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E-FILING

FILED
 MAY 25 2011
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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ATTORNEYS FOR Defendant
US AIRWAYS, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

PSG

JING FANG WANG,
 Plaintiff,

Case No.

CV 11-02540

vs.

NOTICE OF REMOVAL FROM THE SANTA
 CLARA COUNTY SUPERIOR COURT

US AIRWAYS, INC. and DOES 1 through 10,
 inclusive,

Defendants.

TO THE CLERK OF THE COURT AND PLAINTIFF PRO SE, JING FANG WANG:
 PLEASE TAKE NOTICE that defendant US AIRWAYS, INC. (hereinafter referred to as
 “US Airways”) hereby removes this action from the Superior Court of the County of Santa Clara to
 the United States District Court for the Northern District of California, San Jose Division.

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1 **I. PROCEDURAL HISTORY**

2 On or about March 16, 2011, plaintiff *pro se*, Jing Fang Wang, filed in the Superior Court for
3 the State of California in and for the County of Santa Clara, an action entitled *Jing Fang Wang, Plaintiff*
4 *v. US Airways, Inc. and Does 1 through 10, Defendants*, Case No. 1-11-CIV-196557 (hereinafter referred
5 to as “the Action”). A true and correct copy of the complaint in the Action is attached hereto as
6 Exhibit A.
7

8 **II. BASIS FOR REMOVAL – DIVERSITY JURISDICTION**

9 Removal of the Action is appropriate under 28 U.S.C. § 1441(a), because this Court would
10 have had original diversity jurisdiction over plaintiff’s claims pursuant to 28 U.S.C. § 1332 had
11 plaintiff elected to file the action initially in federal court.
12

13 Plaintiff and defendant are citizens of different states. The amount in controversy exceeds
14 \$75,000, exclusive of interests and costs. Defendant is not a citizen of California.

15 **1. There Is Complete Diversity of Citizenship**

16 For diversity purposes, a corporation is deemed to be a citizen of its state of incorporation and
17 of the state where it has its principal place of business. See 28 U.S.C. § 1332(c)(1). Defendant US
18 Airways is incorporated in Delaware; it has its principal place of business in Tempe, Arizona.
19

20 On information and belief, plaintiff Jing Fang Wang is a citizen of the State of California.

21 Accordingly, there is complete diversity of citizenship.

22 **2. The Amount in Controversy Requirement is Satisfied**

23 The amount in controversy in this case exceeds the \$75,000 minimum requirement for the
24 exercise of diversity jurisdiction under 28 U.S.C. § 1332(a).¹ Plaintiff alleges she has sustained wage
25 loss, hospital and medical expenses, loss of earning capacity and permanent physical injury.
26

27 ¹ US Airways does not concede that plaintiff is entitled to damages in excess of \$75,000, or in any
28 amount.

1 Complaint at ¶ 11.

2 According to correspondence from Mr. Clayton D. Blehm, who was writing on behalf of his
3 “longtime friend,” Ms. Wang, the latter had “amassed debts in excess of \$150,000.00 . . . to finance
4 her treatment in San Jose and finance her survival until she moved to Carlsbad.” A copy of Mr.
5 Blehm’s January 10, 2011 letter to US Airways, is attached hereto as Exhibit B; it is a true and correct
6 copy of the letter, with Ms. Wang’s cell phone number redacted and its attachments omitted.
7 According to Mr. Blehm, Ms. Wang has suffered permanent and disabling physical injuries.
8

9 **III. RECEIPT OF INITIAL PLEADINGS**

10 Although US Airways was never lawfully served with the summons and complaint, it was
11 served with a copy of the civil cover sheet on April 25, 2011. A true and correct copy of the
12 document with which US Airways was served, through its agent for service, is attached hereto as
13 Exhibit C.
14

15 Thereafter, through counsel, US Airways obtained a courtesy copy of the complaint on April
16 28, 2011, from Mr. Blehm, a friend who is assisting plaintiff *pro se*. Attached hereto as Exhibit D is a
17 true and correct copy of the e-mail transmittal from Mr. Blehm to defense counsel’s office. On May
18 25, 2011, US Airways filed its answer in the Action. Attached hereto as Exhibit E is a true and
19 correct copy of that answer.
20

21 **IV. VENUE OF REMOVED ACTION**

22 This Court is the United States District Court for the district embracing the place where the
23 state court action is pending (the Superior Court for the County of Santa Clara). Therefore, pursuant
24 to 28 U.S.C. §§ 1441(b) and 1446 and this Court’s Civil Local Rule 3-2(e), the United States District
25 Court for the Northern District of California, San Jose Division, is the appropriate court for the
26 removal of the Action.
27

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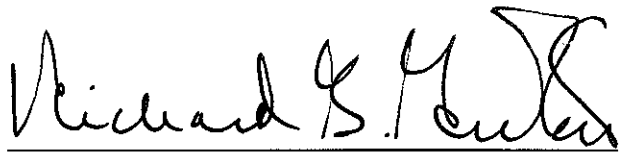
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V. CONCLUSION

US Airways respectfully requests that the Action be removed from the state court in which it was filed, to the United States District Court, Northern District of California, San Jose Division.

Dated: May 25, 2011

CODDINGTON, HICKS & DANFORTH

By: 

Richard G. Grotch
Attorneys for Defendant
US Airways, Inc.