

4803-A MJM; MS055
4803-B MJM; MS056

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ILLINOIS FARMERS INSURANCE COMPANY)
and FARMERS INSURANCE EXCHANGE, and)
all Subsidiaries and/or Related Entities of)
Illinois Farmers Insurance Company and Farmers)
Insurance Exchange, on behalf of themselves and)
all other Similarly Situated Persons, a putative)
Plaintiff Class Action,)

No. 14 CV 3251

Plaintiffs,)

v.)

THE METROPOLITAN WATER)
RECLAMATION DISTRICT OF GREATER)
CHICAGO, THE COUNTY OF COOK, THE)
FOREST PRESERVE OF COOK COUNTY, THE)
CITY OF CHICAGO, THE VILLAGE OF ALSIP,)
THE VILLAGE OF ARLINGTON HEIGHTS,)
THE VILLAGE OF BARTLETT, THE VILLAGE)
OF BELLWOOD, THE VILLAGE OF)
BERKELEY, THE CITY OF BERWYN, THE)
CITY OF BLUE ISLAND, THE TOWNSHIP OF)
BREMEN TOWNSHIP, THE VILLAGE OF)
BROADVIEW, THE VILLAGE OF)
BROOKFIELD, THE VILLAGE OF BUFFALO)
GROVE, THE CITY OF BURBANK, THE CITY)
OF CALUMET CITY, THE CITY OF CHICAGO)
HEIGHTS, THE CITY OF CICERO, THE CITY)
OF COUNTRY CLUB HILLS, THE CITY OF)
COUNTRYSIDE, THE CITY OF DES PLAINES,)
THE VILLAGE OF DIXMOOR, THE VILLAGE)
OF DOLTON, THE CITY OF ELGIN, THE)
VILLAGE OF ELK GROVE VILLAGE, THE)
VILLAGE OF ELMWOOD PARK, THE CITY OF)
EVANSTON, THE VILLAGE OF EVERGREEN)

PARK, THE VILLAGE OF FLOSSMOOR, THE)
VILLAGE OF FOREST PARK, THE VILLAGE)
OF FOREST VIEW, THE VILLAGE OF)
FRANKLIN PARK, THE VILLAGE OF)
GLENCOE, THE VILLAGE OF GLENVIEW,)
THE CITY OF HARVEY, THE VILLAGE OF)
HARDWOOD HEIGHTS, THE VILLAGE OF)
HAZEL CREST, THE VILLAGE OF HILLSIDE,)
THE VILLAGE OF HINSDALE, THE VILLAGE)
OF HOFFMAN ESTATES, THE VILLAGE OF)
HOMEWOOD, THE VILLAGE OF INDIAN)
HEAD PARK, THE VILLAGE OF LAGRANGE,)
THE VILLAGE OF LAGRANGE PARK, THE)
VILLAGE OF LANSING, THE VILLAGE OF)
LEMONT, THE TOWNSHIP OF LEYDEN)
TOWNSHIP, THE VILLAGE OF)
LINCOLNWOOD, THE VILLAGE OF LYONS,)
THE TOWNSHIP OF MAINE TOWNSHIP,)
THE CITY OF MARKHAM, THE VILLAGE OF)
MAYWOOD, THE VILLAGE OF MELROSE)
PARK, THE VILLAGE OF MIDLOTHIAN, THE)
VILLAGE OF MORTON GROVE, THE)
VILLAGE OF MT. PROSPECT, THE)
TOWNSHIP OF NEW TRIER TOWNSHIP, THE)
VILLAGE OF NILES, THE VILLAGE OF)
NORRIDGE, THE CITY OF NORTH LAKE, THE)
THE VILLAGE OF NORTH RIVERSIDE, THE)
VILLAGE OF NORTHBROOK, THE VILLAGE)
OF NORTHFIELD, THE TOWNSHIP OF)
NORTHFIELD, THE TOWNSHIP OF)
NORWOOD PARK TOWNSHIP, THE CITY OF)
OAK FOREST, THE VILLAGE OF OAK LAWN,)
THE VILLAGE OF OAK PARK, THE VILLAGE)
OF ORLAND PARK, THE VILLAGE OF)
PALATINE, THE TOWNSHIP OF PALATINE)
TOWNSHIP, THE CITY OF PALOS HILLS, THE)
CITY OF PARK RIDGE, THE VILLAGE OF)
POSEN, THE CITY OF PROSPECT HEIGHTS,)
THE VILLAGE OF RICHTON PARK, THE)
VILLAGE OF RIVER FOREST, THE VILLAGE)

OF RIVER GROVE, THE VILLAGE OF)
 RIVERDALE, THE CITY OF ROLLING)
 MEADOWS, THE VILLAGE OF)
 SCHAUMBURG, THE TOWNSHIP OF)
 SCHAUMBURG, THE VILLAGE OF SCHILLER)
 PARK, THE VILLAGE OF SKOKIE, THE)
 VILLAGE OF SOUTH BARRINGTON, THE)
 VILLAGE OF SOUTH HOLLAND, THE)
 VILLAGE OF STEGER, THE VILLAGE OF)
 STICKNEY, THE VILLAGE OF STONE PARK,)
 THE VILLAGE OF STREAMWOOD, THE)
 VILLAGE OF SUMMIT, THE VILLAGE OF)
 THORNTON, THE VILLAGE OF TINLEY PARK,))
 THE VILLAGE OF WESTCHESTER, THE)
 VILLAGE OF WESTERN SPRINGS, THE)
 VILLAGE OF WHEELING, THE VILLAGE OF)
 WILMETTE, THE VILLAGE OF WINNETKA,)
 THE VILLAGE OF WORTH,)
)
)
 Defendants.)

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant, the VILLAGE OF LEYDEN TOWNSHIP, by and through their attorneys, Bradford S. Purcell, Mark J. Mickiewicz, and Emily E. Schmidt of Purcell & Wardrope, remove this action to the United States District Court for the Northern District of Illinois. The grounds for removal are as follows:

1. Plaintiffs Illinois Farmers Insurance Company, et al. filed case 2014 CH 6608 in the Circuit Court of Cook County on April 17, 2014. Plaintiffs bring a class action pursuant to 735 ILCS 5/2-801 on behalf of Illinois Farmers Insurance Company and its subsidiaries and parent companies, on behalf of all other property insurance companies, insureds of the property insurance companies, and property owners within the individual municipal Defendants’ jurisdictional territories that sustained property and economic

losses. *See Exhibit A, Plaintiffs' Original Class Action Complaint and Jury Demand*, ¶ 25.

2. Plaintiffs allege, *inter alia*, that the named municipal Defendants failed to prevent and/or remedy against the rainfalls on April 17 and 18, 2013, which they claim caused sewer water invasions into the proposed class members' properties. *See Exhibit A*.
3. Against each of the 100 named Cook County municipalities, the Plaintiffs filed three counts: I. Negligent Maintenance Liability (745 ILCS §3-102(A)); II. Failure to Remedy Known Dangerous Conditions (745 ILCS §3-103(A)); III. Violation of Article I, Section 15 and the Fifth Amendment of the United States Constitution. *See Exhibit A*.
4. To date, no Defendant has been served with a copy of this Complaint. *See Exhibit B, Case No. 2014 CH 6608 Docket Sheet*. This Defendant waived service and filed a Notice of Removal with the Circuit Court of Cook County and the Northern District of Illinois.
5. Removal is proper in this matter on two bases. First, the Complaint alleges federal question transgressions in Count III based on Article 1, Section 15 and the Fifth Amendment of the United States Constitution. By reason thereof, this Court has original jurisdiction of the case pursuant to 28 U.S.C. § 1331 and § 1343(a)(3). Removal and joinder of the state law claims contained in Counts I and II is proper under 28 U.S.C. § 1441 (c).
6. Second, this Court has jurisdiction under 28 U.S.C. §1332(d)(2)(A) *et seq.*, commonly known as the "Class Action Fairness Act," because, upon information and belief, the Plaintiffs will ultimately contend that the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs; at least one member of the putative class, namely, Farmers Insurance Exchange, is a citizen of a different state, namely, California;

and the Plaintiffs purport to bring this action “on behalf of themselves and all other Similarly Situated Persons” as “a putative Plaintiff Class Action.”

7. Pursuant to 28 U.S.C. § 1441 (a), (b), and (c), Defendants respectfully seek leave to remove the action to this Court.
8. Notice of filing of this Removal has been given to the Plaintiff as required by law and is attached hereto. *See Exhibit C, Case No. 2014 CH 6608 Notice of Filing Notice of Removal.* A true and correct copy of this Removal has been filed with the Clerk of the Circuit Court of Cook County, Illinois, as provided by law. *See Exhibit D, Case No. 2014 CH 06608 Notice of Removal.*
9. The Defendant herein also demands that this case be tried by a jury.

WHEREFORE, the Defendant, the VILLAGE OF LEYDEN TOWNSHIP, prays that it may affect removal of the within action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois – Eastern Division, and that the matter be tried before a jury.

Respectfully submitted,
PURCELL & WARDROPE, CHTD.

/s/ Emily E. Schmidt
Emily E. Schmidt
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The Village of Leyden Township

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