

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA  
(ALEXANDRIA DIVISION)

2007 JAN -3 A 11: 25

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

FAHIMEH NABAVI, )  
 )  
*Plaintiff,* )  
 )  
v. )  
 )  
ME & AN, Inc. )  
 )  
*Defendant.* )  
 )  
\_\_\_\_\_ )

CASE NO. 1-07 CV 0001  
NOTICE OF REMOVAL *LMB/LD*

NOTICE OF REMOVAL

Defendant ME & AN, Inc., hereby removes this action from the Circuit Court for Loudoun County, Virginia.

PARTIES

1. Plaintiff Fahimeh Nabavi is, upon information and belief, a resident of the Commonwealth of Virginia. On or about December 13, 2006, Plaintiff filed a Complaint in the Circuit Court to Loudoun County, Virginia, against Defendant. Plaintiff purports to bring claims for violations of the Virginia Minimum Wage Act (Virginia Code § 40.1-28.8 *et seq.*) ("the Virginia Act") as well as the Fair Labor Standards Act (29 U.S.C. § 201 *et seq.*) ("FLSA") and several common law causes of action.

2. Defendant ME & AN, Inc., is a Virginia corporation with its principal place of business in Loudoun County, Virginia, in this District. ME & AN's principal headquarters are located in Sterling, Virginia, in this District.

JURISDICTION AND VENUE

3. This matter is removable to this Court under 28 U.S.C. § 1441(a), which provides for removal of any action brought in a state court over which the Courts of the United States have original jurisdiction.

4. Additionally, this Court has jurisdiction over this case pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1337(a). Jurisdiction under § 1331 is appropriate because this case arises under the Constitution, laws, or treaties of the United States by virtue of Plaintiff's attempt to assert an FLSA claim; jurisdiction under § 1337(a) is appropriate because this case arises under an Act of Congress regulating commerce. Pendent jurisdiction is had over the state law claims pursuant to 28 U.S.C. § 1441(c), because the federal claims and the state claims arise from a common nucleus of operative fact such that they should be heard together in one judicial proceeding.

5. Defendant was served, through its registered agent, on December 14, 2006.

6. Venue is proper in this District and in this Division because the action was filed in the Circuit Court for Loudoun County, Virginia, within this District and this Division.

#### FACTS

7. Plaintiff instituted this action in the Circuit Court for Loudoun County, Virginia on December 11, 2006; the case was styled Fahimeh Nabavi v. ME & AN, Inc., Case No. CL43509. A copy of the Plaintiff's Complaint is attached hereto as Exhibit 1. In addition to the Complaint, Plaintiff served document requests and interrogatories with the Complaint; such documents are attached hereto as Exhibit 2. Additional documents served with the Complaint, such as the Summons, are attached as Exhibit 3. To the best

of Defendant's knowledge and belief, there are no additional papers on file in the Circuit Court for Loudoun County. Defendant has not appeared or otherwise taken any action in the Circuit Court for Loudoun County that would constitute a waiver of the right to remove this case.

8. A Notice of Filing of Notice of Removal is being filed contemporaneously with the Clerk of the Circuit Court for Loudoun County, pursuant to 28 U.S.C. § 1446(d).

Respectfully Submitted,

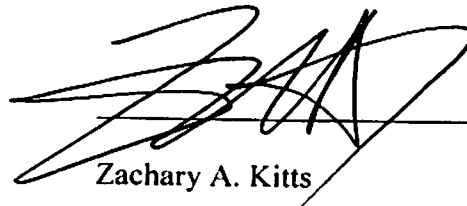


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DATED: Jan. 2, 2007

CERTIFICATE OF SERVICE

I hereby certify that on this 02 day of January, 2007, the foregoing Notice of Removal was served via Regular Mail to Stephen H. Ratliff, Esq., 10511 Judicial Drive, Suite 102, Fairfax, VA 22030, and by facsimile to (703) 691-3175.



Zachary A. Kitts