

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CELINA CRUZ,

Plaintiff,

v.

R2SONIC, LLC,

Defendant.

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1:18-CV-397-RP

ORDER

Before the Court is Plaintiff Celina Cruz’s (“Cruz”) Unopposed Motion to Remand. (Dkt. 3). Cruz sued Defendant R2Sonic, LLC (“R2Sonic”) in Travis County Court at Law No. 1 on April 17, 2018. (Orig. Pet., Dkt. 1-3). Cruz alleges that she was injured during a work trip and asserts causes of action against R2Sonic for (1) discriminating against her for filing a workers’ compensation claim and (2) violating the Americans with Disabilities Act and the Texas Commission on Human Rights Act. (*Id.* at 3–6). R2Sonic removed the case to this Court on the basis of the Court’s federal question jurisdiction. (Not. Removal, Dkt. 1, ¶¶ 4–5).

Cruz then filed her motion to remand, in which she asks the Court to sever her workers’ compensation retaliation claim and to remand it to state court. Causes of action arising under Texas’ workers’ compensation laws may not be removed to a federal district court. 28 U.S.C. § 1445(c). A cause of action for retaliation under Texas Labor Code § 451.001 arises under Texas’ workers’ compensation laws. *Sherrod v. Am. Airlines, Inc.*, 132 F.3d 1112, 1118 (5th Cir. 1998). When such a claim appears alongside others in a pleading that is removed on the basis of a district court’s federal question jurisdiction, the court should sever the workers’ compensation claim and remand it. *Id.* at 1118–19.

Accordingly, **IT IS ORDERED** that Cruz's cause of action for workers' compensation retaliation arising under Texas Labor Code § 451.001 *et seq.* is **SEVERED** and **REMANDED** to County Court at Law No. 1 of Travis County, Texas.

SIGNED on June 11, 2018.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE