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DISTRICT OF NEVADA
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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 MICHAEL KOS, M.D., A PROFESSIONAL
CORPORATION,

8 Plaintiff,

3:17-cv-00217-RCJ-VPC

9 vs.

10 ORDER

11 AETNA HEALTH, INC.,

12 Defendant.

13 In accordance with this Court's order of June 14, 2017, Plaintiff Michael Kos, M.D., a
14 Professional Corporation has filed a notice of intent not to amend its Complaint. (Notice, ECF
15 No. 22.) Therefore, consistent with the Court's analysis in its June 14 order, Plaintiff's first
16 through third causes of action are dismissed with prejudice to the extent they assert an
17 entitlement to benefits under the Plan. Plaintiff's remaining claims—including those claims pled
18 within the first through third causes of action which are not preempted by ERISA—are remanded
19 to the Second Judicial District Court of Nevada, Washoe County.

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1 **CONCLUSION**

2 **IT IS HEREBY ORDERED** that Plaintiff's ERISA-preempted claims are **DISMISSED**
3 **WITH PREJUDICE.** (*See* Order 4-7, ECF No. 21.)

4 **IT IS FURTHER ORDERED** that the Motion to Remand (ECF No. 9) is **GRANTED.**
5 The case is hereby remanded to the Second Judicial District Court of Nevada, Washoe County,
6 and the Clerk shall close the case.

7 **IT IS SO ORDERED.**

8 *July 12, 2017.*

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12 **ROBERT C. JONES**
13 **United States District Judge**
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