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*Attorneys for Defendants Medtronic
MiniMed, Inc. and Medtronic, Inc.*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

[Redacted]

Case No: _____

**DEFENDANTS MEDTRONIC MINIMED, INC.,
AND MEDTRONIC, INC.’S NOTICE OF
REMOVAL**

Plaintiffs,

v.

MEDTRONIC MINIMED,
INC., a California corporation;
MEDTRONIC, INC., a
Minnesota corporation, and
DOES 1-150, inclusive,

Defendants.

1 “general and special damages for the injuries suffered by Plaintiffs through the use of
2 Defendants’ devices.” (Compl., ¶ 2.)

3 3. The Complaint cites alleged injuries stemming from Plaintiffs’ usage of
4 two Medtronic systems. The first is the Medtronic 670G System. (Compl., ¶¶ 28
5 (Stephen Plum); 30 (Steven Moyer); 31 (Richard Miller); 32 (Pamela Weissnar); 33
6 (Morgan Bailey); 34 (Jennifer Topel).) The second is the Medtronic 630G System.
7 (Compl., ¶ 29 (William Oliver).)

8 4. The Complaint contains causes of action for (1) Strict Liability; (2)
9 Negligence; (3) Breach of Express Warranty; (4) Breach of Implied Warranty; and (5)
10 Consumer Fraud, under the unfair competition statutes of the laws of various states.
11 (Compl., ¶¶ 35-59.)

12 5. Neither of the Medtronic Defendants has been served with a summons,
13 the Complaint, or any other process, pleadings, and/or orders. Medtronic, Inc.
14 specifically reserves the right to contest personal jurisdiction in this Court.

15 **VENUE AND JURISDICTION**

16 6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 84, 1391, 1441(a),
17 and 1446(a) because the Superior Court of California in and for the County of Los
18 Angeles, where the Complaint was filed, is a state court within the Central District of
19 California.

20 7. This Court has subject matter jurisdiction under 28 U.S.C. § 1332(a)
21 because (1) there is complete diversity of citizenship between six of the seven
22 Plaintiffs and both Defendants; (2) the Court may disregard the citizenship of Pamela
23 Weissnar, a California citizen, because all of the Plaintiffs’ claims have been
24 fraudulently misjoined together in a manner which egregiously fails to comport with
25 the permissive joinder standard set forth in Cal. Code Civ. Proc. § 378; (3) Defendant
26 Medtronic MiniMed, Inc., the only possible forum Defendant, has not yet been
27 “properly joined *and served*” under 28 U.S.C. § 1441(b)(2); (4) the amount in

1 controversy exceeds \$75,000, exclusive of interests and costs; and (5) all other
2 requirements for removal have been satisfied.

3 8. This Court also has subject matter jurisdiction under 28 U.S.C. § 1331
4 because Plaintiffs' Complaint arises "under the . . . laws . . . of the United States."
5 Specifically, Plaintiffs' "state-law claim[s] necessarily raise a stated federal issue,
6 actually disputed and substantial, which a federal forum may entertain without
7 disturbing any congressionally approved balance of federal and state judicial
8 responsibilities" and because all other requirements for removal have been satisfied.
9 *See Gunn v. Minton*, 568 U.S. 251, 258 (2013) (quoting *Grable & Sons Metal Prod.,*
10 *Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 314 (2005)).

11 9. A copy of the state court docket is attached hereto as **Exhibit 2**.

12 **I. THE COURT HAS DIVERSITY JURISDICTION OVER ALL BUT ONE**
13 **PLAINTIFF.**

14 **A. Most Plaintiffs Are Citizens of States Other than California and**
15 **Minnesota.**

16 10. Each plaintiff is a citizen of the state in which each plaintiff is domiciled.
17 *See Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001) ("The natural
18 person's state citizenship is then determined by her state of domicile . . . [a] person's
19 domicile is her permanent home, where she resides with the intention to remain or to
20 which she intends to return.").

21 11. Plaintiff Stephen Plum pleads that he is a citizen of West Virginia.
22 (Compl., ¶ 11.)

23 12. Plaintiff William Oliver pleads that he is a citizen of Kansas. (*Id.*, ¶ 12.)

24 13. Plaintiff Steven Moyer pleads that he is a citizen of Nevada. (*Id.*, ¶ 13.)

25 14. Plaintiff Morgan Bailey pleads that she is a citizen of Ohio. (*Id.*, ¶ 14.)

26 15. Plaintiff Richard Miller pleads that he is a citizen of Ohio. (*Id.*, ¶ 16.)

27 16. Plaintiff Jennifer Topel pleads that she is a citizen of Illinois. (*Id.*, ¶ 17.)

1 the doctrine of fraudulent misjoinder as a general matter. *See, e.g., Sutton v. Davol,*
2 *Inc.*, 251 F.R.D. 500 (E.D.Cal.2008) (adopting the doctrine); *Greene v. Wyeth*, 344 F.
3 Supp. 2d 674, 684–85 (D. Nev. 2004) (same, and noting “the rule is a logical
4 extension of the established precedent that a plaintiff may not fraudulently join a
5 defendant in order to defeat diversity jurisdiction in federal court”).

6 22. Here, the seven Plaintiffs’ claims have been fraudulently and/or
7 egregiously misjoined because California law does not permit these claims to be
8 brought as a single action. Under California law, plaintiffs may be joined when they
9 assert a right to relief “in respect of or arising out of the same transaction, occurrence,
10 or series of transactions or occurrences and if any question of law or fact common to
11 all these persons will arise in the action.” Cal Code Civ. Proc., § 378(a)(1).

12 23. But here, under California law, the mere fact that Plaintiffs each had the
13 same medical device is insufficient to establish that their claims arise out of the “same
14 transaction, occurrence, or series of transactions or occurrences[.]” *Id.* Indeed, in
15 another case involving the joinder of various plaintiffs’ claims in a medical device
16 case, the California Court of Appeal held that joinder was inappropriate because
17 plaintiffs’ had “different surgeries, performed by different surgeons, with different
18 knowledge and exposure to different representations by Medtronic.” *David v.*
19 *Medtronic, Inc.*, 237 Cal. App. 4th 734, 741 (2015), *as modified* (June 26, 2015).
20 “This is not sufficient” to properly join plaintiffs under California law. *Id.*

21 24. Likewise, Plaintiffs here allege that they reside in six different states,
22 which necessarily suggests the involvement of separate prescribing physicians.
23 (Compl. ¶¶ 11-17.) They allege use of separate Medtronic insulin pump systems.
24 (*Compare* Compl. ¶¶ 28, 30-34 (670G System) *with* ¶ 29 (630G System).) Plaintiffs
25 allege different types of injuries and factual scenarios surrounding those injuries.
26 (*Compare* Compl. ¶¶ 28, 31, 33 (hypoglycemia, or low blood glucose) *and* ¶¶ 29, 32,
27 34 (hyperglycemia, or high blood glucose) *with* ¶ 30 (both hypoglycemia and

1 hyperglycemia.) Therefore, Plaintiffs’ claims do not arise out of the “same
2 transaction, occurrence, or series of transactions or occurrences” and are fraudulently
3 misjoined together in a single action.

4 25. The California Supreme Court has instructed that California courts must
5 apply a “governmental interest test” in determining which state’s law applies to any
6 given claim. *McCann v. Foster Wheeler LLC*, 225 P.3d 516, 527 (Cal. 2010) (finding
7 that Oklahoma’s statute of limitation, rather than California’s, should apply in an
8 asbestos case). Here, the Superior Court is likely to be required to apply the laws of at
9 least six different states to the various Plaintiffs’ common-law claims. (Compl., ¶¶
10 11-17.) Moreover, Plaintiffs seek damages under the consumer protection statutes of
11 seven different states. (*Id.*, ¶ 58.) There is likewise no “question of fact or law
12 common to” all Plaintiffs, as also required by Cal. Code Civ. Proc. § 378(a).

13 26. Medtronic intends to move to sever Plaintiffs’ claims shortly after
14 removal pursuant to Fed. R. Civ. P. 20 and 21. *See also, e.g., Sutton*, 251 F.R.D. at
15 507 (remanding claims involving misjoined parties to California state court).

16 **C. Defendants’ Citizenships Do Not Destroy Removal Jurisdiction.**

17 27. For purposes of diversity jurisdiction, a corporation is “a citizen of every
18 State and foreign state by which it has been incorporated and of the State or foreign
19 state where it has its principal place of business[.]” 28 U.S.C. § 1332(c)(1).

20 28. Defendant Medtronic, Inc. is a corporation organized under the laws of
21 the State of Minnesota with its principal place of business at 710 Medtronic Parkway,
22 Minneapolis, Minnesota. (Compl., ¶ 19.) It is a citizen of Minnesota for diversity
23 purposes.

24 29. Defendant Medtronic MiniMed, Inc. is a corporation organized under the
25 laws of the State of Delaware (not California, as alleged in the Complaint), but it does
26 have its principal place of business at 18000 Devonshire Street, Northridge,
27 California. It is a citizen of both Delaware and California for diversity purposes.

1 30. Because Defendant Medtronic MiniMed, Inc. has not been “properly
2 joined and served” at the time of this filing, the forum defendant rule of 28 U.S.C. §
3 1441(b) is inapplicable. *See, e.g., Dechow v. Gilead Scis., Inc.*, No.
4 218CV09362ABGJSX, 2019 WL 517624, at *4 (C.D. Cal. Feb. 8, 2019) (adopting
5 plain language interpretation of § 1441(b)(2) “which requires a party to be properly
6 joined *and* served before the forum defendant rule may limit the Court’s
7 jurisdiction.”) (emphasis in original); *id.* at *3 (noting that the Third Circuit “adopts
8 the same analytical framework as the Court does here” (citing *Encompass Ins. Co. v.*
9 *Stone Mansion Restaurant Inc.*, 902 F.3d 147 (3d Cir. 2018))); *Zirkin v. Shandy*
10 *Media, Inc. et al.*, No. 218CV09207ODWSSX, 2019 WL 626138, at *4 (C.D. Cal.
11 Feb. 14, 2019) (denying motion to remand because “the Court is unwilling to
12 effectively erase language from a statute by ignoring the language ‘and served’ in the
13 Forum Defendant Rule and tread dangerously into legislative province.”); *May v.*
14 *Hass*, No. 2:12-cv-01791-MCE-DAD, 2012 WL 4961235, at *2 (E.D. Cal. Oct. 16,
15 2012) (upholding out-of-state defendant’s removal and denying plaintiff’s motion to
16 remand because, at the time of removal, the forum defendant had not been “properly
17 joined *and served*” as required by § 1441) (emphasis added); *Regal Stone Ltd. v.*
18 *Longs Drug Stores California, L.L.C.*, 881 F. Supp. 2d 1123, 1129 (N.D. Cal. 2012)
19 (holding removal by out-of-state defendant was proper and viewing Congress’s 2011
20 preservation of “properly joined and served” language “as an endorsement” of literal
21 reading of the statute); *Allen v. Eli Lilly & Co.*, 2010 WL 3489366, at *3 (S.D. Cal.
22 Sept. 2, 2010) (“The forum defendant rule is inapplicable if the removal is effected by
23 an out-of-state defendant before any local defendant is served.”); *Timmons v. Linvatec*
24 *Corp.*, No. CV09-7947RSSX, 2010 WL 2402918, at *1 (C.D. Cal. Jan. 14, 2010)
25 (removal was proper because forum defendants had not been served and therefore
26 California citizenship was irrelevant); *Cucci v. Edwards*, 510 F. Supp. 2d 479, 483
27 (C.D. Cal. 2007) (removal was proper because service was not complete at time of

1 removal, and therefore “the § 1441(b) prohibition against removal did not apply.”);
2 *Monfort v. Adomani, Inc.*, No. 18-CV-05211-LHK, 2019 WL 131842, at *4 (N.D.
3 Cal. Jan. 8, 2019) (recognizing and following the Third Circuit as the first circuit court
4 to consider, and approve of, plain reading of § 1441(b)) (citing *Encompass Ins. Co.*,
5 902 F.3d 147); *cf. Spencer v. U.S. Dist. Court for N. Dist. of Cal.*, 393 F.3d 867, 870
6 (9th Cir. 2004) (under § 1441(b), post-removal joinder of forum defendant does not
7 require remand, because “[c]hallenges to removal jurisdiction require an inquiry into
8 the circumstances at the time the notice of removal is filed[, and] [s]ubsequent events,
9 at least those that do not destroy original subject-matter jurisdiction, do not require
10 remand”).

11 **D. The Citizenship of Doe Defendants Should Be Ignored.**

12 31. The citizenship of the unnamed, unidentified Doe Defendants should be
13 ignored for purposes of determining whether this action is removable based on
14 diversity of citizenship. *See* 28 U.S.C. § 1441(b)(1) (“In determining whether a civil
15 action is removable on the basis of [diversity of citizenship], the citizenship of
16 defendants sued under fictitious names shall be disregarded.”).

17 **E. The Amount-In-Controversy Exceeds \$75,000.**

18 32. “[A] defendant’s notice of removal need include only a plausible
19 allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart*
20 *Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014). “[W]hen a
21 defendant seeks federal-court adjudication, the defendant’s amount-in-controversy
22 allegation should be accepted when not contested by the plaintiff or questioned by the
23 court.” *Id.* at 553.

24 33. Here, the Complaint makes no specific claim for damages, only asserting
25 that the matter seeks “general and special damages for the injuries suffered by
26 Plaintiffs[.]” (Compl., ¶ 1.) The Complaint also requests statutory damages raised
27 under various consumer protection statutes. (*Id.*, ¶ 59.) Plaintiff’s prayer for damages

1 specifically enumerates requests for compensatory damages, special damages
2 including past and future medical expenses, and punitive damages. (Compl., Prayer
3 for Damages.)

4 34. Under California law, plaintiffs are forbidden from stating the amount
5 sought in an action to recover damages for “personal injury or wrongful death.” *See*
6 Cal. Code Civ. Proc. § 425.10(b) (in personal injury or wrongful death matter, “the
7 amount demanded shall not be stated”).

8 35. Where a complaint fails to set forth a specific amount of damages, a
9 defendant “must provide evidence establishing it is ‘more likely than not’ that the
10 amount-in-controversy exceeds \$75,000.” *Bryan v. Apotex, Inc.*, No. 1:12-CV-01377-
11 LJO, 2012 WL 5933042, at *3 (E.D. Cal. Nov. 27, 2012) (citing *Sanchez v.*
12 *Monumental Life Ins.*, 102 F.3d 398, 404 (9th Cir. 1996).)

13 36. Here, the amount-in-controversy requirement is satisfied because each
14 individual Plaintiff’s claims for a laundry list of alleged damages in their Complaint
15 clearly implicates an allegation over the \$75,000 jurisdictional threshold. *See, e.g.*,
16 *Garcia v. Owens-Brockway Glass Container Inc.*, No. LACV1601889JAKRAOX,
17 2016 WL 9275451, at *3 (C.D. Cal. June 30, 2016) (complaint with single negligence
18 cause of action sufficient on its face to establish jurisdictional minimum where it
19 sought compensatory damages for severe injuries and pain and suffering);
20 *Hammarlund v. C.R. Bard, Inc.*, No. 215CV05506SVWJEM, 2015 WL 5826780, at
21 *2 (C.D. Cal. Oct. 2, 2015) (“[C]ourts have found it facially apparent from
22 [complaints alleging severe injuries] that the amount in controversy was satisfied.”);
23 *Campbell v. Bridgestone/Firestone, Inc.*, No. CIVF051499FVSDLB, 2006 WL
24 707291, at *3 (E.D. Cal. Mar. 17, 2006) (amount in controversy satisfied where
25 complaint asserted strict products liability, negligence, and breach of warranty claims
26 and sought compensatory damages for resulting injuries).

1 **II. THE COURT HAS FEDERAL QUESTION JURISDICTION OVER**
2 **THIS ACTION.**

3 37. Both of the devices at issue in Plaintiffs’ Complaint—the Medtronic
4 670G System, and the Medtronic 630G System—were approved through the United
5 States Food & Drug Administration’s Premarket Approval (“FDA PMA”) process.

6 38. Both of the devices at issue in Plaintiffs’ Complaint—the Medtronic
7 670G System, and the Medtronic 630G System—were approved through the United
8 States Food & Drug Administration’s Premarket Approval (“FDA PMA”) process.

9 39. The Medtronic 670G System was approved through the FDA’s PMA
10 process on September 28, 2016. A copy of the FDA’s PMA approval letter is publicly
11 available on the FDA’s website at

12 https://www.accessdata.fda.gov/cdrh_docs/pdf16/P160017A.pdf.

13 40. The Medtronic 630G System was approved through the FDA’s PMA
14 process on August 12, 2016. A copy of the FDA’s PMA approval letter is publicly
15 available on the FDA’s website at

16 https://www.accessdata.fda.gov/cdrh_docs/pdf16/P160017A.pdf.

17 41. Indeed, here Plaintiffs allege the applicability of regulations which
18 “govern the manufacture of Class III pre-market approval (“PMA”) medical devices,”
19 implicitly conceding that the subject devices are PMA-approved. (Compl., ¶ 25.)

20 42. “The FDA spends an average of 1,200 hours reviewing each [PMA]
21 application, and grants premarket approval only if it finds there is a ‘reasonable
22 assurance’ of the device’s ‘safety and effectiveness[.]’” *Riegel v. Medtronic, Inc.*, 552
23 U.S. 312, 318 (2008) (citing 21 U.S.C. § 360e) (holding a variety of state-law tort
24 claims preempted by Federal law). Once a device receives PMA approval, federal law
25 expressly preempts “state requirements ‘different from, or in addition to, any
26 requirement applicable . . . to the device’ under federal law . . . that relate to safety and
27 effectiveness.” *Id.* at 321-22 (citing 21 U.S.C. § 360k) (internal citations omitted).

1 43. The Ninth Circuit Court of Appeals has explained that federal law “does
2 not preempt state law requirements that ‘parallel, rather than add to, federal
3 requirements.’ *Weber v. Allergan, Inc.*, 940 F.3d 1106, 1111 (9th Cir. 2019), *cert.*
4 *denied*, No. 19-869, 2020 WL 1326110 (U.S. Mar. 23, 2020) (citing *Riegel*, 552 U.S.
5 at 330). “In other words, [federal law] allows state law claims against a manufacturer
6 of a [PMA-approved] medical device only if they are ‘premised on a violation of FDA
7 regulations’ relating to the device.” *Id.*

8 44. This means that, “for a state law claim to survive express preemption
9 under [federal law], a plaintiff must show that the defendant deviated from a particular
10 pre-market approval or other FDA requirement applicable to the [PMA-approved]
11 medical device.” *Weber*, 940 F.3d at 1112.

12 45. Removal jurisdiction exists under 28 U.S.C. § 1331 where a plaintiff’s
13 claims arise “under the . . . laws . . . of the United States.”

14 46. In this action, Plaintiffs only specifically plead violations of state tort and
15 statutory consumer protection laws. But the Supreme Court has held that, “even
16 where a claim finds its origins in state rather than federal law” there are “cases in
17 which arising under jurisdiction still lies.” *Gunn*, 568 U.S. at 258. Specifically,
18 removal jurisdiction is proper here because Plaintiffs’ “state-law claim[s] necessarily
19 raise a stated federal issue, actually disputed and substantial, which a federal forum
20 may entertain without disturbing any congressionally approved balance of federal and
21 state judicial responsibilities” and because all other requirements for removal have
22 been satisfied. *Id.* (quoting *Grable*, 545 U.S. at 314).

23 47. Other courts have held that the allegation of parallel claims, which is
24 *required* in order to survive federal-law preemption for PMA-approved devices such
25 as the Medtronic 670G System and the Medtronic 630G System, creates federal
26 question jurisdiction sufficient to support removal of a case to federal court. *See, e.g.*,
27 *Burrell v. Bayer Corp.*, No. 17-CV-00032, 2017 WL 1032504, at *2-4 (W.D. N.C.,
28

1 Mar. 17, 2017) (holding that pleading a parallel claim sufficiently implicates federal
 2 law to create federal question jurisdiction and support removal of a medical device
 3 case to federal court); *Arrington v. Medtronic, Inc.*, 130 F.Supp.3d 1150, 1159-66
 4 (W.D. Tenn. 2014) (holding that allegation of a parallel claim so as to survive
 5 preemption with regard to a PMA-approved created federal question jurisdiction);
 6 *H.R. ex rel. Reuter v. Medtronic, Inc.*, 996 F.Supp.2d 671, 678-81 (S.D. Ohio 2014)
 7 (same); *Jenkins v. Medtronic, Inc.*, 984 F.Supp.2d 873, 878-882 (W.D. Tenn. 2013)
 8 (same); *Bowdrie v. Sun Pharmaceutical Indus. Ltd.*, 909 F.Supp.2d 179, 183-185
 9 (E.D.N.Y. 2012) (holding that resolving state law labeling claims necessarily
 10 implicates a substantial question related to federal regulations, and therefore there is
 11 federal question jurisdiction). *But see, e.g., Vieira v. Mentor Worldwide, LLC*, 18-CV-
 12 06502, 2018 WL 4275998, at *4-6 (C.D. Cal. Sept. 7, 2018) (finding that the federal
 13 regulation around breast implants did not satisfy the *Gunn* requirements for creating
 14 federal question jurisdiction for products liability claims).

15 48. Here, Plaintiffs' Complaint pleads parallel claims in an attempt to survive
 16 federal preemption. For example, the Complaint alleges that "Defendants . . . placed
 17 into the stream of commerce medical devices which were unreasonably dangerous
 18 through defective manufacture *and/or which failed to conform to the specifications*
 19 *approved by the FDA[.]*" (Compl., ¶ 35 (emphasis added).) Elsewhere, the
 20 Complaint alleges that "Defendants . . . placed, or caused to be placed into the stream
 21 of commerce, a product or products which were in a defective and unreasonably
 22 dangerous condition, *not in conformance with FDA-approved specifications[.]*" (*Id.*, ¶
 23 41 (emphasis added).) Further, the Complaint alleges that "Defendants . . . impliedly
 24 warranted to Plaintiffs and/or Plaintiffs' physicians that said products were of
 25 merchantable quality, were manufactured and/or packaged and/or labeled in
 26 accordance with FDA regulations, *complied with applicable FDA regulations and*
 27 *approved specifications* and were safe, effective and fit or the use for which they were

1 intended[.]” (*Id.*, ¶ 49 (emphasis added).)

2 49. Because Plaintiffs’ claims turn on Federal law—that is, whether or not
3 Medtronic “deviated from a particular pre-market approval or other FDA requirement
4 applicable to the [PMA-approved] medical device,” *Weber*, 940 F.3d at 1112—this
5 Court has removal jurisdiction over all of Plaintiffs’ claims.

6 **III. ALL OTHER REMOVAL REQUIREMENTS ARE SATISFIED.**

7 **A. The Notice of Removal Is Timely.**

8 50. This Notice of Removal is timely filed. 28 U.S.C. § 1446(b)(1) requires
9 that the Notice of Removal be filed within 30 days of receipt by Medtronic, “through
10 service or otherwise,” of a copy of the Complaint. The Complaint was filed on April
11 20, 2020. (*See Exhibit 2* (State Court Docket).) This Notice of Removal is filed on
12 May 5, 2020, and necessarily meets the timeliness requirements of 28 U.S.C. §
13 1446(b)(1).)

14 **B. All Properly Joined and Served Defendants Consent to Removal.**

15 51. For purposes of removal based on diversity jurisdiction under 28 U.S.C.
16 § 1332(a) and pursuant to 28 U.S.C. § 1446(b), all defendants who have been properly
17 joined and served must consent to removal.

18 52. Defendant Medtronic, Inc. has not yet been properly served, and thus its
19 consent to removal is not required. Nevertheless, it consents to removal, as indicated
20 by the signature below.

21 53. Defendant Medtronic MiniMed, Inc. has not yet been properly served,
22 and thus its consent to removal is not required. Nevertheless, it consents to removal,
23 as indicated by the signature below.

24 54. By filing this Notice of Removal, none of the Medtronic Defendants
25 waive any defense that may be available to them and reserve all such defenses. If any
26 question arises as to the propriety of the removal to this Court, Medtronic requests the
27 opportunity to present a brief and oral argument in support of its position that this case

1 has been properly removed.

2 **C. Notice of Removal.**

3 55. Pursuant to 28 U.S.C. § 1446(d), Medtronic will give written notice of
4 the filing of this Notice of Removal to all parties of record in this matter, and will file
5 a copy of this Notice with the clerk of the state court.

6 **CONCLUSION**

7 WHEREFORE, Defendants Medtronic MiniMed, Inc., and Medtronic, Inc.
8 hereby remove this action from the Superior Court of California in and for the County
9 of Los Angeles, to the United States District Court for the Central District of
10 California.

11 Respectfully submitted,

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13 Dated: May 5, 2020.

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25 **ATTORNEYS FOR**
26 **DEFENDANTS MEDTRONIC**
27 **MINIMED, INC. AND**
28 **MEDTRONIC, INC.**

PROOF OF SERVICE

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I declare that I am over the age of eighteen (18) and not a party to this action.

My business address is:

On May 5, 2020, I served the following document(s): **DEFENDANTS
MEDTRONIC MINIMED, INC., AND MEDTRONIC, INC.’S NOTICE OF
FILING OF NOTICE OF REMOVAL** on the interested parties in this action by placing a true and correct copy of such document, enclosed in a sealed envelope, addressed as follows:

[Redacted address]

- I am readily familiar with the business’ practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail at, Minneapolis, Minnesota.
- By Overnight Service: I caused the above-referenced document(s) to be deposited in a box or other facility regularly maintained by the overnight courier, or I delivered the above-referenced document(s) to an overnight courier service, for delivery to the above addressee(s).
- By E-Service: I electronically served the above document(s) via LexisNexis File & Serve on the recipients designated on the Transaction Receipt located on the LexisNexis File & Serve website.

Executed: May 5, 2020.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

[Redacted signature]