

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JUAN LOPEZ

VS.

REMINGTON ARMS CO., INC.

§
§
§
§
§

CIVIL ACTION NO. C-80-120

PETITION FOR REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Remington Arms Company, Inc., Petitioner herein, and would respectfully show the Court the following:

I.

On the 21st day of July, 1980, an action was commenced against Defendant, Remington Arms Co., Inc., in the 229th Judicial District Court of Duval County, Texas, Cause No. 10,902, styled "JUAN LOPEZ V. REMINGTON ARMS CO., INC." by the filing of Plaintiff's Original Petition. Thereafter, on August 8, 1980, citation was served on Defendant, Remington Arms Co., Inc., by service upon the Secretary of State of Connecticut. No further proceedings have been had therein.

II.

The above-described lawsuit is a civil action for damages of which this Court has original jurisdiction under the provisions of Title 28, United States Code § 1332, and which may be removed to this Court by Defendant pursuant to the provisions of Title 28, United States Code § 1441, et seq., in that it is a civil action wherein the matter in controversy exceeds the sum or value of Ten Thousand Dollars (\$10,000.00), exclusive of interest and costs, and is between citizens of different states. The Plaintiff, Juan Lopez, upon information and belief, at the time this action was commenced, was and still is a citizen of the State of Texas. The Defendant, Remington Arms Co., Inc., at the time this action was commenced was, and still is a corporation incorporated under the laws of the State of Delaware, with

filed 9/2/80

its principal place of business at Bridgeport, Connecticut, and was not a citizen of the State of Texas at the time this action was brought.

III.

As provided by Title 28, United States Code § 1446(d), Petitioner files herewith its Bond in the amount of \$500.00, with good and sufficient surety conditioned that it will pay all costs and disbursements incurred by reason of the removal proceedings hereby brought should it be determined this action is not removable or is improperly removed.

IV.

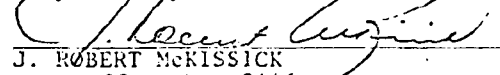
Petitioner files herewith certified copies of all records and proceedings in Cause No. 10,902 in the 229th Judicial District Court of Duval County, Texas, and all process, pleadings and orders served upon it.

V.

Petitioner files herewith a copy of the Notice of Filing of Petition and Bond for Removal which has been served on Plaintiff as set forth therein and was filed with the District Clerk of Nueces County, Texas, contemporaneously with the filing of this Petition.

WHEREFORE, Petitioner prays that the above action now pending against it in the 229th Judicial District Court of Duval County, Texas, be removed in its entirety to this Court.

Respectfully submitted,


J. ROBERT MCKISSICK
Post Office Box 2446
Corpus Christi, Texas 78403
(512) 884-3551

ATTORNEY-IN-CHARGE FOR DEFENDANT,
REMINGTON ARMS CO., INC.

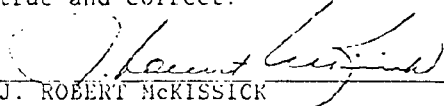
A JURY WAS NOT DEMANDED PRIOR
TO REMOVAL.

Of Counsel:

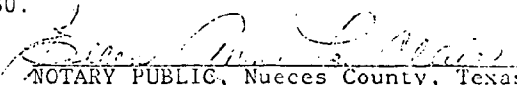
KLEBERG, DYER, REDFORD & WEIL

THE STATE OF TEXAS §
§
COUNTY OF NUECES §

My name is J. ROBERT McKISSICK, and I am the attorney for REMINGTON ARMS CO., INC., Defendant and Petitioner herein. The foregoing Statement of Facts contained in this Petition for Removal are true and correct.


J. ROBERT McKISSICK

SUBSCRIBED AND SWORN TO BEFORE ME this 2^d day of September, 1980.

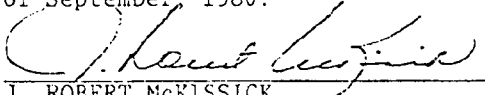

NOTARY PUBLIC, Nueces County, Texas

ELLEN ANN LE CLARK
Typed or Printed Name

My Commission Expires:
11-30-90

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition for Removal has been served on Counsel for Plaintiff, GERALD H. BECKMAN, Post Office Box 7219, Corpus Christi, Texas 78415, by depositing same with the United States Postal Service properly addressed with proper First Class Certified Mail, return receipt requested, postage prepaid, on this 2nd day of September, 1980.


J. ROBERT McKISSICK