

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

ERNEST LEE STEVENS and
CAROLYN SUE STEVENS,

Plaintiffs,

vs.

UNION CARBIDE CORPORATION,
a corporation, and FMC
CORPORATION, a corporation,

Defendants.

PETITION OF UNION CARBIDE CORPORATION,
A NEW YORK CORPORATION, FOR REMOVAL OF THE
ABOVE-STYLED ACTION FROM THE CIRCUIT COURT OF
KANAWHA COUNTY TO THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF WEST VIRGINIA.

1. Your petitioner, Union Carbide Corporation, a New York corporation, is one of the defendants in the above-entitled action, which is a civil action instituted by the plaintiffs Ernest Lee Stevens and Carolyn Sue Stevens in the Circuit Court of Kanwaha County, West Virginia, and returnable in said Court pursuant to the summons served therein.

2. The summons in said action was issued by the Clerk of the Circuit Court of Kanawha County on the 9th day of September, 1982.

3. A copy of the summons heretofor issued by the Clerk of the Circuit Court of Kanawha County and heretofore

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served on the petition r, together with a copy of the complaint, filed in said Clerk's office, is filed herewith and by reference made a part hereof. Said summons and complaint are the only pleadings that have been filed in said cause or served on petitioner.

4. Petitioner, Union Carbide Corporation, is a corporation duly incorporated under the laws of the State of New York, and was, at the time of the commencement of this action, and still is, a non-resident of the State of West Virginia, and does not have its principal place of business in the State of West Virginia.

5. Plaintiffs, Ernest Lee Stevens and Carolyn Sue Stevens, were at the time of the commencement of this action, and still are, citizens and residents of the State of West Virginia.

6. The matter in controversy exceeds the sum of Ten Thousand Dollars (\$10,000), exclusive of interest and costs.

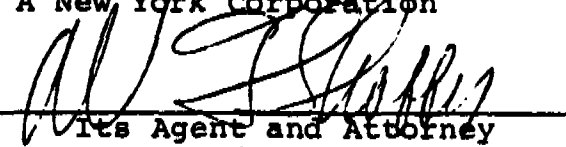
7. Petitioner offers herewith bond with good and sufficient surety conditioned that petitioner will pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that this case was not removable or was improperly removed.

Your petitioner therefore prays that this said security and bond may be accepted; that this action may be removed to the United States District Court for the Southern District of West

Virginia, pursuant to the statutes of the United States; and that
no further proceedings be had herein in the Circuit Court of
Kanawha County, West Virginia.

UNION CARBIDE CORPORATION,
A New York Corporation

By


Its Agent and Attorney

JACKSON, KELLY, HOLT & O'FARRELL
P. O. Box 553
Charleston, West Virginia 25322

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