

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

**WASHINGTON NATIONALS)
BASEBALL CLUB LLC,)
1500 South Capitol Street, S.E.)
Washington, DC 20003,)**

Plaintiff,)

v.)

Civil Action No. _____

**WESTCHESTER FIRE INSURANCE)
COMPANY,)
436 Walnut Street)
Philadelphia, PA 19106,)**

Defendant.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(b) and 1446, defendant Westchester Fire Insurance Company (“Westchester Fire”) gives notice of its removal to the United States District Court for the District of Columbia of this proceeding, filed in the Superior Court of the District of Columbia, Civil Division, under the caption *Washington Nationals Baseball Club, LLC v. Westchester Fire Insurance Company*, Civil Action No. 13-0003114. Westchester Fire further states the following:

1. Plaintiff filed the Complaint on May 3, 2013. In accordance with 28 U.S.C. § 1446(a), a copy of the Complaint, the unserved Summons, the Information Sheet, the Initial Order and Addendum, and a Notice of Scheduling Conference are attached as Exhibit A. These documents are all process, pleadings, and orders to date in the action.

2. Westchester Fire has not yet been served with the Complaint but, on July 23, 2013, Westchester Fire received a notice from the Superior Court stating that this action had

been scheduled for a Scheduling Conference Hearing on October 18, 2013. Given that Westchester Fire has not received service, this removal is timely in accordance with 28 U.S.C. § 1446(b).

3. Westchester Fire removes this case based on federal diversity jurisdiction under 28 U.S.C. § 1332. The amount in controversy exceeds \$75,000. *See* Complaint ¶¶ 27, 32. There is complete diversity of citizenship between the plaintiff, a limited liability company incorporated in the District of Columbia with its principal place of business in the District of Columbia, *see* Complaint ¶ 4, and the defendant, a Pennsylvania corporation with its principal place of business in Pennsylvania, *see id.* at ¶ 5.

4. This action presents a dispute between plaintiff and Westchester Fire relating to Westchester Fire's denial of insurance coverage sought by plaintiff in connection with events taking place in the District of Columbia. *See* Complaint, ¶¶ 10-14. Accordingly, venue is proper in the United States District Court for the District of Columbia pursuant to 28 U.S.C. § 1391(b).

5. In accordance with 28 U.S.C. § 1446(d), Westchester Fire will promptly give written notice of this Notice of Removal to plaintiff's counsel and file a copy of the same with the Clerk of the Superior Court of the District of Columbia, Civil Division. Copies of the Notice of Filing Removal and Notice to Plaintiffs of Filing Removal are attached as Exhibits B and C.

Respectfully submitted,

/s/ Brianna L. Silverstein
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Attorney for Westchester Fire Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below I caused a true and correct copy of the foregoing Notice of Removal to be sent by U.S. Mail, postage prepaid, to counsel for plaintiff, addressed as follows:

Dane Butswinkas
Liam J. Montgomery
WILLIAMS & CONNOLLY LLP
725 12th Street, N.W.
Washington, D.C. 20005

/s/ Brianna L. Silverstein
Brianna L. Silverstein

Date: August 6, 2013