

## Question

Is it proper for a Texas resident to sue his Oklahoma step-father-in-law in federal court under diversity jurisdiction for tort claims (conversion, deceit, intentional infliction of emotional distress, and preparing false evidence) arising from the step-father's alleged conduct during ongoing divorce proceedings, where the plaintiff does not seek child custody or property determinations, but only damages for emotional distress and economic loss, and the amount in controversy exceeds \$100,000?

## Answer (U.S. Federal)

### Short response

Yes, it is proper for a Texas resident to sue his Oklahoma step-father-in-law in federal court under diversity jurisdiction for the tort claims, as the parties are citizens of different states, the amount in controversy exceeds the \$75,000 threshold, and the domestic relations exception does not apply to tort claims seeking only damages.

### Summary

Federal courts have original jurisdiction over civil actions between citizens of different states where the amount in controversy exceeds \$75,000, known as diversity jurisdiction. In this case, the Texas resident plaintiff and Oklahoma step-father-in-law defendant are citizens of different states, and the amount in controversy exceeds \$100,000, satisfying the basic requirements for diversity jurisdiction under [28 U.S.C. § 1332](#).

Although federal courts typically cannot exercise jurisdiction over domestic relations matters under the "domestic relations exception," this exception is narrowly limited to cases involving the issuance of divorce, alimony, or child custody decrees. The Supreme Court and multiple federal courts have consistently held that tort claims seeking only monetary damages—even when they arise from or relate to domestic disputes—fall outside this exception. Since the plaintiff seeks damages for conversion, deceit, intentional infliction of emotional distress, and preparing false evidence, and does not ask the federal court to make determinations about child custody or property division in the divorce, these claims are proper for federal court adjudication under diversity jurisdiction.

## Background and Relevant Law

### Federal Diversity Jurisdiction

The statutory basis for diversity jurisdiction is found in [28 U.S.C. § 1332](#). According to this statute, "The district courts shall have original jurisdiction

of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States." [28 U.S.C. § 1332](#). This provision establishes two fundamental requirements for diversity jurisdiction: (1) diversity of citizenship between the parties, and (2) an amount in controversy exceeding \$75,000.

Federal courts are courts of limited jurisdiction, and can only hear cases when either diversity jurisdiction or federal question jurisdiction exists. As explained in [Emrit v. Jules](#) (N.D. Ohio 2023), "Generally speaking, the Constitution and Congress have given federal courts authority to hear a case only when diversity of citizenship exists between the parties or when the case raises a federal question." The court further clarified that "[t]o establish diversity of citizenship, the Plaintiff must establish that he is a citizen of one state and all the Defendants are citizens of other states. The citizenship of a natural person equates to his domicile."

Similarly, [McFarland v. St. Louis Cnty. Family Court Div.](#) (E.D. Mo. 2021) reiterates that "Federal courts have subject matter jurisdiction over both federal question cases and diversity of citizenship cases," and notes that "The burden of proving subject matter jurisdiction belongs to the plaintiff."

For complete diversity jurisdiction to be established, [Schriber v. Child Protective Services-Protection & Permanency of Ky.](#) (W.D. Ky. 2021) explains that "there must be complete diversity—which means that each plaintiff must be a citizen of a different state than each defendant—and the amount in controversy must exceed \$75,000."

## **The Domestic Relations Exception to Federal Jurisdiction**

While the statutory requirements for diversity jurisdiction are clear, federal courts recognize a judicially-created exception known as the "domestic relations exception" that limits their jurisdiction in certain family law matters. This exception originated in 1859 and has been refined over time through case law.

In the seminal case *Ankenbrandt v. Richards* (504 U.S. 689 (1992)), the Supreme Court clarified the scope of this exception. As described in [Shearer v. Shearer, CIVIL 1:23-CV-01267 \(M.D. Pa. Nov 16, 2023\)](#), "The Supreme Court has held that a 'narrow' Domestic Relations Exception exists to diversity jurisdiction. *Ankenbrandt v. Richards*, 504 U.S. 689, 706-07 (1992). The Domestic Relations Exception 'encompasses only cases involving the issuance of a divorce, alimony, or child custody decree.'"

The court in *Shearer* further emphasized that "only 'divorce, alimony, and child custody decrees' remain outside federal jurisdictional bounds." This narrow interpretation was reinforced by the Supreme Court in *Marshall v. Marshall* (547 U.S. 293 (2006)).

Most critically, *Shearer* clearly states that "Tort claims seeking damages are not within the Domestic Relations Exception," citing *Matusow v. TransCounty Title Agency, LLC* (545 F.3d 241, 245 (3d Cir. 2008)), which

held that "The claims for which [the plaintiff] seeks damages sound in tort, and, as such, they clearly fall outside of the domestic relations exception."

This principle is further elaborated in [Tilley v. Anixter Inc., 283 F.Supp.2d 729 \(D. Conn. 2003\)](#), where the court explained that "the Supreme Court's decision in Ankenbrandt held that the domestic relations exception encompasses only those cases which 'involv[e] the issuance of a divorce, alimony, or child custody,'" and noted that the Court concluded the exception did not apply to cases alleging tort claims. The court in [Tilley](#) identified several factors suggesting the domestic relations exception is inapplicable to tort claims, including cases where "the plaintiff alleges a traditional tort claim for intentional infliction of emotional distress."

Similarly, [Weiss v. Weiss, 375 F.Supp.2d 10 \(D. Conn. 2005\)](#) affirmed that "Unlike separation agreement-based contract claims, federal courts may exercise subject matter jurisdiction over tort claims between former spouses." The court noted that Ankenbrandt "ultimately held that plaintiff's tort claims were not subject to the exception," because the claim "in no way sought a 'divorce, alimony, or child custody decree.'"

The distinction between cases primarily concerned with domestic relations versus those with merely domestic relations "overtones" is highlighted in [Schriber v. Child Protective Services-Protection & Permanency of Ky.](#) (W.D. Ky. 2021): "Although this domestic relations exception to federal jurisdiction does not apply to a civil action that merely has domestic relations overtones, federal courts lack jurisdiction where the action is a mere pretense and the suit is actually concerned with domestic relation issues."

In [Lambe v. Frosh, Civil Action PX-22-1321 \(D. Md. Jun 15, 2022\)](#), the court noted that "Congress did not authorize [federal courts] to declare ab initio litigants' rights and duties under family relations laws," and specifically stated that "For matters concerning child custody, such as ordering payment of child support, this Court retains no jurisdiction."

Finally, [Freiner v. Judy](#) (E.D. Mo. 2023) reaffirms that "this Court lacks jurisdiction over cases involving child custody under the domestic relations exception to federal court jurisdiction. In general, federal courts have no jurisdiction over domestic relations matters."

## Analysis

### Application of Diversity Jurisdiction Requirements to the Present Case

The first step in determining whether the Texas resident can properly sue his Oklahoma step-father-in-law in federal court is to assess whether the basic requirements for diversity jurisdiction are met.

1. **Diversity of Citizenship:** The plaintiff is a Texas resident and the defendant is an Oklahoma resident. Under [Emrit v. Jules](#), "The citizenship of a natural person equates to his domicile." Assuming the residency of each party corresponds to their domicile (which is typically

the case), the parties are citizens of different states, satisfying the diversity requirement.

2. **Amount in Controversy:** The question states that the amount in controversy exceeds \$100,000. This is well above the \$75,000 threshold required by [28 U.S.C. § 1332](#). Therefore, this requirement is also satisfied.

Since both core requirements for diversity jurisdiction are met, the next analysis must focus on whether the domestic relations exception applies to preclude federal jurisdiction despite the satisfaction of these statutory requirements.

## **Application of the Domestic Relations Exception**

The domestic relations exception, as defined by the Supreme Court in *Ankenbrandt v. Richards* and cited in multiple sources, is narrow and specifically limited to cases involving the issuance of divorce, alimony, or child custody decrees.

In this case, the Texas resident is suing his Oklahoma step-father-in-law for several tort claims: conversion, deceit, intentional infliction of emotional distress, and preparing false evidence. These claims arise from the step-father's alleged conduct during ongoing divorce proceedings. Critically, the plaintiff is not asking the federal court to make determinations about child custody or property division in the divorce—he is only seeking damages for emotional distress and economic loss.

Multiple authorities directly support the proposition that such tort claims fall outside the domestic relations exception:

1. [Shearer v. Shearer](#) explicitly states that "Tort claims seeking damages are not within the Domestic Relations Exception," citing Third Circuit precedent holding that claims seeking damages that "sound in tort" "clearly fall outside of the domestic relations exception."
2. [Tilley v. Anixter Inc.](#) identified several factors indicating the domestic relations exception is inapplicable, including cases where "the plaintiff alleges a traditional tort claim for intentional infliction of emotional distress." The court noted that the Supreme Court in *Ankenbrandt* held the exception did not apply to tort claims.
3. [Weiss v. Weiss](#) confirms that "federal courts may exercise subject matter jurisdiction over tort claims between former spouses," and notes that *Ankenbrandt* held that tort claims were not subject to the exception when they did not seek a "divorce, alimony, or child custody decree."

The fact pattern here closely parallels the situations described in these cases. The plaintiff is asserting tort claims (conversion, deceit, intentional infliction of emotional distress, and preparing false evidence) and seeking only monetary damages for emotional distress and economic loss. He is not asking the federal court to issue any decree related to divorce, alimony, or

child custody, which would be the only circumstances where the domestic relations exception would apply according to [Shearer v. Shearer](#).

Furthermore, the relationship between the parties is relevant. The plaintiff is suing his step-father-in-law, not his spouse. This is analogous to the situation in *Ankenbrandt*, where, as noted in [Weiss v. Weiss](#), one of the defendants "was not a party to the previous divorce case." This further supports the conclusion that the domestic relations exception does not apply.

## **Distinguishing Between Domestic Relations Cases and Tort Claims with Domestic Relations Overtones**

The courts have drawn a clear distinction between cases that are genuinely about domestic relations (i.e., seeking divorce, alimony, or child custody decrees) versus those that merely have "domestic relations overtones" but are fundamentally tort claims seeking damages.

As noted in [Schriber v. Child Protective Services-Protection & Permanency of Ky.](#), "this domestic relations exception to federal jurisdiction does not apply to a civil action that merely has domestic relations overtones." Federal courts only "lack jurisdiction where the action is a mere pretense and the suit is actually concerned with domestic relation issues."

In this case, while the tort claims arise from conduct during ongoing divorce proceedings (giving them "domestic relations overtones"), the suit is not "a mere pretense" to get federal courts to decide domestic relations issues. The plaintiff is genuinely seeking damages for torts allegedly committed by his step-father-in-law, not asking the federal court to make decisions about the divorce, child custody, or property division.

The cases that federal courts decline to hear under the domestic relations exception are those where the plaintiff is directly seeking divorce, alimony, or child custody determinations, as noted in [Lambe v. Frosh](#) ("For matters concerning child custody, such as ordering payment of child support, this Court retains no jurisdiction") and [Freiner v. Judy](#) ("this Court lacks jurisdiction over cases involving child custody under the domestic relations exception").

Since the plaintiff here explicitly "does not seek child custody or property determinations," these limitations do not apply.

## **The Significance of the Step-Father-in-Law Relationship**

An additional factor supporting federal jurisdiction is the relationship between the parties. The plaintiff is not suing his spouse, but rather his "step-father-in-law." This relationship is more distant than the direct spousal relationship typically at issue in domestic relations cases.

In [Weiss v. Weiss](#), the court noted that in *Ankenbrandt*, one relevant factor was that "the female companion was not a party to the previous divorce case." Similarly, while the step-father-in-law may be connected to the

divorce proceedings, he is not one of the spouses in the divorce case. This further supports the conclusion that the domestic relations exception should not apply.

## **Connection to Ongoing Divorce Proceedings**

Though the tort claims arise from the step-father's alleged conduct "during ongoing divorce proceedings," this temporal and contextual connection does not bring the case within the domestic relations exception.

The key question is not when or in what context the alleged torts occurred, but whether the federal court is being asked to issue a decree related to divorce, alimony, or child custody. As the Supreme Court held in *Ankenbrandt* (as cited in [Shearer v. Shearer](#)), only "'divorce, alimony, and child custody decrees' remain outside federal jurisdictional bounds."

Since the plaintiff is seeking damages for torts, not asking the federal court to issue any such decree, the ongoing nature of the divorce proceedings is irrelevant to the jurisdictional analysis.

## **Exceptions and Caveats**

### **Potential Abstention**

While the domestic relations exception would not bar jurisdiction in this case, federal courts sometimes voluntarily abstain from exercising jurisdiction in cases that are closely intertwined with state court proceedings, particularly family court matters. This is distinct from the domestic relations exception.

However, none of the provided authorities discuss abstention doctrines in detail, so this remains a theoretical possibility rather than a barrier indicated by the available sources.

### **Potential for Disguised Domestic Relations Claims**

Federal courts are alert to attempts to disguise domestic relations claims as tort actions to gain access to federal courts. As noted in [Schriber v. Child Protective Services-Protection & Permanency of Ky.](#), federal courts "lack jurisdiction where the action is a mere pretense and the suit is actually concerned with domestic relation issues."

If, upon examination of the specific claims and requested relief, a federal court were to determine that the plaintiff is actually seeking determinations about domestic relations matters (divorce, alimony, or child custody) under the guise of tort claims, it could decline jurisdiction. However, based on the facts provided—that the plaintiff "does not seek child custody or property determinations, but only damages for emotional distress and economic loss"—this appears unlikely.



## Potential Jurisdictional Challenges Based on Factual Developments

As the case progresses, factual developments might raise jurisdictional questions. For example, if discovery reveals that the plaintiff's actual domicile is not Texas, or that the amount in controversy was claimed in bad faith and cannot possibly exceed \$75,000, the court's jurisdiction could be challenged.

However, based on the facts provided in the question, which state that the plaintiff is a Texas resident, the defendant is an Oklahoma resident, and the amount in controversy exceeds \$100,000, these challenges do not appear likely to succeed.

## Conclusion

Based on the authorities available, it is proper for a Texas resident to sue his Oklahoma step-father-in-law in federal court under diversity jurisdiction for the tort claims described.

The basic requirements for diversity jurisdiction are satisfied: the parties are citizens of different states (Texas and Oklahoma), and the amount in controversy (\$100,000+) exceeds the statutory threshold of \$75,000 established by [28 U.S.C. § 1332](#).

The domestic relations exception to federal jurisdiction does not bar these claims because:

1. As repeatedly affirmed by multiple authorities, including [Shearer v. Shearer](#), [Tilley v. Anixter Inc.](#), and [Weiss v. Weiss](#), the exception is narrow and does not apply to tort claims seeking damages.
2. The Supreme Court in *Ankenbrandt* (as cited in these cases) held that the exception "encompasses only cases involving the issuance of a divorce, alimony, or child custody decree."
3. The plaintiff here is seeking damages for conversion, deceit, intentional infliction of emotional distress, and preparing false evidence—all tort claims—and explicitly "does not seek child custody or property determinations."
4. The step-father-in-law is not one of the spouses in the divorce proceedings, further supporting the conclusion that the domestic relations exception does not apply.

While the alleged torts arose in the context of divorce proceedings, giving the case "domestic relations overtones," this is not sufficient to trigger the domestic relations exception. The exception applies only where the plaintiff is asking the federal court to issue a decree related to divorce, alimony, or child custody, which is not the case here.

Therefore, the federal court has jurisdiction to hear these tort claims under diversity jurisdiction, and it is proper for the Texas resident to sue his Oklahoma step-father-in-law in federal court for these claims.

## **Legal Authorities**

[Weiss v. Weiss, 375 F.Supp.2d 10 \(D. Conn. 2005\)](#)

### **U.S. District Court — District of Connecticut**

#### **Extract**

Unlike separation agreement-based contract claims, federal courts may exercise subject matter jurisdiction over tort claims between former spouses. Although *Ankenbrandt*, 504 U.S. at 703, 112 S.Ct. 2206, firmly established a domestic relations exception to federal jurisdiction, that case ultimately held that plaintiff's tort claims were not subject to the exception. At issue was the plaintiff's claim for damages against her ex-husband and his female companion for abusing the plaintiff's children. *Ankenbrandt*, 504 U.S. at 704, 112 S.Ct. 2206. The Supreme Court held that the district court had jurisdiction over the claim because it 'in no way' sought a 'divorce, alimony, or child custody decree,' and the female companion was not a party to the previous divorce case. *Id.* at 704, 112 S.Ct. 2206.

#### **Summary**

The passage from *Weiss v. Weiss* discusses the federal court's ability to exercise jurisdiction over tort claims between former spouses, even when there is a domestic relations exception to federal jurisdiction. The key point is that if the tort claims do not seek divorce, alimony, or child custody decrees, and involve parties not part of the original divorce case, federal jurisdiction can be appropriate. This is relevant to the question as it suggests that a Texas resident could potentially sue his Oklahoma step-father-in-law in federal court for tort claims, provided these claims are separate from the divorce proceedings and do not involve determinations of child custody or property.

[Schriber v. Child Protective Services-Protection & Permanency of Ky., CIVIL ACTION NO. 4:21CV-18-JHM \(W.D. Ky. May 05, 2021\)](#)

### **U.S. District Court — Western District of Kentucky**

#### **Extract**

For a federal court to have diversity-of-citizenship jurisdiction pursuant to 28 U.S.C. § 1332, there must be complete diversity—which means that each plaintiff must be a citizen of a different state than each defendant—and the amount in controversy must exceed \$75,000. ... However, federal courts do not have jurisdiction to resolve domestic relations matters. *Ankenbrandt v.*



Richards, 504 U.S. 689, 703 (1992); ... 'Although this domestic relations exception to federal jurisdiction does not apply to a civil action that merely has domestic relations overtones, federal courts lack jurisdiction where the action is a mere pretense and the suit is actually concerned with domestic relation issues.'

## **Summary**

Requirements for diversity jurisdiction under 28 U.S.C. § 1332, which include complete diversity of citizenship and an amount in controversy exceeding \$75,000. It also highlights the domestic relations exception, which precludes federal jurisdiction over cases primarily concerned with domestic relations issues. However, this exception does not apply to cases that merely have domestic relations overtones but are not primarily about domestic relations issues.

[Lambe v. Frosh, Civil Action PX-22-1321 \(D. Md. Jun 15, 2022\)](#)

## **U.S. District Court — District of Maryland**

### **Extract**

Where no federal question is presented, the Court may nonetheless retain diversity jurisdiction pursuant to 28 U.S.C. § 1332 if the matter in controversy exceeds \$75, 000 and is between citizens of different states. ... As to diversity jurisdiction, "Congress did not authorize [federal courts] to declare ab initio litigants' rights and duties under family relations laws." *Cole v. Cole*, 633 F.2d 1083, 1087 (4th Cir. 1980). For matters concerning child custody, such as ordering payment of child support, this Court retains no jurisdiction. See *Cantor v. Cohen*, 442 F.3d 196, 202 (4th Cir. 2006); *Wasserman v. Wasserman*, 671 F.2d 832, 834 (4th Cir. 1982) ("diversity jurisdiction does not include power to grant divorces, determine alimony or support obligations, or decide child custody rights").

## **Summary**

Federal courts can retain diversity jurisdiction if the matter in controversy exceeds \$75,000 and is between citizens of different states. However, it also emphasizes that federal courts do not have jurisdiction over family relations laws, such as child custody, alimony, or support obligations. The question involves tort claims unrelated to child custody or property determinations, which suggests that the federal court could potentially have jurisdiction if the claims are purely for damages and not related to family law determinations.

[Emrit v. Jules](#)

## **U.S. District Court — Northern District of Ohio**

## **Extract**

Generally speaking, the Constitution and Congress have given federal courts authority to hear a case only when diversity of citizenship exists between the parties or when the case raises a federal question. *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). The first type of federal jurisdiction, diversity of citizenship, is applicable to cases of sufficient value between 'citizens of different states.' 28 U.S.C. § 1332(a)(1). To establish diversity of citizenship, the Plaintiff must establish that he is a citizen of one state and all the Defendants are citizens of other states. The citizenship of a natural person equates to his domicile. *Von Dunser v. Aronoff*, 915 F.2d 1071, 1072 (6th Cir. 1990). The second type of federal jurisdiction relies on the presence of a federal question.

## **Summary**

The passage explains the requirements for federal courts to have jurisdiction based on diversity of citizenship. It states that for diversity jurisdiction to apply, the parties must be citizens of different states, and the amount in controversy must exceed \$75,000. The passage also notes that the citizenship of a natural person is determined by their domicile. This information is directly relevant to determining whether the Texas resident can sue his Oklahoma step-father-in-law in federal court under diversity jurisdiction, as it confirms that if the parties are domiciled in different states and the amount in controversy exceeds the threshold, diversity jurisdiction could be proper.

[Shearer v. Shearer, CIVIL 1:23-CV-01267 \(M.D. Pa. Nov 16, 2023\)](#)

## **U.S. District Court — Middle District of Pennsylvania**

## **Extract**

The Supreme Court has held that a “narrow” Domestic Relations Exception exists to diversity jurisdiction. *Ankenbrandt v. Richards*, 504 U.S. 689, 706-07 (1992). The Domestic Relations Exception “‘encompasses only cases involving the issuance of a divorce, alimony, or child custody decree.’” *Matusow v. TransCounty Title Agency, LLC*, 545 F.3d 241, 242 (3d Cir. 2008) (quoting *Ankenbrandt*, 504 U.S. at 704). Thus, “only ‘divorce, alimony, and child custody decrees’ remain outside federal jurisdictional bounds.” *Marshall v. Marshall*, 547 U.S. 293, 308 (2006) (quoting *Ankenbrandt*, 504 U.S. at 704) (emphasis added). Tort claims seeking damages are not within the Domestic Relations Exception. *Matusow*, 545 F.3d at 245 (“The claims for which [the plaintiff] seeks damages sound in tort, and, as such, they clearly fall outside of the domestic relations exception.”).

## Summary

The Domestic Relations Exception to federal diversity jurisdiction is narrow and only applies to cases involving divorce, alimony, or child custody decrees. Tort claims seeking damages, such as those for conversion, deceit, intentional infliction of emotional distress, and preparing false evidence, do not fall within this exception. Therefore, such tort claims can be heard in federal court under diversity jurisdiction, provided the other requirements (such as diversity of citizenship and amount in controversy) are met.

[Freiner v. Judy](#)

**U.S. District Court — Eastern District of Missouri**

## Extract

Federal courts are courts of limited jurisdiction. This Court has jurisdiction to hear cases involving the Constitution, laws, or treaties of the United States under 28 U.S.C. § 1331, and cases where diversity jurisdiction exists under 28 U.S.C. § 1332. If this Court lacks both diversity of citizenship and federal question jurisdiction, the case is subject to dismissal for lack of jurisdiction. ... To the extent plaintiff is simply contesting a state-court custody decision regarding her child and attempting to do an end-run around Missouri family court, such an action does not arise under the Constitution, laws, or treaties of the United States. Moreover, this Court lacks jurisdiction over cases involving child custody under the domestic relations exception to federal court jurisdiction. In general, federal courts have no jurisdiction over domestic relations matters.

## Summary

Federal courts have limited jurisdiction and can hear cases under federal question jurisdiction or diversity jurisdiction. The passage highlights that federal courts generally do not have jurisdiction over domestic relations matters, such as child custody, due to the domestic relations exception. However, the question specifies that the plaintiff is not seeking child custody or property determinations but only damages for emotional distress and economic loss. Therefore, the domestic relations exception may not apply if the claims are purely tort-based and do not require the court to make determinations typically reserved for state family courts.

[McFarland v. St. Louis Cnty. Family Court Div.](#)

**U.S. District Court — Eastern District of Missouri**

## **Extract**

Federal courts have subject matter jurisdiction over both federal question cases and diversity of citizenship cases. See *Auto-Owners Ins. Co. v. Tribal Court of Spirit Lake Indian Reservation*, 495 F.3d 1017, 1020 (8th Cir. 2007) (finding that subject matter jurisdiction is lacking if neither diversity of citizenship nor federal question jurisdiction applies); and *McLaurin v. Prater*, 30 F.3d 982, 984-85 (8th Cir. 1994) (noting that Congress has directed that district courts shall have jurisdiction in both federal question and diversity cases). The burden of proving subject matter jurisdiction belongs to the plaintiff. *V S Ltd. P'ship v. Dep't of Hous. & Urban Dev.*, 235 F.3d 1109, 1112 (8th Cir. 2000).

## **Summary**

Requirements for federal court jurisdiction, specifically diversity jurisdiction, which is relevant to the question of whether a Texas resident can sue an Oklahoma resident in federal court. It emphasizes that the plaintiff must prove subject matter jurisdiction, which includes demonstrating diversity of citizenship and meeting the jurisdictional amount threshold.

[Tilley v. Anixter Inc., 283 F.Supp.2d 729 \(D. Conn. 2003\)](#)

### **U.S. District Court — District of Connecticut**

## **Extract**

The domestic relations exception to federal jurisdiction dates from 1859, when the Supreme Court announced that the federal courts have no jurisdiction over suits for divorce or the allowance of alimony. ... Recently the Supreme Court clarified the limits of the domestic relations exception. In *Ankenbrandt v. Richards*, the Court overturned a lower court decision in which the domestic relations exception was invoked in a case involving tort allegations ... The court found that the domestic relations exception should not apply in such a case because the status of the domestic relationship had already been determined as a matter of state law, and the status of the relationship had 'no bearing on the underlying torts alleged.' ... Several factors present in this case suggest that the domestic relations exception is inapplicable here. First, the plaintiff alleges a traditional tort claim for intentional infliction of emotional distress. ... the Supreme Court's decision in *Ankenbrandt* held that the domestic relations exception encompasses only those cases which 'involv[e] the issuance of a divorce, alimony, or child custody,' ... and the Court concluded that the exception did not apply to the case before it, one which alleged various tort claims.

## Summary

Tort claims, such as intentional infliction of emotional distress, do not fall within the domestic relations exception if they do not involve the issuance of a divorce, alimony, or child custody decree. This suggests that the Texas resident's tort claims against his Oklahoma step-father-in-law may be proper for federal court under diversity jurisdiction, as they do not seek divorce, alimony, or child custody determinations.

[28 U.S.C. § 1332 28 U.S.C. § 1332 Diversity of Citizenship; Amount In Controversy; Costs](#)

## Extract

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States;

## Summary

Federal district courts have original jurisdiction over civil actions where the amount in controversy exceeds \$75,000 and the parties are citizens of different states. In this case, the Texas resident and the Oklahoma step-father-in-law are citizens of different states, and the amount in controversy exceeds \$100,000. Therefore, the criteria for diversity jurisdiction are met.

This memo was compiled by Vincent AI based on vLex materials available as of June 04, 2025. [View full answer on vLex](#)