

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

SALLY MIDOLO,
Plaintiff,

v.

WASHINGTON MUTUAL, INC.,
Defendant.

CIVIL ACTION NO.
3:08cv976 (SRU)

RULING ON MOTION TO REMAND

On June 27, defendant Washington Mutual, Inc. removed this action to federal court based on federal question jurisdiction under 28 U.S.C. § 1331. In her state court complaint, plaintiff Sally Midolo alleged that the defendant had violated the Fair Debt Collection Practices Act (“FDCPA”), *codified at* 15 U.S.C. §§ 1692 -1692p. Compl. at ¶¶ 8, 10-12, 15. On July 7, Midolo moved to remand this action to state court, indicating that, notwithstanding her references to violations of the FDCPA, she claims only violations of state law and does not bring claims under the FDCPA.

Because Midolo has made clear that she has not brought claims under the FDCPA, I am construing her motion to remand as a repudiation of any claims under the FDCPA against the defendant. Accordingly, her motion to remand (**doc. 10**) is GRANTED.

Because it was not clear from the face of Midolo’s state court complaint that she did not bring claims under federal law, and the defendant’s notice of removal was arguably proper, Midolo’s motion for costs and attorney’s fees is DENIED.

It is so ordered.

Dated at Bridgeport, Connecticut, this 16th day of July 2008.

/s/ Stefan R. Underhill

Stefan R. Underhill
United States District Judge