

Nancy E. Delaney  
 Joseph D. Pizzurro  
 CURTIS, MALLET-PREVOST, COLT & MOSLE LLP  
 Attorneys for Defendants  
 Socialist People's Libyan Arab Jamahiriya;  
 Muammar Abu Minyar al-Qaddafi; and  
 Ibrahim Dabbashi  
 101 Park Avenue  
 New York, New York 10178  
 (212) 696-6000  
 ndelaney@curtis.com

**UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEW JERSEY**

-----X  
 :  
 :  
 :  
 RABBI SHMULEY BOTEACH and :  
 DEBORAH BOTEACH, :  
 :  
 :  
 Plaintiffs, :  
 :  
 :  
 v. :  
 :  
 :  
 SOCIALIST PEOPLE'S :  
 LIBYAN ARAB JAMAHIRIYA; :  
 MUAMMAR ABU MINYAR AL-QADDAFI; :  
 IBRAHIM DABBASHI; :  
 QUATTRO CONSTRUCTION :  
 MANAGEMENT LLC; and :  
 SAL DUNIA :  
 :  
 Defendants. :  
 -----X

Case No.:

**NOTICE OF REMOVAL**

## **NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Socialist People's Libyan Arab Jamahiriya ("Libya") submits this Notice of Removal from the Superior Court of the State of New Jersey, Law Division, Bergen County, in which the above-captioned action is now pending, to the United States District Court for the District of New Jersey, and in support of said Notice state as follows:

### **TIMELINESS OF REMOVAL**

1. On August 31, 2009, plaintiffs Rabbi Shmuley Boteach and Deborah Boteach (together, "Plaintiffs") filed a civil action against defendants Libya, Muammar Abu Minyar al-Qaddafi, Ibrahim Dabbashi, Quattro Construction Management LLC and Sal Dunia (together, "Defendants") in the Superior Court of New Jersey, Law Division, Bergen County. The action is docketed as *Boteach v. Socialist Peoples Libyan Arab Jamahiriya*, Case No. 2009L007535.
2. The first notice received by Defendants occurred on or about September 26, 2009, when a copy of the Complaint, Civil Case Information Statement and Certification Pursuant to Rule 4:5-1(2) was received at the Libyan Property located at 440 East Palisade Avenue in Englewood, New Jersey. True and correct copies of the Complaint, Civil Case Information Statement and Certification Pursuant to Rule 4:5-1(2) are attached as Exhibit A.
3. Accordingly, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal has been timely filed within 30 days after first notice by Defendants in Plaintiffs' state court action.

### **BASIS FOR REMOVAL**

4. Libya is a “foreign state” as defined in 28 § 1603(a) and referenced in 28 § 1441(d).
5. Accordingly, this action is properly removable under 28 U.S.C. § 1441 because §1441(d) provides that “Any civil action brought in a State court against a foreign state as defined in section 1603 (a) of this title may be removed by the foreign state to the district court of the United States for the district and division embracing the place where such action is pending.”

### **CONCLUSION**

6. Because this action is properly removable under 28 U.S.C. § 1441 and this Notice of Removal was timely filed under 28 U.S.C. § 1446, Plaintiffs’ state court action may be removed pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.
7. Defendants have not previously sought similar relief.
8. To date, Defendants have not filed a responsive pleading in Plaintiffs’ state court action, and no other proceedings have transpired in that action.
9. A copy of the written notice required by 28 U.S.C. § 1446(d) is attached as Exhibit B and is being filed in the Superior Court of the State of New Jersey, Law Division, Bergen County, and served upon Plaintiffs.

**PRESERVATION OF IMMUNITY**

10. Nothing herein shall be construed to constitute in any way any waiver of sovereign, diplomatic or other immunity to which any of the Defendants named in the Complaint herein may be entitled under applicable law.

WHEREFORE, notice is given that this action is removed from the Superior Court of the State of New Jersey, Law Division, Bergen County, to the United States District Court for the District of New Jersey.

Respectfully submitted,

CURTIS, MALLET-PREVOST, COLT &  
MOSLE LLP

Dated: October 20, 2009

s/ Nancy E. Delaney

Nancy E. Delaney  
Joseph D. Pizzurro  
101 Park Avenue  
New York, NY 10178  
Tel: (212) 696-6000  
Fax: (212) 697-1559

Attorneys for Defendants  
Socialist People's Libyan Arab Jamahiriya;  
Muammar Abu Minyar al-Qaddafi; and  
Ibrahim Dabbashi