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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 STEPHEN KIMBLE, an individual, and
ROBERT GRABB, an individual,

Case No. _____

11 Plaintiffs,

**NOTICE OF REMOVAL OF
ACTION; VERIFICATION OF
ANDREW JACOBS**

12 v.

13 MARVEL ENTERPRISES, INC.,
14 Defendant.

[Arizona Superior Court, County of
Pima, Case No. C20083621]

15 **TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT
16 COURT FOR THE DISTRICT OF ARIZONA, TUCSON DIVISION**

17 PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446,
18 Defendant Marvel Entertainment, Inc. (sued herein and formerly known as Marvel
19 Enterprises, Inc.) (“Marvel”), hereby removes the state court civil action originally
20 commenced in the Superior Court of the State of Arizona, County of Pima, entitled
21 Stephen Kimble and Robert Grabb v. Marvel Enterprises, Inc., Case No. C20083621
22 (“State Court Action”) to this Court. In support of such removal, Marvel states as
23 follows:

24 A. The State Court Action was filed by Plaintiffs Stephen Kimble and Robert
25 Grabb (collectively “Plaintiffs”), in the Superior Court of the State of Arizona in and for
26 the County of Pima on or about May 28, 2008, as Case No. C20083621. True and correct
27 copies of the process, pleadings, and orders filed in the State Court Action (though Marvel
28 has not been served with the Complaint, it received a copy of the filed Complaint on May

1 30, 2008) to date are attached hereto as Exhibit A.

2 B. On May 30, 2008, Marvel was provided, though not served, with a copy
3 of the Complaint in this matter. Accordingly, this Notice of Removal is filed within thirty
4 (30) days after receipt by Marvel of a copy of the Complaint and is timely filed under 28
5 U.S.C. § 1446(b).

6 C. This Court has diversity jurisdiction pursuant to 26 U.S.C. § 1332 because
7 Plaintiffs are both residents of the state of Arizona and Marvel is incorporated in the State
8 of Delaware, and has its principal place of business in the State of New York.

9 D. Under 28 U.S.C. §§ 1446(a), venue of this action is proper in this Court as
10 the district and division within which the State Court Action was brought.

11 E. On information and belief, the factual allegations set forth in the Complaint
12 establish that the amount in controversy exceeds the minimum jurisdictional amount of
13 \$75,000, exclusive of interest and costs, as provided under 28 U.S.C § 1332.

14 F. A notification of the filing of this Notice of Removal to District Court will
15 be promptly filed in the Superior Court of Pima County in the State of Arizona. Written
16 Notice of the filing of this Notice of Removal is being delivered to all parties through
17 counsel of record.

18 WHEREFORE, Marvel requests that the above-referenced action now pending in
19 the Superior Court of Pima County, State of Arizona, be removed to this Court. As
20 required by 28 U.S.C. § 1446(d) and Local Rule Civ. 3.7, Marvel will promptly give
21 written notice to Plaintiffs. Marvel shall also promptly file notice with the Clerk of the
22 Superior Court of Pima County.

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DATED this 27th day of June, 2008.

SNELL & WILMER L.L.P.

By: s/ Andrew Jacobs

Andrew Jacobs
Sara Jezairian
One South Church Avenue
Suite 1500
Tucson, AZ 85701-1630
Attorneys for Defendant

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VERIFICATION OF ANDREW JACOBS

I, Andrew Jacobs, verify as follows:

1. I am an active member in good standing of the State Bar of Arizona and a partner with the law firm of Snell & Wilmer, LLP, counsel of record for Defendant. I have firsthand knowledge of the matters set forth herein. I submit this verification pursuant to Local Rule Civ. 3.7 and pursuant to Federal Rule of Civil Procedure 11.

2. Attached as Exhibit A are true and complete copies of all pleadings and other documents filed in the state court civil action originally commenced in the Superior Court of the State of Arizona in and for the County of Pima, entitled Stephen Kimble and Robert Grabb v. Marvel Enterprises, Inc., Case No. C20083621.

I verify under oath that the foregoing is true and correct.

Executed this 27th day of June, 2008, at Tucson, Arizona.

SNELL & WILMER L.L.P.

By: s/ Andrew Jacobs

Andrew Jacobs
Sarah Jezairian
One South Church Avenue
Suite 1500
Tucson, AZ 85701-1630
Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2008, I electronically transmitted the foregoing document to the Clerk's Office using the ECF System for filing.

I further certify that on June 27, 2008, I served the attached document by U.S. mail on the following:

Stephen Kimble, Esq.
KimbleGrabb, P.L.L.C.
7411 E. Tanque Verde Rd.
Tucson, AZ 85715

Robert Grabb, Esq.
KimbleGrabb, P.L.L.C.
7411 E. Tanque Verde Rd.
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s/Clarrissa Palma