

1 HONORABLE RONALD B. LEIGHTON

2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 RALEIGH JOHNSON,

CASE NO. C18-5384 RBL

10 Plaintiff,

ORDER

11 v.

12 MULTICARE HEALTH SYSTEM,

13 Defendant.

14 THIS MATTER is before the Court on Plaintiff Johnson's Motion to Remand [Dkt. # 8].
15 Johnson claims that Multicare's removal was improper because his claims do not require any
16 reference to the Collective Bargaining Agreement for resolution.

17 The determination of whether a state cause of action is preempted by Section 301
18 depends on whether the resolution of the state law claims requires an interpretation of the CBA.
19 A state law claim is not preempted when it is "independent" of the CBA and when the analysis
20 of the state claim does not turn on any provision of the CBA. *Lingle*, 486 U.S. at 407, 108 S.Ct.
21 at 1882; *Jimeno*, 66 F.3d at 1522-23.

1 The Court agrees that the Plaintiff's claim does not require interpretation of the CBA.

2 The Motion to Remand is GRANTED and the matter is REMANDED to Pierce County Superior
3 Court. The plaintiff's request for attorneys' fees is DENIED.

4 IT IS SO ORDERED.

5 Dated this 23rd day of July, 2018.

6 
7

8 Ronald B. Leighton
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24