

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

J.A.H. ENTERPRISES, INC.,
Plaintiff

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CIVIL ACTION NO.

JUDGE

VERSUS

MAGISTRATE

BLH EQUIPMENT, L.L.C.,
JAMES BLAKE EVERETT,
SAM EVERETT,
and ELA MISSION, L.L.C.
Defendants

NOTICE OF REMOVAL

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOUISIANA:**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants, BLH Equipment, L.L.C., James Blake Everett, Sam Everett, and ELA Mission, L.L.C., hereby removes this action from the 21st Judicial District Court for the Parish of Livingston, State of Louisiana, to the United States District Court for the Middle District of Louisiana, and alleges as follows:

1. BLH Equipment, L.L.C., James Blake Everett, Sam Everett, and ELA Mission, L.L.C. are the defendants in this action in the 21st Judicial District Court for the Parish of Livingston, State of Louisiana, captioned, "J.A.H. Enterprises, Inc., v. BLH Equipment, L.L.C., James Blake Everett, Sam

Everett, and ELA Mission, L.L.C.,” Number 145273 on the docket of said court.

2. On May 30, 2014, Plaintiff filed this action in the 21st Judicial District Court for the Parish of Livingston, State of Louisiana. This action is brought to recover damages for the breach of fiduciary duty, breach of contract, detrimental reliance, conversion, and fraud.
3. This Court has jurisdiction over this removed action pursuant to 28 U.S.C. § 1441 because this action originally could have been filed in this Court pursuant to 28 U.S.C. § 1332. Specifically, this Court has subject matter jurisdiction over this action because there is the requisite diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

I. JURISDICTIONAL BASIS FOR REMOVAL

4. This Court has federal diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332 because: (1) the amount in controversy exceeds \$75,000.00, exclusive of interest and costs; and (2) there is the requisite diversity of citizenship between the Plaintiff and Defendants.

A. The Amount in Controversy is Satisfied

5. It is facially apparent that Plaintiff asserts claims that, if proved, would more likely than not, exceed \$75,000.00. The allegations in the Petition support a finding of the requisite amount in controversy. Defendants deny any wrongdoing – the foregoing allegations establish that the amount in controversy satisfies the requisite jurisdictional amount.

B. Diversity of Citizenship

6. Upon information and belief, Plaintiff, J.A.H. Enterprises, Inc., is, and at the time suit was filed, residents and therefor citizens of the State of Louisiana.
7. Defendant, BLH Equipment, L.L.C., was at the time of filing of this action, and still is, a corporation existing under the laws of the State of Mississippi, having its principal place of business in the State of Mississippi.
8. Defendants, James Blake Everett and Sam Everett, were at the time of filing of this action, and still are, residents and therefore citizens of the State of Mississippi.
9. Defendant, ELA Mission, L.L.C., was at the time of filing of this action, and still is, a corporation existing under the laws of the State of Mississippi, having its principal place of business in the State of Mississippi.
10. Because Plaintiff and Defendants are citizens of different states, this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1).

II. PROCEDURAL REQUIREMENTS FOR REMOVAL

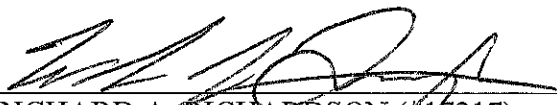
11. The United States District Court for the Middle District of Louisiana embraces the parish in which the state court action is now pending and thus this Court is a proper venue for this action pursuant to 28 U.S.C. § 1441(a).
12. Copies of the Petition are attached to this Notice of Removal as Exhibit "A".
13. Defendants are filing written notice of this removal with the Clerk of the State Court in which action is currently pending pursuant to 28 U.S.C. § 1446(d).
Copies of the Notice of Removal to State Court Clerk together with this

Notice of Removal are being served upon Plaintiffs' counsel pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendants, BLH Equipment, L.L.C., James Blake Everett, Sam Everett, and ELA Mission, L.L.C., respectfully removes this action from the 21st Judicial District Court for the Parish of Livingston, State of Louisiana, bearing case number 145273, to this Court, pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

RICHARDSON & LEVESQUE, LLC



RICHARD A. RICHARDSON (#17217)

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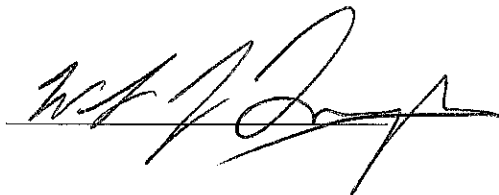
985-888-1700

Fax: 888-645-4234

Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above and foregoing Notice of Removal has been served on all counsel of record by sending a copy of same via Federal Express, properly addressed and postage prepaid on this 25 day of February, 2016.

A handwritten signature in black ink, appearing to be "W. J. Long", written over a horizontal line.