amendments that either (1) alter the amount in controversy or (2) change the citizenship of the individual members of the class or defendants. In these latter amendment scenarios regarding "facts on the ground," the time-of-filing rule would control.

Part III.A explains this proposed two-bucket framework and demonstrates that both existing jurisdictional parallels and the language in the *Royal Canin* opinion support the implementation of this framework. Part III.B revisits the relevant legal maxims, statutory language, and policy concerns in order to establish consistency between the proposed solution and these pillars. Finally, Part III.C explores the complexity of cases where a plaintiff's amended complaint includes alterations across the two buckets or of elements that affect other elements.

A. The Two-Bucket Framework and the Jurisdictional Parallels

This Note proposes addressing the applicability of *Royal Canin* to cases in federal court under CAFA jurisdiction by splitting the CAFA requirements into two buckets. *Royal Canin*'s language supports this proposed structure: "That so-called time-of-filing rule, *Rockwell* explained, concerns only the actual 'state of things' relevant to jurisdiction—meaning, the facts on the ground, rather than (as addressed here) the claims and

310. *See id.* For example, a plaintiff may file a case in state court, a defendant may then remove to federal court, a plaintiff then can amend the complaint and file a motion to remand, and the case could then move back to state court. This creates a lengthy and convoluted litigation procedure without ever reaching the merits of the case.

parties that the plaintiff includes in a complaint."[311] The two-bucket framework arises directly out of this language. The first bucket consists of the amount in controversy and the citizenship of the parties. Alteration of these facts in an amended complaint would not divest the court of its jurisdiction because amended complaints that change these facts are controlled by the time-of-filing rule.[312]

The second bucket of requirements consists of facts that "the plaintiff includes in a complaint."[313] These facts include the allegations about the class, the composition of the class or defendants, and any matters related to the two CAFA exceptions. *Royal Canin* controls this second bucket. A post-removal amended complaint dropping the class allegation or changing the composition of the class in a way that either eliminates minimal diversity or, more likely, leads to applicability of the CAFA exceptions could divest the court of its jurisdiction under this framework.

The two buckets of CAFA requirements mirror the two other major forms of federal jurisdiction—diversity jurisdiction and federal question jurisdiction.[314] CAFA loosened the requirements of diversity jurisdiction.[315] Thus, the time-of-filing rule should apply to CAFA jurisdiction as it does in diversity jurisdiction for both citizenship of the parties and the amount in controversy.[316] Altering the amount in controversy and changing the citizenship of the parties appear to be functionally similar across diversity and CAFA jurisdiction.[317] It follows that the time-of-filing rule would apply when a plaintiff alters the amount in controversy, whether brought under CAFA jurisdiction or under diversity jurisdiction.[318]

In the second bucket, a change to the composition of the class in an amended complaint that either eliminates minimal diversity or engages one of the two CAFA exceptions would be given jurisdictional effect. This most closely mirrors the addition and subtraction of parties in diversity jurisdiction cases.[319] A plaintiff amending their complaint to add a

311. Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 53 n.5 (2025) (quoting Rockwell Int'l Corp. v. United States, 549 U.S. 457, 473 (2007)).

312. *See* Mollan v. Torrance, 22 U.S. (9 Wheat.) 537, 539 (1824); *see also* Conolly v. Taylor, 27 U.S. (2 Pet.) 556, 564 (1829) (holding that jurisdiction dependent on the condition of the parties is determined by the condition at the time of commencement); St. Paul Mercury Indem. Co. v. Red Cab Co., 303 U.S. 283, 295 (1938) (finding that reduction of the amount in controversy does not deprive the federal court of diversity jurisdiction).

313. *Royal Canin*, 145 S. Ct. at 53 n.5.

314. *See* 28 U.S.C. §§ 1331, 1332(a), (d).

315. *See* § 1332(a), (d).

316. *See Conolly*, 27 U.S. at 564; *St. Paul Mercury*, 303 U.S. at 295.

317. No cases have applied this logic to cases removed to federal court under CAFA, but the language of CAFA parallels the language of the diversity jurisdiction statute, suggesting that they should be treated the same. *See* § 1332(a), (d).

318. *See St. Paul Mercury*, 303 U.S. at 295.

319. *See* Sharp v. Kmart Corp., 991 F. Supp. 519, 527 (M.D. La. 1998) (holding that adding a nondiverse party after removal destroys diversity jurisdiction); Am. Fiber & Finishing, Inc. v. Tyco Healthcare Grp., 362 F.3d 136, 142 (1st Cir. 2004) (finding that the plaintiff's dismissal of a diverse defendant deprived the federal court of its jurisdiction).

nondiverse party destroys diversity jurisdiction, while adding a diverse party creates diversity jurisdiction.[320] Under this framework, attention to amended complaints for these aspects of the CAFA requirements would operate like diversity jurisdiction: An amended complaint altering the composition of parties would be given jurisdictional effect and potentially lead to a remand to state court.[321]

Finally, excising class allegations is akin to the act of eliminating all federal claims in federal question jurisdiction cases. In each case, the hook for jurisdiction is the federal question or the class allegation.[322] Eliminating this hook divests the court of its jurisdiction under *Royal Canin*.[323] Like federal claims, a plaintiff chooses to include class allegations when deciding what claims to bring against a defendant.[324] Under this framework, eliminating class allegations or any federal claims in an amended complaint would destroy federal jurisdiction.

B. The Pillars of Royal Canin *Support This Framework*

Aligning the treatment of amended complaints under CAFA jurisdiction with that of amended complaints under either diversity or federal question jurisdiction ensures consistency in practice and avoids disrupting foundational legal pillars. This proposed framework finds support not only in the language of the *Royal Canin* opinion and the jurisdictional parallels previously covered,[325] but in the very legal maxims, statutory language, and policy concerns that guided *Royal Canin*.[326]

1. The Relevant Legal Maxims

The division of CAFA requirements into the proposed two buckets fits the idea that the plaintiff is the master of the complaint by dividing the requirements into facts of the complaint and "facts on the ground."[327] The complaint includes the claims and the parties.[328] Under this framework, courts give jurisdictional effect to the alteration of both claims and parties in an amended complaint.[329] This reflects that the plaintiff chooses both which claims to bring and against whom to bring them.[330] Courts would not give jurisdictional effect to the alteration of "facts on the ground,"

320. *See Sharp*, 991 F. Supp. at 527; *Am. Fiber & Finishing*, 362 F.3d at 142.
321. *See Sharp*, 991 F. Supp. at 527; *Am. Fiber & Finishing*, 362 F.3d at 142.
322. §§ 1331, 1332(d).
323. Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 53 (2025). Of note, this is how the Ninth Circuit chose to address the issue in Faulk v. JELD-WEN, Inc., 159 F.4th 618, 623 (9th Cir. 2025).
324. *See* FED. R. CIV. P. 8.
325. *See supra* Part III.A.
326. *See supra* Parts I.B, II.C.
327. *Royal Canin*, 145 S. Ct. at 53 n.5.
328. FED. R. CIV. P. 8.
329. *See Royal Canin*, 145 S. Ct. at 53 n.5.
330. *See id.* at 52.

namely amount in controversy and the citizenship of the parties.[331] Ruling that a plaintiff altering either amount in controversy or citizenship of parties does not impact the court's jurisdiction does not run afoul of the plaintiff being the master of the complaint. These facts are outside of the plaintiff's control in the first instance, and therefore, this practice does not detract from the plaintiff's position as master of the complaint.[332]

Putting this framework into practice also aligns with the limited jurisdiction of federal courts.[333] Extending the *Royal Canin* holding to plaintiffs who amend their complaints to eliminate class allegations or demonstrate applicability of the CAFA exceptions could provide an additional bottleneck on cases entering and staying in federal court. A plaintiff willing to eliminate the class allegations, leaving only individual claims in the suit, should no longer be in federal court.[334] A plaintiff in this scenario was in federal court after removal because the plaintiff is representing a nationally significant class action.[335] Without the class action, state court is likely the more appropriate forum for this case.[336] Retaining jurisdiction over "former" class actions in this way lacks full reverence for the idea that federal courts are of limited jurisdiction.

Under this framework, plaintiffs would similarly be able to return to state court if an amended complaint satisfies either of the two CAFA exceptions. Congress included these exceptions to respect both state sovereignty and federalism principles.[337] Applying the *Royal Canin* rule to CAFA jurisdiction would enable plaintiffs who believe that their states should resolve their complaint to provide additional information to demonstrate the veracity of that belief.[338] This information may not have been relevant to the original complaint but may be necessary after removal to effectively demonstrate the applicability of the exception.[339] An amended complaint gives the plaintiff the opportunity to do so. Extending the *Royal Canin* holding to cases involving CAFA jurisdiction would allow for this practice,

331. *See id.* at 53 n.5.
332. *Id.*
333. *See supra* Part II.C.1.
334. For an explanation of CAFA, see *supra* Part I.C.
335. *See supra* Part I.C.
336. There is significant overlap between this concept and the debate over retaining jurisdiction or remanding the case following a denial of class certification when a case is in federal court under CAFA jurisdiction. The practical effects of denial of certification and a plaintiff eliminating class allegations in an amended complaint are similar. It therefore logically follows to use the same resolution regarding the jurisdictional effect of both of these events. For further analysis on the certification issue, see Pierce, *supra* note 132, at 757–58; Kevin Lampone, *Class Certification as a Prerequisite for CAFA Jurisdiction*, 96 MINN. L. REV. 1151, 1185 (2012) (suggesting that class certification is a requirement for CAFA jurisdiction).
337. *See* S. REP. NO. 109-14, at 28 (2005) ("The bill, however, includes several provisions ensuring that where appropriate, state courts can adjudicate certain class actions that have a truly local focus.").
338. *See supra* Part I.C.
339. *See* Benko v. Quality Loan Serv. Corp., 789 F.3d 1111, 1117 (9th Cir. 2015).

as previously seen in the Ninth Circuit's *Benko* decision.[340] This aligns with both federalism principles and states' rights to resolve their own conflicts.[341]

2. Statutory Language

The proposed framework eliminates differential treatment between amended complaints in cases filed in federal court and those removed to federal court. As discussed in *Royal Canin*, there is no statutory basis for this varied treatment in § 1367(a).[342] This is similarly true for § 1332(d).[343] *Royal Canin* eradicated this distinction for federal question jurisdiction; this Note's proposed framework would do the same for CAFA jurisdiction.

Though the language of § 1332(d) on the whole is consistent with the *Royal Canin* holding and its rationale, § 1332(d)(7) presents a potential inconsistency for this proposed framework.[344] This section reads:

> Citizenship of the members of the proposed plaintiff classes shall be determined for purposes of paragraphs (2) through (6) as of the date of filing of the complaint or amended complaint, or, if the case stated by the initial pleading is not subject to Federal jurisdiction, as of the date of service by plaintiffs of an amended pleading, motion, or other paper, indicating the existence of Federal jurisdiction.[345]

Section 1332(d)(7) suggests an amended complaint changing the citizenship of the plaintiff class members can impact jurisdiction.[346] Though this at first appears to be an inconsistency, the language supports the two-bucket framework. As explained in *Vick*, the statutory language of § 1332(d)(7) "illustrates the difference between 'the state of things' and the 'alleged state of things' as the Eighth Circuit explained . . . in its *Royal Canin* opinion."[347] The citizenship of individual class members, "the state of things," is determined at filing, but the composition of the class, "the alleged state of things," may be adjusted by an amended complaint under the *Royal Canin* holding.[348] Accordingly, the understanding of this language in *Vick* provides further support to the proposed two-bucket framework.

When considering these changes to class composition, specifically the discretionary exception, § 1332(d)(3)(C) requires the court to consider if

---

340. *See supra* Part II.B; *Benko*, 789 F.3d at 1117.
341. *See* S. REP. NO. 109-14, at 28.
342. *See* Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 44 (2025); 28 U.S.C. § 1367(a).
343. § 1332(d).
344. § 1332(d)(7); *see supra* notes 283–86.
345. § 1332(d)(7).
346. *See* § 1332(d).
347. Vick v. Fresh Green, LLC, No. 25-CV-00739, 2026 WL 1590121, at *6 (W.D. Mo. June 3), *aff'd*, No. 26-2247, 2026 WL 2443852 (8th Cir. Aug. 20, 2026) (quoting Wullschleger v. Royal Canin U.S.A., Inc., 75 F.4th 918, 924 (8th Cir. 2023), *aff'd*, 145 S. Ct. 41 (2025)).
348. *Id.*

the plaintiff is attempting to evade federal court.[349] Under this proposed framework, granting jurisdictional effect to amended complaints that implicate the CAFA exceptions aligns with the text of the statute. Courts would continue to need to consider this factor when determining if the discretionary exception should apply, even if it arises from the amended complaint instead of the original complaint.[350]

3. Policy Concerns

While forum shopping is a potential risk in this proposed framework, *Royal Canin* illustrates that this concern should not preclude an application of its holding.[351] The *Royal Canin* Court explained that the plaintiffs do not need amendments to successfully engage in forum shopping.[352] Instead of amending the complaint, plaintiffs can voluntarily dismiss complaints and refile in the preferred forum.[353] Furthermore, restricting the jurisdictional impact of amended complaints out of concern for forum shopping is inconsistent with diversity jurisdiction.[354] Plaintiffs in federal court under diversity jurisdiction can add a nondiverse party to force a remand to state court, returning to their preferred forum.[355]

Finally, the Court was clear that policy concerns cannot supersede statutes.[356] There is no statutory basis in § 1367 for treating cases removed to federal court differently from those originally filed there, and concerns over forum shopping cannot overcome this lack of statutory basis.[357] While forum shopping in relation to amended complaints is a concern cited in *Rockwell*, *Royal Canin* seems to indicate it is not one of great weight.[358]

CAFA jurisdiction, however, has slightly different implications from federal question jurisdiction for forum shopping due to the lack of antiremoval presumption and the legislative intent behind its enabling statute.[359] The Supreme Court in *Dart Cherokee Basin Operating Co. v. Owens*[360] articulated that CAFA jurisdiction diverges from both federal question and diversity jurisdiction due to its lack of an antiremoval presumption.[361] This is inferred, in part, from CAFA's legislative purpose

349. § 1332(d)(3)(C).

350. *Cf.* Speed v. JMA Energy Co., LLC, 872 F.3d 1122, 1133 (10th Cir. 2017) ("[The third] factor favors retention in federal court when the plaintiff has deliberately defined the prospective class . . . in order to frustrate removal under CAFA.").

351. *See* Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 56 n.9 (2025).

352. *Id.*

353. *See id.*

354. *See id.*

355. *See id.*

356. *Id.*

357. *See id.* at 51, 56 n.9.

358. *Id.* at 56 & n.9.

359. *See* Dart Cherokee Basin Operating Co. v. Owens, 574 U.S. 81, 82 (2014); S. REP. NO. 109-14, at 5 (2005).

360. 574 U.S. 81 (2014).

361. *See id.* at 82.

to increase the number of interstate class actions in federal court.[362] Congress widened the doors to federal court for class actions to limit the gamesmanship previously involved in filing and litigating class actions.[363] Creating an easier path through this two-bucket framework for plaintiffs to return to state court after removal may stand in opposition to legislative purpose and the lack of antiremoval presumption.[364]

Royal Canin provides reassurance that this concern is also one of little importance.[365] Even if courts limited the jurisdictional effect of amended complaints, the plaintiffs could still voluntarily dismiss their class action and refile a complaint that excludes any hook for CAFA jurisdiction.[366] Furthermore, the application of the *Royal Canin* rule to eliminating the class allegations does not raise CAFA-specific forum-shopping concerns because dropping the class allegations brings the case outside of the intended domain of CAFA.[367] Forum-shopping concerns related to this now individual action would likely resemble those associated with federal question cases, which is rebutted by the *Royal Canin* opinion.[368]

An amended complaint that triggers either of the CAFA exceptions similarly lacks CAFA-specific forum-shopping implications because it changes the nature of the suit. The applicability of either exception indicates the case is not an interstate class action, as intended by Congress in the enactment of CAFA, but instead a local class action.[369] Congress created the exceptions because it did not intend for local class actions to be in federal court.[370] Because these exceptions result in plaintiffs remaining in state court, rather than proceeding to federal court, they mitigate the forum-shopping concerns specific to CAFA.[371]

This proposed framework implicates not only concerns of forum shopping but of judicial efficiency as well. Granting jurisdictional effect to some aspects of an amended complaint under CAFA jurisdiction could slow down litigation processes as cases move between state and federal court.[372] It is important to first put this framework into perspective. A study on sua sponte remand orders in CAFA removals found that the most common reason for remand, whether on a plaintiff's motion or sua sponte, was failure to satisfy amount in controversy.[373] This applied to 56 percent of

362. *See* S. REP. NO. 109-14, at 5.
363. *See id.* at 10.
364. *See Dart Cherokee*, 574 U.S. at 82; S. REP. NO. 109-14, at 5.
365. *See* Royal Canin U.S.A., Inc. v. Wullschleger, 145 S. Ct. 41, 56 n.9 (2025).
366. *Id.*
367. *See* Gale v. Chi. Title Ins. Co., 929 F.3d 74, 76 (2d Cir. 2019).
368. *See Royal Canin*, 145 S. Ct. at 56 n.9.
369. *See* S. REP. NO. 109-14, at 39; 28 U.S.C. § 1332(d)(3).
370. *See* S. REP. NO. 109-14, at 39.
371. *See supra* Part II.C.3.
372. *See supra* Part II.C.3.
373. *See* JASON A. CANTONE & EMERY G. LEE III, FED. JUD. CTR., APPEALS OF SUA SPONTE REMAND ORDERS IN CLASS ACTION FAIRNESS ACT (CAFA) REMOVALS, 2014–2023, at 1 (2025), https://www.fjc.gov/sites/default/files/materials/03/FJC_CAFA%20Report_2025.pdf [https://perma.cc/2CR7-6U98].

the remands.[374] This proposed framework does not change current practice related to amount in controversy, so any disruption to judicial efficiency would likely be very limited.

Beyond the realistic limitations on impact, concerns over judicial efficiency must be balanced with the maxim that federal courts are courts of limited jurisdiction. Though applying the rule of *Royal Canin* to eliminating class allegations or demonstrating applicability of the two CAFA exceptions may slow down the judicial process, this practice would also provide greater assurance that cases that do not truly belong in federal court will return to state court.[375] The policy concern of the impact of this slowdown on judicial efficiency cannot overcome Article III's limits on the jurisdiction of the federal courts.[376] The practical limitations coupled with the necessary balancing between judicial efficiency and federalism support the implementation of this proposed framework.

C. Applying This Framework to Overlapping and Interconnected Elements

The inherent connection between the elements across the two buckets creates a complex framework. A plaintiff may alter multiple aspects of the complaint across buckets or alter an element in one bucket in a way that subsequently changes an element in the other bucket. For example, eliminating class allegations may change the diversity requirements or reduce the amount in controversy below the statutory threshold.[377] Grounded in the plaintiff being the master of the complaint, this framework suggests that if there is lack of clarity regarding which bucket applies, courts should examine the plaintiff's action to determine which rule applies—either *Royal Canin* or time-of-filing.

This approach is consistent with *Faulk*, *Vick*, and *Engle*, but inconsistent with *Nichols*.[378] The court in *Faulk* held that CAFA jurisdiction was destroyed when the Faulks eliminated the class allegations in their second amended complaint.[379] In both *Vick* and *Engle*, the courts held that an amended complaint limiting the class to citizens of the state of filing also destroyed CAFA jurisdiction due to, respectively, invocation of the local

374. *See id.*

375. *See supra* Part I.C.1.

376. *See* U.S. CONST. art. III, § 2.

377. Whether the elimination of a claim or party that then reduces the amount in controversy below the statutory threshold would deprive the court of its jurisdiction is a complex and open question that is outside of the scope of this Note. The *Nichols* and *Faulk* courts both acknowledged this question and declined to answer. *See* Faulk v. JELD-WEN, Inc., 159 F.4th 618, 623 n.1 (9th Cir. 2025); Nichols v. 300 M St. Dev. Grp., 783 F. Supp. 3d 273, 274 (D.D.C. 2025).

378. *See Faulk*, 159 F.4th at 624; Vick v. Fresh Green, LLC, No. 25-CV-00739, 2026 WL 1590121, at *1, *6 (W.D. Mo. June 3), *aff'd*, No. 26-2247, 2026 WL 2443852 (8th Cir. Aug. 20, 2026); Engle v. Windgate Ranch Homeowners Ass'n, Inc., No. 25-CV-479, 2026 WL 1121953, at *1, *5 (D. Neb. Apr. 24, 2026); *Nichols*, 783 F. Supp. 3d at 274.

379. *Faulk*, 159 F.4th at 624.

controversy exception and destruction of minimal diversity.[380] In contrast, the district court in *Nichols* held that by asserting monetary damages only for herself, and thus eliminating class allegations, Nichols's amended complaint did not deprive the court of its jurisdiction.[381] The court reasoned that the practical effect of this action was limited to the reduction of the amount in controversy below the statutory threshold and that this was therefore controlled by the time-of-filing rule.[382] This proposed framework focuses on the plaintiff's action, rather than the outcome of that action, to determine which rule applies.[383] This two-bucket framework, inclusive of the response to this aforementioned complex possibility, supports and follows the legal pillars that guide the *Royal Canin* opinion, the legislative purpose of CAFA, and general jurisdiction practices.[384]

CONCLUSION

Royal Canin changed the effect of post-removal amended complaints on courts' jurisdictional analyses. *Royal Canin* makes clear that the plaintiff is the master of the complaint. What remains unclear is the impact of this ruling specifically on cases removed to federal court through CAFA jurisdiction.

To remain consistent with legal maxims and relevant statutory language, this Note proposes a two-bucket solution to applying the *Royal Canin* holding to cases in federal court under CAFA jurisdiction. The *Royal Canin* holding would apply to post-removal amended complaints with alterations to the parties, and the time-of-filing rule would apply to post-removal amended complaints with changes to facts outside of the plaintiff's control: amount in controversy and citizenship of individuals. This two-bucket framework is rooted directly in the language of the *Royal Canin* opinion and jurisdictional parallels. Furthermore, focusing on the plaintiff's action when amending the complaint rather than on the effect of such action respects the plaintiff as the master of the complaint. This framework would best support and reinforce this central maxim.

380. *Vick*, 2026 WL 1590121, at *6; *Engle*, 2026 WL 1121953, at *5.
381. *Nichols*, 783 F. Supp. 3d at 274.
382. *Id.*
383. *See Faulk*, 159 F.4th at 624.
384. *See supra* Parts I.B, I.C, II.C.