

JUDGE FURMAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YONKERS CONTRACTING COMPANY INC.

14 CV

6451 (JMF)

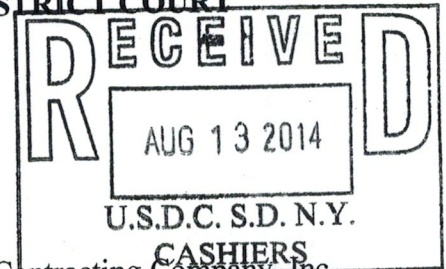
KJC,

-against-

K.J.C. WATERPROOFING INC. and SUPERIOR
GUNITE,

DEFENDANT K.J.C., INC.'S
s/h/a as K.J.C.
WATERPROOFING, INC.,
NOTICE OF REMOVAL TO
THE UNITED STATES
DISTRICT COURT

Defendants.



PLEASE TAKE NOTICE that the action entitled Yonkers Contracting Company, Inc.

v. K.J.C. Waterproofing Inc. and Superior Gunite, Index No.: 61442/2014, in the Supreme Court of the State of New York, County of Westchester, Defendant, K.J.C. Inc., sued herein as K.J.C. Waterproofing, Inc. ("KJC"), by its attorneys, BahnMulter LLP, has been removed to the United States District Court for the Southern District of New York.

Grounds for Removal

This Court has original jurisdiction of this action under diversity jurisdiction pursuant to 28 U.S.C. §1332. The action may be removed to this Court pursuant to 28 U.S.C. §1441(a)(b). A copy of said Notice of Removal is annexed hereto as Exhibit A.

Diversity Jurisdiction

On July 28, 2014, plaintiff filed suit against defendants in the Supreme Court of the State of New York, County of Westchester in an action entitled Yonkers Contracting Company, Inc. v. K.J.C. Waterproofing Inc. and Superior Gunite, Index No.: 61442/2014.

This Notice of Removal is filed within the time allowed under 28 U.S.C. §1446(b) as thirty days have not yet expired since the defendant KJC first received, although not served with, a copy of the summons and complaint.

In accordance with 28 U.S.C. §1446(b) all of the process and pleadings obtained by defendant KJC in this action to date are attached to this Notice as Exhibit A.

This action is a civil suit alleging the breach of a construction contract between plaintiff and defendant arising out of a Metropolitan Transportation Authority (MTA) project in New York City.

KJC is a corporation organized and existing under the laws of the State of New Jersey with its principal place of business at 36 West Quackenbush Avenue, Dumont, NJ 07628. KJC provides waterproofing and masonry services on new and rehabilitative construction projects.

Yonkers is a company organized under the laws of the State of New York with its principal place of business at 969 Midland Avenue, Yonkers, NY.

Defendant Superior Gunitite is a California Corporation, according to the complaint.

The plaintiff and defendants have complete diversity as required under 28 U.S.C. §1332. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) in that the parties are citizens of different states and the amount in controversy exceeds \$75,000 exclusive of costs and interest.

Venue is proper under 28 U.S.C. § 1391(b)(2) as a substantial part of the events or omissions giving rise to the claims in this action occurred in this District, in the city, county and state of New York.

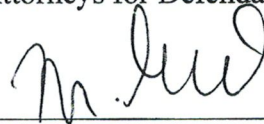
The United States District Court for the Southern District of New York is the district and division within which the state court action is pending.

Preservation of Defenses

By filing this Notice of Removal, defendant KJC does not waive any defense or claim(s) which may be available to it.

Dated: New York, NY
August 13, 2014

BAHN MULTER, LLP
Attorneys for Defendant K.J.C., Inc.



By: Martin I. Gold, Esq. (MIG-0476)
555 Fifth Avenue, 14th fl.
New York, New York 10017
212-447-4700

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

YONKERS CONTRACTING COMPANY INC.

Index No.: 61442/2014

KJC,

-against-

K.J.C. WATERPROOFING INC. and SUPERIOR
GUNITE,

**DEFENDANT K.J.C., INC.'S
s/h/a as K.J.C.
WATERPROOFING, INC.,
NOTICE OF FILING
NOTICE OF REMOVAL TO
THE UNITED STATES
DISTRICT COURT**

Defendants.

PLEASE TAKE NOTICE that on August 13, 2014, Defendant, K.J.C. Inc., sued herein as K.J.C. Waterproofing, Inc. ("KJC") by its attorneys, BahnMulter LLP, filed with the Clerk of the Court for the Supreme Court of the State of New York, County of Westchester, a true and correct copy of the Notice of Removal which was filed in the United States District Court for the Southern District of New York. A copy of said Notice of Removal is annexed hereto as Exhibit A.

Dated: New York, NY
August 13, 2014

BAHN MULTER, LLP
Attorneys for Defendant K.J.C., Inc.

By: Martin I. Gold, Esq. (MIG-0476)
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