

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

Erik Phillips-Nania v. New Hampshire Commission for Human Rights and Appalachian Mountain Club d/b/a AMC Highland Center at Crawford Notch

Case No. 25-cv-137-JL-TSM · No. 25-cv-137-JL-TSM · Decided January 13, 2026

SUMMARY

This Report and Recommendation addresses pending motions in a removed action arising from alleged religious discrimination and retaliation related to an employer’s COVID-19 policies. The court recommends retaining the plaintiff’s Title VII and related claims against the Appalachian Mountain Club in federal court while remanding the claims against the New Hampshire Commission for Human Rights to state court. The document also analyzes removal jurisdiction, exhaustion and judicial review under New Hampshire’s Law Against Discrimination.

CASE DETAILS

COURT	United States District Court for the District of New Hampshire
WRITING FOR THE COURT	Talesha L. Saint-Marc
JURISDICTION	United States District Court for the District of New Hampshire
DECIDED	January 13, 2026
DOCKET	25-cv-137-JL-TSM
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on pending motions in a removed state-court action. The magistrate judge considered NHCHR's motion to remand, Plaintiff's motion to sever and remand claims against NHCHR, Plaintiff's motion to amend, NHCHR's motion to dismiss, and Plaintiff's motion for leave to file a reply.
STANDARD OF REVIEW	On removal and remand, the removing defendant bears the burden of showing that federal jurisdiction exists and removal was proper; doubts concerning federal jurisdiction require remand. A federal court must resolve subject-matter jurisdiction before addressing the merits. For supplemental jurisdiction, state and federal claims must form part of the same Article III case or controversy, generally by arising from a common nucleus of operative fact.

TOPICS

civil procedure

title vii

religious discrimination

administrative procedure act

PRACTICE AREAS

civil procedure

employment law

civil rights

administrative law

federalism

QUESTIONS PRESENTED

1. Whether AMC removed a civil action from a state court within the meaning of 28 U.S.C. § 1441.
2. Whether the state-court proceeding constituted a removable civil action rather than an administrative appeal or ancillary proceeding.
3. Whether the federal court had original federal-question jurisdiction over Phillips-Nania's Title VII claims against AMC.
4. Whether the court had supplemental jurisdiction over Phillips-Nania's state-law claims against AMC.
5. Whether Phillips-Nania's state-law claims against NHCHR arose from the same nucleus of operative fact as his Title VII claims against AMC and therefore could remain in federal court.
6. Whether the pending motions to amend, dismiss, and file a reply should be resolved after severance and remand of the NHCHR claims.

HOLDINGS

1. The Merrimack County Superior Court was a state court for purposes of 28 U.S.C. § 1441, and NHCHR's argument that the superior court was merely functioning as an extension or appellate arm of the Commission did not establish that removal was improper.
2. The Amended Complaint constituted a civil action within the meaning of the removal statute because it asserted independent claims for relief against AMC and NHCHR rather than merely seeking ancillary or incidental relief in an ongoing administrative proceeding.
3. The court had original federal-question jurisdiction over Phillips-Nania's Title VII claims against AMC because the Amended Complaint expressly asserted federal employment-discrimination claims.
4. NHCHR's unreviewed no-probable-cause determination did not deprive the federal court of jurisdiction over Phillips-Nania's Title VII claims against AMC.
5. The court had supplemental jurisdiction over Phillips-Nania's New Hampshire discrimination and contract claims against AMC because they arose from the same common nucleus of operative fact as the Title VII claims.
6. The court lacked supplemental jurisdiction over Phillips-Nania's state-law claims against NHCHR because those claims arose from NHCHR's later administrative investigation and determination, not from the employment events underlying the Title VII claims against AMC.

KEY QUOTATIONS

“For all the reasons detailed herein, this court concludes that Phillips-Nania’s claims against AMC should remain in this court but that his claims against NHCHR should be remanded to the Merrimack County Superior Court.”

“This court finds that Phillips-Nania’s state court matter constituted a “civil action” within the meaning of the removal statute.”

“Consequently, this court concludes that the superior court action was a “civil action,” which was removable under 28 U.S.C. § 1441.”

“Consequently, this court concludes that Plaintiff’s claims against AMC fall well within the court’s federal question jurisdiction.”

FACTUAL BACKGROUND

Phillips-Nania worked for Appalachian Mountain Club at the Highland Center from July 24, 2022, until AMC terminated his employment on November 11, 2022. AMC required employees either to be vaccinated against COVID-19 or obtain an approved medical or religious exemption, and Phillips-Nania obtained a religious exemption subject to weekly testing and masking. After he challenged the policy, refused to continue masking and testing, and altered language in an employment offer letter, AMC terminated him for alleged job abandonment, insubordination, and falsification. NHCHR later found no probable cause on his discrimination and retaliation charge, after which Phillips-Nania pursued reconsideration, EEOC review, and state-court proceedings.

PROCEDURAL HISTORY

Phillips-Nania filed an administrative charge against AMC with the New Hampshire Commission for Human Rights, which issued a no-probable-cause determination and dismissed the charge. He then filed an action in Merrimack County Superior Court against NHCHR and AMC, later filing an amended complaint asserting Title VII, New Hampshire discrimination, contract, and due-process claims. AMC removed the action under 28 U.S.C. §§ 1331, 1441, and 1446. The magistrate judge recommends retaining the claims against AMC in federal court, severing and remanding the claims against NHCHR, denying amendment without prejudice, denying NHCHR's dismissal motion as moot, and denying the motion to file a reply as moot.

DISPOSITION

other

REMAND INSTRUCTIONS

The district judge should sever and remand Phillips-Nania's claims against NHCHR to the Merrimack County Superior Court, while allowing the claims against AMC to remain in federal court. The motion to amend should be denied without prejudice to renewal within 30 days of the district judge's ruling, limited to claims against AMC.

CASES CITED

- Donahue v. City of Boston, 304 F.3d 110, 117 (1st Cir. 2002)
- Volkswagen de P.R., Inc. v. P.R. Labor Rels. Bd., 454 F.2d 38, 43-45 (1st Cir. 1972)
- Exxon Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546, 552 (2005)
- BIW Deceived v. Loc. S6, Indus. Union of Marine & Shipbuilding Workers of Am., IAMAW Dist. Lodge 4, 132 F.3d 824, 830-33 (1st Cir. 1997)
- Danca v. Private Health Care Sys., Inc., 185 F.3d 1, 4 (1st Cir. 1999)
- Rhode Island v. Shell Oil Prods. Co., L.L.C., 35 F.4th 44, 52 (1st Cir. 2022)
- In re Perkins, 147 N.H. 652, 653-54 (2002)
- Thornton v. United Parcel Serv., Inc., 587 F.3d 27, 31 (1st Cir. 2009)
- Raymond v. Bob Mariano Jeep Dodge Sales, No. 10-cv-488-LM, 2011 WL 635303, at *3-*5 (D.N.H. Feb. 17, 2011)
- Palmerini v. Fidelity Invs. Money Mgmt., Inc., No. 12-cv-505-JD, 2013 WL 1155468, at *2 (D.N.H. Mar. 20, 2013)
- Munroe v. Compaq Computer Corp., 229 F. Supp. 2d 52, 67 (D.N.H. 2002)
- Whelchel v. Regus Mgmt. Grp., 914 F. Supp. 2d 83, 85-89 (D. Mass. 2012)
- Ohio v. Doe, 433 F.3d 502, 506 (6th Cir. 2006)
- LaFlamme v. HSBC Mortg. Servs., Inc., No. 10-10680-GAO, 2010 WL 2639874, at *1 (D. Mass. June 24, 2010)
- Deaton v. Johnson, No. 20-78WES, 2020 WL 4673834, at *6-*8 (D.R.I. Aug. 12, 2020)
- Mid-century Ins. Co. v. Philadelphia Indem. Ins. Co., No. 3:11-CV-2835-N, 2012 WL 12358929, at *3 n.8 (N.D. Tex. June 12, 2012)
- Usher v. Cracker Barrel Old Country Store, Inc., No. 07-cv-42-SM, 2007 WL 4284764, at *1-*2 (D.N.H. Dec. 4, 2007)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 798 (1973)
- Kremer v. Chem. Constr. Corp., 456 U.S. 461, 470 n.7 (1982)
- Allstate Interiors & Exteriors, Inc. v. Stonestreet Constr., LLC, 730 F.3d 67, 72 (1st Cir. 2013)
- Ortiz-Bonilla v. Federación de Ajedrez de P.R., Inc., 734 F.3d 28, 35 (1st Cir. 2013)
- Lawless v. Steward Health Care Sys., LLC, 894 F.3d 9, 16-18 (1st Cir. 2018)
- Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016)
- Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010)
- Keating v. Sec'y of Health & Hum. Servs., 848 F.2d 271, 275 (1st Cir. 1988)
- Currier v. Town of Gilmanston, No. 18-cv-1204-LM, 2019 WL 3779580, at *2 (D.N.H. Aug. 12, 2019)
- Chalifoux v. Chalifoux, No. 14-CV-136-SM, 2014 WL 1681626, at *1 (D.N.H. Apr. 25, 2014)
- Greg Beeche Logistics, LLC v. Skanska USA Bldg., Inc., No. 1:12-CV-11121, 2014 WL 4656503, at *5 (D. Mass. Aug. 5, 2014)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-new-hampshire-united-states-district-court-for-the/2026/erik-phillips-nania-v-new-hampshire-commission-for-human-o6h8ulk0>