

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DEPOSITORS INSURANCE COMPANY)
(A SUBSIDIARY OF NATIONWIDE)
INSURANCE) AS SUBROGEE OF)
MICHAEL AND MELISSA UNGER,)

Plaintiff,)

vs.)

HAMILTON BEACH/PROCTOR-SILEX,)
INC.,)

Defendant.)

Case No.: 08-125-WDS

DEFENDANT DEMANDS
TRIAL BY JURY


NOTICE OF REMOVAL

COMES NOW defendant Hamilton Beach/Proctor-Silex, Inc., by and through counsel, and files this Notice of Removal of the above-entitled action to the United States District Court for the Southern District of Illinois, pursuant to 28 U.S.C. 1332, and in support states as follows:

1. That the above-entitled action, now pending in the Circuit Court of Madison County, State of Illinois is a civil action at law brought by the plaintiff above named against defendant to recover damages.
2. That the controversy in said action is wholly between residents and citizens of different states, as plaintiff is a citizen and resident of Illinois and defendant is a corporation organized and existing under the laws of the State of Virginia, and so is a resident and citizen of a state other than Illinois.

3. That the amount in controversy, exclusive of interest and costs, exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), in that plaintiff has alleged damages in its Complaint of \$422,000.00.
4. That defendant has filed this Notice of Removal with this Court within thirty days after receipt of plaintiff's Complaint in said action, setting forth the claim for relief upon which said action is based, which Complaint was served upon defendant with a copy of the summons; defendant files herewith a copy of all process, pleadings and orders served upon defendant in said action.

WHEREFORE, defendant Hamilton Beach/Proctor-Silex, Inc. hereby moves this Court to accept jurisdiction over this action.



William S. Thomas #6227180
Nicholas B. Bunnell #6291433
Attorney for Defendant
RABBITT, PITZER & SNODGRASS, P.C.
100 South Fourth Street, Suite 400
St. Louis, Missouri 63102-1821
(314) 421-5545
(314) 421-3144 (Fax)

AFFIDAVIT OF SERVICE

I, the undersigned, certify that copy of the foregoing has been electronically served on all counsel of record via the Court's CM/ECF system, or U.S. mail for parties not registered with CM/ECF, on this 22 day of February, 2008.

Mr. Matthew C. Zittel
5 Park Place Professional Centre
Belleville, Illinois 62226

Under penalties of perjury as provided by law, I certify that the statements in this affidavit are true.

Emery

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

William S. Thomas, first duly sworn upon his oath, states that he is agent and attorney for defendant Hamilton Beach/Proctor-Silex, Inc., that he has read the foregoing Notice of Removal and knows the contents thereof, and that the statements therein contained are true to the best of his knowledge, information and belief.

William S. Thomas

William S. Thomas #6227180
Nicholas B. Bunnell #6291433
Attorney for Defendant
RABBITT, PITZER & SNODGRASS, P.C.
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Subscribed and sworn to before me this 21st day of February, 2008.

Sharon L. Brooner
Notary Public Sharon L. Brooner

My Commission Expires: 60
7/12/2011

