

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA,
INDIANAPOLIS DIVISION

PRN PHARMACEUTICAL SERVICES, LP,

Plaintiff,

vs.

BROWNSBURG HEALTH CARE
CENTER, LLC, *et al.*,

Defendants.

CAUSE NO. 1:15-cv-2030-JMS-DKL

ORDER

*Motion of Defendant Kentuckiana Healthcare, LLC, Liquidating Debtor
To Limit Process and Pleadings [doc. 2]*

On December 22, 2015, Kentuckiana Healthcare, L.L.C. filed a notice of removal to remove this Cause from the Marion County Superior Court, Cause No. 49D01-1004-PL-16698. Kentuckiana contemporaneously filed the present motion to restrict the record that must accompany the removal, and be filed in this Court, to the twenty-five so-called “Essential Pleadings” listed in its motion [doc. 2, at 2-3], which already have been filed electronically as attachments to its *Notice of Removal* [doc. 1]. [Doc. nos. 1-1 through 1-7.] Kentuckiana asserts that the record is voluminous and not relevant to the *Notice of Removal* or to Kentuckiana’s anticipated motion to transfer this Cause to the Bankruptcy Court for the Western District of Kentucky. It also asserts that attaching copies of all of the filings would be burdensome to all parties and the Court. Kentuckiana states that it will promptly file any additional filings that the Court requires.

Plaintiff PRN Pharmaceutical Services, L.P., opposes Kentuckiana's motion. It and third-party defendant Omnicare, Inc. have since filed a motion to remand the case to the Superior Court. PRN states that it does not want a restricted record to limit the filings to which it may make reference, but it did not provide a list of state-court filings not already attached to the *Notice of Removal* to which it might want to make reference.

The Court requires that the entire state-court record accompany a removal and be filed in this Court. However, pursuant to S.D. Ind. L.R. 5-2(a)(6), the Court will exempt the remainder of the state-court record from the requirement of electronic filing. **Filings that already have not been filed electronically in this Court as attachments to the *Notice of Removal* shall be filed directly with the Clerk of the Court, in the form that they currently exist in the record of the Marion County Superior Court.**

Kentuckiana shall communicate this Order to the Clerk of the Marion County Superior Court and shall notify the Clerk of this Court when the Marion County Clerk will have the state-court record ready to be transferred to this Court. The Clerk of this Court will retrieve the state-court record from the Marion County Clerk and file it in this Court. Kentuckiana's motion is **GRANTED in part** as set forth herein.

SO ORDERED this date: 02/12/2016



Denise K. LaRue
United States Magistrate Judge
Southern District of Indiana

Distribution to all ECF-registered counsel of record *via* ECF-generated e-mail.