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Attorneys for Defendant

9 **IN THE UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF ARIZONA**

11 JULIO CESAR CASTILLO,
 12
 13 Plaintiff,
 14 vs.
 15 ROOFING WHOLESALE COMPANY,
 16 INC., an Arizona corporation,
 17
 18 Defendant.

Case No. _____

**NOTICE OF REMOVAL OF
 ACTION UNDER 28 U.S.C.
 §§ 1331 AND 1441(b)**

19
20 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

21 PLEASE TAKE NOTICE that Defendant Roofing Wholesale Company, Inc.
22 hereby removes to this Court the state court action described below.

23 1. On February 11, 2008, Plaintiff filed a Complaint in the Superior Court in
 24 and for the County of Maricopa. The Complaint is captioned *Julio Cesar Castillo v.*
 25 *Roofing Wholesale Company, Inc., an Arizona corporation*, Case No. CV 2008-003188.
 26 The Summons, Complaint and Certificate of Compulsory Arbitration were served upon
 27 Defendant Roofing Wholesale on February 27, 2008, as demonstrated by the Affidavit of
 28 Service. Copies of the pleadings served on Defendant are attached hereto as Exhibit A.

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1 2. The Summons, Complaint and Certificate of Compulsory Arbitration are
2 the initial pleadings setting forth Plaintiff’s claims for relief. Defendant filed and served
3 its Answer and Certificate Regarding Compulsory Arbitration on Plaintiff’s counsel
4 March 18, 2008. Copies are attached hereto as Exhibit B. There have been no other
5 forms of process, pleadings and/or orders served in this matter.

6 3. This action is a civil action of which this Court has original jurisdiction
7 under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendant
8 pursuant to the provisions of 28 U.S.C. § 1441(b) in that Plaintiff’s claims arise under the
9 laws of the United States. Plaintiff accuses Defendant of wrongful termination and
10 violation of the Family & Medical Leave Act, 29 U.S.C. § 2601 *et seq.* (“FMLA”).

11 4. Defendant has served a copy of this Notice on Plaintiff. A copy of the
12 Notice has also been filed with the state court clerk, as attached hereto as Exhibit C.

13 5. True and complete copies of all pleadings and other documents previously
14 filed with the state court have been attached hereto, as evidenced and verified by the
15 signature of counsel below.

16 6. This Notice is signed pursuant to Rule 11, Federal Rules of Civil
17 Procedure, as required by 28 U.S.C. § 1446(a) and Rule 3.7, Rules of Practice of the
18 United States District Court for the District of Arizona.

19 DATED this 19th day of March, 2008.

20 BRYAN CAVE LLP

21 By s/ Caroline K. Larsen

22 Jay A. Zweig
23 Caroline K. Larsen
24 Two North Central Avenue, Suite 2200
25 Phoenix, AZ 85004-4406
26 Attorneys for Defendant

1 **ORIGINAL** of the foregoing
2 electronically filed and **COPY**
3 mailed this 19th day of March,
4 2008, to:

5 Caroline A. Pilch
6 Yen, Pilch, Komadina & Flemming, P.C.
7 6017 N. 15th Street
8 Phoenix, Arizona 85014

9 s/ Sheri L. Patrick
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