

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 12-2284 DSF (JCGx)

Date 3/30/12

Title Lee E. Knowles, et al. v. A.W. Chesterton Co., et al.

Present: The Honorable DALE S. FISCHER, United States District Judge

Debra Plato

Not present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not present

Not present

**Proceedings:** (IN CHAMBERS) ORDER TO SHOW CAUSE RE REMAND TO STATE COURT

On March 19, 2012, Defendant Foster Wheeler removed this action from state court based on 28 U.S.C. §§ 1442(a)(1) and 1446. Removal must take place within 30 days after the receipt of a removable pleading. 28 U.S.C. § 1446(b)(1). It appears that Defendant received notice that the case was removable when it received a copy of Plaintiff Lee E. Knowles's Work History. (Notice of Removal ¶ 2, Ex. B.) The Work History shows that Plaintiff seeks recovery based on exposure to asbestos while working on the USS Morton, while employed by Bailey Controls. (Work History at 6.) Although the Work History is Attached as "Exhibit A" to responses to interrogatories received on February 16, 2012, Defendant states that the Work History was attached as Exhibit A to Plaintiff's Complaint, (Notice of Removal ¶ 2; see also Complaint 13 (referring to Exhibit A)), which was served on Defendant on December 21, 2011, (Notice of Removal ¶ 2). Thus, it appears that the Complaint was removable, and that the March 19, 2012 removal was therefore untimely.

Defendant is ordered to show cause in writing by April 9, 2012 why this case should not be remanded for untimely removal. **If Plaintiff objects to removal, she must file a notice of the objection within 30 days of the notice of removal being filed. 28 U.S.C. § 1447(c).**

IT IS SO ORDERED.

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