

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF FLORIDA**

JOHN L. STEELE,	)	
	)	
Plaintiff,	)	Case No.
	)	
v.	)	
	)	Removed from the Circuit Court of
PAUL GODFREAD, ALAN COOPER,	)	Miami-Dade County Case No. 13-6680 CA 4
and JOHN DOES 1-10,	)	
	)	
Defendants.	)	

**PETITION FOR REMOVAL**

Defendants, Paul Godfread and Alan Cooper (collectively, “Defendants”), by and through their counsel, file this Petition for Removal to this Court of an action pending against Defendants in the Circuit Court for the Eleventh Judicial Circuit, State of Florida, Miami-Dade County (the “Action”) pursuant to 28 U.S.C. § 1441, based on the following grounds:

**I. Introduction**

The Plaintiff, John L. Steele (“Plaintiff”), filed his Complaint on February 25, 2013. Plaintiff, an Illinois attorney, claims to be a resident of Florida, but provides no Florida address.

The Action bears the same title and state court case number as noted above and is docketed in the Circuit Court for the Eleventh Judicial Circuit, Miami-Dade County, Florida. A copy of the state court file and true and correct copies of all process, pleadings, and orders served upon Defendants are being filed with this notice, as required by 28 U.S.C. § 1446(a), and are attached as Exhibit A.

Plaintiff’s action in the Circuit Court of Miami-Dade County, Florida is derivative of two earlier filed complaints in Illinois, both of which have since been removed to federal court. Copies of the Illinois complaints, *Paul Duffy v. Paul Godfread, et al.*, No. 13-cv-01569 (N.D. Ill. 2013) and *Prenda Law, Inc. v. Paul Godfread, et al.*, No. 13-cv-00207 (S.D. Ill. 2013), are attached as Exhibits B and C respectively.

Plaintiff alleges that Defendant Godfread, a Minnesota attorney, “is a major contributor and participant in the Internet community that is the primary source of the defamatory statements described herein.” The ‘primary source’ being “allegations in a complaint filed in the District Court for the Fourth Judicial District of Minnesota.” Complaint at ¶ 6. See, *Alan Cooper v. Steele, et al.*, Case No. 27-cv-13-3463 (4th Judicial Cir. MN, Jan. 25, 2013), attached as Exhibit D.

Plaintiff alleges that Defendant Cooper, a Minnesota resident and client of Defendant Godfread, “is a participant in the community of anonymous Internet posters who have defamed and committed other tortious acts against Plaintiff.” Complaint at ¶ 7.

Plaintiff’s action in the Circuit Court of Miami-Dade County, Florida does not state an exact monetary damage, but in the concurrent Illinois actions the amount is noted to be “in excess of \$100,000” by each Defendant. *Paul Duffy* at p. 29; *Prenda Law* at p. 28.

## **II. This Notice of Removal is Timely.**

On February 25, 2013, Plaintiff filed its Complaint against Defendants. Defendant Godfread was served February 27, 2013. Defendant Cooper was served shortly thereafter.

This Notice of Removal is being filed less than a year after Plaintiff filed the Complaint and within thirty days after Defendants received a copy of the Complaint and, therefore, is timely filed pursuant to 28 U.S.C. § 1446(b).

## **III. Diversity of Citizenship Exists Between Plaintiff and Defendants.**

The Court also has original diversity jurisdiction over the Action pursuant to 28 U.S.C. § 1332(a), and the Action may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

Plaintiff, an Illinois attorney, may or may not be a resident of Florida. Regardless, as to whether Plaintiff resides in Illinois or Miami, he citizenship is different from the Defendants’ for purposes of diversity.

Defendants Godfread and Cooper are residents of Minnesota, which Plaintiff acknowledges. Complaint, ¶¶ 6-7.

The citizenship of the unknown “John Does 1-10” is disregarded for the purposes of determining diversity because he or she has been sued under a fictitious name. 28 U.S.C. § 1441(a).

Thus, the parties are completely diverse and no “joined and served” Defendant is a citizen of the state of Florida.

**IV. The Amount in Controversy Exceeds \$75,000.**

Plaintiff alleges it has been damaged in the amount “in excess of \$100,000” by each Defendant. Complaint, p. 28. Therefore the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

**V. Consent to Removal.**

Since none of the “John Does” have yet been served in this matter, their consent to removal is not required.

**VI. Notice of Removal**

Defendants will promptly provide notice of the removal of this action to Plaintiff and to the Circuit Court of Miami-Dade County, Florida, by filing a “Notice of Removal,” together with a copy of this “Petition for Removal,” in the Circuit Court of Miami-Dade County, Florida, and by serving copies of the same on Plaintiff pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendants, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, remove the Action from the Circuit Court of Miami-Dade County, Florida to the Southern District of Florida, for all purposes.

Respectfully submitted this the 1<sup>st</sup> day of March, 2013.

LAW OFFICES OF BRADFORD A.  
PATRICK PA

/s/ BRADFORD A. PATRICK

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### **CERTIFICATE OF SERVICE**

I certify that on March 1, 2013, I electronically served the foregoing per the Service List below.

/s/ BRADFORD A. PATRICK

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