

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NOISE BARRIERS, L.L.C., an Illinois)	
Limited Liability Company,)	
)	
Plaintiff,)	
)	
vs)	Case No: 11-3895
)	
AIRTEC CORPORATION, a Michigan)	
Corporation,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Airtec Corporation (“Airtec”) by and through its attorneys, and pursuant to 28 U.S.C. §§ 1441(a), 1446 and 1367, hereby removes this action from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois. In support of its Notice of Removal, Airtec states;

1. This action was commenced on or about May 6, 2011, when Plaintiff Noise Barriers, L.L.C. (“Noise Barriers”), filed a Complaint (“Complaint”) in the Circuit Court of Cook County, Illinois, County Department, Chancery Division under Court Number 11-CH 16758. Copies of the Summons and Complaint served upon Airtec are attached hereto as Exhibit 1.

2. In its Complaint, Noise Barriers alleges that Airtec violated a Confidentiality Agreement entered into between the parties, and otherwise caused Noise Barriers damage. See Exhibit 1.

3. Noise Barriers alleges that its damages “could exceed \$500,000.” Complaint, Exhibit 1, at ¶ 21.

4. Airtec and Noise Barriers are citizens of different states.

5. Airtec is a Michigan Corporation with its principal place of business in Detroit, Michigan. Complaint, Exhibit 1, at ¶ 2.

6. Noise Barriers is an Illinois limited liability company with its principal place of business in Libertyville, Illinois. Complaint, Exhibit 1, at ¶ 1.

7. Airtec was served with the Complaint and Summons on May 9, 2011.

8. This action may be removed to this Court because diversity of jurisdiction exists pursuant to 28 U.S.C. § 1332.

9. Diversity of jurisdiction exists under 28 U.S.C. 1332(d) because Airtec and Noise Barriers are citizens of different states. Additionally, the amount in controversy exceeds the statutory minimum for jurisdiction.

10. This Notice of Removal is timely in that it is filed within 30 days from the date Airtec received a copy of the Summons and Complaint. 28 U.S.C. § 1446(b); *see also Murphy Bros. v Mitchetti Pipe Stringing, Inc.*, 526 U.S. 344, 348 (1999) (holding that removal period “is triggered by simultaneous service of the summons and complaint, or receipt of the complaint, ‘through service or otherwise,’ after and apart from service of the summons. . . .”)

11. Airtec will give written notice of the filing of this Notice and a copy of this Notice will be filed with the Clerk of the Circuit Court of Cook County, Illinois, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant, Airtec Corporation, hereby removes this action from the Circuit Court of Cook County, Illinois, County Department, Chancery Division, to the United

States District Court for the Northern District of Illinois, Eastern Division.

Respectfully submitted,

AIRTEC CORPORATION

Dated: June 8, 2011

By: s/ John J. O'Shea
One of its Attorneys

John J. O'Shea
Law Office of John J. O'Shea, P.L.C.
18000 Mack Avenue
Grosse Pointe, MI 48230
(313) 884-2000
Registration No: 62004418