

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

CITY OF WINTER HAVEN,  
a Florida municipal corporation,

Plaintiff,

Case No. \_\_\_\_\_

vs.

CLEVELAND INDIANS BASEBALL  
COMPANY, LP, an Ohio limited  
partnership,

Defendant.

NOTICE OF REMOVAL

Defendant, Cleveland Indians Baseball Company, LP, an Ohio limited partnership, by and through its undersigned attorneys, hereby removes to this honorable Court the above-entitled case now pending in the Tenth Judicial Circuit Court in and for Polk County, Florida styled *City of Winter Haven v. Cleveland Indians Baseball Company, LP*, Case No. 53-2008CA-12521-0000-00 pursuant to 28 U.S.C. §1441(b) on the grounds that this action is subject to the original diversity jurisdiction of this Court under 28 U.S.C. §1332 in that, as shown on the face of the Complaint therein, the Plaintiff is a municipal corporation domiciled in Florida; the Defendant is a limited partnership domiciled in Ohio; and the amount in controversy is in excess of \$75,000.00. The Complaint, Summons, and Acceptance of Service, which are the record in this action, are attached hereto as Exhibits "A", "B", and "C", respectively.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 5, 2009, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system. I further certify that I mailed the

foregoing document by first class mail Frederick J. Murphy, Jr., Boswell & Dunlap, LLP, P. O.  
Drawer 30, Bartow, FL 33831.

PETERSON & MYERS, P.A.

By:

  
L. Davis Connor, Esq.

FBN 0713413

P. O. Box 24628

Lakeland, FL 33802-4628

Telephone: (863) 683-6511

Facsimile: (863) 904-1335

Email: [jconnor@petersonmyers.com](mailto:jconnor@petersonmyers.com)

*Attorneys for Defendant*