

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Lily Poss,

Plaintiff,

v.

Eagle Lake Family Dentistry, P.A.,

Defendant.

Court File No. _____

NOTICE OF REMOVAL

Eagle Lake Family Dentistry, P.A. (“Eagle Lake”), by and through the undersigned counsel and pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, notifies this Court that the above-styled action is hereby removed from the District Court, Fifth Judicial District, County of Blue Earth, State of Minnesota, where it is now pending, to the United States District Court for the District of Minnesota. As grounds for this removal, Eagle Lake states as follows:

1. Plaintiff Lily Poss served her Complaint on Eagle Lake on or about October 8, 2013.
2. Attached hereto as **Exhibit 1** is Plaintiff's Original Summons and Complaint. No other pleadings have been filed with the Blue Earth County District Court.
3. Because thirty (30) days have not yet expired since this action became removable to this Court, this removal is timely under 28 U.S.C. § 1446(b).
4. Plaintiff's Complaint against Eagle Lake falls within this Court's federal question jurisdiction pursuant to 28 U.S.C. § 1331 because it asserts a claim against

Eagle Lake arising under the laws of the United States. Specifically, Plaintiff asserts a claim under Title III of the Americans with Disabilities (42 U.S.C. § 12181 *et seq.*). Therefore, this action is removable pursuant to 28 U.S.C. § 1441(b).

5. This Court may exercise supplemental jurisdiction under 28 U.S.C. § 1367 for any state law claims asserted in Plaintiff's Complaint.

6. Eagle Lake will serve written notice of the filing of this Notice of Removal upon Plaintiff and will cause a copy of this Notice to be filed with the Clerk of the District Court of Blue Earth County, State of Minnesota, in accordance with 28 U.S.C. § 1446(d).

7. Eagle Lake reserves the right to amend or supplement this Notice.

WHEREFORE, Eagle Lake requests that the above-entitled action be removed from the District Court, County of Blue Earth, State of Minnesota, to the United States District Court for the District of Minnesota.

Dated: October 28, 2013

BRIGGS AND MORGAN, P.A.

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