

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

HOLT TEXAS, LTD.

v.

AGCO CORPORATION

CIVIL ACTION FILE NO. \_\_\_\_\_

(STATE COURT FILE NO.  
2020CI15823)

**NOTICE OF REMOVAL**

**TO: The Clerk of the United States District Court  
For the Western District of Texas (San Antonio Division)**

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant AGCO Corporation (hereinafter “AGCO”), hereby gives Notice of Removal of this action from the District Court, 225<sup>th</sup> Judicial District, Bexar County, State of Texas , to the United States District Court for the Western District of Texas (San Antonio Division), for the reasons that follow:

1.

On or about August 20, 2020, Plaintiff Holt Texas, LTD. (“Holt”) commenced a civil action against AGCO in the District Court, 225<sup>th</sup> Judicial District, Bexar County, State of Texas styled Holt Texas, LTD. v. AGCO Corporation, Case No. 2020CI15823 (the “State Court Action”) by filing a Complaint. Pursuant to 28 U.S.C. §1446(a), AGCO attaches hereto as **Exhibit A** true and correct copies of all process, pleadings, and orders served upon AGCO in the State Court Action, with the exception of those documents AGCO has moved to file under seal.

2.

The Complaint was served on the registered agent for AGCO on August 31, 2020. AGCO has not filed any pleadings in the state court action, other than a Notice of

3.

This Notice of Removal is filed within the time limits specified in 28 U.S.C. § 1446(b) and (c)(1).

4.

This case is removable pursuant to 28 U.S.C. § 1441 because the United States District Court has original jurisdiction over this case by reason of diversity of citizenship pursuant to 28 U.S.C. § 1332(a).

5.

Holt Texas, LTD. is a limited partnership organized and existing under the laws of the State of Texas.

6.

AGCO is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Duluth, Georgia. Defendant AGCO is not a citizen of the State in which this action is brought.

7.

In the Complaint, Plaintiff seeks damages from AGCO for alleged breaches of contract. Plaintiff further seeks an order compelling arbitration.

8.

The amount in controversy exceeds the sum or amount of \$75,000, exclusive of interests or costs, because Plaintiff claims that AGCO breached the subject contract by failing to repurchase parts and equipment worth more than \$264,415.10, and that it is entitled to reimbursement in the amount of \$290,856.61. See Pl.'s Compl., ¶ 11.

9.

Because there is complete diversity of citizenship between Holt as plaintiff, and AGCO as defendant, and because the matter in controversy exceeds the jurisdictional

amount of \$75,000, exclusive of interest and costs, this court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

10.

Based on this court's original jurisdiction over this matter pursuant to 28 U.S.C. § 1332, this action is removable to this Court by AGCO pursuant to the provisions of 28 U.S.C. § 1441.

11.

AGCO has given written notice of the filing of this Notice of Removal to counsel of record for Plaintiff as required by 28 U.S.C. § 1446(d).

12.

The undersigned hereby certifies that a Notice of Removal has been filed with the District Court, 225<sup>th</sup> Judicial District, Bexar County, State of Texas.


PRAYER

WHEREFORE, AGCO prays that the state court action be discontinued and removed to this Court.

Respectfully submitted,

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By:



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**Attorney for Defendant,  
AGCO Corporation**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been delivered in accordance with Tex. R. Civ. P. 21(a) on this the 17<sup>th</sup> day of September, 2020, to the following counsel of record:

**Via E-Service: [gcaldwell@ceflegalsa.com](mailto:gcaldwell@ceflegalsa.com)**

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