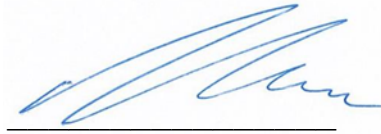


DATED this 10 day of May 2024.

NOSSAMAN LLP

By: 

Mike Gawley
Attorneys for St. James Healthcare

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing **NOTICE OF REMOVAL OF UNDERLYING STATE COURT ACTION TO FEDERAL COURT** with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing **NOTICE OF REMOVAL OF UNDERLYING STATE COURT ACTION TO FEDERAL COURT** upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Mail
 Overnight Delivery Service
 E-Mail

Attorneys for Plaintiff

Timothy B. Strauch, Esq.
Ward E. "Mick" Taleff, Esq.
Amanda Beckers Sowden, Esq.
RESOLUTE LAW, PLLC
257 West Front Street, Ste. A
Missoula, MT 59802
T: (406) 532-2600
F: (406) 542-3332
tim@mtresolutelaw.com
mick@mtresolutelaw.com
amandap@mtresolutelaw.com

Clerk of the District Court
Courthouse, Room 313
155 W. Granite Street
Butte, MT 59701
T: (406) 497-6350
beth.parks@mt.gov

Dated this 10 day of May, 2024.

/s/ Sonia J. Ortiz
Sonia J. Ortiz

EXHIBIT 1

NOSSAMAN LLP
Michael A. Gawley
mgawley@nossaman.com
50 California Street
34th Floor
San Francisco, 94111
Phone: 415-398-3600
Fax: 415-398-2438
Attorneys for St. James Healthcare

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

FRANK RAISER, M.D.,

Plaintiff,

-vs-

ST. JAMES HEALTHCARE, a Montana
public benefit corporation, and John Does
1-10,

Defendants.

Case No.:

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant St. James Healthcare (“St. James”) hereby files this Notice of Removal pursuant to and in accordance with 28 U.S.C. §§ 1331, 1441, and 1446, to remove Cause No. DV-23-308 from the Montana Second Judicial District Court, Butte-Silver Bow County to the United States District Court for the District of Montana. As grounds for removal, St. James respectfully states as follows:

1. On or about May 3, 2024, Plaintiff Frank Raiser, M.D. (“Plaintiff”) filed and served a First Amended Complaint (“1AC”) seeking injunctive relief and damages in the case *Frank Raiser, M.D. v. St James Healthcare, et al.*, Cause No. DV-23-308, in Montana Second Judicial District Court, Butte-Silver Bow County Court (the “State Action”).

2. St. James has attached copies of all process, pleadings, and orders served upon it and on file with the Montana Second Judicial District Court, Butte-Silver Bow County Court in compliance with 28 U.S.C. § 1446(a).

3. The court in the State Action granted leave for the parties to file certain documents under seal. Accordingly, and pursuant to the Local Rules of Procedure of the United States District Court for the District of Montana (“Local Rules”), Rule 5.2(b)(3), all documents filed under seal in the State Action will similarly be filed under seal in this Court.

4. This Court has original jurisdiction over the State Action pursuant to 28

U.S.C. § 1331. Federal question jurisdiction exists because Plaintiff’s due process claims arise under federal law and require resolution of issues under the Healthcare Quality Improvement Act (42 U.S. Code § 11101, *et al.*). See 1AC, ¶¶ 17, 36, 43, and 47.

5. The artful pleading doctrine prevents a plaintiff from circumventing federal jurisdiction by embedding federal issues within state law causes of action. *Franchise Tax Bd. Of State of Cal. v. Const. Laborers Vacation Trust for So. Cal.*, 463 U.S. 1, 14 (1983) (“Even though state law creates appellant’s causes of action, its case might still ‘arise under’ the laws of the United States if a well-pleaded complaint established that its right to relief under state law requires resolution of a substantial question of federal law in dispute between the parties.”); *Grable & Sons Metal Prod., Inc. v. Darue Eng’g & Mfg.*, 545 U.S. 308, 312 (2005) (“[F]ederal-question jurisdiction will lie over state-law claims that implicate significant federal issues.”).

6. This Court has jurisdiction over Plaintiff’s non-federal claims pursuant to 28 U.S.C. §§ 1367 and 1441(c).

7. Removal of this case is timely. This Notice of Removal is filed within thirty (30) days of May 3, 2024, which is the date St. James was served with the 1AC, the first pleading in the State Action to state claims arising under federal law.

8. Venue is proper pursuant to 28 U.S.C. § 1446(a) because the State

Action is pending within the district and division of the United States District Court for the District of Montana.

9. Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, St. James will file its corporate disclosure statements at the time of the filing of this Notice.

Wherefore, St. James requests that the State Action now pending against it in the Montana Second Judicial District Court, Butte-Silver Bow County Court be removed to this Court.

DATED this 10 day of May 2024.

NOSSAMAN LLP



By: _____

Michael A. Gawley

Attorneys for St. James Healthcare

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May 2024, a true copy of the foregoing:

- **NOTICE OF REMOVAL**

was served on the following persons by the following means:

Mail
 Overnight Delivery Service
 E-Mail

Attorneys for Plaintiff

Timothy B. Strauch, Esq.
Ward E. "Mick" Taleff, Esq.
Amanda Beckers Sowden, Esq.

RESOLUTE LAW, PLLC

257 West Front Street, Ste. A
Missoula, MT 59802

T: (406) 532-2600

F: (406) 542-3332

tim@mtresolutelaw.com

mick@mtresolutelaw.com

amandap@mtresolutelaw.com

Clerk of the District Court

Courthouse, Room 313

155 W. Granite Street

Butte, MT 59701

T: (406) 497-6350

beth.parks@mt.gov

/s/ Sonia J. Ortiz

Sonia J. Ortiz

**U.S. District Court
District of Montana (Butte)
CIVIL DOCKET FOR CASE #: 2:08-cv-08000**

Plaintiff v. Defendant
Assigned to:
Cause: 28:1331 Fed. Question

Date Filed: 06/08/2009
Jury Demand: Defendant
Nature of Suit: 190 Contract: Other
Jurisdiction: Federal Question

Plaintiff
Plaintiff

represented by **Plaintiff**
PRO SE

V.
Defendant
Defendant

Date Filed	#	Docket Text
05/06/2024	673	COMPLAINT for <i>Declaratory Relief</i> against Plaintiff (Filing fee \$ 405 receipt number AMTDC-3256988.). (Attachments: # 1 Civil Cover Sheet Civil Cover Sheet) (Wyatt-Shaw, Tammy) Modified on 5/6/2024 TO REFLECT ALL DOCUMENTS HAVE BEEN QC'D AND ASSIGNED CAUSE NO. CV-24-27-BU-BMM(ACC). (Entered: 05/06/2024)
05/10/2024	674	NOTICE OF REMOVAL by Defendant <i>St. James Healthcare</i> from Montana Second Judicial District Court, Butte-Silver Bow County, case number DV-23-308. (Filing fee \$ 405 receipt number AMTDC-3260313), filed by Defendant. (Attachments: # 1 Civil Cover Sheet Civil Case Cover Sheet, # 2 Exhibit State Court Document, # 3 Exhibit State Court Document, # 4 Exhibit State Court Document, # 5 Exhibit State Court Document, # 6 Exhibit State Court Document, # 7 Exhibit State Court Document, # 8 Exhibit State Court Document, # 9 Exhibit State Court Document, # 10 Exhibit State Court Document, # 11 Exhibit State Court Document, # 12 Exhibit State Court Document, # 13 Exhibit State Court Document, # 14 Exhibit State Court Document, # 15 Exhibit State Court Document, # 16 Exhibit State Court Document, # 17 Exhibit State Court Document, # 18 Exhibit State Court Document, # 19 Exhibit State Court Document) (Gawley, Michael) (Entered: 05/10/2024)

CERTIFICATE OF SERVICE

I, Michael Albert Gawley, hereby certify that I have served true and accurate copies of the foregoing Notice - Other to the following on 05-10-2024:

Timothy B. Strauch (Attorney)
257 West Front St.
Ste. A
Missoula MT 59802
Representing: RESOLUTE LAW, PLLC
Service Method: eService

Electronically Signed By: Michael Albert Gawley
Dated: 05-10-2024