

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. _____

LIZA PRAMAN,

Plaintiff(s),

v.

ASTOR EB-5 LLC,
a Florida Limited Liability Company, and
DAVID J. HART, Individually,

Defendants.

_____/

DEFENDANTS' NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF FLORIDA.

PLEASE TAKE NOTICE that Defendants, ASTOR EB-5 LLC ("ASTOR"), and DAVID J. HART ("HART"), (collectively, "Defendants"), pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, hereby give notice of removal of this action from the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, to the United States District Court for the Southern District of Florida, on the following grounds:

1. Plaintiff, Liza Praman ("Praman" or "Plaintiff"), filed her Complaint in the Circuit Court of the 11th Judicial Circuit, in and form Miami-Dade County, Florida, Civil Action No. 2017-015904-CA-01 ("State Action") on June 30, 2017. Defendants have attached copies of all pleadings, process, and orders from the State Action at Exhibit A.

2. In her Complaint, Plaintiff alleges violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* ("FLSA"). Specifically, she alleges two counts against Defendants, one

against ASTOR and one against HART, individually, for their alleged failure to compensate her for overtime hours worked as a non-exempt employee. Both counts are based solely on a purported violation of the FLSA.

3. Pursuant to 28 U.S.C. § 1441(a), “any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

4. “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Because Plaintiff raises claims under the FLSA, this action presents a federal question that is removable pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1331.

5. Defendants file this Notice in the Miami Division of the United States District Court for the Southern District of Florida because (i) the conduct alleged in the Complaint relates to Plaintiff’s employment with Defendant ASTOR in Miami-Dade County, Florida, (ii) all conduct is alleged to have occurred within Miami-Dade County, Florida, and (iii) Plaintiff filed her Complaint in the 11th Judicial Circuit in and for Miami-Dade County, Florida. (*See* Compl. ¶¶ 4-6, attached hereto as Ex. A.).

6. Defendant Astor was served with Summons and the Complaint on July 15, 2017. Defendant Hart was served on August 2, 2017. “When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.” 28 U.S.C. § 1441(b)(2). Defendants Astor and Hart, by and through their undersigned Counsel consent to removal.

7. This removal is therefore timely as it is filed within thirty (30) days after receipt of the Summons and the Complaint. *See* 28 U.S.C. §1446(b).

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice will be served on Plaintiff and a copy of this Notice will be filed concurrently with the Clerk of the Circuit Court of 11th Judicial Circuit in and for Miami-Dade County, Florida, which is attached hereto as Exhibit B.

9. By filing this Notice of Removal, Defendants do not admit any of the allegations in the Complaint, or waive any of their defenses. Defendants expressly reserve any objections as to service and personal jurisdiction.

WHEREFORE, Defendants, respectfully request removal of this action from the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, to the United States District Court for the Southern District of Florida.

Respectfully submitted this 4th day of August, 2017.

/s/ Rodolfo Gomez
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Attorneys for Defendants

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on August 4, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner

specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Rodolfo Gomez
Counsel for Defendants

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