UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Brunell P. St. Pierre v. Aidvantage Office of the Customer Advocate

St. Pierre · No. 4:25-cv-12014 · Decided January 15, 2026

SUMMARY

The United States District Court for the District of Massachusetts addresses Plaintiff's motion to remand an action removed from Massachusetts small claims court. The Court concludes that the pleaded claim arises under the federal Fair Credit Reporting Act and permits Plaintiff to voluntarily dismiss the action with prejudice by January 29, 2026, if he wishes to refile a state-law claim in state court.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Margaret R. Guzman
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	January 15, 2026
DOCKET	4:25-cv-12014
DISPOSITION	other
PROCEDURAL POSTURE	Defendant removed the action from a Massachusetts small claims court based on a claim under the Fair Credit Reporting Act. Plaintiff moved to remand, asserting that the action arose under Massachusetts consumer protection law.
PRECEDENTIAL VALUE	Unknown; district-court show cause order with no reporter citation

TOPICS

subject matter jurisdiction · credit reporting · motions to dismiss · civil procedure

PRACTICE AREAS

civil procedure · consumer protection · consumer credit · federal jurisdiction

QUESTIONS PRESENTED

1. Whether the action should be remanded to Massachusetts state court because Plaintiff characterized his claims as arising under state consumer protection law.
2. Whether Plaintiff could voluntarily dismiss the removed action under Federal Rule of Civil Procedure 41(a)(1)(A)(i) before Defendant served an answer or a motion for summary judgment.
3. Whether Plaintiff's withdrawal of the sole federal claim would require dismissal with prejudice in this action.

HOLDINGS

1. Remand would not be granted on the basis of an alleged state-law violation because Plaintiff's small-claims filing alleged only a claim arising under the federal Fair Credit Reporting Act.
2. A plaintiff may voluntarily dismiss a removed action by notice under Federal Rule of Civil Procedure 41(a)(1)(A)(i) before the opposing party serves an answer or a motion for summary judgment, notwithstanding removal to federal court.
3. If Plaintiff elects to withdraw the sole FCRA claim in this action, the court will permit voluntary dismissal only with prejudice.

KEY QUOTATIONS

> *"A plaintiff may file a notice of voluntary dismissal under Rule 41(a)(1)(A) even after the defendant has removed a case to federal court."* (Opinion text)

> *"Your case included only one claim that stems from a federal law, the Fair Credit Reporting Act or "FCRA.""* (Opinion text)

FACTUAL BACKGROUND

Plaintiff's Massachusetts small-claims filing alleged a claim arising under the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. Defendant removed the action to federal court, and Plaintiff moved to remand, characterizing the claims as arising under Massachusetts consumer protection law. Plaintiff also indicated that he might withdraw the FCRA claim and refile a state-law action.

PROCEDURAL HISTORY

Plaintiff filed a small claim in Massachusetts state court. Defendant removed the action to the United States District Court for the District of Massachusetts on July 17, 2025. Plaintiff moved to remand. The district court issued a show cause order explaining why remand would not be granted on the asserted state-law basis and providing instructions concerning voluntary dismissal and possible refiling in state court.

DISPOSITION

other

REMAND INSTRUCTIONS

The court did not remand the action. Plaintiff was ordered, if he chose to voluntarily dismiss the action with prejudice, to file a notice of voluntary dismissal with prejudice by January 29, 2026. Defendant was ordered not to moot its pending motion to dismiss by moving for summary judgment while Plaintiff considered his options.

CASES CITED

- Stoller v. Anderson, No. 23-CV-984, 2023 WL 9051311, at *3 (E.D. Wis. Dec. 29, 2023)
- Grivas v. Parmlee Transp. Co., 207 F.2d 334, 337-38 (7th Cir. 1953)
- Van Leeuwen v. Bank of Am., N.A., 304 F.R.D. 691, 692-93 (D. Utah 2015)

INSTRUCTIONS FOR AN AI ASSISTANT