

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BARBARA MACK, as ADMINISTRATRIX)	
of the ESTATE of)	Civil Action
WILLIAM A. MACK, JR.,)	No. 10-cv-02142
deceased,)	
)	
Plaintiff)	
)	
v.)	
)	
VENTRACOR, LTD., trading and)	
doing business in the United)	
States as Ventracor, Inc.,)	
also known as Ventracor;)	
ROHINTON J. MORRIS, M.D.;)	
MICHAEL A. ACKER, M.D.;)	
MARIELL L. JESSUP, M.D.;)	
THE TRUSTEES OF THE UNIVERSITY)	
OF PENNSYLVANIA trading and)	
doing business as University)	
of Pennsylvania also trading)	
and doing business as The)	
Hospital of the University of)	
Pennsylvania also trading and)	
doing business as University)	
of Pennsylvania Health)	
System; and)	
VENTRACOR, INC.,)	
)	
)	
Defendants)	

O R D E R

NOW, this 8th day of March, 2011, upon consideration of the following documents:

(1) Motion to Remand and for Costs, Expenses and Attorneys' Fees, which motion was filed on behalf of plaintiffs on June 9, 2010; together with

(1) (A) Memorandum of Law in Support of Plaintiff's Motion to Remand and for Costs,

Expenses and Attorneys' Fees, which memorandum was filed June 9, 2010.

(2) Certain Defendants' Response in Opposition to Plaintiff's Motion to Remand and for Costs, Expenses, and Attorneys' Fees, which response was filed on behalf of defendants Rohinton J. Morris, M.D., Michael A. Acker, M.D., Mariell L. Jessup, M.D. and the Trustees of the University of Pennsylvania, doing business as University of Pennsylvania also trading and doing business as The Hospital of the University of Pennsylvania also trading and doing business as University of Pennsylvania Health System on July 7, 2010.

(2) (A) Certain Defendants' Memorandum of Law in Opposition to Plaintiff's Motion to Remand and for Costs, Expenses and Attorneys' Fees, which memorandum was filed July 9, 2010.

(3) Defendant Ventracor, Inc.'s Memorandum of Law in Opposition to Plaintiff's Motion to Remand and for Costs, Expenses and Fees, which memorandum was filed July 9, 2010.

(4) Plaintiff's Reply Memorandum in Support of Motion to Remand and for Costs, Expenses and Attorneys' Fees, which reply memorandum was filed with permission on September 15, 2010;

upon consideration of the pleadings, exhibits, and record papers; after oral argument held January 13, 2011; and for the reasons articulated in the accompanying Opinion,

IT IS ORDERED that plaintiff's Motion Remand and for Costs, Expenses, and Attorneys' Fees is granted in part and denied in part.

IT IS FURTHER ORDERED that plaintiff's motion to remand is granted.

IT IS FURTHER ORDERED that this action is remanded to the Court of Common Pleas of Philadelphia County, Pennsylvania.

IT IS FURTHER ORDERED that plaintiff's request for costs, expenses, and attorneys' fees incurred in connection with improper removal under 28 U.S.C. § 1447(c) is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge