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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 German Gonzales Cardoza, by and through
9 his legal guardian, Yolanda Cardoza Kelly,

10 Plaintiffs,

11 vs.

12 American Family Mutual Insurance
13 Company,

14 Defendant.

No. _____

NOTICE OF REMOVAL

15 Defendant American Family Mutual Insurance Company ("defendant") gives notice
16 that it is removing this action from Maricopa County Superior Court to the United States
17 District Court for the District of Arizona, pursuant to 28 U.S.C. §§1332, 1441 and 1446,
18 for the following reasons:

19 **A. This Court Has Diversity Jurisdiction Pursuant to 28 U.S.C. § 1332.**

20 **1. There is complete diversity among the parties.**

21 (a) Plaintiff German Gonzales Cardoza and his legal guardian, Yolanda
22 Cardoza Kelly, are residents of Maricopa County, Arizona. *See* Complaint in matter no.
23 CV 2007-092074, Superior Court of Arizona, Maricopa County ("Complaint") at ¶ II.
24

25 (b) Defendant American Family Mutual Insurance Company is a
26 Wisconsin corporation with its principal place of business located in Madison, Wisconsin.
27
28

1 Therefore, plaintiffs and defendant are citizens of different states and complete
2 diversity exists between them.

3 **2. The Amount in Controversy Exceeds \$75,000.**

4 In the Complaint, plaintiffs seek an unspecified amount of damages. Plaintiffs
5 allege that the case is not subject to compulsory arbitration, which means they are seeking
6 an award in excess of \$50,000. Plaintiffs seek punitive damages. Based on these
7 allegations, defendant believes plaintiffs will be seeking an amount in excess of \$75,000 in
8 damages.
9

10 **B. This Notice of Removal is Timely.**

11 Plaintiffs filed their Complaint on September 10, 2007. Plaintiffs served the
12 Complaint on defendant on September 11, 2007. Therefore, this removal is timely. *See* 28
13 U.S.C. § 1446(b).
14

15 **C. Defendant has Attached Copies.**

16 Defendant has attached copies of the original Complaint and Certificate of
17 Compulsory Arbitration and all other court documents in its possession. See Exhibit 1.
18

19 **D. Concurrent Filing.**

20 Defendant has concurrently filed a copy of this notice with the Superior Court of
21 Arizona, Maricopa County.
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23 **E. Service.**

24 Defendant has served upon plaintiffs a copy of this notice.
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RESPECTFULLY SUBMITTED October 11, 2007.

**LEWIS BRISBOIS BISGAARD & SMITH
LLP**

By /s/Greg S. Como
Greg S. Como
Ron Beach
Attorneys for American Family

COPY of the foregoing mailed
October 11, 2007, to:

David Wattel, Esq.
Jacob R. Podolsky, Esq.
Wattel & York, LLC
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Chandler, Arizona 85224
Attorneys for Plaintiffs

/s/Kathleen Biondolillo