

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WALBRIDGE ALDINGER COMPANY, a  
Michigan corporation,

Plaintiff,

Hon.

vs.

Case No.

GETRAG GETRIEBE-UND  
ZAHNRADFABRIK HERMANN  
HAGENMEYER GMBH & CIE KG, a  
German limited partnership,

Removed from Oakland County Circuit Court  
(Case No. 09-106362-CK)

Defendant.

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**DEFENDANT'S NOTICE OF REMOVAL**

Defendant GETRAG Getriebe-Und Zahnradfabrik Hermann Hagenmeyer GmbH & Cie KG ("GETRAG KG") hereby removes this matter to the United States District Court for the Eastern District of Michigan, pursuant to 28 U.S.C. §§ 1441 and 1446. In support of this Notice of Removal, GETRAG KG states as follows:

1. Plaintiff Walbridge Aldinger Company ("Walbridge") filed a Complaint in the Oakland County Circuit Court on or about December 21, 2009. The case was assigned docket number 09-106362-CK. A copy of the Complaint is attached hereto as *Exhibit A*.
2. Walbridge served GETRAG KG with a copy of the Complaint, along with a Summons, on February 3, 2010, in Germany. A copy of the Summons is attached as *Exhibit B*.
3. The Summons and Complaint constitute all of the process and pleadings served upon GETRAG KG in this matter. 28 U.S.C. §1446(a).
4. This is a civil action in which the Court has original subject matter jurisdiction under 28 U.S.C. § 1332.

5. Walbridge is a Michigan corporation with its principal place of business in Michigan.

6. GETRAG KG is a limited partnership organized under the laws of Germany. None of the limited partners of GETRAG KG are citizens of the United States.

7. The amount in controversy exceeds \$75,000.00, exclusive of costs and interest, and meets the requirements of 28 U.S.C. § 1332(a). Indeed, Walbridge alleges that GETRAG KG is indebted to Walbridge in an amount of “\$5,517,256.63, plus accrued but unpaid interest, late charges and attorneys’ fees.” (Complaint, ¶31).

8. Accordingly, the exercise of jurisdiction under 28 U.S.C. §§ 1332(a)(2) and 1441 is proper, because Walbridge is a citizen of Michigan and GETRAG KG is a citizen of a foreign state, and all other jurisdictional prerequisites are satisfied.

9. This Notice of Removal is being filed within 30 days after GETRAG KG’s receipt, through service, of the initial pleading in this matter. Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

10. The court in which Walbridge’s Complaint was filed, Oakland County Circuit Court, is located within the Eastern District of Michigan, in accordance with 28 U.S.C. § 1441(a).

11. Written notice of this Notice of Removal is promptly being filed with the Clerk of the Court for the Oakland County Circuit Court and is being served on all counsel of record, in accordance with 28 U.S.C. § 1446(d).

12. In filing this Notice of Removal, GETRAG KG reserves any defenses available to it in this action.

Respectfully submitted,

**FOLEY & LARDNER LLP**

/s/ Ryan Bewersdorf

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GmbH & Cie KG*

Dated: March 3, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on March 3, 2010, I caused to be served a copy of the foregoing paper via First Class Mail at the address below:

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/s/ Ryan Bewersdorf  
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