

File No. WH-96-CM

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Attorneys for Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market, Whole Foods, Market World Headquarters and Whole Foods Market Mid-Atlantic Regional Office

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MERCEDES PENA

Plaintiff

vs.

CIVIL ACTION NO.

WHOLE FOODS MARKET, WHOLE
FOODS MARKET WORLD
HEADQUARTERS, WHOLE FOODS
MARKET MID-ATLANTIC REGIONAL
OFFICE, JOHN DOES 1-100 (fictitious
natural persons) and ABC CORPORATION
1-100 (fictional business entities)

Defendants

PETITION FOR REMOVAL

Petitioner, Whole Foods Market Group, Inc. i/p/a Whole Foods Market, Whole Foods, Market World Headquarters and Whole Foods Market Mid-Atlantic Regional Office by its attorneys, Fishman McIntyre Levine Samansky, P.C., respectfully petitions the United States District Court for the District of New Jersey as follows:

1. Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market, Whole Foods, Market World Headquarters and Whole Foods Market Mid-Atlantic Regional Office first received a copy of the Complaint on or about January 15, 2022 through their registered agent.

2. This case was commenced on October 28, 2021 in the Superior Court of New

Jersey, Law Division, Bergen County Suit is identified in the Superior Court as Pena, Mercedes v. Whole Foods Market, Docket No. L-7055-21. (See Exhibit A)

3. The filing of this Petition for Removal is timely because it is filed within thirty days of the date Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market, Whole Foods, Market World Headquarters and Whole Foods Market Mid-Atlantic Regional Office first received notice of the lawsuit.

4. The plaintiff's Complaint in the Superior Court of New Jersey, Law Division, Bergen County, asserts damages of a non-specified amount. Plaintiff alleges she was caused to slip and fall due to a celery lying on the ground and sustained severe and permanent injuries. As such, Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market, Whole Foods, Market World Headquarters and Whole Foods Market Mid-Atlantic Regional Office believes that the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market, Whole Foods, Market World Headquarters and Whole Foods Market Mid-Atlantic Regional Office is informed and believes that Plaintiff, Mercedes Pena, is an individual citizen of the State of New Jersey. Defendant/petitioner, Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market, Whole Foods, Market World Headquarters and Whole Foods Market Mid-Atlantic Regional Office is incorporated in the State of Delaware and its principal place of business is in the State of Texas. The action is therefore between citizens and a corporation of other states.

6. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, Petitioner, Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market, Whole Foods, Market World Headquarters and Whole Foods Market Mid-Atlantic Regional Office in the action described herein, which is currently pending in the Superior Court of the State

of New Jersey, Law Division, Bergen County, Docket No. L-7055-21, prays that this action be removed therefrom to this Court.

DATED: January 18, 2022

Defendants, Whole Foods Market Group, Inc.
i/p/a Whole Foods Market, Whole Foods,
Market World Headquarters and Whole Foods
Market Mid-Atlantic Regional Office

BY: 
Christopher E. McIntyre, Esq.

I certify that a true copy of the Complaint filed in the Superior Court of the State of New Jersey, County of Bergen, along with a copy of the Summons issued to this defendant, is annexed hereto as Exhibit A.


BY: 
Christopher E. McIntyre, Esq.

EXHIBIT A

Jean-Claude Labady, Esq.
(NJ Attorney ID: 039611992)
GARCES, GRABLER & LEBROCQ, P.C.
20 Green Street
Newark, New Jersey 07102
Tel. (973) 848-0500
Attorneys for Plaintiff(s), Mercedes Pena

<p>MERCEDES PENA,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>WHOLE FOODS MARKET; WHOLE FOODS MARKET WORLD HEADQUARTERS; WHOLE FOODS MARKET MID-ATLANTIC REGIONAL OFFICE; JOHN DOES 1-100 (fictional natural persons); and ABC CORPORATION 1-100 (fictional business entities),</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY</p> <p style="text-align: center;">DOCKET NO: BER-L-</p> <p style="text-align: center;">CIVIL ACTION</p> <p style="text-align: center;">COMPLAINT, JURY DEMAND, DESIGNATION OF TRIAL COUNSEL, REQUEST FOR DISCOVERY OF INSURANCE COVERAGE, DEMAND FOR ANSWERS TO INTERROGATORIES AND DEMAND FOR PRODUCTION OF DOCUMENTS</p>
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Plaintiff, MERCEDES PENA, residing at 17 Water Street, in the City of Hackensack, County of Bergen, State of New Jersey by way of Complaint against the Defendants hereby alleges:

FIRST COUNT

1. Plaintiff, MERCEDES PENA, residing at 17 Water Street, in the City of Hackensack, County of Bergen, State of New Jersey.

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