UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VANESSA SHEROD, as ADMINISTRATOR of the ESTATE OF ELIZABETH WILES and in her own right *Plaintiff*, v. COMPREHENSIVE HEALTHCARE MANAGEMENT SERVICES, LLC d/b/a BRIGHTON REHABILITATION AND WELLNESS CENTER; COMPREHENSIVE MANAGEMENT SERVICES – PROPERTY, LLC, CHMS GROUP, LLC, SAMUEL HARPER, EPHRAM LAHASKY, HEALTHCARE SERVICES GROUP, INC.,HCSG LABOR SUPPLY, LLC, HCSG SUPPLY, INC., HCSG STAFF LEASING SOLUTIONS, LLC; QUALITY BUSINESS SOLUTIONS, INC.; BRIAN EDWARD MEJIA, *Defendants*.	No.: 2:20-cv-01198

PLAINTIFF'S MOTION TO REMAND

Plaintiff moves to remand this civil action to the Court of Common Pleas of Allegheny County. In support of this motion, Plaintiff relies upon the accompanying Memorandum of Law, which is incorporated by reference.

Pursuant to 28 U.S.C. § 1447(c), and for the reasons set forth in the Memorandum of Law, Plaintiff opposes the Notice of Removal filed by Defendant, Comprehensive Healthcare Management Services, LLC d/b/a Brighton Rehabilitation and Wellness Center (Brighton), (*see* Doc. No.1). Brighton cannot satisfy its burden to demonstrate federal jurisdiction is proper through either (a) federal question jurisdiction (28 U.S.C. § 1331) or (b) Federal Officer Removal (28 U.S.C. § 1442(a)(1).

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant this Motion and enter an Order in the form accompanying this Motion to Remand this matter to the Court of Common Pleas of Allegheny County.

SALTZ, MONGELUZZI & BENDESKY, P.C.

By: *__/s/ David L. Kwass__*
DAVID L. KWASS, ESQUIRE
ELIZABETH A. BAILEY, ESQUIRE
Attorney for Plaintiffs

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VANESSA SHEROD, as ADMINISTRATOR of the ESTATE OF ELIZABETH WILES and in her own right *Plaintiff,* v. COMPREHENSIVE HEALTHCARE MANAGEMENT SERVICES, LLC d/b/a BRIGHTON REHABILITATION AND WELLNESS CENTER; COMPREHENSIVE MANAGEMENT SERVICES – PROPERTY, LLC, CHMS GROUP, LLC, SAMUEL HARPER, EPHRAM LAHASKY, HEALTHCARE SERVICES GROUP, INC.,HCSG LABOR SUPPLY, LLC, HCSG SUPPLY, INC., HCSG STAFF LEASING SOLUTIONS, LLC; QUALITY BUSINESS SOLUTIONS, INC.; BRIAN EDWARD MEJIA, *Defendants*.	No.: 2:05-mc-02025

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO REMAND

Plaintiff moves to remand this civil action to the Court of Common Pleas of Allegheny County. Defendant, Comprehensive Healthcare Management Services, LLC d/b/a Brighton Rehabilitation and Wellness Center (Brighton) improperly removed this action. This Court lacks federal question and diversity jurisdiction over this matter.

I. INTRODUCTION

Plaintiff initiated this suit in the Court of Common Pleas of Allegheny County alleging state law tort claims against the captioned Defendants, including Brighton. Brighton removed the case to federal court, contending that (1) Plaintiff's Complaint raised a federal question on its face, and (2) federal jurisdiction exists because Brighton is a "federal officer." As set forth below, there is no federal question on the face of Plaintiff's Complaint. Rather, the "federal

question" on which Brighton relies is at most a defense. It does not independently confer jurisdiction to the federal court. Additionally, Brighton, which had no contract with, no delegation from, and no supervision or control by the United States government, is not entitled to federal jurisdiction as an officer of the United States.

II. ISSUES BEFORE THE COURT

Should this Court remand the case to state court because the PREP Act does not present a federal question on the face of the Plaintiff's properly pleaded complaint?

Suggested Answer: Yes.

Should this Court remand the case to state court because Defendant is not an officer of the United States?

Suggested Answer: Yes.

III. STATEMENT OF FACTS AND CONTENTIONS

Plaintiff's decedent, Elizabeth Wiles, died in May 2020 after exposure to COVID-19 while working at Brighton's nursing home facility. Through her employment with co-defendant, Healthcare Services Group, Ms. Wiles provided housekeeping and laundry services at Brighton. *See* Plaintiff's Complaint, attached as Exhibit "A."

In the years immediately before the COVID-19 outbreak, the Commonwealth of Pennsylvania found Brighton to be underfunded and understaffed. The staff and workers that were present were undertrained. As a result, the management of the facility regularly exposed residents and workers to unsanitary and unsafe conditions known to increase the risk of the spread of infectious disease. From March 23, 2017 to July 23, 2018 alone, the Pennsylvania Department of Health (PDOH) levied over $21,000 in sanctions against Brighton, placing it among the most highly fined nursing homes in Pennsylvania in this time period. In the lead-up to

the COVID-19 outbreak, PDOH determined that Brighton created and/or permitted to exist facility conditions and practices which allowed infectious disease to run rampant through facility staff and residents.

In March 2020, the first COVID-19 cases were confirmed at Brighton. Plaintiff alleges that unsanitary conditions, lack of PPE, and absence of infection control practices caused the virus to run rampant through the facility. Brighton chose not to announce the outbreak until April 1, 2020, at which point it already had three dead residents, thirty-six known infected residents and six known infected facility workers. On the same day, nurses staged a walk out, citing inadequate personal protective equipment. The nurses contended that Brighton refused to provide them N95 face masks for protection. After pressure from the nurses' union, on April 2, 2020, CHMS Defendants including Brighton agreed to provide proper PPE and COVID-19 testing to some workers at the facility.

The Brighton outbreak required intervention by both the Commonwealth of Pennsylvania Department of Health and specially trained members of the Pennsylvania National Guard, Task Force West. At its peak, the Brighton outbreak accounted for 65% of the all COVID-19 cases and 90% of all COVID-19 deaths in Beaver County, Pennsylvania. The Brighton outbreak remains one of the worst and most lethal COVID-19 nursing home outbreaks in the United States. Plaintiff alleges that it eventually killed Elizabeth Wiles.

Plaintiff filed a Complaint in Allegheny federal court, raising the Pennsylvania law torts of Negligence, Fraudulent Misrepresentation, Intentional Misrepresentation, Wrongful Death and Survival Actions. Brighton then filed a Notice of Removal to federal court, contending Plaintiff's state torts presented a federal question and each of the Brighton defendants was an officer of the United States government entitled to federal jurisdiction.

IV. STATEMENT OF LAW

a. Standard for Removal and Remand

The removal statutes are to be "strictly construed against removal and all doubts should be resolved in favor of remand". *Boyer v. Snap-on Tools, Corp.,* 913 F.2d 108, 111 (3d Cir. 1990). Removal is restricted to instances in which the statutes clearly permit it. To this end, the Court is required to resolve all doubts in favor of remand. *Batoff v. State Farm Ins. Co.*, 977 F.2d 848, 851, 854 (3d Cir. 1992); Boyer, 913 F.2d at 111.

The removing party has the heavy burden to prove that federal jurisdiction is proper. *McNutt v. General Motors Acceptance Corp. of Indiana, Inc.*, 298 U.S. 178, 189, 56 S. Ct. 780, 784, 80 L. Ed. 1135 (1936). If proof is needed to support the jurisdictional allegations, the removing party must supply the necessary evidence. *Id.*

District courts have original jurisdiction of all claims arising under the Constitution, laws or treaties of the United States. 28 U.S.C. § 1331. If plaintiff's case could not have been filed originally in federal court, then removal under 28 U.S.C. § 1441 is improper. *See Roxbury Condo. Assoc., Inc. v. Anthony S. Cupo Agency*, 316 F.3d 224, 227 (3d Cir. 2003). If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case must be remanded to state court. 28 U.S.C. § 1447(c).

b. This case should be remanded because Plaintiff's Complaint does not raise a federal question.

Plaintiff's claims are exclusively and straightforwardly state law tort claims. Brighton Defendant appears to agree – there is no dispute that Plaintiff's claims or elements of Plaintiff's claims raise federal questions. Rather, Brighton contends its invocation of the PREP Act as a

possible *shield* to Plaintiff's claims confers jurisdiction over this case to this court. Based on federal law, however, a federal issue in a defense is not sufficient to vest jurisdiction in the federal court.

Under 28 U.S.C.A. § 1331, federal district courts have jurisdiction "of all civil actions **arising under** the Constitution, laws, or treaties of the United States." This jurisdiction, referred to as "federal question" jurisdiction, provides the federal courts with jurisdiction only where plaintiff's claim is right created by federal law or resolution of a federal law is an essential element of plaintiff's cause of action. *Gully v. First National Bank*, 299 U.S. 109, 112, 57 S.Ct. 96, 97, 81 L.Ed. 70 (1936). Thus, the essential examination for "federal question" jurisdiction is one of Plaintiff's complaint.

To that end, "[t]he presence or absence of federal-question jurisdiction is governed by the 'well-pleaded complaint rule,' which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint." *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). The United State Supreme Court has established: "by unimpeachable authority, a suit brought upon a state statute does not arise under an act of Congress or the Constitution of the United States because prohibited thereby." *Gully v. First Nat. Bank*, 299 U.S. 109, 116, 57 S. Ct. 96, 99, 81 L. Ed. 70 (1936). A unanimous Supreme Court further declared "[t]he plaintiff is the master of the complaint, that a federal question must appear on the face of the complaint, and that the plaintiff may, by eschewing claims based on federal law, choose to have the cause of action heard in state court." *Id.*

The mere presence of a federal question in defense theory does not overcome the well-pleaded complaint requirements for this jurisdiction. *Caterpillar*, 482 U.S. at 398-99. Not even the possibility of federal preemption of a plaintiff's state law claims is enough to create

jurisdiction in federal courts. The Supreme Court specifically provided: "a case may not be removed on the basis of a federal defense, including a defense of ordinary preemption." *Id.* at 393. This is the case even where plaintiff and defendant agree that the only contested issue in the case is whether or not ordinary preemption applies.

The only time that a federal preemption defense confers "federal question" jurisdiction is when a plaintiff's state law claim is **completely** preempted by federal law. This concept—"complete preemption"—provides that any such claim is transformed, for jurisdictional purposes, and necessarily arises under federal law. *Stellar v. Allied Signal, Inc.*, 98 F.Supp.3d 790, 2015 WL 1654839, at *2 (E.D. Pa. Apr. 15, 2015) (citing *Franchise Tax Bd. V. Constr. Laborers Vacation Trust for S. Cal.*, 463 U.S. 1, 23 (1983)). Complete preemption of a statute is not the same as ordinary preemption. Rather, complete preemption "is so extraordinary that it converts an ordinary state common-law complaint into one stating a federal claim". *Id.* (citing *Caterpillar*, 482 U.S. at 392). Where the defense is ordinary preemption, federal question jurisdiction is not met.

Importantly, a federal court has already considered whether PREP Act creates "federal question" jurisdiction over a plaintiff's state law claims. In *Kehler v. Hood*, the United States District Court for the Eastern District of Missouri considered whether its jurisdiction remained proper after the dismissal of the only defendant that gave subject matter jurisdiction to the federal court. In an effort to keep the case in federal court, the remaining defendants argued that PREP Act preemption raised a federal question conferring jurisdiction on the district court. The District Court disagreed:

> Defendants Dr. Hood and St. Luke's argue that federal jurisdiction continues in this cause inasmuch as plaintiffs' claims against Dr. Hood and St. Luke's are likewise **barred by the PREP Act**. Defendants argue that because the nature of plaintiffs' claims implicate this federal statute, federal question jurisdiction exists

> and thus provides an independent jurisdictional basis upon which this Court may proceed with the case. **Defendants' argument is misplaced.**[…]
>
> A review of plaintiffs' claims here shows none of them to arise under federal law. Plaintiffs raise State law claims of medical negligence based on the conduct of defendants Dr. Hood and St. Luke's which occurred prior to the administration of the H1N1 vaccine. The First Amended Petition does not show a federal right to be an essential element of plaintiffs' claims of negligence. Nor does the petition appear to be deficient on its face; it appears to set forth well-pleaded State claims of medical negligence and loss of consortium. The issue as to whether the PREP Act precludes such an action against these defendants has entered the case only by way of defendants Dr. Hood and St. Luke's defense to the claims. **The assertion of such a federal defense, however, does not give rise to federal question jurisdiction.**

Kehler v. Hood, No. 4:11CV1416 FRB, 2012 WL 1945952, at *4 (E.D. Mo. May 30, 2012) (emphases added). The Court also noted in a footnote that "The doctrine of complete preemption, a narrow exception to this rule, is not implicated here." *Id.* at *3.

In its Notice of Removal, Brighton offers no explanation as to why the present case differs from that set forth in the *Kehler*. It offers no argument supporting the contention that the PREP Act is, in fact, "so extraordinary" that it completely preempts Plaintiff's causes of action. Rather, as demonstrated in *Kehler*, the PREP Act is, at most, an asserted defense to Plaintiff's state law tort claims. On that basis, this court does not have subject matter jurisdiction under 28 U.S.C.A. § 1331. Removal on this basis was improper and this matter must be remanded to state court.

c. This case should be remanded because Brighton is not an officer of the United States under § 1442(a)(1).

Removal pursuant to § 1442(a)(1) is permitted only for "any officer (or any person acting under that officer) of the United States or of any agency thereof," and only for cases alleging **misconduct under color of federal law**. The origin and purpose of this particular statute is informative. It arises from several cases of federal agents raiding illegal distilleries during prohibition. In those cases, the raids had led to the death of purported criminal participants and

the officers charged for murder in state courts. *Watson v. Philip Morris Companies, Inc.*, 551 U.S. 142, 150, 127 S. Ct. 2301, 2306, 168 L. Ed. 2d 42 (2007). With this background in mind, the Supreme Court has explained that the purpose of § 1442(a)(1):

> …is to protect the Federal Government from the interference with its "operations" that would ensue were a State able, for example, to "arres[t]" and bring "to trial in a State cour[t] for an alleged offense against the law of the State," "officers and agents" of the Federal Government "acting ... within the scope of their authority. State-court proceedings may reflect "local prejudice" against unpopular federal laws or federal officials

Id. at 150. This background informs the policies and interests governing when federal officer removal should apply to a private defendant.

For removal under federal officer jurisdiction, defendants bear the burden in establishing each of three criteria: (1) Defendants are "persons" within the statutory meaning; (2) Defendants acted pursuant to a "federal officer's directions and that a causal nexus exists between the defendants' actions under color of federal office and the plaintiff's claims;" and (3) Defendants asserted a colorable federal defense arising from their "official duties". *Mesa v. California*, 489 U.S. 121, 124–25, 129–31, 134–35 (1989); *Winters v. Diamond Shamrock Chem. Co.*, 149 F.3d 387, 400 (5th Cir. 1998).

In this case, Brighton offers no factual basis to support or satisfy the second and third elements of the *Mesa* test.

i. Brighton did not act at a federal officer's directions nor does a causal nexus exists between Brighton's actions under color of federal office and the plaintiff's claims

Federal officer removal may include "private persons" in additional to direct government officials.[1] This is the case, however, only where the defendant is acting in a "official or quasi-official capacity" *City of Greenwood, Miss. v. Peacock*, 384 U.S. 808, 812, 86 S. Ct.

[1] In this context, "private person" is understood to include individual corporates entities. *Winters v. Diamond Shamrock Chem. Co.*, 149 F.3d 387, 398 (5th Cir. 1998)

1800, 1804, 16 L. Ed. 2d 944 (1966). Defendant must be someone "who lawfully assist[ed]" the federal officer "in the performance of his official duty." *Watson v. Philip Morris Companies, Inc.*, 551 *U.S. 142, 151, 127 S. Ct. 2301, 2307, 168 L. Ed. 2d 42 (2007) (citing Davis v. South Carolina* 107 U.S. at 600, 2 S.Ct. 636).

With this context in mind, the phrase "acting under" in the statute connotes a relationship between the defendant and the U.S. government "involving 'subjection, guidance, or control.'" *Watson v. Philip Morris Companies, Inc.*, 551 U.S. 142, 151-52 (2007). The act "must involve an effort to *assist,* or to help *carry out,* the duties or tasks of the **federal superior**" *Watson v. Philip Morris Companies, Inc.,* 551 U.S. 142, 152, 127 S. Ct. 2301, 2307, 168 L. Ed. 2d 42 (2007). In order for there to be sufficient control to confer federal officer jurisdiction, it is not enough for there to be "strong government intervention" but also "the threat that a defendant will be sued in state court 'based upon actions take pursuant to federal direction.'" *Gulati v. Zuckerman*, 723 F.Supp. 353 (E.D.Pa.1989).

By contrast, acting occurring under the "general auspices of federal direction" or mere compliance with governmental guidance, edict or law is not sufficient for § 1442(a)(1) removal. *Good v. Armstrong World Indus., Inc*., 914 F. Supp. 1125, 1128 (E.D. Pa. 1996) The Supreme Court in *Watson* explained that "simply complying with the law" does not bring one into the purview of the statute. *Id.* at 152. Simple acquiescence with the law or regulatory orders, even where complex or extensive, is not enough for federal officer jurisdiction.

> A private firm's compliance (or noncompliance) with federal laws, rules, and regulations does not by itself fall within the scope of the statutory phrase "acting under" a federal "official." And that is so **even if the regulation is highly detailed** and **even if the private firm's activities are highly supervised and monitored**. A contrary determination would expand the scope of the statute considerably, potentially bringing within its scope state-court actions filed against private firms in many highly regulated industries. See, e.g., Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136a (2000 ed. and Supp. IV) (mandating disclosure

> of testing results in the context of pesticide registration). Neither language, nor history, nor purpose lead us to believe that Congress intended any such expansion.

Id. at 153 (emphasis added). This limitation is consistent both with the statutory purpose and with common sense - a contrary conclusion would render all law-abiding private entities "quasi-officers" of the United States government entitled to federal jurisdiction.

This legal analysis necessarily turns on the facts of the relationship between the purported private "official" and the government. In the cases upholding federal officer jurisdiction, the defendant is more than just a passive recipient of a generic government edict. Rather, those cases involve defendants in an express and active relationship with the United States government, with the United States government setting objectives, guidelines, requirements and exercising some level of control. The relationship is always specific and intentional – the defendants have been specifically engaged by or delegated to by the government in some way. There is no accidental or universal engagement to a class of entities, as Brighton implicitly suggests. *See,e.g., Winters v. Diamond Shamrock Chemical Co.*, 149 F.3d 387, 398 (5th Cir. 1998) (upholding removal for company directed by United States to produce Agent Orange for use in Vietnam because government provided specification of the chemical formulation, packaging and delivery and supervised production); *Fung v. Abex Corporation*, 816 F.Supp. 569 (N.D.Ca 1992) (upholding removal where defendant was a government contractor that built United States submarines for the Navy); *Ruppel v. CBS Corp*., 701 F.3d 1176 (7th Cir. 2012) (upholding removal for government contractor, who supplied asbestos at direction of the United States Navy); *Papp v. Fore-Kast Sales Co.*, 842 F.3d 805 (3d Cir. 2016) (upholding removal because defendant manufactured the injury-causing product at the direction and under the supervision, control, order and directive of United States Armed Services).

By contrast, courts have flatly rejected federal officer jurisdiction where the allegations of connection to the government are more general or work was not expressly delegated. *See, e.g.*, *Good v. Armstrong World Indus., Inc.*, 914 F. Supp. 1125, 1128 (E.D. Pa. 1996) (remanding to state court where defendant who built Navy turbines relied only on "general control and reaction of the Navy and federal government").

In its removal notice, Brighton ignores details about any such relationship, focusing instead on *general guidance* provided by the CDC and CMS to all healthcare providers, countrywide. In truth, there was no relationship. There was no contract. There was no direct, intentional and specific control of Brighton's conduct. The United States government did not specifically delegate any part of its COVID-19 response efforts directly to Brighton. There is no suggestion that compliance with federal requests or delegation created the risk that Brighton could be sued based upon actions taken at federal direction. There is nothing here to support Brighton's contention that it was acting as a "quasi-official" of the United States government.

Brighton's suggestion that it was assisting or helping carry out the objectives of the federal government grossly overstates and distorts Brighton's conduct. At most, Brighton's conduct was merely compliance (or non-compliance) with federal guidelines – the very conduct the Supreme Court has held to be insufficient for federal officer jurisdiction. As was the case in *Watson*, if Brighton's reasoning were adopted here, it would lead to an unprecedented and unsupportable expansion of federal jurisdiction. It would render every medical facility and automobile manufacturer a federal officer for the purposes of federal jurisdiction.

In addition, Brighton cannot demonstrate a causal nexus between the CDC and CMS guidance on COVID-19 and Plaintiff's claims. The requirement for a "causal nexus" means that the **execution of the federal duty** caused Plaintiff's damages and claims. Looking to the

prohibition cases as an example, the execution of the federal duty – raiding an illegal distiller – caused the claim – the death of a criminal participant. For that scenario to be applicable in this case, Plaintiff's claim would have to be that Defendant's actions taken at the behest of the United States government caused Ms. Wiles' death. That is not Plaintiff's claim.

Plaintiff is not alleging damages flowing from federal guidance that Brighton followed. Rather, plaintiff contends Ms. Wiles dies because Brighton failed to adhere to common law standards of care and statutory duties imposed by the Commonwealth of Pennsylvania, not the federal government. Brighton cannot identify a single action that it took at the behest of and to assist the United States government period, let alone one that plaintiff alleges to have been a cause of Ms. Wiles' death.

ii. Brighton cannot point to a single colorable federal defense arising from a duty to enforce federal law.

Brighton attempts to blur this element with its PREP Act preemption claims, alleging that preemption is its "colorable federal defense." This is, however, a misreading of the law on federal officer removal. Under the statute, it is not enough that a defendant may have a defense arising under federal law. Rather, defendants must have a colorable federal defense "**rising out of their duty to enforce federal law**." *Willingham v. Morgan*, 395 U.S. 402, 407, 89 S. Ct. 1813, 1816, 23 L. Ed. 2d 396 (1969); *Arizona v. Manypenny*, 451 U.S. 232, 241, 101 S. Ct. 1657, 1664, 68 L. Ed. 2d 58 (1981). In explaining this, the Supreme Court in *Willingham* explained "one of the most important reasons for removal is to have the validity of the **defense of official immunity** tried in a federal court." 395 U.S. 402, 407, 89 S. Ct. 1813, 1816, 23 L. Ed. 2d 396 (1969) (emphasis added) . Stated another way, a necessary element for federal officer removal is a defense specifically arising out of their "quasi-official" status. A common example of is this government contractor immunity.

For the "colorable defense" element to be met, the asserted immunity must be directly tied to the conduct that the defendant avers it undertook under the direction, control and supervision of the United States government. Yet, Brighton's assertion that the PREP Act is a sufficient federal defense wrongly blends the Notice of Removal arguments together. In its notice, Brighton contends that its "quasi-official" conduct and assistance to the government is based on generically issued guidance from the CDC and CMS. *See* Notice of Removal, paragraphs 35 to 46. Nowhere in its notice does Brighton demonstrate that its alleged official duties were derived out of the PREP Act. Brighton simply has not put forth a colorable federal defense derived from the official duties undertaken at the express direction of the United States government. Having failed to meet two elements required for federal officer removal, this matter must be remanded to state court for adjudication on the merits.

V. CONCLUSION

In conclusion, Plaintiff respectfully requests that this Honorable Court grant this Motion and enter an Oder in the form accompanying this Motion to remand this matter to Court of Common Pleas of Allegheny County.

SALTZ, MONGELUZZI & BENDESKY, P.C.

By: */s/ David L. Kwass*
DAVID L. KWASS, ESQUIRE
ELIZABETH A. BAILEY, ESQUIRE
Attorney for Plaintiffs

Dated: September 9, 2020

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VANESSA SHEROD, as ADMINISTRATOR of the ESTATE OF ELIZABETH WILES and in her own right *Plaintiff,* v. COMPREHENSIVE HEALTHCARE MANAGEMENT SERVICES, LLC d/b/a BRIGHTON REHABILITATION AND WELLNESS CENTER; COMPREHENSIVE MANAGEMENT SERVICES – PROPERTY, LLC, CHMS GROUP, LLC, SAMUEL HARPER, EPHRAM LAHASKY, HEALTHCARE SERVICES GROUP, INC.,HCSG LABOR SUPPLY, LLC, HCSG SUPPLY, INC., HCSG STAFF LEASING SOLUTIONS, LLC; QUALITY BUSINESS SOLUTIONS, INC.; BRIAN EDWARD MEJIA, *Defendants*.	No.: 2:20-cv-01198

ORDER

AND NOW, this _____ day of _____, 2020, upon consideration of Plaintiff's Motion to Remand (Docket No. 2:05-mc-02025) and all documents filed in connection therewith, **IT IS HEREBY ORDERED** as follows:

1. Plaintiff's Motion to Remand is **GRANTED** with prejudice.

2. This matter is **REMANDED** to the Court of Common Pleas of Allegheny County County.

3. The Clerk of the Court shall **CLOSE** this matter.

BY THE COURT:

_____
Arthur Schwab, J.

CERTIFICATE OF SERVICE

This is to certify that, on this date, a true and correct copy of the attached document was electronically served on all counsel of record.

SALTZ, MONGELUZZI & BENDESKY, P.C.

By: */s/ David L. Kwass*
DAVID L. KWASS, ESQUIRE
ELIZABETH A. BAILEY, ESQUIRE
Attorney for Plaintiffs

Dated: September 9, 2020