

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANNIE M. PAPA,

Plaintiff,

v.

CIVIL ACTION NO. 2:25-cv- 01716

Electronically Filed

MARCO BULISCO, Individually;
NEW CASTLE FIRE DEPARTMENT;
THOMAS BULISCO ASSISTANT CHIEF;
CHRIS FRYE;
CITY OF NEW CASTLE, PENNSYLVANIA,

Defendants.

NOTICE OF REMOVAL OF ACTION

TO: Angelo A. Papa, Esq.

Please take notice that Defendants, Marco Bulisco, New Castle Fire Department, Thomas Bulisco, Chris Frye, and City of New Castle, Pennsylvania, have filed the accompanying *Notice of Removal* of the above-captioned action.

CAMPBELL DURRANT, P.C.

By: s/Brian P. Gabriel

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Counsel for Defendants, Marco Bulisco, New Castle Fire Department, Thomas Bulisco, Chris Frye, and City of New Castle, Pennsylvania

Dated: November 4, 2025

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Defendants.

NOTICE OF REMOVAL

AND NOW, come, Defendants, Marco Bulisco, New Castle Fire Department, Thomas Bulisco, Chris Frye, and City of New Castle, Pennsylvania, by and through their undersigned counsel, and files this *Notice of Removal*, stating the following:

1. Plaintiff filed a Praeclipe for Writ of Summons and Emergency Motion Enforcement of Status Quo Agreement with the Lawrence County Court of Common Pleas on October 6, 2025, which was assigned Docket No. 2025-11089. A copy of the docket is attached hereto as Exhibit "A;"¹ a copy of the Praeclipe for Writ of Summons is attached as Exhibit "B;" a copy of the Emergency Motion is attached as Exhibit "C;" and a copy of the October 6, 2025 Notes of Testimony is attached as Exhibit "D."

2. Plaintiff filed a First Amended Praeclipe for Summons on October 7, 2025. A copy of the First Amended Praeclipe is attached hereto as Exhibit "E."

¹ Included with Exhibit "A" are the Sheriff Returns.

3. On October 9, 2025, the Emergency Motion was denied without prejudice for the reasons set forth in the October 9, 2025 Order. A copy of the October 9, 2025 Order is attached as Exhibit "F."

4. On October 14, 2025, Plaintiff filed a Complaint in Equity. A copy of the Complaint, the initial pleading, is attached as Exhibit "G."

5. On October 16, 2025, Plaintiff filed an Emergency Motion Enforcement of Status Quo Agreement. A copy of the Emergency Motion is attached as Exhibit "H."

6. On October 16, 2025, Plaintiff filed a First Amended Complaint, which added Chris Frye and the City of New Castle as Defendants. A copy of the First Amended Complaint in Equity, the operative pleading, is attached as Exhibits "I" through "L."²

7. On October 21, 2025, Judge John Hodge issued an Order recusing the Lawrence County bench and staying the court of common pleas case pending assignment to an out-of-county judge. A copy of Judge Hodge's Order is attached as Exhibit "M."

8. In the Complaint and the First Amended Complaint, Plaintiff asserts a claim under the Americans With Disabilities Act. (Ex. G, ¶¶ 24-30; Ex. I, ¶¶ 24-30).

9. Paragraph 35 of the First Amended Complaint states that Plaintiff has also "filed a claim with the EEOC." (Ex. G, ¶ 35; Ex. I, ¶ 35).

10. The City of New Castle received notice that Plaintiff filed a Charge of Discrimination from the Equal Employment Opportunity Commission on October 22, 2025. A copy of the Notice and Charge of Discrimination are attached as Exhibit "N."

² Exhibit "I" is the First Amended Complaint, Exhibit "J" is Exhibits A-I of the First Amended Complaint, Exhibit "K" is Exhibits J-T of the First Amended Complaint, and Exhibit "L" is the "missing" Exhibit "H" of the First Amended Complaint.

11. Plaintiff's EEOC Charge alleges claims under Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Pennsylvania Human Relations Act. (Ex. N, pp. 7, 12).

12. Plaintiff's EEOC Charge alleges that the discrimination and retaliation took place between October 31, 2023, and October 6, 2025, and is continuing. (Ex. N., p. 7).

13. In addition to seeking injunctive relief in the Amended Complaint, Plaintiff requests "money damages" and other relief including "reasonable attorneys' fees and costs." (Ex. G., Introductory paragraph, p. 3 and WHEREFORE clause, p. 9 and Ex. I, Introductory paragraph, p. 3 and WHEREFORE clause, p. 9).

14. This action is removable pursuant to Section 1441 of the Judicial Code, 28 U.S.C. § 1441, because the Complaint and First Amended Complaint assert claims against Defendants that arise under the laws of the United States.

15. Therefore, this is a civil action over which the District Court has original jurisdiction pursuant to 28 U.S.C. § 1331 and § 1343(a)(3).

16. This Notice is filed within thirty (30) days after Defendants were served with the initial pleading (Complaint) and was apprised of the claims for relief and is therefore timely filed pursuant to 28 U.S.C. § 1446(b).

WHEREFORE, Defendants, Marco Bulisco, New Castle Fire Department, Thomas Bulisco, Chris Frye, and City of New Castle, Pennsylvania, hereby remove this action from the Court of Common Pleas of Lawrence County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania in accordance with 28 U.S.C. §§ 1441, *et seq.*

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Thomas Bulisco, Chris Frye, and City of
New Castle, Pennsylvania*

Dated: November 4, 2025