

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

RIECKE DEVELOPMENT &  
CONSTRUCTION CO., INC.  
AND SECO GROUP, LLC

VERSUS

NEW YORK LIFE INSURANCE  
COMPANY

\* C.A. NO. \_\_\_\_\_  
\*  
\* SECTION \_\_\_\_\_  
\* JUDGE \_\_\_\_\_  
\*  
\* DIVISION \_\_\_\_\_  
\* MAG. JUDGE \_\_\_\_\_

**NOTICE OF REMOVAL UNDER 28 U.S.C. § 1441**

To: Riecke Development and Construction Co., Inc.  
and  
SECO Group, LLC  
through their attorneys of record  
David M. Vaughn  
Vaughn & Associates  
8480 Bluebonnet Blvd., Suite B  
Baton Rouge, LA 70810

Michael S. Walsh  
Lee & Walsh  
257 Maxmillian Street  
Baton Rouge, LA 70802

PLEASE TAKE NOTICE that defendant, New York Life Insurance Company (“New York Life”), hereby removes to this Court the above entitled state court action filed by Riecke Development and Construction Co., Inc. and SECO Group, LLC, now pending in the Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, bearing Civil Action No. 614449, reserving any and all rights, objections, defenses, and exceptions. A copy of this notice is served upon you, as counsel of record for Riecke Development and Construction Co., Inc. (“Riecke”) and SECO Group, LLC (“SECO”),

(collectively “Plaintiffs”) and a copy of this notice is being filed with the Clerk of the 19<sup>th</sup> Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, in conformity with 28 U.S.C. § 1446.

New York Life submits that the grounds for removal are as follows:

1.

On August 7, 2012, Plaintiffs, Riecke and SECO, filed a Petition for Breach of Contract and Declaratory Judgment (“Petition”) in an action entitled “*Riecke Development and Construction Co., Inc. and SECO Group, LLC versus New York Life Insurance Company*” Case No. 117050 on the docket of Section 22 of the 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, which is within the Middle District of Louisiana.<sup>1</sup>

2.

New York Life’s first notice of this lawsuit occurred on or about August 20, 2012, when service of process was made on New York Life through the Secretary of State of Louisiana. Thirty days have not elapsed since service of the Petition on New York Life.

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<sup>1</sup>Attached as Exhibit “A” is a copy of the Citation and Petition which was filed in the 19th Judicial District Court for the Parish of East Baton Rouge.

3.

Plaintiffs' claims arise from a dispute over death benefits in the total amount of five million dollars (\$5,000,000.00) payable under certain life insurance policies issued by New York Life, insuring the life of Bruce Cucchiara, specifically Policy Nos. 48 727 608, 48 727 568, 48 727 525, and 48 727 248 (the "Policies").<sup>2</sup>

4.

On information and belief, Bruce Cucchiara died on or about April 24, 2012.<sup>3</sup>

5.

Plaintiffs allege that New York life failed to pay any benefits from the Policies to them as required by contract and law and is, therefore, in breach of both its statutory and contractual duties to Plaintiffs.<sup>4</sup>

6.

As each individual policy bears a face value of \$1,000,000.00 or greater, the matter in controversy exceeds \$75,000.00, exclusive of interests and costs.

7.

Riecke is a Louisiana corporation with its principal place of business in St. Tammany

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<sup>2</sup>See Petition, ¶¶ 4, 5 alleging that Policy Nos. 48 727 608, 48 727 568 and 48 727 525 each have a face value of \$1,000,000.00 and Policy No. 48 727 248 has a face value of \$2,000,000.00.

<sup>3</sup>See Petition, ¶ 6.

<sup>4</sup>See Petition, ¶ 8-10.

Parish, Louisiana. For the purposes of diversity jurisdiction, Riecke is a citizen of Louisiana.

8.

SECO admits that it is a Louisiana limited liability company, with managers and members who are citizens of Louisiana, with its principal place of business in St. Tammany Parish.<sup>5</sup> For the purposes of diversity jurisdiction, SECO is a citizen of Louisiana.

9.

New York Life is a mutual insurance company authorized and existing under the laws of the State of New York, with its principal place of business in New York, New York. For the purposes of diversity jurisdiction, New York Life is a citizen of New York.

10.

Because the jurisdictional amount is met and complete diversity exists between Plaintiffs and New York Life, this case is removable under 28 U.S.C. § 1441 because it could have been filed originally in this Court pursuant to 28 U.S.C. § 1332.

11.

Attached as Exhibit “B” is a copy of New York Life’s Notice of Filing Notice of Removal, which is being filed in the 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, State of Louisiana, with respect to the pending action number 614449.

WHEREFORE, defendant, New York Life Insurance Company, requests that it may effect the removal of this pending state court action to the United States District Court for

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<sup>5</sup> See Petition, ¶ 1

the Middle District of Louisiana in accordance with 28 U.S.C. § 1441 *et seq.*

KREBS, FARLEY, & PELLETERI, P.L.L.C.

/s/ Maura Z. Pelleteri

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ATTORNEYS FOR NEW YORK LIFE  
INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of September, 2012, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Maura Z. Pelleteri

Maura Z. Pelleteri

LA Bar No. 8463

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