

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**LEROY HANES,**

**Plaintiff,**

**v.**

**Case No. 8:15-cv-1444-T-30AEP**

**HCA HEALTH SERVICES OF FLORIDA,  
INC.,**

**Defendant.**

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**ORDER**

THIS CAUSE comes before the Court upon Plaintiff Leroy Hanes' Motion to Remand (Dkt. 3). The Court, having reviewed the motion, and being otherwise advised in the premises, concludes that the motion should be granted to the extent that Plaintiff's worker's compensation retaliation claim will be remanded to state court.<sup>1</sup>

**DISCUSSION**

Plaintiff Leroy Hanes filed the instant action against Defendant HCA Health Services of Florida, Inc. in Hernando County Circuit Court alleging four claims against HCA: two claims under the Fair Labor Standards Act ("FLSA"); a retaliation claim for engaging in protected activity under Florida's Workers' Compensation Act ("FWCA"); and one claim for unpaid wages under common law.

HCA timely removed the action to this Court alleging the Court's original jurisdiction over the FLSA claims. Hanes now moves to remand the retaliation claim brought under the

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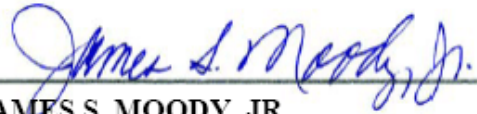
<sup>1</sup> Defendant failed to respond to the motion during the applicable deadline.

FWCA pursuant to 28 U.S.C. § 1445(c) that provides: “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.” (emphasis added). Section 1445(c) makes clear that removal of the FWCA claim is inappropriate. As such, the appropriate course is to sever and remand the FWCA claim. *See Castillo v. Sch. Bd. of Hillsborough Cnty., Fla.*, No. 8:14-cv-460-T-30TBM, 2014 WL 1117059, at \*1 (M.D. Fla. Mar. 20, 2014) (Moody, J.) (severing and remanding retaliation claim brought under the FWCA to state court).

It is therefore ORDERED AND ADJUDGED that:

1. Plaintiff Leroy Hanes’ Motion to Remand (Dkt. 3) is granted as stated herein.
2. Plaintiff’s claim under the Florida’s Workers’ Compensation Act (Count III of the Complaint) is hereby severed from this action and the Clerk of Court is directed to remand the severed claim to the Fifth Judicial Circuit, in and for Hernando County, Florida, and provide that court with a copy of this Order.
3. This case will proceed as to Plaintiff’s remaining claims.

**DONE** and **ORDERED** in Tampa, Florida on July 14, 2015.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

**Copies furnished to:**  
Counsel/Parties of Record

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