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8 Attorneys for Defendant  
*Electrical Workers Health and Welfare Trust*

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

13 LUCHERINI BLAKESLEY COURTNEY, P.C., a  
14 domestic corporation,

15 Plaintiff,

16 v.

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

24 Defendant.

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

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

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

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

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

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

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

7 4. Removal of this action was based on Congress giving exclusive jurisdiction to Federal  
8 Courts to enforce terms of an ERISA Plan. ERISA § 502(e), as codified at 29 U.S.C. §  
9 1132(e)(1).

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

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

15 Dated this 28th day of March, 2017.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

17  
18 By: /s/ Bryce C. Loveland

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Attorneys for Defendant  
*Electrical Workers Health and Welfare Trust  
Fund*

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23 **IT IS SO ORDERED.**

**DATED** this 28 day of March, 2017.

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27 Gloria M. Navarro, Chief Judge  
United States District Court