

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRENDA L. ERDMAN,	:	CIVIL ACTION NO. 1:05-CV-0944
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
NATIONWIDE INSURANCE COMPANY,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 6th day of January, 2010, upon consideration of the uncontested motion (Doc. 112) to remove to this court plaintiff's claim under the Pennsylvania Human Relations Act ("PHRA"), 42 Pa. Con. Stat. Ann. 951 *et seq.*,¹ and it appearing that plaintiff also brings claims under the Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2601, and the court finding that jurisdiction in this court is proper in the above-captioned case pursuant to 28 U.S.C. § 1331 because plaintiff brings claims arising under federal law, see 28 U.S.C. § 1331 ("The district

¹ Plaintiff's PHRA claim is currently pending at Dauphin County Court of Common Pleas, Docket Number 2007-CV-8959-CV. Plaintiff included her PHRA claim in the amended complaint she filed with this court on May 30, 2006, (see Doc. 15), but on August 22, 2007, the court granted summary judgment in defendant's favor on the claims plaintiff brought under federal law, and the court declined to exercise jurisdiction over plaintiff's PHRA claim, (see Doc. 100). Plaintiff then filed a writ of summons with the Dauphin County Court of Common Pleas, to preserve her PHRA claim pending appeal of her federal claims to the United States Court of Appeals for the Third Circuit. The Third Circuit ultimately vacated the court's entry of summary judgment in part and remanded the case for further proceedings. Hence, plaintiff presently seeks to remove her PHRA claim to this court, so that all her claims can be resolved by the same tribunal.

courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”), and the court concluding that it may therefore determine all issues within the above-captioned case, see 28 U.S.C. § 1441(c) (“Whenever a separate and independent claim or cause of action within the jurisdiction conferred by [28 U.S.C. § 1331] is joined with one or more otherwise nonremovable claims or causes of action, the entire case may be removed and the district court may determine all issues therein . . .”), and the court noting that neither party in the instant case opposes removal of plaintiff’s PHRA claim to this court, it is hereby ORDERED that the motion (Doc. 112) for removal is GRANTED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge