

1 Adam P. Segal, Esq.
2 Nevada Bar No. 6120
3 Bryce C. Loveland, Esq.
4 Nevada Bar No. 10132
5 BROWNSTEIN HYATT FARBER SCHRECK, LLP
6 100 North City Parkway, Suite 1600
7 Las Vegas, NV 89106-4614
8 Telephone: 702.382.2101
9 Facsimile: 702.382.8135
10 asegal@bhfs.com
11 bcloveland@bhfs.com

12 Attorneys for Defendant
13 *Electrical Workers Health and Welfare Trust*

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 LUCHERINI BLAKESLEY COURTNEY, P.C., a
17 domestic corporation,

18 Plaintiff,

19 v.

20 CINDI BAER, an individual; LAS VEGAS
21 NEUROSURGERY, ORTHOPAEDICS &
22 REHABILITATION, LLP, a domestic limited
23 liability company; ELECTRICAL WORKERS
24 LOCAL 357 TRUST FUNDS, a financial entity;
25 NORTH VISTA HOSPITAL, INC., a foreign
corporation; UNIVERSITY MEDICAL CENTER
OF SOUTHERN NEVADA, a political subdivision
of Clark County, State of Nevada; BRIAN A.
LEMPER, D.O., LTD., a domestic professional
corporation; ATHLETIC & THERAPEUTIC
INSTITUTE OF NAPERVILLE, LLC, a foreign
limited liability company,

Defendant.

CASE NO. 2:17-cv-00611-GMN-VCF

**DEFENDANT'S MOTION TO
WITHDRAW NOTICE OF
REMOVAL**

Defendant Electrical Workers Health and Welfare Trust ("Defendant") (erroneously named as Electrical Workers Local 357 Trust Funds) by and through its attorneys move to withdraw their Notice of Removal in this action and respectfully request that this Court remand

this action to state court, and in support thereof state:

1. This civil action was originally commenced in the District Court of the Eighth Judicial Circuit in and for Clark, County, Nevada, by Complaint in Interpleader filed on August 09, 2016.

2. Defendant was served with the Complaint on January 27, 2017.

3. Defendant filed a Notice of Removal to the United States District Court for the District of Nevada, on February 24, 2017.

4. Removal of this action was based on Congress giving exclusive jurisdiction to Federal Courts to enforce terms of an ERISA Plan. ERISA § 502(e), as codified at 29 U.S.C. § 1132(e)(1).

5. Plaintiff and Defendant have since settled the matter, so the basis for removal and exclusive jurisdiction under ERISA § 502(e) no longer exists.

6. As such, Defendant respectfully requests that it be allowed to withdraw its Notice of Removal and that this matter be remanded to the District Court of the Eighth Judicial Circuit in and for Clark, County, Nevada.

Dated this 28th day of March, 2017.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/ Bryce C. Loveland

Adam P. Segal, Esq., Nevada Bar No. 6120
Bryce C. Loveland, Esq., Nevada Bar No. 10132
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614

Attorneys for Defendant
Electrical Workers Health and Welfare Trust Fund

IT IS SO ORDERED.

DATED this 28 day of March, 2017.

Gloria M. Navarro, Chief Judge
United States District Court