

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

YOST FOODS, INC.,	)	CASE NO. 1:21-CV-794
	)	
	)	JUDGE
Plaintiff,	)	
	)	
v.	)	<b><u>NOTICE OF REMOVAL</u></b>
	)	
	)	<b><u>Removal of Medina County Court of</u></b>
BUNGE NORTH AMERICA, INC.,	)	<b><u>Common Pleas, Case No. 21-CIV-0202</u></b>
	)	
	)	
Defendant.	)	

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Bunge North America, Inc. (“Bunge”), hereby gives notice of the removal of the within action from the Medina County, Ohio, Court of Common Pleas to the United States District Court for the Northern District of Ohio, Eastern Division. In support of its Notice of Removal, Bunge respectfully states as follows:

1. On March 12, 2021, Plaintiff Yost Foods, Inc. (“Yost”) commenced the above-captioned civil action in the Court of Common Pleas, Medina County, Ohio, where it was docketed as Civil Action No. 21-CIV-0202.

2. In accordance with 28 U.S.C. § 1446(a), a copy of the Summons and Complaint are attached hereto as Exhibit 1.

3. Defendant Bunge is the only defendant named in the Complaint issued in this action.

4. Defendant Bunge was served with the Summons and Complaint on March 18, 2021.

Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), which provides

that the notice of removal shall be filed within thirty (30) days of service of a copy of the initial pleading.

5. Pursuant to 28 U.S.C. § 1441(a), state court civil actions over which the district courts of the United States have original jurisdiction may be removed by the defendant to the district court of the United States of the district and division embracing the place where such action is pending. This Court embraces Medina County, Ohio, where the removed action is currently pending.

6. This case is proper for removal under 28 U.S.C. § 1441(b). This Court has original subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1332 as Yost and Bunge are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. Plaintiff Yost is an Ohio corporation with its principal place of business in Brunswick, Ohio. (Compl. ¶ 3.)

8. Defendant Bunge is a New York corporation with its principal place of business in Chesterfield, Missouri. (Compl. ¶ 4.)

9. Pursuant to 28 U.S.C. § 1446(d), copies of the Notice of Removal and a Notice to State Court of Filing of Notice of Removal are being served on Yost. A copy of the Notice of Removal will also be filed with the Clerk of the Court of Common Pleas of Medina County, Ohio.

WHEREFORE, Defendant Bunge respectfully request that Civil Action No. 21-CIV-0202, which is now pending in the Court of Common Pleas, Medina County, Ohio, be removed to this Court.

Respectfully submitted,

/s/ Eric B. Levasseur

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*Attorneys for Defendant*

*Bunge North America, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing *Notice of Removal* was electronically filed this 14th day of April 2021. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. In addition, a copy of the foregoing was also sent via regular U.S. mail to the following:

Joel R. Hlavaty, Esq.  
Angela D. Lydon, Esq.  
Frantz Ward LLP  
200 Public Square, Suite 3000  
Cleveland, OH 44114

*Attorneys for Plaintiff  
Yost Foods, Inc.*

/s/ Eric B. Levasseur

*One of the Attorneys for Defendant  
Bunge North America, Inc.*