

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

JESSICA M. PERKEREWICZ,)	
)	
PLAINTIFF)	
)	
v.)	CIVIL No. 1:20-cv-273-DBH
)	
SUGARLOAF MOUNTAIN)	
CORPORATION, ET AL.,)	
)	
DEFENDANTS)	

DECISION AND ORDER ON PLAINTIFF’S MOTION TO REMAND

The plaintiff’s motion to remand to state court is **DENIED**.

The Amended Complaint states claims for relief explicitly under federal statutes, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. and 42 U.S.C. ¶ 1981. See Am. Compl. ¶¶ 44, 51, 56-57, 65-66, 73-74, 78-79, 83-84, 88-89, 93-94 (ECF No. 1-18).

Whether the plaintiff regards her claims as “primarily State Law claims,” Mot. to Remand ¶ 8 (ECF No. 11), is irrelevant once she has stated a direct federal claim under a federal statute. “The jurisdictional question is determined from what appears on the plaintiff’s claim, without reference to any other pleadings.” Ortiz-Bonilla v. Federación de Ajedrez de Puerto Rico, Inc., 734 F.3d 28, 34 (1st Cir. 2013) (emphasis omitted). The federal court *must* entertain such a suit. Id. at 36. “It is immaterial that a claimant in retrospect views her federal claims as surplus” Id.

The plaintiff seems to suggest that her case could not be removed because one of the defendants may have defenses under state workers' compensation laws. Mot. to Remand ¶¶ 4, 6, 7, 9-10, 17. Title 28 U.S.C. § 1445(c) says: "A civil action in any State court arising under the workmen's compensation laws of such State may not be removed to any district court of the United States." I see nothing in the Amended Complaint to suggest that her claims arise under Maine workers' compensation laws. If they did, the remedy would be severance and remand of that claim against that party, not the entire lawsuit. See 28 U.S.C. § 1441(c)(2).

Therefore, the plaintiff's motion is **DENIED**.

SO ORDERED.

DATED THIS 7TH DAY OF OCTOBER, 2020

/s/D. BROCK HORNBY

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE