

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

FEDERAL DEPOSIT INSURANCE)
CORPORATION, AS RECEIVER FOR)
PREMIER BANK,)

Plaintiff,)

v.)

GEORGE D. DERNIS, an individual,)
GERASSIMOS FERENTINOS, an individual,)
STEFANOS A. PEROUSTIANIS, an individual,)
GEORGE VASILOPOULOS, an individual, and)
LOUIS VASILOPOULOS, an individual,)

Defendants.)

Removal of Circuit Court of Cook County
Case No. 2012 L 000950

12 cv 3100

**NOTICE OF REMOVAL
TO THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

To: The Judges of the United States District Court
for the Northern District of Illinois

Plaintiff Federal Deposit Insurance Corporation, as Receiver for Premier Bank (“FDIC-
R”), and pursuant to 12 U.S.C. §1819(b)(2)(B) and 28 U.S.C. §1441, notices the removal of the
case originally captioned *Premier Bank v. George D. Dernis, Gerassimos Ferentinos, Stefanos
A. Peroustianis, George Vasilopoulos and Louis Vasilopoulos*, 12 L 00950, currently pending in
the Circuit Court of Cook County, Illinois, Law Division (“State Court Action”), to the United
States District Court for the Northern District of Illinois, Eastern Division. As more fully
described below, the recent substitution of the FDIC as Receiver for plaintiff Premier Bank
permits removal pursuant to 12 U.S.C. §1819(b)(2)(B).

BRIEF BACKGROUND

1. On January 26, 2012, Premier Bank filed this action against George D. Dernis, Gerassimos Ferentinos, Stefanos A. Peroustianis, George Vasilopoulos and Louis Vasilopoulos (collectively, “Defendants”) for breach of separate personal guaranties made in favor of the Bank. A copy of the Complaint filed in the State Court Action is attached hereto as Exhibit A. A copy of the Answer filed by defendant George Dernis is attached hereto as Exhibit B. Defendant Stefanos A. Peroustianis has been served but not yet appeared. The remaining defendants have not been served with process to date.

2. On March 23, 2012, Premier Bank, the holder and owner of the guaranties and promissory notes at issue in this action was closed by the Illinois Department of Financial Professional Regulation – Division of Banking, which appointed the Federal Deposit Insurance Corporation as Receiver for Premier Bank. The IDFPR’s letter of appointment and public notice is attached hereto as Exhibit C and herein incorporated by reference. Pursuant to 12 U.S.C. § 1821(d)(2)(A), the FDIC-R, as receiver for Premier Bank, has succeeded to all rights, titles, powers and privileges of Premier Bank, including the rights to the assets at issue in this litigation and all rights in this litigation previously held by Premier Bank.

3. The FDIC-R accepted its appointment as Receiver on March 23, 2012. A true and accurate copy of the FDIC-R’s acceptance letter is attached hereto as Exhibit D and incorporated herein by reference.

4. On April 23, 2012, the FDIC-R was substituted as plaintiff in place of Premier Bank in the State Court Action. A true and accurate copy of the April 23, 2012 Order is attached hereto as Exhibit E and incorporated herein by reference.

5. On April 24, 2012, the law firm of Boodell & Domanskis, LLC filed its substitute appearance on behalf of the FDIC-R in the State Court Action. A true and accurate copy of the April 24, 2012 Substitute Appearance is attached hereto as Exhibit F

BASIS FOR REMOVAL TO FEDERAL COURT

6. The instant Notice of Removal is brought, in part, pursuant to 28 U.S.C. §1441(b) which provides in relevant part:

Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties.

7. Any civil suit in which the FDIC, in any capacity, is a party is “deemed to arise under the laws of the United States.” 12 U.S.C. §1819(b)(2)(A). See also, *Bullion Services, Inc. v. Valley State Bank*, 50 F. 3d 705, 707 (9th Cir. 1995). When the FDIC is a party, the entire action is deemed to arise under the laws of the United States. *Buchner v. FDIC*, 981 F.2d 816, 819 (5th Cir. 1993).

8. Further, the Financial Institution Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73, §209, 103 Stat. 183, *et seq.*, provides a statutory right to removal by the FDIC-R. 12 U.S.C. §1819(b)(2)(B) provides in pertinent part:

Except as provided in subparagraph (D), the Corporation may, without bond or security, remove any action, suit or proceeding from a state court to the appropriate United States district court before the end of the 90-day period beginning on the date the action, suit, or proceeding is filed against the Corporation or the Corporation is substituted as a party.

9. This Notice of Removal is being brought within the 90 day period from the date the FDIC-R was substituted as a party defendant in the State Court Action.

10. Since the FDIC-R is now a party to the State Court Action, the entire State Court Action must be moved to the United States District Court for the Northern District of Illinois.

11. The FDIC-R has promptly served notice of the filing of this removal to all parties of record in the State Court Action, and to the Clerk of the Circuit Court of Cook County, Law Division, in compliance with 28 U.S.C. §1446(d).

12. Venue properly lies with this Court pursuant to 28 U.S.C. §1441(a) and 1446(a) as this action was pending in the Circuit Court of Cook County, Illinois.

13. A copy of all process, pleadings and orders served by or upon the FDIC-R are attached to this Notice of Removal in compliance with 28 U.S.C. §1446(a).

WHEREFORE, the Federal Deposit Insurance Corporation, as Receiver for Premier Bank respectfully requests that this Court accept the Removal of this Action from the State Court and direct that the Circuit Court of Cook County, Illinois shall have no further jurisdiction of this matter.

Respectfully submitted,

**FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
PREMIER BANK**

By: /s/ Andrew J. Abrams
One of its attorneys

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