

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RIECKE DEVELOPMENT & CONSTRUCTION CO., INC. AND SECO GROUP, LLC	* * * * *	C.A. NO. _____ SECTION _____ JUDGE _____
VERSUS	*	
NEW YORK LIFE INSURANCE COMPANY	* *	DIVISION _____ MAG. JUDGE _____

NOTICE OF REMOVAL UNDER 28 U.S.C. § 1441

To: Riecke Development and Construction Co., Inc.
and
SECO Group, LLC
through their attorneys of record
David M. Vaughn
Vaughn & Associates
8480 Bluebonnet Blvd., Suite B
Baton Rouge, LA 70810

Michael S. Walsh
Lee & Walsh
257 Maxmillian Street
Baton Rouge, LA 70802

PLEASE TAKE NOTICE that defendant, New York Life Insurance Company (“New York Life”), hereby removes to this Court the above entitled state court action filed by Riecke Development and Construction Co., Inc. and SECO Group, LLC, now pending in the Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, bearing Civil Action No. 614449, reserving any and all rights, objections, defenses, and exceptions. A copy of this notice is served upon you, as counsel of record for Riecke Development and Construction Co., Inc. (“Riecke”) and SECO Group, LLC (“SECO”),

(collectively “Plaintiffs”) and a copy of this notice is being filed with the Clerk of the 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, in conformity with 28 U.S.C. § 1446.

New York Life submits that the grounds for removal are as follows:

1.

On August 7, 2012, Plaintiffs, Riecke and SECO, filed a Petition for Breach of Contract and Declaratory Judgment (“Petition”) in an action entitled “*Riecke Development and Construction Co., Inc. and SECO Group, LLC versus New York Life Insurance Company*” Case No. 117050 on the docket of Section 22 of the 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, which is within the Middle District of Louisiana.¹

2.

New York Life’s first notice of this lawsuit occurred on or about August 20, 2012, when service of process was made on New York Life through the Secretary of State of Louisiana. Thirty days have not elapsed since service of the Petition on New York Life.

¹Attached as Exhibit “A” is a copy of the Citation and Petition which was filed in the 19th Judicial District Court for the Parish of East Baton Rouge.

3.

Plaintiffs' claims arise from a dispute over death benefits in the total amount of five million dollars (\$5,000,000.00) payable under certain life insurance policies issued by New York Life, insuring the life of Bruce Cucchiara, specifically Policy Nos. 48 727 608, 48 727 568, 48 727 525, and 48 727 248 (the "Policies").²

4.

On information and belief, Bruce Cucchiara died on or about April 24, 2012.³

5.

Plaintiffs allege that New York life failed to pay any benefits from the Policies to them as required by contract and law and is, therefore, in breach of both its statutory and contractual duties to Plaintiffs.⁴

6.

As each individual policy bears a face value of \$1,000,000.00 or greater, the matter in controversy exceeds \$75,000.00, exclusive of interests and costs.

7.

Riecke is a Louisiana corporation with its principal place of business in St. Tammany

²See Petition, ¶¶ 4, 5 alleging that Policy Nos. 48 727 608, 48 727 568 and 48 727 525 each have a face value of \$1,000,000.00 and Policy No. 48 727 248 has a face value of \$2,000,000.00.

³See Petition, ¶ 6.

⁴See Petition, ¶ 8-10.

Parish, Louisiana. For the purposes of diversity jurisdiction, Riecke is a citizen of Louisiana.

8.

SECO admits that it is a Louisiana limited liability company, with managers and members who are citizens of Louisiana, with its principal place of business in St. Tammany Parish.⁵ For the purposes of diversity jurisdiction, SECO is a citizen of Louisiana.

9.

New York Life is a mutual insurance company authorized and existing under the laws of the State of New York, with its principal place of business in New York, New York. For the purposes of diversity jurisdiction, New York Life is a citizen of New York.

10.

Because the jurisdictional amount is met and complete diversity exists between Plaintiffs and New York Life, this case is removable under 28 U.S.C. § 1441 because it could have been filed originally in this Court pursuant to 28 U.S.C. § 1332.

11.

Attached as Exhibit “B” is a copy of New York Life’s Notice of Filing Notice of Removal, which is being filed in the 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana, with respect to the pending action number 614449.

WHEREFORE, defendant, New York Life Insurance Company, requests that it may effect the removal of this pending state court action to the United States District Court for

⁵ See Petition, ¶ 1

the Middle District of Louisiana in accordance with 28 U.S.C. § 1441 *et seq.*

KREBS, FARLEY, & PELLETERI, P.L.L.C.

/s/ Maura Z. Pelleteri

MAURA Z. PELLETERI (#8463)

AMY S. MALISH (#28992)

REBECCA B. FARINA (#33824)

400 Poydras Street, Suite 2500

New Orleans, Louisiana 70130

Telephone: 504-299-3570

Facsimile: 504-299-3582

E-mail: mpelleteri@kfplaw.com

ATTORNEYS FOR NEW YORK LIFE
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of September, 2012, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Maura Z. Pelleteri

Maura Z. Pelleteri

LA Bar No. 8463

Attorney for Defendant

New York Life Insurance Company

Krebs, Farley & Pelleteri, PLLC

400 Poydras Street, Suite 2500

New Orleans, LA 70130

Telephone: 504-299-3570

Facsimile: 504-299-3582

E-Mail: mpelleteri@kfplaw.com

2424-12-003859

CITATION

RIECKE DEVELOPMENT &
CONSTRUCTION COMPANY INC., ET AL
(Plaintiff)

NUMBER C614449 SECTION 22
19th JUDICIAL DISTRICT COURT

vs.

PARISH OF EAST BATON ROUGE

NEW YORK LIFE INSURANCE COMPANY
(Defendant)

STATE OF LOUISIANA

TO: NEW YORK LIFE INSURANCE COMPANY
THROUGH THEIR AGENT FOR SERVICE OF PROCESS:
SECRETARY OF STATE

SERVED ON
TOM SCHEDLER

AUG 20 2012

SECRETARY OF STATE
COMMERCIAL DIVISION

GREETINGS:

Attached to this citation is a certified copy of the petition*. The petition tells you what you are being sued for.

You must EITHER do what the petition asks OR, within fifteen (15) days after you have received these documents, you must file an answer or other legal pleading in the office of the Clerk of Court at 300 North Boulevard, Baton Rouge, Louisiana.

If you do not do what the petition asks, or if you do not file an answer or legal pleading within fifteen (15) days, a judgment may be rendered against you without further notice.

This citation was issued by the Clerk of Court for East Baton Rouge Parish on 15-AUG-2012.



Berita Gray
Deputy Clerk of Court for
Doug Welborn, Clerk of Court

Requesting Attorney: DAVID MICHAEL VAUGHN

Also attached are the following documents:
PETITION FOR BREACH OF CONTRACT

SERVICE INFORMATION:

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____, served on the above named party as follows:

SECRETARY OF STATE: By tendering same to the within named, by handing same to _____.

DUE AND DILIGENT: After diligent search and inquiry, was unable to find the within named _____ or his domicile, or anyone legally authorized to represent him.

RETURNED: Parish of East Baton Rouge, this _____ day of _____, 20____.

SERVICE: \$ _____
MILEAGE: \$ _____
TOTAL: \$ _____

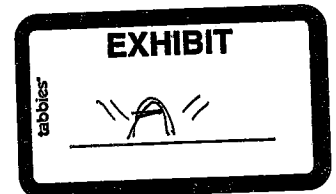
Deputy Sheriff
Parish of East Baton Rouge

CITATION - 2424

RECEIVED
AUG 1 11 2012
EAST BATON ROUGE, LA



EBR1453319



East Baton Rouge Parish Clerk of Court - C614449 PET/SUIT ON CONTRACT

SEC 22 Page 1 of 3

RIECKE DEVELOPMENT AND CONSTRUCTION CO., INC. AND SECO GROUP, LLC

COST \$ 495-4937 2012 NB

1014449

SUIT NO.:

SECTION:

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

NEW YORK LIFE INSURANCE COMPANY

DEPUTY CLERK OF COURT

STATE OF LOUISIANA

PETITION FOR BREACH OF CONTRACT AND DECLARATORY JUDGMENT

NOW COMES RIECKE DEVELOPMENT AND CONSTRUCTION CO., INC., AND SECO GROUP, LLC (formerly known as SOUTHERN LOUISIANA WATER & SEWERAGE CO., L.L.C.), which file this Petition, and allege the following:

1.

PLAINTIFFS

Riecke Development and Construction Co., Inc., ("Riecke") is a domestic corporation with its principal place of business in St. Tammany Parish, Louisiana. SECO Group, LLC ("SECO"), is a domestic limited liability company with its principal place of business in St. Tammany Parish.

2.

DEFENDANT

Made defendant herein is NEW YORK LIFE INSURANCE COMPANY ("New York Life" or "Defendant"), a foreign insurance company domiciled in Delaware, who can be served through its registered agent for service of process, Louisiana Secretary of State.

3.

VENUE

Venue is proper in East Baton Rouge Parish pursuant to La. C.C.P. art. 42(7) which mandates venue in East Baton Rouge Parish for any foreign insurer.

4.

FACTS

On March 19, 2007, defendant issued four policies of life insurance, insuring the life of Bruce Cucchiara, totaling \$5,000,000.00. Three of the policies were in the face amount of \$1,000,000 each. Each of these three policies were owned by Riecke and named Riecke as the beneficiary, specifically policy numbers 48 727 608, 48 727 568, and 48 727 525.

EBR1431347

Laughn & Associates, LLC Attorneys at Law 8460 Bluebonnet Blvd. Suite B Baton Rouge, LA 70810



Certified True and Correct Copy eCertID: 000044447

Deita Gray East Baton Rouge Parish Deputy Clerk of Court

REC'D C.P.

AUG 08 2012

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Alteration and subsequent re-filing of this certified copy may violate La. R.S. 14:132, 133, and/or RPC Rule 3.3(a)(3).

5.

The fourth policy, number 48 727 348, was issued on March 19, 2007, in the face amount of \$2,000,000.00, insuring the life of Bruce Cucchiara, owned by and designating the beneficiary as Southern Louisiana Water & Sewerage Co., LLC, now known as SECO.

6.

On April 24, 2012, Bruce Cucchiara died.

7.

On May 22, 2012, the New York Life insurance agent which placed the above described insurance policies, Philbert "PJ" Demarie, III, forwarded to New York Life the appropriate claim forms on behalf of Riecke and SECO, including proper proofs of loss and the death certificate of Bruce Cucchiara, all of which New York Life has admitted receiving on May 24, 2012.

8.

Pursuant to La. R.S. 22:1811, all death claims "shall be settled by the insurer within 60 days after the date of receipt of due proof of death . . ." New York Life has failed to pay any policy benefits to Riecke or SECO as required by contract and by law, and thus is in breach of contract.

9.

Defendant is justly and truly indebted to Riecke in the amount of THREE MILLION AND 00/100 (\$3,000,000.00) DOLLARS, and Defendant is justly and truly indebted to SECO in the amount of TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS together with legal interest from judicial demand until paid, penalty interest provided by law and by contract, and for reasonable attorney's fees and all costs of these proceedings.

10.

New York Life has indicated that it is waiting for the police investigation of Bruce Cucchiara to be concluded by the New Orleans Police Department, but there are no facts supporting any reasonable conclusion that Riecke or SECO or any of their authorized agents or employees were involved in the death of Cucchiara. As such, New York Life has no reasonable basis to delay payment to Plaintiffs under its life insurance contracts.

11.

Plaintiffs request a trial by jury.

Vaughn & Associates, LLC
Attorneys at Law
8460 Bluebonnet Blvd.
Suite B
Baton Rouge, LA 70810



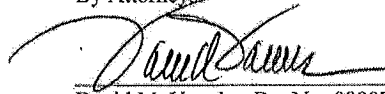
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Correct Copy
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Berita Gray
East Baton Rouge Parish
Deputy Clerk of Court

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WHEREFORE, Plaintiffs pray that Defendant be cited to appear and answer this demand and after due proceedings had, that Riecke Development and Construction Co., Inc., have judgment against Defendant in the amount of \$3,000,000.00, that SECO Group, LLC, have judgment against Defendant in the amount of \$2,000,000.00, and that both Plaintiffs have judgment against Defendant for contractual and legal penalty interest, together with reasonable attorney's fees, legal interest from the date of judicial demand, and all costs of court; and further, Plaintiffs pray that the Court declare that there is evidence proven by a preponderance of evidence that Riecke Development and Construction Co., Inc., or SECO Group, LLC, or their agents or employees were involved in the death of Bruce Cucchiara which would allow New York Life to escape payment of the face value of the policies at issue.

By Attorneys:



David M. Vaughn, Bar No. 08807
VAUGHN & ASSOCIATES, LLC
8480 Bluebonnet Blvd., Suite B
Baton Rouge, LA 70810
225.769.1320
Facsimile: 225.769-1115
Email: david@lalawfirm.net

AND



Michael S. Walsh, Bar No. 8500
LEE AND WALSH
257 Maxmilian Street
Baton Rouge, LA 70802
(225) 344-0474
Michael@leeandwalsh.com

Attorneys for Riecke Development and Construction Co., Inc., and SECO Group, LLC

FILED
EAST BATON ROUGE PARISH, LA

2012 AUG -7 PM 1:42

Julia Gray
DEPUTY CLERK OF COURT

Please serve:

New York Life Insurance Company
Through its registered agent
Louisiana Secretary of State
8585 Archives Avenue
Baton Rouge, Louisiana 70809

Vaughn & Associates, LLC
Attorneys at Law
8480 Bluebonnet Blvd.
Suite B
Baton Rouge, LA 70810



Certified True and Correct Copy
eCertID: 000044447

Beita Gray
East Baton Rouge Parish
Deputy Clerk of Court

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RIECKE DEVELOPMENT &
CONSTRUCTION CO., INC.
AND SECO GROUP, LLC

NUMBER: 614449 SECTION: 22
19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

NEW YORK LIFE INSURANCE
COMPANY

STATE OF LOUISIANA

FILED: _____

DEPUTY CLERK

NOTICE OF FILING NOTICE OF REMOVAL

PLEASE TAKE NOTICE that New York Life Insurance Company, defendant in that certain proceeding entitled "*Riecke Development and Construction Co., Inc. and SECO Group, LLC versus New York Life Insurance Company*," Case No. 614449 on the docket of Section 22 of the 19th Judicial District for the Parish of East Baton Rouge, State of Louisiana, has on this day filed in the United States District Court for the Middle District of Louisiana, its Notice to effect the removal of said Civil Action to the United States District Court for the Middle District of Louisiana. A copy of said Notice is herewith served upon the other parties hereto and a copy of the first page of said Notice is attached as Exhibit "A," in conformity with 28 U.S.C. § 1446(d) as amended.

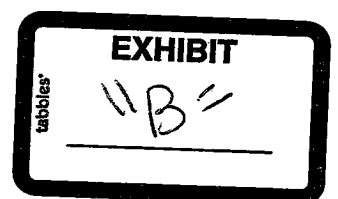
Dated: September 18, 2012

KREBS, FARLEY & PELLETERI, P.L.L.C.



MAURA Z. PELLETERI (#8463)
AMY S. MALISH (#28992)
REBECCA B. FARINA (#33824)
400 Poydras Street, Suite 2500
New Orleans, Louisiana 70130
Telephone: 504-299-3570
Facsimile: 504-299-3582

ATTORNEYS FOR NEW YORK LIFE
INSURANCE COMPANY



CERTIFICATE OF SERVICE

I do hereby certify that I have on this 18th day of September, 2012, served a copy of the foregoing pleading by facsimile and by mailing same by United States mail, properly addressed and first class postage prepaid, on:

David M. Vaughn
Vaughn & Associates
8480 Bluebonnet Blvd., Suite B
Baton Rouge, LA 70810

Michael S. Walsh
Lee & Walsh
257 Maxmillian Street
Baton Rouge, LA 70802



MAURA Z. PELLETERI

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Riecke Development & Construction Co., Inc. and SECO Group, LLC

DEFENDANTS
New York Life Insurance Company

(b) County of Residence of First Listed Plaintiff St. Tammany Parish
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant New York
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
David M. Vaughn, Vaughn & Associates, 8480 Bluebonnet Blvd., Suite B, Baton Rouge, LA 70810 (225) 769-1320; Michael S. Walsh, Lee & Walsh, 357 Maxmillian Street, Baton Rouge, LA 70802 (225) 344-0474

Attorneys (If Known)
Maura Z. Peleleri, Krebs, Farley & Peleleri, 400 Poydras St., Suite 2500, New Orleans, LA 70130 (504) 299-3570

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|--|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

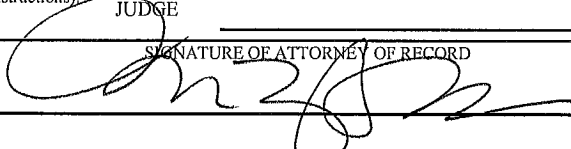
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

- V. ORIGIN** (Place an "X" in One Box Only)
- 1 Original Proceeding
 - 2 Removed from State Court
 - 3 Remanded from Appellate Court
 - 4 Reinstated or Reopened
 - 5 Transferred from another district (specify)
 - 6 Multidistrict Litigation
 - 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1441
Brief description of cause:

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ **CHECK YES only if demanded in complaint: JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 09/18/2012
SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY
RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____