

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION**

Paula Beach,

Plaintiff,

vs.

Wal-Mart Stores East, L.P.,

Defendant.

Civil Action No. 8:11-2071-HFF

NOTICE OF REMOVAL

1. Defendant Wal-Mart Stores East, L.P. (“Wal-Mart”) files this Notice of Removal of the above-entitled action from the Circuit Court of Newberry County, South Carolina, to the United States District Court for the District of South Carolina, Greenwood Division, pursuant to 28 U.S.C. § 1441.

2. The above-entitled action was instituted by the Plaintiff against the Defendant by the service of a Summons and Complaint filed on July 26, 2011. Defendant was served by certified mail upon CT Corporation as agent for Defendant on July 27, 2011. The action is currently pending in the Court of Common Pleas for Newberry County, South Carolina, Case No. 2011-CP-36-00350. No further proceedings have been filed and the Summons and Complaint constitute all process, pleadings and orders served in this action. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint are attached hereto as Exhibit A.

3. There is jurisdiction over this removed action pursuant to 28 U.S.C. § 1441 because this action could have originally been filed in this court pursuant to 28 U.S.C. § 1332. Specifically, this suit is removable because, as set forth more fully below, there is complete

diversity of citizenship between the Plaintiff and Defendant Wal-Mart Stores East, L.P. According to statements made by counsel for Plaintiff on August 1, 2011, the Plaintiff's claim for damages, including punitive damages, exceeds \$75,000.00, exclusive of interests and costs.

4. At the time of commencement of the action, Plaintiff was and still is a citizen of South Carolina and Defendant was at the time of the commencement of the action, and still is, a corporation organized and existing under the law of a state other than South Carolina and having its principal place of business in a state other than South Carolina. Specifically, pursuant to 28 U.S.C. § 1332(c)(1), Wal-Mart Stores East, L.P. is a citizen of both Delaware and Arkansas, as it is a Delaware corporation with its principal place of business in Arkansas.

5. Plaintiff's allegations arise out of an alleged incident in which the Plaintiff claims that while on Defendant's premises she suffered injury when she slipped and fell on a foreign substance. *See* Complaint, ¶¶ 5. Plaintiff has alleged damages for her injuries, in addition to future medical bills and expenses, pain and suffering and punitive damages. *See* Complaint, "Prayer". Therefore, upon information and belief and upon consult with counsel for Plaintiff on August 1, 2011, the value of the matter in dispute exceeds \$75,000.00, exclusive of interest and costs and said action is one over which the District Court of the United States has original jurisdiction under 28 U.S.C. § 1332.

6. Defendant hereby gives counsel for Plaintiff written notice of the removal of this action and has provided a copy of the Notice of Removal to the Clerk of Court for Newberry County, as required by 28 U.S.C. § 1446(d).

7. Defendant files this Notice of Removal within thirty (30) days of the receipt of Plaintiff's Complaint in the State Court action, which was the first pleading received by Defendant setting forth the claims for relief upon which this action is based.

WHEREFORE, Defendant respectfully submits this Notice of Removal of the State Court action to this Court this ____ day of August, 2011.

/s/Mary D. LaFave

Regina Hollins Lewis, DCID #7553

Mary D. LaFave, DCID #10316

GAFFNEY LEWIS & EDWARDS, LLC

3710 Landmark Drive, Suite 109

Columbia, South Carolina 29204

803.790.8838 (office)

803.790.8841 (fax)

Attorneys for Defendant

August 8, 2011
Columbia, South Carolina