

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

**WENDI J. LEE,**

**Plaintiff,**

**v.**

**Case No.**

**State Court Case No.: 10-23614**

**PMSI, INC.,**

**Defendant.**

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**DEFENDANT'S NOTICE OF REMOVAL**

Defendant, PMSI, INC., (“Defendant”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1441 and 1446, and Local Rule 4.02, hereby removes this action styled *Wendi J. Lee v. PMSI, Inc.*, designated Case No. 10-23614 from the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, in which the action is now pending, to the United States District Court for the Middle District of Florida, Tampa. In support of this removal and pursuant to 28 U.S.C. . §§ 1446, Defendant states:

1. The Complaint in this action was filed in the Circuit Court of the Thirteenth Judicial Circuit, in and for Hillsborough County, Florida, and served upon the Defendant on December 16, 2010. A copy of the summons and complaint is attached hereto as Exhibit “A”.

2. This is a civil action in which the District Courts of the United States have original jurisdiction, in that this action alleges violation of Title VII of the Civil Rights Act of 1964 (“Title VII”) 42 U.S.C. 2000, et seq.. Thus, the suit raises a federal question, and there is original jurisdiction in the District Court of the United States as provided in 28 U.S.C. § 1331. The Court has discretion to exercise supplemental jurisdiction over the remaining state law

claim. Defendant hereby requests that the Court exercise such jurisdiction because the federal claim arises out of the same allegations as the state law claim.

3. Under the provisions of 28 U.S.C. §1441(a), the right exists to remove this action from the Thirteenth Judicial Circuit of the State of Florida, in and for Hillsborough county to the United States District Court for the Middle District of Florida, Tampa Division, which embraces the place where this action is pending.

4. This Notice of Removal is filed within 30 days after service of the complaint on the Defendant, which occurred on December 16, 2010.

5. A notice to state court of filing Notice of Removal will be filed in the Circuit Court of the Thirteenth Judicial Circuit, in and for Hillsborough County, in accordance with 28 U.S.C. §1441(d). A copy of the Notice of Removal being filed with the Circuit Court is attached hereto as Exhibit "B".

6. Based upon information and belief, the Complaint, Summons , copies of all documents filed to date in the State Court civil action are attached hereto as Exhibit "C".

WHEREFORE, for the above-stated reasons, Defendant prays that Civil Action No. 10-23614, now pending in the Circuit Court of the State of Florida, Thirteenth Judicial Circuit, in and for Hillsborough County, be removed to this Federal Court.

Dated this 20 day of December, 2010.

Respectfully submitted,



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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 20, 2010, a true and correct copy of the  
foregoing Notice of Removal was sent via U.S. Mail to:

Scott K. Hewitt, Esq.  
Mandlebaum, Fitzsimmons & Hewitt, P.A.  
102 W. Whiting Street, Suite 201  
PO Box 3373  
Tampa, Florida 33602



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LUIS A. CABASSA