

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

KHALID ALI,

Plaintiff,

v.

FEDEX OFFICE & PRINT  
SERVICES, INC.,

Defendant.

\_\_\_\_\_ /

**DEFENDANT'S NOTICE OF REMOVAL**

Defendant, FedEx Office and Print Services, Inc. ("FedEx Office"), pursuant to 28 U.S.C. §§ 1441(a) and 1446, hereby removes this action from the Circuit Court in and for the Eleventh Judicial Circuit, in Miami-Dade County, Florida, to the United States District Court for the Southern District of Florida. The removal is based on federal question jurisdiction, and this Court therefore has original jurisdiction over the case pursuant to 28 U.S.C. § 1331.

The specific grounds for removal are the following:

**STATEMENT OF THE CASE**

1. On June 30, 2011, Plaintiff Khalid Ali filed a Complaint in the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, which action was assigned circuit court case number 11-20333 CA 32. In the Complaint, Plaintiff sues his former employer FedEx Office, alleging that FedEx Office terminated him in violation of the federal Family and Medical Leave Act, 29 U.S.C. §§ 2615, 2617 (the "FMLA"). Ex. A, Pls.' Compl. ¶¶ 5-9.

### **GROUNDS FOR REMOVAL**

2. This Court has original jurisdiction over this matter by virtue of 28 U.S.C. § 1331 in that it raises a federal question.

3. The Complaint, on its face, raises a claim expressly under the FMLA, a federal statute. Ex. A, Pls.' Compl. at 1, ¶¶ 6-8; 29 U.S.C. § 2601. Thus, the Complaint raises a federal question, and it is removable on that basis. 28 U.S.C. §§ 1331, 1441(a).

4. Venue is proper in the United States District Court for the Southern District of Florida because the case is being removed from the Circuit Court in and for Miami-Dade County, Florida. *See* 28 U.S.C. § 1446(a).

### **CONSENT OF OTHER DEFENDANTS**

5. There are no other defendants who would need to join in or consent to this Notice of Removal.

### **TIMELINESS OF REMOVAL**

6. The Complaint was initially filed in state court on June 30, 2011, and FedEx Office and Print Services, Inc. was first served with initial process on July 7, 2011. Thus, FedEx Office and Print Services is filing this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b).

### **ATTACHMENT OF STATE COURT PLEADINGS**

7. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon the Defendant in the state court action is annexed hereto as Exhibit A.

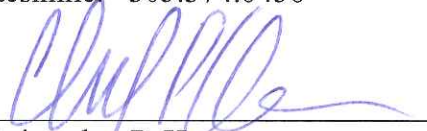
**NOTICE OF REMOVAL GIVEN TO STATE COURT**

8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Circuit Court in and for the Eleventh Judicial Circuit, in Miami-Dade County, Florida.

Dated: July 25, 2011.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,  
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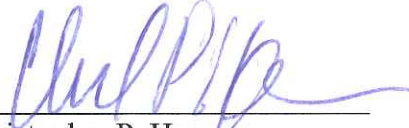
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Christopher P. Hammon  
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chris.hammon@ogletreedeakins.com

*Counsel for Defendant, FedEx Office and Print Services, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 25, 2011, the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified.



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Christopher P. Hammon

**SERVICE LIST**

*KHALID ALI v. FEDEX OFFICE & PRINT SERVICES, INC.*

United States District Court, Southern District of Florida

CASE NO.

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Method of Service: Notice of Electronic Filing

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