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7 UNITED STATES DISTRICT COURT  
8 FOR THE WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 STACIE WILLIAMS

11 Plaintiff,

12 v.

13 FEDERAL EXPRESS CORPORATION, a  
14 Delaware corporation,

15 Defendant.

Case No. \_\_\_\_\_

**DEFENDANT'S NOTICE OF  
REMOVAL TO FEDERAL COURT**

(DIVERSITY OF CITIZENSHIP)

[28 U.S.C. §§ 1332, 1441]

16 TO THE CLERK OF THE ABOVE-ENTITLED COURT

17 AND TO PLAINTIFF STACIE WILLIAMS AND HER COUNSEL OF RECORD

18 PLEASE TAKE NOTICE that Defendant, Federal Express Corporation, hereby removes  
19 this action to this Court pursuant to 28 U.S.C. §§ 1332(a) and 1441 (b), due to diversity of  
20 citizenship between the parties. In support thereof, Defendant states as follows:  
21

22 **JURISDICTION AND VENUE**

23 1. This Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a)  
24 and this action is one that may be removed to this Court pursuant to the provisions of 28 U.S.C. §  
25 1441(b). Federal Express Corporation is the sole Defendant and consents to removal. As set  
26

1 forth below, this case meets all of the requirements for removal and is timely and properly  
2 removed by the filing of this Notice.

3 **PLEADINGS, PROCESS AND VENUE**

4 2. On January 13, 2012 Plaintiff initiated a civil action in the Superior Court for the  
5 State of Washington, King County, Civil Action No. 12-2-02109-1 KNT, wherein Stacie  
6 Williams is the Plaintiff and Federal Express Corporation is the Defendant. Defendant was  
7 served with a copy of the Complaint and Summons on February 14, 2012. A true and correct  
8 copy of the Summons and Complaint is attached as Exhibit A. An Order Setting Case Schedule  
9 was also included with the Complaint and Summons. A true and correct copy of the Order  
10 Setting Case Schedule is attached as Exhibit B. A true and correct copy of the Declaration of  
11 Service of the Summons, Complaint and Order Setting Civil Case Schedule is attached as  
12 Exhibit C. A true and correct copy of Case Assignment Designation and Case Information  
13 Cover Sheet and Case Information Cover Sheet and Area Designation are attached as Exhibit D.  
14 By signing this Notice of Removal, counsel for Defendant verifies that the items attached hereto  
15 are true and correct copies of all the records and pleadings in the state court proceeding.  
16

17 3. In her Complaint, Plaintiff raises claims of failure to provide reasonable  
18 accommodation and wrongful termination under the Washington state law. Exhibit A:  
19 Complaint ¶¶ 2.1; 4.1 - 5.2.  
20

21 4. Plaintiff is an adult resident citizen of King County, Washington. Exhibit A:  
22 Complaint ¶ 1.1. Defendant, Federal Express Corporation, is a Delaware Corporation (Exhibit  
23 A: Complaint ¶1.2), and maintains its headquarters in Tennessee. Defendant was not a citizen of  
24 the State of Washington at the time this action was commenced, and is not currently a citizen of  
25  
26

1 the State of Washington. Therefore, diversity of citizenship exists between Plaintiff and  
2 Defendant.

3 5. This action is a civil action of which this Court has original jurisdiction under 28  
4 U.S.C. § 1332 and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441(b)  
5 because it is a civil action between citizens of different states and the matter in controversy  
6 exceeds the sum or value of \$75,000.00, exclusive of interest and costs.  
7

8 6. The amount in controversy exceeds \$75,000.00 based on the following: Plaintiff's  
9 Complaint seeks "general and special damages, attorney's fees and punitive damages." When a  
10 plaintiff fails to plead a specific amount of damages and if the amount in controversy is not  
11 "facially apparent" from the complaint, "the court may consider facts in the removal petition" to  
12 determine the amount at issue. *Kroske v. US Bank Corp.*, 432 F.3d 976, 980 (9th Cir. 2005)  
13 (quoting *Singer v. State Farm Mut. Ins. Co.*, 113 F.3d 373, 377 (9th Cir. 1977)). Plaintiff alleges  
14 a failure to accommodate her disability and that she was wrongfully terminated on or about  
15 March 2, 2009. At the time of Plaintiff's discharge she was earning in excess of \$46,000 per  
16 year and thus her wage loss claim alone would exceed the jurisdictional amount. Given the  
17 nature of her claims the federal amount in controversy requirement is met. Accordingly, this  
18 Court has original and removal jurisdiction over Plaintiff's allegations.  
19

20 7. Venue is proper in the Western District of Washington at Seattle. Venue is proper  
21 in this District because this is the district court of the United States for the district where this  
22 action is currently pending. Venue is proper at Seattle because the cause of action arose in King  
23 County. Exhibit A: Complaint ¶ 1.3; Local Rule 5(e)(1).  
24

25 8. This Notice of Removal is being filed within thirty (30) days after Defendant's  
26

1 receipt of a copy of the Complaint, and is therefore timely filed under 28 U.S.C. § 1441(b).

2 9. Written notice of the filing of this Notice of Removal has been given to all parties  
3 who have appeared in this action and a Notice of Filing this Notice of Removal has been filed  
4 with the Clerk of the Superior Court of the State of Washington, County of King. Exhibit E:  
5 Notice of Filing Notice of Removal (without attachments).  
6

7 WHEREFORE, Defendant removes this action from the Superior Court of the State of  
8 Washington, County of King, to the United States District Court for the Western District of  
9 Washington at Seattle.

10  
11 March 1, 2012

12  
13 s/ James G. Zissler

14 James G. Zissler, WSBA #30287  
15 LITTLER MENDELSON, P.C.  
16 One Union Square  
17 600 University Street, Suite 3200  
18 Seattle, WA 98101.3122  
19 Phone: 206.623.3300  
20 Fax: 206.447.6965  
21 E-Mail: [jzissler@littler.com](mailto:jzissler@littler.com)

22 AND

23 s/ P. Daniel Riederer (Pro Hac Admission Pending)

24 P. Daniel Riederer  
25 FEDERAL EXPRESS CORPORATION  
26 3620 Hacks Cross Road  
Building B, 3rd Floor  
Memphis, TN 38125  
Phone: 901.434.8600  
Fax: 901.434.9279  
E-Mail: [daniel.riederer@fedex.com](mailto:daniel.riederer@fedex.com)

Attorneys for Defendant  
FEDERAL EXPRESS CORPORATION

1 **CERTIFICATE OF SERVICE**

2 I am a resident of the State of Washington, over the age of eighteen years, and not a party  
3 to the within action. My business address is One Union Square, 600 University Street, Suite  
4 3200, Seattle, Washington 98101.3122. On March 1, 2012, I served the within documents:

5 **DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL**  
6 **COURT**

7  by causing a copy of the document(s) listed above to be personally served to the person(s)  
8 at the address(es) set forth below.

9 Thomas M. Geisness, WSBA #1878  
10 Peter T. Geisness, WSBA #30897  
11 THE GEISNESS LAW FIRM  
12 The Colman Building, Suite 675  
13 811 First Avenue  
14 Seattle, WA 98104  
15 Telephone: 206.728.8866  
16 Fax: 206.728.1173

17 I declare under the penalty of perjury under the laws of the State of Washington that the  
18 above is true and correct. Executed on March 1, 2012, at Seattle, Washington.

19 *s/ Tiffany D. Holiday* \_\_\_\_\_

20 **Tiffany D. Holiday**

21 [tholiday@littler.com](mailto:tholiday@littler.com)

22 **LITTLER MENDELSON, P.C.**

23 Firmwide:109595386.1 024910.1026