

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN TAYLOR, on behalf)	
of himself and all others similarly situated,)	
)	
Plaintiffs,)	JURY TRIAL DEMANDED
)	
v.)	Case No.
)	
MURPHY OIL USA, INC.)	(Removed from the Circuit Court for
)	St. Louis County, Missouri,
Defendant.)	Case No. 19SL-CC01713)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453, Defendant Murphy Oil USA, Inc. (“Murphy Oil”), by and through its attorneys, files this Notice of Removal of the above-captioned State Court Action from the Circuit Court for St. Louis County, Missouri, to the United States District Court for the Eastern District of Missouri, Eastern Division, together with all process, pleadings, and orders, as required by 28 U.S.C. § 1446(a). In support of this Notice, Murphy Oil states:

I. INTRODUCTION

1. On April 25, 2019, Plaintiff John Taylor (“Plaintiff”) commenced this action against Murphy Oil, the sole defendant, in the Circuit Court for St. Louis County, Missouri, Case No. 19SL-CC017, alleging violations of the Missouri Merchandising Practices Act. *See* Exhibit A.

2. On May 17, 2019, Murphy Oil was served with Plaintiff’s Class Action Petition and Summons in the State Court Action. *See* Ex. A. No further proceedings have occurred in the action.

gallon. Assuming that allegation is typical of the class, the amount at issue for actual damages exceeds \$30 million (one billion * \$0.03). Even if the amount in controversy was not already met, Plaintiff's request for attorneys' fees and punitive damages satisfies the amount in controversy requirement. *See* Ex. A, Plaintiff's Petition, at "WHEREFORE" clause after ¶ 27. These amounts are appropriately considered part of the amount in controversy for purposes of removal. *See, e.g., Allison v. Security Benefit Life Ins. Co.*, 980 F.2d 1213, 1215 (8th Cir. 1992); *Babcock & Wilcox Co. v. Parsons Corp.*, 430 F.2d 531, 539 n. 8 (8th Cir. 1970). Murphy Oil reserves all of its objections and defenses to Plaintiff's claims and asserted damages, but for purposes of removal, the amount placed in controversy exceeds five million dollars.

(c) At least one member of the putative class is a citizen of a different state than Murphy Oil. Plaintiff alleges that he is "a resident and taxpayer of Jefferson County, Missouri." Ex. A, Plaintiff's Petition, at ¶ 2. Plaintiff is, therefore, a citizen of Missouri. Murphy Oil, however, is a citizen of Arkansas, its principal place of business, and Delaware, its state of incorporation. Accordingly, the minimal diversity requirement is met.

III. THIS COURT HAS JURISDICTION AND REMOVAL IS PROPER

4. As established above, this Court has original jurisdiction under CAFA. This Court is also the proper venue, because it is the federal judicial district embracing St. Louis County, Missouri, where the State Court Action was originally filed. *See* 28 U.S.C. § 1441(a).

5. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81-2.03, Murphy Oil attaches a copy of the entire file from the State Court Action to this Notice of Removal. *See* Ex. A.

6. Pursuant to 28 U.S.C. § 1446(b), Murphy Oil filed this Notice of Removal within thirty days of service.

7. Pursuant to 28 U.S.C. § 1446(d), Murphy Oil concurrently notifies Plaintiff in writing of the filing of this Notice of Removal. *See* Ex. B.

8. Pursuant to 28 U.S.C. § 1446(d), Murphy Oil concurrently notifies the Clerk of the Circuit Court for St. Louis County, Missouri, of the removal of the State Court Action by filing a Notice of Filing of Notice of Removal. *See* Ex. C.

Defendant Murphy Oil USA, Inc. respectfully removes this case from the Circuit Court for St. Louis County, Missouri, to this Court.

Respectfully submitted,

/s/ Christopher A. Smith
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Attorneys for Defendant Murphy Oil USA, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been electronically filed with the Court via the Court's CM/ECF electronic filing system, and served by electronic mail this 14th day of June, 2019 upon:

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/s/ Christopher A. Smith