

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

JENNIFER MCELROY)	
)	
Plaintiff)	
v.)	C.A. No. _____
)	
FIDELITY INVESTMENTS)	
INSTITUTIONAL SERVICES)	
COMPANY, INC. & FIDELITY)	
FINANCIAL ADVISOR SOLUTIONS)	
)	
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendants Fidelity Investments Institutional Services Company, Inc. & Fidelity Financial Advisor Solutions, (“Defendants”), by and through their undersigned attorney, submit this Notice of Removal and state as follows:

1. On or about June 9, 2015, a complaint in the above-captioned action was filed by the Plaintiff in the Superior Court of Rhode Island, Providence County (the “State Court”), entitled *Jennifer McElroy v. Fidelity Investments Institutional Services Company, Inc. & Fidelity Financial Advisor Solutions*, C.A. No. PC 2015-2435. Plaintiff served the Summons and Complaint on Neal J. McNamara, Attorney for Defendants, on or about July 7, 2015. The action is now pending in Providence County Superior Court. A copy of the Summons and Complaint (collectively the "Pleadings") that were filed in the Superior Court is attached hereto as Exhibit A, and constitute all process, pleadings and orders purportedly served in the action.

2. The State Court action is pending within the area of the District of Rhode Island.
See 28 U.S.C. § 1446(a).

3. This action involves claims for violation of the Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy Discrimination Act of 1978, at 42 U.S.C. § 2000e(k), and the Federal Family and Medical Leave Act of 1993, at 29 U.S.C. § 2601 *et seq.* Therefore this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

4. This Notice of Removal is being filed with this Court within thirty (30) days after service on Defendant.

5. Written notice of filing of this Notice of Removal will be given to Plaintiff, and a copy will be filed in the State Court, as required by 28 U.S.C. § 1446(d).

6. In filing this Notice of Removal, Defendants do not waive any defenses that may be available to them.

WHEREFORE, Defendants respectfully submit that this Notice of Removal complies with the statutory removal requirements and respectfully request that the action now proceeding against it, entitled *Jennifer McElroy v. Fidelity Investments Institutional Services Company, Inc. & Fidelity Financial Advisor Solutions, C.A. No. PC 2015-2435*, be removed from the Superior Court of the State of Rhode Island, Providence County, that this action proceed in this Court as a properly removed action and that the Defendants have such other and further relief as this Court may deem just and proper.

Dated: July 10, 2015

Defendants,

Fidelity Investments Institutional Services
Company, Inc. & Fidelity Financial Advisor
Solutions

By their Attorneys,

NIXON PEABODY LLP

/s/ Neal J. McNamara

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CERTIFICATION

The undersigned hereby certifies that a true copy of the within Notice of Removal was served by first class mail, postage pre-paid, this 10th day of July, 2015 to:

Stephen T. Fanning, Esq.
305 South Main Street
Providence, RI 02903

/s/ Neal J. McNamara

Neal J. McNamara