

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

NICOLE GARDNER, as )  
Administratrix of the )  
Estate of Sharon Ann Gardner, )  
deceased as Assignee of )  
Kevin Harper, )

Plaintiff, )

v. )


Civil Action No. 07-1016

STATE FARM FIRE and CASUALTY )  
COMPANY, )  
Defendant. )

ORDER

AND NOW, this 24<sup>th</sup> day of July, 2007, upon consideration of defendant's Notice of Removal IT IS HEREBY ORDERED THAT, in light of the United States Supreme Court's decision in Murphy Bros. V. Michetti Pipe Stringing, Inc., 526 U.S. 344 (1999) as the Court of Appeals for the Third Circuit interpreted it in Sikirica v. Nationwide Ins. Co., 416 F.3d 214, 233 (3d Cir. 2005), a writ of summons is not an initial pleading as required by 28 U.S.C. § 1446(b). Therefore, defendant's removal was premature and this civil action is REMANDED to the Court of Common Pleas of Allegheny County.

BY THE COURT:

  
\_\_\_\_\_, J.

cc: all parties of record