

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Jennifer West, et al. v. 3M Company f/k/a Minnesota Mining and
Manufacturing Co., et al.

West v. 3M Co. · No. No. 25-5252 · Decided February 11, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania denied plaintiffs’ motion to remand an action alleging cancer caused by PFAS exposure associated with synthetic turf. The court held that removal was timely because no pleading or other paper affirmatively disclosed the basis for federal officer removal, and that 3M plausibly satisfied the requirements for removal under 28 U.S.C. § 1442(a)(1), including a colorable federal contractor defense.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Juan R. Sánchez
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	February 11, 2026
DOCKET	No. 25-5252
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to remand a removed state-court action, arguing that removal was untimely and improper under the federal officer removal statute.
STANDARD OF REVIEW	The court applied the statutory requirements for federal officer removal and the thirty-day removal rule under 28 U.S.C. § 1446(b).
PRECEDENTIAL VALUE	Unknown; memorandum opinion from a federal district court.

TOPICS

- subject matter jurisdiction
- civil procedure
- government contracts
- products liability
- federalism

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- products liability
- government contracts
- environmental law

QUESTIONS PRESENTED

1. Whether 3M's removal was untimely because it occurred more than thirty days after service of the original complaint.
2. Whether 3M plausibly satisfied the requirements for federal officer removal under 28 U.S.C. § 1442(a)(1).
3. Whether 3M raised a colorable federal contractor defense sufficient to support federal officer removal.

HOLDINGS

1. Removal was timely because neither the original nor amended complaint affirmatively revealed the basis for federal officer removal, so the thirty-day removal clock was not triggered.
2. 3M plausibly satisfied all four requirements for federal officer removal: it is a person, acted under the direction of a federal officer, its claims were for or related to conduct under federal authority, and it raised a colorable federal defense.
3. 3M raised a colorable federal contractor defense because it plausibly alleged that the government approved reasonably precise specifications, the product conformed to those specifications, and the government knew of the relevant hazards.

KEY QUOTATIONS

“Because removal was timely and proper, Plaintiffs’ motion will be denied.”

“A federal defense is colorable if it is plausible, not if it is certain to succeed.”

“Whether 3M will ultimately prevail on that defense is a merits question not properly resolved at the jurisdictional stage.”

“Because removal was timely and 3M has plausibly satisfied all requirements for federal officer removal under 28 U.S.C. § 1442(a)(1), Plaintiffs’ motion to remand is denied.”

FACTUAL BACKGROUND

Plaintiffs, former Philadelphia Phillies players or representatives of their estates, alleged that prolonged exposure to PFAS in AstroTurf at Veterans Stadium caused various cancers. Their complaints asserted state-law claims including strict liability, negligence, failure to warn, fraud, wrongful death, and loss of consortium, but did not allege exposure to AFFF, military firefighting foam, military installations, or drinking-water contamination. 3M alleged that the claimed exposure could have arisen partly from PFAS released by military-specification AFFF that it manufactured for the U.S. military and asserted a federal contractor defense.

PROCEDURAL HISTORY

Plaintiffs filed state-law claims in state court concerning alleged PFAS exposure and cancer. Defendant 3M removed the action under 28 U.S.C. § 1442(a)(1), asserting that its alleged manufacture of military-specification AFFF supported federal officer jurisdiction and a colorable federal contractor defense. The district court denied the motion to remand.

DISPOSITION

other

CASES CITED

- *Mohr v. Trs. of Univ. of Pennsylvania*, 93 F.4th 100, 104 (3d Cir. 2024)
- *Papp v. Fore-Kast Sales Co.*, 842 F.3d 805, 811-15 (3d Cir. 2016)
- *McLaren v. UPS Store Inc.*, 32 F.4th 232, 236, 238, 241 (3d Cir. 2022)
- *Watson v. Philip Morris Co., Inc.*, 551 U.S. 142, 154 (2007)
- *Illinois ex rel. Raoul v. 3M Co.*, 693 F. Supp. 3d 948, 954 (C.D. Ill. 2023)
- *Nessel v. Chemguard, Inc.*, No. 20-1080, 2021 WL 744683, at *3 (W.D. Mich. Jan. 6, 2021)
- *Ayo v. 3M Co.*, No. 18-0373, 2018 WL 4781145, at *8-9 (E.D.N.Y. Sept. 30, 2018)
- *Boyle v. United Techs. Corp.*, 487 U.S. 500, 512 (1988)
- *In re Aqueous Film-Forming Foams Prods. Liab. Litig.*, No. 18-2873, 2019 WL 2807266, at *2-3 (D.S.C. May 24, 2019)
- *Mesa v. California*, 489 U.S. 121, 136 (1989)