CERTIFIED COPY

SOMERSET COUNTY COURT OF COMMON PLEAS.

BENJAMIN SZYMANSKI,

Plaintiff,

vs-

JOHNS-MANVILLE CORPORATION,
a corporation of New York
authorized to do business
in New Jersey,

Defendant.

Action at law.

PETITION FOR REMOVAL.

TO THE HONORABLE SOMERSET COUNTY COURT OF COMMON PLEAS:

The petition of Johns-Manville Corporation, a corporation of the State of New York, the above named defendant appearing specially, and for the sole purpose of presenting its petition to this Honorable Court, for the removal of this suit to the District Court of the United States, for the District of New Jersey, respectfully shows that:-

1. The plaintiff is the only plaintiff in the above entitled suit and at the time of the commencement of said suit was and still is a resident and citizen of the State of New Jersey.

2. Your petitioner is the defendant in said suit and was at the time of the commencement of said suit and still is, a corporation existing under and by virtue of the laws of the State of New York, and the controversy in said suit is wholly between citizens of different states.

3. Said suit is of a civil nature, at law, and the matter in controversy in said suit exceeds, exclusive of interest and costs, the sum of value of Three thousand ($3,000.00) dollars.

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4. No special bail was originally or is requisite in said suit.

5. Said suit was commenced by the service of Summons and Complaint upon your Petitioner on April 5, 1946, by leaving a copy thereof with one, John E. Begert, Plant Manager, Manville, New Jersey, and the time within which the defendant is required to answer said complaint has not expired, but will expire on April 25, 1946, unless further time to answer is allowed. The defendant has not filed its answer to said complaint.

6. Your petitioner has made and files herewith a bond with good and sufficient surety for its entering in the District Court of the United States, for the District of New Jersey, within 30 days from the filing of this petition, a certified copy of the record in said suit, and for paying all costs that may be awarded by said District Court, if said District Court shall hold that said suit was wrongfully or improperly removed thereto, said bond being in the penal sum of $500.00 conditioned as required by the Act of Congress in such case made and provided.

Your petitioner prays this Honorable Court to proceed no further in said suit, except to accept this petition and bond, and cause the record in said suit to be removed into said District Court of the United States, for the District of New Jersey, pursuant to the Act of Congress in such case made and provided.

And your petitioner will ever pray, etc.

JOHNS-MANVILLE CORPORATION.

Attest:
Vandiver Brown
Secretary

By A. R. Fisher
Vice President.

HOBART, MINARD & COOPER

Hobart Minard Cooper
Attorneys of petitioner, appearing specially, etc.

(Seal)

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STATE OF NEW YORK :

COUNTY OF NEW YORK: SS No. 86052

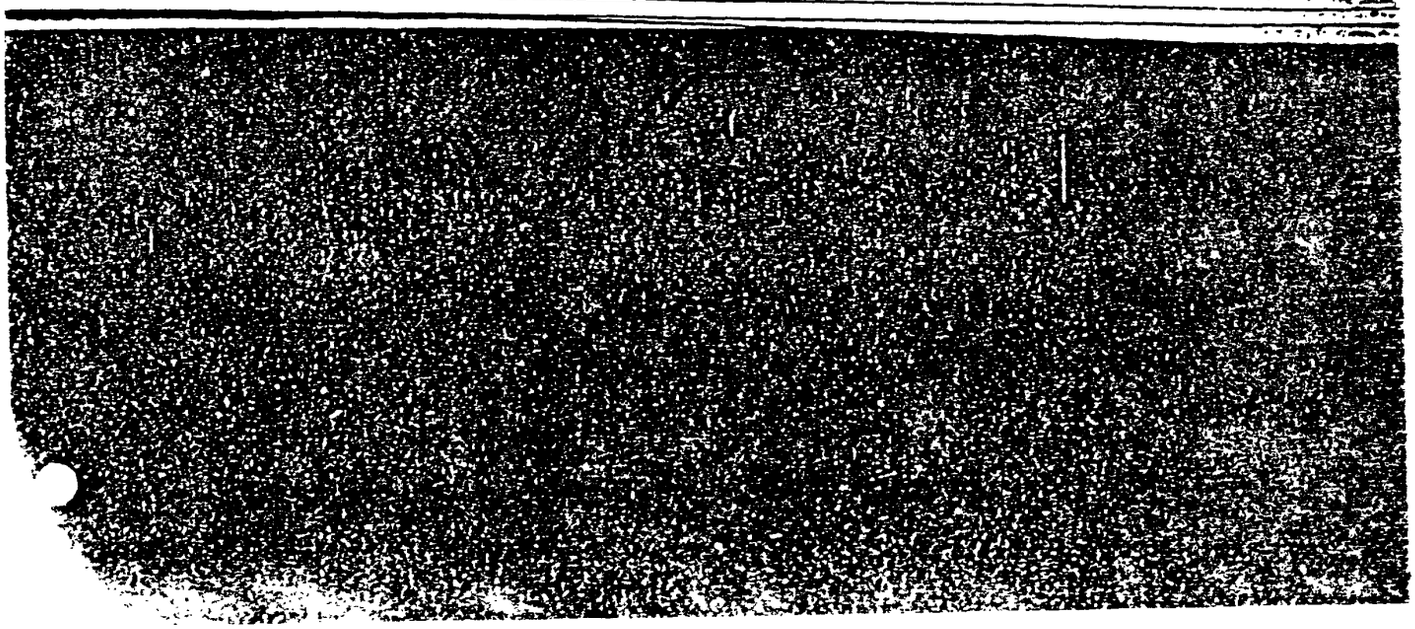
I, Archibald R. Watson, County Clerk and Clerk of the Supreme Court New York County, the same being a Court of Record having by law a seal, DO HEREBY CERTIFY, that Charles R. Binder, whose name is subscribed to the annexed deposition, certificate of acknowledgment or proof, was at the time of taking the same a Notary Public acting in and for said County, duly commissioned and sworn and qualified to a as such; that he has filed in the Clerk's office of the County of N. York a certificate of his appointment and qualification as a Notary Public for the County of Bronx, with his autograph signature; that such Notary Public he was duly authorized by the laws of the State of New York to protest notes, to take and certify depositions, to administer oaths and affirmations, to take affidavits and certify the acknowledgment or proof of deeds and other written instruments for lands, tenements and hereditaments, to be read in evidence or record in this state. And further, that I am well acquainted with the handwriting of such Notary Public, or have compared the signature of such officer with his autograph signature filed in my office and believe that the signature to the said annexed instrument is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 17 day of April, 1946.

SEAL

Archibald R. Watson
County Clerk and Clerk of the Supreme Court, New York County

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STATE OF NEW JERSEY (York) :
COUNTY OF New York. :SS

G. R. Fisher of full age, being duly sworn, according to law, upon his oath deposes and says that he is Vice President of the Johns-Manville Corporation, a coporation of the State of New York, the defendant named in the within mentioned suit and the petitioner named in the foregoing petition; that he has read said petition and knows the contents thereof and that the matters stated therein are true; that the matter in controversy in said suit exceeds, exclusive of interest and costs, the sum or value of $3000.00, said suit is of a civil nature, at law, and is between citizens of different states, as appears from the complaint of the plaintiff therein; and he is informed and believes that the District Court of the United States has original jurisdiction thereof and that the controversy in said suit can be fully determined as between the plaintiff and this petitioner.

Subscribed and sworn to:
at New York, N.Y. :
on the 16th day of : G. R. Fisher
April, 1946. :

Charles R. Binder

Charles R. Binder
Notary Public
Bronx County Clerk's No. 93
Bronx County Register's No. 25-B-7
New York County Clerk's No. 317
New York County Register's No. 132-B-7
Commission expires March 30, 1947.

ork County Certifi-
attached)

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BENJAMIN SZYMANSKI,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a corporation of New York authorized to do business in New Jersey,

Defendant.

Action at Law.
PETITION FOR REMOVAL

HOBART, MINARD & COOPER,
Attorneys for Johns-Manville Corp., appearing specially, etc.
1180 Raymond Boulevard,
Newark 2, New Jersey.

Filed in the Somerset County Clerk's Office Apr 24 1946

Robert B. Bergen, Clerk

Standard

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