

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

CYNTHIA M. MINOR-JONES,)

Plaintiff,)

v.)

Case No. _____

REED ELSEVIER, INC. d/b/a)

LEXISNEXIS, and LEXISNEXIS)

MEDICAL REVIEW SERVICES,)

Defendants.)

DEFENDANTS' NOTICE OF REMOVAL

Defendants REED ELSEVIER INC. and LEXISNEXIS OCCUPATIONAL HEALTH SOLUTIONS INC., incorrectly identified as LexisNexis Medical Review Services, by their attorneys and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, jointly file this Notice of Removal of Case No. GD-11-022107, which is pending in the Court of Common Pleas of Allegheny County, Pennsylvania. In support of their Notice of Removal, Defendants state as follows:

1. On October 26, 2011, Plaintiff filed her Complaint in the Court of Common Pleas of Allegheny County, Pennsylvania titled Cynthia M. Minor-Jones v. Reed Elsevier, Inc. d/b/a LexisNexis, and LexisNexis Medical Review Services, Case No. GD-11-022107. Plaintiff alleges that Defendants were negligent in the

collection, analysis, and handling of her specimen for a drug test, which resulted in a loss of employment.

2. Defendants were served with Summons and a copy of Plaintiff's Complaint on October 31, 2011, by process server. Copies of the Summons, Plaintiff's Complaint, and all other process, pleadings and orders served on Defendant are attached hereto as Exhibit A.

3. Plaintiff is a citizen of the State of Pennsylvania. (Compl. ¶ 1).

4. Defendant Reed Elsevier Inc. is incorporated in the State of Massachusetts, and its principal place of business is in the State of New York. (Devine Dec. ¶ 5, attached hereto as Exhibit B).

5. Defendant LexisNexis Occupational Health Solutions Inc. is incorporated in the State of Tennessee, and its principal place of business is in the State of Georgia. (Devine Dec. ¶ 4.)

6. Although Defendants deny that Plaintiff is entitled to any relief whatsoever, Plaintiff's allegations satisfy the \$75,000 jurisdictional amount in controversy threshold.

7. Plaintiff alleges that, as a result of Defendants' alleged negligence, she suffered "substantial" monetary and non-monetary damages, including but not limited to lost wages, emotional distress, loss of reputation, humiliation, and

inconvenience.” (Compl. ¶ 27.) Courts in the Third Circuit have routinely found that claims for these types of damages in connection with negligence actions satisfy the amount in controversy threshold. Clark v. J.C. Penney Corp., No. 08-cv-4083 (PGS), 2009 U.S. Dist. LEXIS 45873, at *1 (D.N.J. May 29, 2009), (adopting Clark v. J.C. Penney Corp., No. 08-cv-4083 (PGS), 2009 U.S. Dist. Lexis 129380, at *11-12 (D.N.J. May 29, 2009)); Napolitano v. Doherty, No. 3:10-cv-806, 2010 U.S. Dist. LEXIS 52930, at *6-7 (M.D. Pa. May 27, 2010).

8. Similarly, claims for negligence in Pennsylvania regularly result in jury awards in excess of \$75,000. The Court may take judicial notice that Pennsylvania courts have awarded plaintiffs compensatory damages well in excess of \$75,000 for negligence claims. *See* Fed. R. Evid. 201; Pennsylvania jury verdict awards attached as Exhibit C.

9. Because this action is between citizens of different states and Defendants have demonstrated that the amount in controversy clearly exceeds the sum or value of \$75,000, exclusive of interest and costs, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441(a).

10. This action is pending in the Court of Common Pleas of Allegheny County, Pennsylvania, and, therefore, venue for purposes of removal is proper in this Court pursuant to 28 U.S.C. § 1441(a).

11. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) as it is being filed within thirty (30) days after Defendants' receipt of a copy of the initial pleading setting forth the claim for relief upon which this action is based.

12. Prompt written notice of this Notice of Removal is being sent to Plaintiff through her counsel and to the Clerk of the Court of Common Pleas of Allegheny County, Pennsylvania, as required by 28 U.S.C. § 1446(d).

13. The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, certifies that Defendants' factual allegations have evidentiary support and its legal contentions are warranted by existing law. The undersigned also certifies that this Notice of Removal is not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

Respectfully submitted,

REED ELSEVIER INC. and LEXISNEXIS
OCCUPATIONAL HEALTH SOLUTIONS INC.

By: 

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Date: November 21, 2011

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CERTIFICATE OF SERVICE

I certify that on November 21, 2011, I filed DEFENDANTS' NOTICE OF REMOVAL with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorney of record:

Samuel J. Cordes
Samuel J. Cordes & Associates
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scordes@cordeslawfirm.com



Counsel for Defendants