IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

TELLICO VILLAGE PROPERTY OWNERS ASSOCIATION, INC. Plaintiff, v. SELECTIVE INSURANCE COMPANY OF AMERICA, Defendant.	)	No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, *et seq.*, Defendant Selective Insurance Company of America ("Selective") hereby removes this action originally filed in state court to the United States District Court for the Eastern District of Tennessee, and alleges as follows:

1. On June 9, 2023, the Tennessee Department of Commerce and Insurance was served with a summons and complaint in an action entitled *Tellico Village Property Owners Association, Inc. v. Selective Insurance Company of America*, filed June 2, 2023, in the Circuit Court for Loudon County, Tennessee. On June 23, 2023, Selective was served with the summons and complaint by the Department of Commerce and Insurance. A true and accurate copy of the service transmittal documents, summons and complaint is attached as Exhibit 1.

2. This Notice of Removal is filed within thirty (30) days after receipt by Selective, through service or otherwise, of the Complaint, and is therefore timely filed under 28 U.S.C. § 1446(b). *See Corwin v. State Farm Fire & Cas. Co.*, No. 3:18-CV-00740, 2018 WL 6620081, at *1 (M.D. Tenn. Dec. 18, 2018) (time for removal runs from defendant insurance company's actual receipt of the complaint); *Farris v. Youngblood*, 248 F. Supp. 598, 599 (E.D. Tenn. 1965) ("The time for removal under [long arm statutes providing for substituted service of process] is computed

from the date the defendant, or an agent appointed by him, actually receives the process, as opposed to the date a statutory agent of the defendant receives the summons").

3. The case stated by the complaint served upon Selective is removable to this Court pursuant to 28 U.S.C. § 1441, in that, according to the Complaint, Plaintiff Tellico Village Property Owners Association is a non-profit corporation organized and existing under the laws of the State of Tennessee, with its principal place of business at 112 Chota Center, Loudon, Tennessee, (Compl., ¶ 1), and Selective, the named Defendant, is an insurance company organized and existing under the laws of the State of New Jersey with its principal place of business located at Branchville, New Jersey. The policy at issue in the Complaint was actually issued by Selective Insurance Company of South Carolina ("SICSC"), which is organized and exists under the laws of the State of Indiana with a principal place of business located at Branchville, New Jersey.

4. The above-described action is a civil action of which this Court has original jurisdiction pursuant to the provisions of 28 U.S.C. § 1332 and is one which may be removed to this Court by Selective pursuant to the provisions of 28 U.S.C. § 1441, in that complete diversity of citizenship exists between the parties. In addition, Plaintiff is seeking damages in the amount of $1,500,000.00 for an alleged breach of an insurance contract, so that the matter in controversy exceeds, exclusive of interest and costs, the sum of $75,000. Therefore, this Court has original jurisdiction over this action.

5. Pursuant to 28 U.S.C. § 1446(d), Selective will (1) file a copy of this Notice of Removal with the Circuit Court for Loudon County, Tennessee, (2) provide prompt notice to Plaintiff, and (3) file proof of all notices and filings with the Clerk of the United States District Court for the Eastern District of Tennessee. A copy of the Notice to be filed with the Circuit Court for Loudon County, Tennessee is attached hereto as Exhibit 2.

6. By filing this Notice of Removal, Defendant Selective does not waive any defense that may be available to it.

WHEREFORE, Selective gives notice that the above action now pending against it in the Circuit Court for Loudon County, Tennessee has been removed therefrom to this Court.

DATED: July 21, 2023.

Respectfully submitted,

s/ Brigid M. Carpenter

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Attorneys for Defendant Selective Insurance Company of America

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Notice of Removal has been served upon the following counsel for the parties in interest herein by first-class U.S. mail, postage pre-paid and e-mail:

Kevin C. Stevens (BPR #023035)
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Attorney for Plaintiff

this 21st day of July, 2023.

s/ Brigid M. Carpenter
Brigid M. Carpenter