

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____
DEPUTY

SOUTHWEST OFFICIALS §
ASSOCIATION, INC. D/B/A TEXAS §
ASSOCIATION OF SPORTS OFFICIALS, §
PLAINTIFF, §

V. §

CAUSE NO. A-10-CA-753-LY

TONY TIMMONS, AS DIRECTOR OF §
THE SPORTS OFFICIALS PROGRAM §
OF THE UNIVERSITY §
INTERSCHOLASTIC LEAGUE; §
CHARLES BREITHAUPT, AS §
EXECUTIVE DIRECTOR OF THE §
UNIVERSITY INTERSCHOLASTIC §
LEAGUE; RICK REEDY, AS §
SUPERINTENDENT OF FRISCO ISD; §
CURTIS CULWELL, AS §
SUPERINTENDENT OF GARLAND ISD; §
GREG POOLE, AS SUPERINTENDENT §
OF BARBERS HILL ISD; AND §
MARK HENRY, AS SUPERINTENDENT §
OF GALENA ISD, §
DEFENDANTS. §

ORDER

Before the Court are Plaintiff's Motion to Vacate Order of Dismissal of Supplemental Claims and Motion to Remand filed March 21, 2011 (Doc. #57); Plaintiff's Supplemental Motion to Remand and for Expedited Ruling filed March 24, 2011 (Doc. #58); and Response to Plaintiff's Motion to Vacate and Remand filed March 28, 2011 (Doc. #60). Having considered the motions, the supplement, and the response, the Court renders the following order.

The Courts **ORDERS** that Plaintiff's Motion to Vacate Order of Dismissal of Supplemental Claims and Motion to Remand filed March 21, 2011 (Doc. #57) is **GRANTED**. The Court's Final Judgment rendered March 17, 2011 (Doc. #55), is **SET ASIDE**, and the Court's Amended

Memorandum Opinion and Order rendered March 18, 2011 (Doc. #56) is **MODIFIED** as follows:

The Court finds that Plaintiff is not trying to engage in forum shopping because this cause was originally filed in state court and removed to this Court by Defendants, and this Court, having dismissed Plaintiff's federal claims, finds no harm in remanding Plaintiff's state claims. In addition, the Court finds that to do otherwise would result in manifest injustice by denying Plaintiff the forum it originally selected in which to have its state claims resolved. Accordingly, Plaintiff's state claims are **REMANDED** to the 126th Judicial District Court of Travis County, Texas.

In all other respects, the Court's Amended Memorandum Opinion and Order rendered March 18, 2011 (Doc. #56) remains in effect.

IT IS FINALLY ORDERED that Plaintiff's Motion for Expedited Ruling (Doc. #58) is **DISMISSED**.

An Amended Final Judgment shall be rendered subsequently.

SIGNED this 20th day of March, 2011.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE