

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN EVERTS,

Plaintiff,

Case No. 16-14209

v.

Honorable John Corbett O'Meara

AMERICAN RED CROSS, GREAT  
LAKES BLOOD SERVICES REGION,

Defendant.

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**ORDER GRANTING MOTION FOR RECONSIDERATION**

This matter came before the court on plaintiff Kevin Everts' February 21, 2017 Unopposed Motion for Reconsideration of this court's January 26, 2017 Order of Partial Dismissal.<sup>1</sup>

On December 30, 2016, Plaintiff filed a four-count complaint alleging violations of federal and state statutes. The court entered an order of partial dismissal January 26, 2017, dismissing the two state law claims. Plaintiff concedes that in the complaint he "asserted 28 U.S.C. § 1367 as the basis for subject matter jurisdiction over the [state law] claims . . . ." Plaintiff's br. at 3. However, Plaintiff now asserts subject matter jurisdiction pursuant to 36 U.S.C. § 300105(a)(5), which provides "original

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<sup>1</sup>The court previously entered a stipulated order extending the deadline for Plaintiff to file this motion.

federal subject matter jurisdiction for all cases in which the Red Cross is a party."  
Coleman v. American Red Cross, 979 F.2d 1135, 1136 n.3 (6th Cir. 1992).

The statute also allows the Red Cross to remove from state court any state law action it is defending. See American Nat'l Red Cross v. S.G., 505 U.S. 247, 257 (1992). Plaintiff's motion represents that "even if Plaintiff were to bring his PWDCRA claims in state court in a separate action, Defendant has indicated that it will remove those claims to federal court pursuant to 36 U.S.C. § 300105(a)(e)." Plaintiff's br. at 4. Therefore, the court will grant Plaintiff's motion.

### **ORDER**

It is hereby **ORDERED** that the court's January 26, 2017 order of partial dismissal is **VACATED**.

s/John Corbett O'Meara  
United States District Judge

Date: March 1, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 1, 2017, using the ECF system.

s/William Barkholz  
Case Manager