

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO. _____**

ANTHONY VINES,)
)
 Plaintiff,)
)
 v.)
)
 MOUNTAIRE FARMS, INC.,)
)
 Defendant.)
 _____)

NOTICE OF REMOVAL OF CIVIL ACTION

COMES NOW Mountaire Farms, Inc. (hereinafter “Defendant”) and for its Notice of Removal of Civil Action (“Notice”) respectfully submits as follows:

1. Defendant is named in a civil action in the General Court of Justice, Superior Court Division, for Wake County, North Carolina, Case Number 20-cv-013627, styled *Anthony Vines v. Mountaire Farms, Inc.*. A copy of the Complaint and Summons served upon Defendant is attached hereto as Exhibit A, and constitute the only process, pleadings, and orders served upon the Defendant.
2. Defendant accepted service on January 7, 2021. This notice is being filed within thirty (30) days of receipt of the Complaint and acceptance of service, and therefore is timely pursuant to 28 U.S.C. §1446(b).
3. Defendant Mountaire Farms, Inc. is a Delaware corporation. Mountaire Farms, Inc. is the sole owner of all Defendants’ operations and facilities located in the State of North

Carolina, including but not limited to the facilities where Plaintiff Vines alleges he was employed.

4. Plaintiff's Complaint alleges that he seeks compensatory damages of not less than \$25,000 plus treble damages. (Exhibit A, ¶51 & Prayer for Relief.)
5. Jurisdiction is vested in this court pursuant to 28 U.S.C. §§1332 (diversity of citizenship and amount in controversy in excess of \$75,000), and this case is removable by this Defendant pursuant to 28 U.S.C. §§ 1441 and 1446.
6. Plaintiff alleges that he is entitled to relief under the laws of the State of North Carolina. This Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367, and therefore, the entire case may be removed pursuant to 28 U.S.C. § 1441(c).
7. The state court in which this action was commenced is within this Court's district and division.
8. Concurrent with the filing of this Notice, Defendant will file a Notice of Filing of Removal to the United States District Court for the Eastern District of North Carolina with the Clerk of Superior Court for Wake County, State of North Carolina, pursuant to 28 U.S.C. § 1446(d), attached hereto as Exhibit B.

WHEREFORE, subject to and without waiver of any available defenses, Defendant prays that this action be removed from the Superior Court of Wake County, State of North Carolina to the United States District Court for the Eastern District of North Carolina as provided by law.

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Respectfully submitted this 4th day of February, 2021.

/s/ M. Lee Daniels, Jr.

M. Lee Daniels, Jr. (N.C. Bar No.: 10300)

M. LEE DANIELS, JR., P.C.

OF COUNSEL TO WIMBERLY LAWSON

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Local Civil Rule 83.1(d) Counsel for Defendant

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Lead Counsel for Defendant

Special Notice of Appearance Pending

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ANTHONY VINES,)
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 Plaintiff,)
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 v.)
)
 MOUNTAIRE FARMS, INC.,)
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 Defendant.)
 _____)

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that I have this day served the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION** via email and by depositing a copy of same in the United States Mail, with sufficient postage thereon, addressed as follows:

Claremont Ripley
N.C. Justice Center
P.O. Box 28068
Raleigh, NC 27611
Email: clermont@ncjustice.org

DATED this 4th day of February, 2021.

/s/ M. Lee Daniels, Jr. _____
M. Lee Daniels, Jr.
NC Bar No. 10300
M. LEE DANIELS, JR., P.C.
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