

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:	*	
	*	
GORDON PROPERTIES, LLC,	*	Case No. 09-18086-RGM
CONDOMINIUM SERVICES, INC.,	*	(Jointly Administered)
	*	
Debtors.	*	
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HOWARD SOBOL, et al,	*	
	*	
Plaintiffs,	*	
	*	
v.	*	Adv. Pro. No. 12-____-RGM
	*	
BRYAN SELLS, et al,	*	
	*	
Defendants.	*	

NOTICE OF REMOVAL

Defendant, Lindsay Wilson, in her capacity as the representative of Gordon Properties, LLC, by counsel, hereby removes this case from the Circuit Court for the City of Alexandria, Virginia, to the United States Bankruptcy Court for the Eastern District of Virginia, and in support thereof state as follows:

1. On or about November 29, 2012, Plaintiffs, Howard Sobol, et al (“Plaintiffs”), filed a Complaint for Declaratory Judgment and Injunctive Relief (the “Complaint”) against Defendants, Lindsay Wilson (“Ms. Wilson”), et al, in the Circuit Court for the City of Alexandria, Virginia, identified as Civil Action No. CL12005183.¹ A copy of the Complaint and related pleadings are attached hereto and incorporated herein. Ms. Wilson is a member of

¹ The Complaint was filed by attorney Michael Dingman, of the law firm of Reed Smith LLP, and also names First Owners’ Association of Forty Six Hundred Condominium, Inc. (“FOA”) as a co-defendant. Mr. Dingman represented FOA in this bankruptcy case during the time period relevant to the Complaint. FOA has not waived Reed Smith’s actual conflict. Under the Virginia Rules of Professional Conduct (Rule 1.9), Reed Smith is not qualified to represent the plaintiffs in this action. In addition to Ms. Wilson and FOA, the other named defendants are Mr. Bryan Sells and Ms. Elizabeth Greenwell, both members of Gordon Properties. Also, although not named as a party-defendant, the Complaint also seeks relief against Condominium Services, Inc., a debtor in these jointly administered cases.

Gordon Properties, LLC (“Gordon Properties”), and has been elected to and serves on the Board of Directors of First Owners’ Association of Forty Six Hundred Condominium, Inc. (“FOA”), as the representative of Gordon Properties. The Complaint names Ms. Wilson as a defendant in that representative capacity, and the real party in interest against which relief is sought is Gordon Properties.

2. In short, the Complaint is a collateral attack on many of the orders and rulings of this Court in the underlying bankruptcy case and related adversary proceeding by Gordon Properties against FOA (A/P No. 11-1020-RGM). The Complaint improperly seeks to re-litigate issues that have previously been litigated in and ruled upon by this Court, which orders and disputes presently are the subject of a litigation stay ordered by this Court and the District Court pending mediation. In particular, the Complaint seeks to void this Court’s ruling disallowing FOA’s claim, seeks to void this Court’s order determining election results, seeks to void this Court’s order establishing limits with respect to actions by Gordon Properties-related members of FOA’s Board, seeks to void this Court’s order directing the parties to mediation, seeks to void this Court’s order approving Condominium Services, Inc. (“CSI”) as the interim manager for FOA, and knowingly ignores the stay of litigation ordered by this Court and the District Court.

3. Removal is predicated upon 28 U.S.C. §1452, which provides in pertinent part, “[a] party may remove any claim or cause of action in a civil action... to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.”

4. This Court has jurisdiction of this proceeding pursuant to 28 U.S.C. §1334(b) and the standing order of reference entered by the District Court, and venue in this Court is proper pursuant to 28 U.S.C. §1409(a). This is a core proceeding pursuant to 28 U.S.C. §157(b)(2).

5. Promptly after the filing of this Notice of Removal, counsel will file a copy of this Notice with the Circuit Court for the City of Alexandria, Virginia.

Respectfully submitted,

GORDON PROPERTIES, LLC

By counsel

By: /s/ Donald F. King
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Counsel for Debtors
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CERTIFICATE OF SERVICE

I certify that this **Notice of Removal** was served on December 6, 2012, by hand delivery to Michael S. Dingman, Esquire, Counsel for Plaintiffs, at Reed Smith LLP, 3110 Fairview Park Drive, Suite 1400, Falls Church, VA 22042.

 /s/ Donald F. King
DONALD F. KING