LARIMEN WALLACE	§	
	§	
Plaintiff,	§	
	§	
	§	
V.	§	
	§	CIVIL ACTION NO. 1:20-cv-01191
	§	
	§	
TRAVIS COUNTY HEALTHCARE	§	
DISTRICT D/B/A CENTRAL HEALTH	§	
	§	
Defendant.	§	

DEFENDANT TRAVIS COUNTY HEALTHCARE DISTRICT D/B/A CENTRAL HEALTH'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446 Defendant Travis County Healthcare District D/B/A Central Health ("Defendant" or "Central Health") files this Notice of Removal of Cause No. D-1-GN-20-006645, pending in the 98th Judicial District Court of Travis County, Texas, on the basis that Plaintiff's claims for relief against Defendant revolve around federal subject matter jurisdiction and that this court has supplemental jurisdiction of Plaintiff's remaining claims arising under state law. Defendant respectfully shows:

I. FACTUAL BACKGROUND

On or about October 29, 2020, Plaintiff filed his Original Petition in the matter styled *Larimen Wallace v. Travis County Healthcare District D/B/A Central Health*; Cause No. D-1-GN-20-006645, pending in the 98th District Court of Travis County, Texas ("the Lawsuit"). On November 14, 2020, Plaintiff e-mailed Defendant's counsel a copy of his Original Petition and a

Citation, as well as requested waiver of service. Defendant's counsel signed the waiver of service of citation, which was verified on November 17, 2020, and filed with the Travis County District Court on November 20, 2020. In the Lawsuit, Plaintiff brings causes of action for alleged violations of federal and state law, specifically Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. ("Title VII"), 42 U.S.C. § 1981, and the Texas Labor Code. Plaintiff asserts claims of race discrimination and retaliation under these laws.

Simultaneously with the filing of this notice of removal, Defendant submits the complete state court record as **Exhibit A**.

II. GROUNDS FOR REMOVAL

Defendant files this notice of removal within 30 days of receiving Plaintiff's initial pleading. *See* 28 U.S.C. § 1446(b). Additionally, venue is proper in this District and Division under 28 U.S.C. § 1441(a) because this District and Division include the county in which the state action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

In Plaintiff's Original Petition, Plaintiff expressly makes claims for relief against Defendant "arising under the Constitution, laws, or treaties of the United States." *See* 28 U.S.C. § 1331. Specifically, Plaintiff asserts causes of action for violations of Title VII, including discrimination and retaliation, and 42 U.S.C. § 1981. *See Pl.'s Original Pet.*, ¶¶ 56-60, 66-68, and 72-75. Accordingly, because Plaintiff has asserted claims under federal laws, this court has federal question jurisdiction pursuant to 28 U.S.C. § 1331. *See* 28 U.S.C. § 1331 ("The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."). Moreover, this Court has supplemental jurisdiction over Plaintiff's remaining race discrimination and retaliation claims arising under the Texas Labor Code as these claims "are so related to claims in the action within such original jurisdiction that

they form part of the same case or controversy under Article III of the United States

Constitution." 28 U.S.C. § 1367.

Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the

state court action are attached to this Notice as **Exhibit A**. Pursuant to 28 U.S.C. § 1446(d),

promptly after Defendant files this Notice, written notice of the filing will be given to Plaintiff,

the adverse party. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of

Removal will be filed with the Clerk of the Travis County District Court promptly after

Defendant files this Notice.

III. <u>CONCLUSION</u>

Based upon the foregoing, the exhibit submitted in support of this Notice, and other

documents filed contemporaneously with this Notice and fully incorporated herein by reference,

Defendant hereby removes this case to this Court for trial and determination.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/Stephanie S. Rojo

Stephanie S. Rojo

State Bar No. 24041815

Kimberly L. Kauffman

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Telephone: (512) 708-8200

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Email: srojo@thompsoncoe.com

Email: kkauffman@thompsoncoe.com

ATTORNEYS FOR DEFENDANT TRAVIS COUNTY HEALTHCARE DISTRICT

D/B/A CENTRAL HEALTH

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2020, a true and correct copy of the foregoing document was served in accordance with the Federal Rules of Civil Procedure upon all known counsel and parties of record by electronic service using the Court's CM/ECF system.

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colin@wileywalsh.com

ATTORNEY FOR PLAINTIFF LARIMEN WALLACE

/s/Stephanie S. Rojo Stephanie S. Rojo

LARIMEN WALLACE	§	
	§	
Plaintiff,	§	
	§	
	§	
v.	§	
	§	CIVIL ACTION NO. 1:20-CV-01191-RP
	§	
	§	
TRAVIS COUNTY HEALTHCARE	§	
DISTRICT D/B/A CENTRAL HEALTH	§	
	§	
Defendant.	§	

DEFENDANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADINGS

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Travis County Healthcare District D/B/A Central Health ("Defendant" or "Central Health") respectfully files this unopposed motion requesting an extension of time in which to file its responsive pleadings and would respectfully show the Court as follows:

- 1. The Plaintiff filed this action in state court on October 29, 2020 and sent the petition to Defendant's counsel on November 14, 2020. Defendant subsequently waived service of citation on November 17, 2020. Defendant removed the case to federal court on December 4, 2020 before filing an Answer. As a result, the current deadline for Defendant to file a responsive pleading is December 11, 2020, pursuant to Fed. R. Civ. P. 81(c)(2).
- 2. The parties are currently engaged in settlement negotiations. Accordingly, to allow the parties adequate time to conclude their negotiations, Defendant moves for a 30-day extension of time for the filing of its responsive pleadings.

3. With a 30-day extension, Defendant's responsive pleadings would be due on January 11, 2021.

4. This motion is filed not for purposes of delay, but so that justice may be done. Plaintiff will not be prejudiced by the granting of this extension of time.

5. Therefore, Defendant requests an extension of its deadline to file its responsive pleadings to January 11, 2021.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully prays that an extension of time for the filing of its responsive pleadings be granted.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Stephanie S. Rojo

Stephanie S. Rojo State Bar No. 24041815 Kimberly L. Kauffman State Bar No. 24089255

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Email: <u>kkauffman@thompsoncoe.com</u>

ATTORNEYS FOR DEFENDANT TRAVIS COUNTY HEALTHCARE DISTRICT D/B/A CENTRAL HEALTH

CERTIFICATE OF CONFERENCE

The undersigned counsel has conferred with Plaintiff's counsel regarding this motion and Plaintiff is unopposed.

/s/ Kimberly L. Kauffman
Kimberly L. Kauffman

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2020, a true and correct copy of the foregoing document was served in accordance with the Federal Rules of Civil Procedure upon all known counsel and parties of record by electronic service using the Court's CM/ECF system.

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ATTORNEY FOR PLAINTIFF LARIMEN WALLACE

/s/ Stephanie S. Rojo
Stephanie S. Rojo

LARIMEN WALLACE	§	
	§	
Plaintiff,	§	
	§	
	§	
v.	§	
	§	CIVIL ACTION NO. 1:20-CV-01191-RP
	§	
	§	
TRAVIS COUNTY HEALTHCARE	§	
DISTRICT D/B/A CENTRAL HEALTH	§	
	§	
Defendant.	§	

DEFENDANT'S SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADINGS

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Travis County Healthcare District D/B/A Central Health ("Defendant" or "Central Health") respectfully files this second unopposed motion requesting an extension of time in which to file its responsive pleadings and would respectfully show the Court as follows:

- 1. The Plaintiff filed this action in state court on October 29, 2020 and sent the petition to Defendant's counsel on November 14, 2020. Defendant subsequently waived service of citation on November 17, 2020. Defendant removed the case to federal court on December 4, 2020 before filing an Answer. As a result, the initial deadline for Defendant to file a responsive pleading was December 11, 2020, pursuant to Fed. R. Civ. P. 81(c)(2).
- 2. On December 11, 2020, Defendant filed its first Motion for an extension until January 11, 2020 to file a responsive pleading to allow time for the parties to conclude their

settlement negotiations. D.E. 3. The Court granted the Defendant's Motion on December 14,

2020.

3. As of the date of this filing, the parties have not yet concluded their settlement

negotiations. Accordingly, to allow the parties adequate time to conclude their negotiations,

Defendant moves for a 14-day extension of time for the filing of its responsive pleadings.

4. With a 14-day extension, Defendant's responsive pleadings would be due on

January 25, 2021.

5. This motion is filed not for purposes of delay, but so that justice may be done.

Plaintiff will not be prejudiced by the granting of this extension of time.

6. Therefore, Defendant requests an extension of its deadline to file its responsive

pleadings to January 25, 2021.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully prays that an

extension of time for the filing of its responsive pleadings be granted.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Stephanie S. Rojo

Stephanie S. Rojo State Bar No. 24041815 Kimberly L. Kauffman

State Bar No. 24089255

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ATTORNEYS FOR DEFENDANT TRAVIS COUNTY HEALTHCARE DISTRICT D/B/A CENTRAL HEALTH

CERTIFICATE OF CONFERENCE

The undersigned	counsel has	conferred	with 1	Plaintiff's	counsel	regarding	this	motion	and
Plaintiff is unopposed.									

/s/ Stephanie S. Rojo
Stephanie S. Rojo

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2021, a true and correct copy of the foregoing document was served in accordance with the Federal Rules of Civil Procedure upon all known counsel and parties of record by electronic service using the Court's CM/ECF system.

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ATTORNEY FOR PLAINTIFF LARIMEN WALLACE

/s/ Stephanie S. Rojo
Stephanie S. Rojo

Plaintiff, V. TRAVIS COUNTY HEALTHCARE DISTRICT D/B/A CENTRAL HEALTH Defendant. S CIVIL ACTION NO. 1:20-CV-01191-RP S S S S CIVIL ACTION NO. 1:20-CV-01191-RP S S S S S S S S S S S S S S S S S S	LARIMEN WALLACE	§	
v. \$ CIVIL ACTION NO. 1:20-CV-01191-RP \$ S S S S S S S S S S S S S S S S S S		§	
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TRAVIS COUNTY HEALTHCARE \$ DISTRICT D/B/A CENTRAL HEALTH \$ \$	V.	§	
DISTRICT D/B/A CENTRAL HEALTH § §		§	CIVIL ACTION NO. 1:20-CV-01191-RP
DISTRICT D/B/A CENTRAL HEALTH § §		§	
DISTRICT D/B/A CENTRAL HEALTH § §		§	
§	TRAVIS COUNTY HEALTHCARE	§	
S Defendant.	DISTRICT D/B/A CENTRAL HEALTH	§	
Defendant. §		§	
Ÿ	Defendant.	§	

JOINT NOTICE OF SETTLEMENT AND MOTION TO ABATE

Plaintiff, Larimen Wallace ("Plaintiff" or "Wallace"), and Defendant Travis County Healthcare District D/B/A Central Health ("Defendant" or "Central Health"), by and through their undersigned counsel, hereby notify the Court that Plaintiff and Defendant have resolved all claims between them in this matter and are in the process of completing the final settlement documents and filing the dismissal. The parties anticipate that the settlement will be finalized within the next 60 days. Therefore, the parties jointly move the Court to vacate all hearings, dates, and deadlines currently set on the Court's docket in the present matter and issue a sixty-day abatement.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/Stephanie S. Rojo

Stephanie S. Rojo Texas Bar No. 24041815 Kimberly L. Kauffman Texas Bar No. 24089255

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ATTORNEYS FOR DEFENDANT TRAVIS COUNTY HEALTHCARE DISTRICT D/B/A CENTRAL HEALTH

AND

/s/Colin Walsh* Colin Walsh

Texas Bar No. 24079538

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colin@wileywalsh.com

ATTORNEY FOR PLAINTIFF LARIMEN WALLACE

*signed with permission

CERTIFICATE OF CONFERENCE

I hereby certify by my signature below that I conferred with Plaintiff's counsel regarding the substance of this joint filing. Upon review, Plaintiff's counsel expressed his approval of the filing and its content.

/s/Kimberly L. Kauffman
Kimberly L. Kauffman

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2021, a true and correct copy of the foregoing document was served in accordance with the Federal Rules of Civil Procedure upon all known counsel and parties of record by electronic service using the Court's CM/ECF system.

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ATTORNEY FOR PLAINTIFF LARIMEN WALLACE

/s/Stephanie S. Rojo Stephanie S. Rojo Kimberly L. Kauffman

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

LARIMEN WALLACE,

Plaintiff,

V.

1:20-CV-1191-RP

TRAVIS COUNTY HEALTHCARE
DISTRICT d/b/a CENTRAL HEALTH,

Defendant.

ORDER

On January 25, 2021, the parties filed their Joint Notice of Settlement and Motion to Abate. (Dkt. 5). In their notice, the parties represent that the parties have agreed to settle all claims in this action and expect to file a stipulation of dismissal within 60 days. (*Id.*). In the meantime, the parties ask that the Court stay all pending deadlines. (*Id.*).

In light of the parties' Joint Notice of Settlement and Motion to Abate, the Court **GRANTS** their motion to stay this action. Accordingly, this action is **STAYED** until March 26, 2021. Plaintiff shall either file dismissal papers or a motion to extend the stay no later than **March 26, 2021**.

SIGNED on January 27, 2021.

ROBERT PITMAN UNITED STATES DISTRICT JUDGE