UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| RAHUL MANCHANDA,<br><br>Plaintiff,<br><br>v.<br><br>REBECCA ROSENBERG,<br>NEWS CORP dba NY POST,<br><br>Defendants. | Case No.: _____<br><br>**NOTICE OF REMOVAL**<br><br>Removed from the Civil Court of the City of New York, County of New York, Index No. 003665/2016 |

**PLEASE TAKE NOTICE** that Defendants Rebecca Rosenberg and News Corporation (collectively, "Defendants") hereby remove the above-entitled action from the Civil Court of the City of New York, County of New York, to the United States District Court, Southern District of New York, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support of removal to this Court, Defendants respectfully state as follows:

## I. BACKGROUND

1. On or about March 7, 2016, Plaintiff Rahul Manchanda commenced a civil action against Defendants by filing a Summons and Complaint in the Civil Court of the City of New York, County of New York, Index No. 003665/2016 (the "State Court Action").

2. On March 8, 2016, Plaintiff Rahul Manchanda hand delivered and mailed a copy of the Summons and Complaint in the State Court Action to the Robert D. Balin, the attorney for Defendants. On March 11, 2016, Mr. Balin advised Mr. Manchanda that although this did not constitute proper service of process, that he would accept service of process on behalf of Defendants, effective as of March 11, 2016.

3. Plaintiff's Complaint asserts federal law claims under the Lanham Act, 15 U.S.C. § 1117, and "Civil RICO" statutes. (*See* Summons and Complaint attached hereto as Exhibit A, at ¶¶ 5-6, j, n). The Complaint also alleges pendant state law claims.

4. No further proceedings have occurred in the State Court Action as of the date of the filing of this Notice of Removal.

## II. REMOVAL IS PROPER UNDER 28 U.S.C. § 1441(c) BECAUSE THIS COURT HAS ORIGINAL JURISDICTION PURSUANT 28 U.S.C. § 1331.

5. Removal of this matter is proper pursuant to 28 U.S.C. § 1441 because this is a civil action "of which the district courts have original jurisdiction" and is founded on claims "arising under . . . the laws . . . of the United States." 28 U.S.C. § 1441(a), (c). Specifically, this Court has original jurisdiction over this action under 28 U.S.C. § 1331, because the Complaint asserts claims under federal statutes as set forth above in paragraph 3.

6. This Court has supplemental jurisdiction over Plaintiffs' pendant state law claims pursuant to 28 U.S.C. §§ 1367 and 1441(c).

## III. THE PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED.

7. There has been no previous removal of this action.

8. Section 1446 provides that "the notice of removal of a civil action or proceeding shall be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. § 1446(b).

9. Defendants' attorney accepted service of the Summons and Complaint on March 11, 2016. Plaintiff asserts that he served Defendants on March 8, 2016. In either case, this

Notice of Removal is being timely filed within 30 days after service of the Summons and Complaint pursuant to 28 U.S.C. § 1446(b).

10. Removal to this Court is proper pursuant to 28 U.S.C. § 1446(a), because the United States District Court for the Southern District of New York embraces the Civil Court of the City of New York, County of New York, where Plaintiff's State Court Action is pending.

11. As required by 28 U.S.C. § 1446(a), a true and correct copy of Plaintiff's Summons and Complaint is attached hereto as Exhibit A. This document constitutes "all process, pleadings, and orders" served on Defendants in the State Court action. *Id.*

12. All Defendants to the State Court action have joined in and consent to the filing of this Notice of Removal.

13. Pursuant to 28 U.S.C. § 1446(d), Defendants will file a written notice of this removal with the clerk of the State Court where Plaintiff's action is pending. Copies of this Notice of Removal and the written notice of this removal will also be served on Plaintiff in accordance with 28 U.S.C. § 1446(d).

## IV. RESERVATION OF DEFENSES AND RIGHTS

14. Defendants reserve all defenses in this action, as well as reserve the right to amend or supplement this Notice of Removal.

15. The undersigned counsel for Defendants has read the foregoing and signs this Notice of Removal pursuant to Rule 11 of the Federal Rules of Civil Procedure, as required by 28 U.S.C. § 1446(a).

**WHEREFORE**, Defendants Rebecca Rosenberg and News Corporation hereby remove the within action from the Civil Court of the City of New York, New York County, to this Court.

Dated: New York, New York
March 25, 2016

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

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