

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JKG

ALAN HUSAK

Plaintiff,

v.

DOMCO TARKETT, INC.

Defendant.

CIVIL ACTION

03-786

NO. 2003-C-50

NOTICE OF REMOVAL

Defendant, Domco Tarkett, by and through its undersigned counsel, hereby removes this action from the Court of Common Pleas Court of Lehigh County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania under the removal clause pursuant to 28 U.S.C. @ 1441 and @ 1446 and in support thereof avers as follows:

1. On or about January 8, 2003, plaintiff Alan Husak filed a Complaint in the County Court of Common Pleas for Lehigh County, Pennsylvania. See Exhibit A. To date, defendant has not received formal process. Defendant received a copy of the Complaint from the Lehigh County Court of Common Pleas in the course of the Court's ordinary civil administration procedures on January 15, 2003.
2. This suit is one which the District Courts of the United States have original jurisdiction in that it involves a controversy arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. §1331(a)
3. The removal of this suit is authorized by 28 U.S.C. §1441(a).


A TRUE COPY CERTIFIED FROM THE RECORD

DATED: FEB 10, 2003  
ATTEST: *Mark Camacho*

DEPUTY CLERK, UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

WHEREFORE, Domco Tarkett, Inc. respectfully requests that this Court take the necessary action to assist removal of this action and transfer records to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

By:   
William F. Kershner (I.D. No. 01690)  
Heather A. Hoyt (I.D. No. 81105)  
Pepper Hamilton, LLP  
400 Berwyn Park  
899 Cassatt Road  
Berwyn, PA 19312  
(610) 640-7800

Attorneys for Defendant,  
DOMCO TARKETT, INC.

February 11, 2003

COPY

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ALAN HUSAK  
Plaintiff,  
v.  
DOMCO TARKETT, INC.  
Defendant.

CIVIL ACTION  
NO. 2003-C-50

CLERK OF COURTS  
CIVIL  
LEHIGH COUNTY, PA

FILED 11 APR 11:23

FILED  
PD 16.02

NOTICE OF FILING OF NOTICE OF REMOVAL

Pursuant to rule 11 of the Federal Rules of Civil Procedure with statement of grounds for removal;

Pursuant to 28 U.S.C. @ 1441 and @ 1446 , Domco Tarkett, Inc., ("Domco Tarkett") removed this action under the removal clause to the United States District Court for the Eastern District of Pennsylvania that had been filed in this Court. In support of

1. On or about January 8, 2003, plaintiff Alan Husak filed a Complaint in the County Court of Common Pleas for Lehigh County, Pennsylvania. See Exhibit A attached to Notice of Removal. To date, defendant has not received formal process of the Complaint. Defendant received a copy from the Lehigh County Court of Common Pleas in the course of the Court's ordinary civil administration procedures on January 15, 2003.
2. Domco Tarkett filed a Notice of Removal pursuant to 28 U.S.C. § 1446 in the United States District Court for the Eastern District of Pennsylvania on February 10, 2003. A copy of that Notice of Removal is attached as Exhibit A.
3. Pursuant to 28 U.S.C. § 1446, removal of this action is effected by the filing of the Notice of Removal, and this Court shall proceed no further unless the case should be remanded by order of the federal court.

4. Count I of plaintiff's Complaint alleges age discrimination under the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 629 . See Complaint at ¶¶ 15-25.

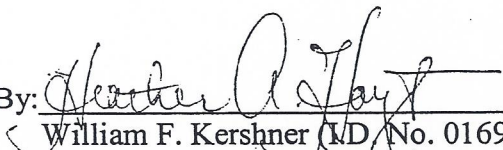
5. Count II of plaintiff's Complaint alleges national origin discrimination under the Federal Civil Rights Act, 42 U.S.C. § 2000e, et seq. See Complaint at ¶¶ 26-34.

6. This Notice of Removal of Action from state court is being filed within thirty (30) days of the receipt by defendants of the initial pleading in the above-styled cause, and thus is timely filed pursuant to 28 U.S.C. §1446(b).

7. In accordance with 28 U.S.C. §1446(d), a copy of this Notice of Removal will be promptly filed with the Prothonotary for the Court of Common Pleas of Lehigh County, which shall provide notice to that Court that it shall proceed no further.

WHEREFORE, defendants hereby remove this action from the Court of Common Pleas of Lehigh County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania without waiver of any defenses, procedural or substantive.

Respectfully submitted,

By:   
William F. Kershner (ID No. 01690)  
Heather A. Hoyt (I.D. No. 81105)  
400 Berwyn Park  
899 Cassatt Road  
Berwyn, PA 19312  
(610) 640-7800

Attorneys for Defendant,  
DOMCO TARKETT, INC.

February 6, 2003