

2. This action is a civil suit in which Plaintiff asserted claims for tortious interference with contract, common law conspiracy, and statutory conspiracy (violation of Virginia Code §§ 18.2-499 and -500).

3. On March 24, 2015, Defendant received a copy of the Complaint, which is the initial pleading setting forth the claim for relief upon which this action is based.

This Court has Subject Matter Jurisdiction over this Matter

4. “The district courts 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 costs, and is between—citizens of different States.” § 1332(a)(1).

5. This action satisfies the complete-diversity-of-citizenship requirement of § 1332(a)(1) because Plaintiff and Defendants are citizens of different states. Plaintiff is a citizen of the Commonwealth of Virginia, and Defendant is a citizen of the State of California. (Ex. A, Compl., ¶¶ 4-5.)

6. The matter in controversy exceeds \$75,000, exclusive of interest and costs. Plaintiff alleged that, for each of his three causes of action, he has been injured in an amount not less than \$100,000. (*Id.*, ¶¶ 29, 36, 40.) He also requested punitive damages in the amount of \$350,000 as to each of his two tort claims. (*Id.*, ¶¶ 31, 37.) Thus, in total, Plaintiff has requested \$1 million in damages.

Removal Jurisdiction

7. This action is properly removed pursuant to §§ 1441 and 1446.

8. Under § 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 defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

9. Plaintiff filed this action in the Circuit Court of Fairfax County, Virginia. The Alexandria Division of the District Court of the Eastern District of Virginia is the judicial district embracing Fairfax County, the place where the State Action was brought, and, therefore, is the proper district court to which this case should be removed. §§ 1441(a), 1446(a).

10. Section 1441(b) provides that an “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.” Defendant is not a citizen of the Commonwealth of Virginia.

11. Pursuant to § 1446(a), Defendant is simultaneously filing with this Notice of Removal copies of “all process, pleadings, and orders served” on Defendant in this action, which is only the Complaint. (Ex. A.)

12. Pursuant to § 1446(b)(1), Defendant has filed this Notice of Removal within 30 days of receiving the Complaint in this matter. Defendant received the Complaint on March 24, 2015. He filed this Notice of Removal 20 days later on April 13.

13. Pursuant to § 1446(b)(2), Defendant is unable to obtain the consent of the John Doe defendant because it is not an existing person or entity.

14. Pursuant to § 1446(d), on April 13, 2015 a Notice of Filing of Notice of Removal was served on Plaintiff and filed with the State Court’s Clerk’s Office. (Exhibit B.)

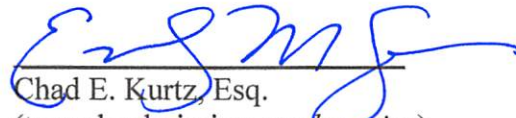
15. In filing this Notice of Removal, Defendant denies that Plaintiff has stated a claim for which relief may be granted and denies that Plaintiff has been damaged in any manner. Defendant does not waive, and specifically reserves, any and all objections as to service, personal jurisdiction, venue, defenses, exceptions, rights, and motions.

WHEREFORE, Defendant John Mashey respectfully requests that the above-captioned action pending against him in the Circuit Court of Fairfax County, Virginia be removed to the Alexandria Division of the United States District Court for the Eastern District of Virginia.

Respectfully submitted,

COZEN O'CONNOR

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Dated: April 13, 2015