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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

YUNG TAO CHAN, Plaintiffs, vs. GREYHOUND LINES, INC., ABDUL SALAAM MCALPINE, ABC COMPANY (said names being fictitious and unknown) and DEF COMPANY (said names being fictitious and unknown), Defendants.	Civil Action No.: Hon. **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441 (DIVERSITY)** CIVIL ACTION State Action Filed: August 23, 2010 State Trial Date: None

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Abdul Salaam McAlpine ("McAlpine") by and through its undersigned counsel, hereby removes to this Court the action filed in the Superior Court of New Jersey, Law Division, Essex County, styled and numbered *Yund Tao Chan v. Greyhound Lines, Inc., Abdul Salaam McAlpine, ABC Company and DEF Company,* No. L-6991-10. As set out more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because defendant McAlpine has satisfied

the procedural requirements for removal, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332. As and for its Notice of Removal, defendant McAlpine respectfully states the following:

THE STATE COURT ACTION

1. On or about August 23, 2010, plaintiff Yung Tao Chan ("Plaintiff") commenced the instant action by filing a Summons and Complaint in the Superior Court of New Jersey, Essex County (the "State Court Action") against Greyhound Lines, Inc. and Abdul Salaam McAlpine. A true and correct copy of Plaintiff's Complaint is attached hereto as Exhibit "A".

2. Plaintiff's complaint arises out of injuries he allegedly sustained in a motor vehicle accident which occurred at Interstate 78 in Newark, New Jersey on December 19, 2008. Compl. ¶¶ 2-7.

3. Plaintiff asserts claims of negligence against Greyhound Lines, Inc. and Abdul Salaam McAlpine.

SUBJECT MATTER JURISDICTION

4. Under 28 U.S.C. § 1332(a)(1), "[t]he district court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and cost, and is between…citizens of different States…"

5. This action satisfies the complete diversity of citizenship requirement of 28 U.S.C. § 1332(a)(1).

6. Defendant Greyhound Lines, Inc., at the time of the filing of this action was, and still is, a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Dallas, Texas.

7. Defendant Abdul Salaam McAlpine is a citizen of the State of Pennsylvania, residing at 1434 Robbins Street, Philadelphia, PA.

8. Plaintiff is a citizen of the State of New York, residing in Brooklyn, New York. Compl. ¶ 1.

9. Upon information and belief, the amount in controversy, exclusive of interest and costs, exceeds $75,000. See, Carroll v. United Airlines, 7 F.Supp.2d (D.N.J. 1998) (complaint alleging permanent and serious injuries meets the jurisdictional amount).

REMOVAL JURISDICTION

10. This action is properly removed pursuant to 28 U.S.C. § 1441 and 1446.

11. Under 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(b) further provides that "such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which the action is brought."

12. As demonstrated below, this action is removable under 28 U.S.C. §§ 1441(a) and (b) in that the district court has original jurisdiction under 28 U.S.C. § 1332, *i.e.*, diversity jurisdiction, and because Greyhound Lines, Inc. and McAlpin ("Defendants") are not citizens of the State of New Jersey, the State in which this action initially was brought.

13. This action initially was brought in the Superior Court of New Jersey, Essex County. As the judicial district embracing the court where the State Action was originally filed, the District of New Jersey is the proper district court to which this case should be removed. *See* 28 U.S.C. §§ 1441(a), 1446(a).

14. Plaintiff has not served McAlpin with a copy of Plaintiff's Summons and Complaint at this time. However, on or about October 22, 2010, the undersigned counsel filed an Answer in the State Action on behalf of both Greyhound Lines, Inc. and McAlpin.

15. This removal is timely because defendant McAlpin has not been served and less than 30 days have elapsed since the Answer on behalf of defendant McAlpin was filed. A true and correct copy of Defendants' Answer to the Plaintiff's Complaint is attached hereto as Exhibit "B".

16. Defendant Greyhound Lines, Inc. consents to the removal of this action to the District of New Jersey.

REMOVAL DOCUMENTS

17. Pursuant to 28 U.S.C. § 1446(d), contemporaneous with the filing of the Notice of Removal, Defendants will file a copy of this Notice of Removal with the Superior Court of New Jersey, Law Division, Essex County and will thereby notify the Clerk of that court of the removal. A copy of the Notice of Filing of Removal is attached as Exhibit "C".

18. Defendant will also deliver a copy of this Notice of Removal to all adverse parties in accordance with 28 U.S.C. § 1446(d).

19. Defendants Greyhound Lines, Inc. and McAlpin reserve the right to raise all defenses and objections in this action after the action is removed to this Court.

WHEREFORE, defendants pray that the action be moved from the Superior Court of New Jersey, Law Division, Essex County to the United States District Court for the District of New Jersey.

Dated: October 27, 2010
West Caldwell, New Jersey

Respectfully submitted,

DURKIN & DURKIN, LLP

By: s/Mark Berard

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