

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KIMBALL J. BRADLEY,

Plaintiff,

Civil Action No.

vs.

JURY TRIAL DEMANDED

HERBERT BENNET CONNER,

Defendant.

NOTICE OF REMOVAL

Defendant, Herbert Bennet Conner, submits the following Notice of Removal to the United States District Court for the Western District of Pennsylvania:

1. On August 17, 2007, Plaintiff commenced this action by filing a Complaint in the Court of Common Pleas of Allegheny County, Pennsylvania, at docket number GD-07-017747.
2. On September 6, 2007, the Sheriff served this Complaint on Defendant, Herbert Conner.
3. In Plaintiff's Complaint, he asserts two counts against Defendant entitled "Defamation" (Count I) and "False Light" (Count II).
4. Plaintiff seeks damages in excess of the jurisdictional limits of the Arbitration Division of Allegheny County, plus punitive damages, interest, and costs of suit.
5. Since Allegheny County Local Rule 1301(3) sets the jurisdictional limits of the Arbitration Division at \$25,000, Plaintiff has demanded compensatory damages in excess of \$25,000.

6. In his Complaint, Plaintiff avers that he resides in Allegheny County, Pennsylvania; therefore, Defendant believes and avers that Plaintiff is a citizen of the Commonwealth of Pennsylvania.

7. Although Plaintiff asserts that Defendant is a resident of Pennsylvania, Defendant, Herbert Conner, avers that he is a citizen of the State of Florida. (*See* Affidavit, **Ex. A.**)

8. Based on the averments of the Complaint and of this Notice of Removal, complete diversity exists between the parties under 28 U.S.C. §1332.

9. In addition, given Plaintiff's averments of significant damage to his reputation as a business man and of Defendant's alleged malicious intent, including a claim for punitive damages, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

10. Because Defendant was served with the Complaint on September 6, 2007, this Notice of Removal is filed timely.

11. Copies of all process, pleadings, and other materials served on the Defendant, Herbert Conner, in the action filed in the Court of Common Pleas of Allegheny County, Pennsylvania at docket no. GD-07-017747 are filed with this Notice of Removal. (*See* **Ex. B.**)

12. As required by 28 U.S.C. §1446(d), Defendant shall properly notify the Plaintiff that this Notice of Removal has been filed.

13. As further required by 28 U.S.C. §1446(d), Defendant will file a copy of this Notice of Removal with the Prothonotary of the Court of Common Pleas of Allegheny County.

WHEREFORE, Defendant, Herbert Bennet Conner, respectfully requests that the United States District Court for the Western District of Pennsylvania accept this Notice of Removal, assume jurisdiction in this case, and issue such further orders and process as may be deemed just and proper.

Respectfully submitted,

ROBB LEONARD MULVIHILL

By: /s/Dennis St. J. Mulvihill

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