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CLERK, U.S. DISTRICT COURT
OCALA, FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

PAUL GAGNON, individually and through
class representation on behalf of a class
consisting of all other similarly situated
owner-operators,

Plaintiff,

L.C. CASE NUMBER: 2002-CA-3399
DIVISION: 6

vs.

5:02-CV-342-De-106RJ

SERVICE TRUCKING, INC., a
Florida corporation,

Defendants.

NOTICE OF REMOVAL

COMES NOW, SERVICE TRUCKING, INC., a Florida corporation, named as Defendant in the above-styled action, by and through its undersigned counsel and, pursuant to 28 U.S.C §1441 and §1446, files this, its Notice of Removal showing this Court as follows:

1. The Plaintiff instituted the instant action against this Defendant, a Florida corporation, in the Fifth Judicial Circuit in and for Lake County, Florida, Case #2002-CA-3399, Division 6. Thus, this action is clearly pending in that Court, which is in the Ocala Division of the United States District Court, Middle District of Florida.

2. Section U.S.C. §1441(b) provides that removal to Federal Court is proper when the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States. The Plaintiff's Complaint, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A" alleges violations of 49 C.F.R., §376.12(d), 49 C.F.R., §376.12(e), 49 C.F.R., §376.12(h) and 49 C.F.R., §376.12(k), et seq. Therefore, this Court has subject matter jurisdiction over the action and the case is properly removed to Federal Court.

3. This action is being removed pursuant to the procedures outlined in 28 U.S.C. §1446, and this notice is filed within the applicable time limits of that Code's provisions.

4. This Defendant has attached copies of all process and pleadings served on it and all process, pleadings and other papers now on file in the Circuit Court of Lake County, Florida, pursuant to 28 U.S.C. §1446 and §1447 and local Rule 4.02 of the Middle District of Florida.

5. A copy of this Notice of Removal is being duly served upon Plaintiff by service on their attorney and a copy of this Notice of Removal has been filed with the Clerk of the Circuit Court of Lake County, Florida in this action.

WHEREFORE, this Defendant prays for removal of this cause to the above-styled Court and for a stay of all proceedings in the State Circuit Court action.

DATED this 15th day of November, 2002.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing have been forwarded by U.S. Mail to: Lennon E. Bowen, III, Bowen & Campione, P.A., 600 Jennings Avenue, P.O. Box 926, Eustis, Florida 32727 by U. S. Mail this 19th day of November, 2002.

ALVAREZ, SAMBOL, WINTHROP, & MADSON, P.A.



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