

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

NETQUOTE, INC., a Colorado corporation

Plaintiff,

v.

BRANDON BYRD,

Defendant.

NOTICE OF REMOVAL

COMES NOW BRANDON BYRD, Defendant in the above-styled action, and pursuant to 28 U.S.C. § 1446(d), files this its Notice of Removal, showing the Court as follows:

1. On October 31, 2006, Plaintiff NETQUOTE, Inc. filed the instant lawsuit as a John Doe complaint. The complaint was later amended to identify Melissa Buchschacher as the defendant. By Order dated February 20, 2007, Brandon Byrd was substituted as the named defendant and Melissa Buchschacher was dismissed as a party. Brandon Byrd was served with this action, styled Netquote, Inc. v. Brandon Byrd, Civil Action File Number 2006CV11463 on February 28, 2007.

2. True and correct copies of the Complaint, Amended Complaint, Second Amended Complaint, Summons, and all other documents filed in the State Court including the Answer and Defenses of Brandon Byrd are attached hereto as "Exhibit A."

3. This action was filed by Plaintiff NETQUOTE, Inc., a corporation organized and existing under the laws of Colorado with its principal place of business in Colorado.

4. Defendant Brandon Byrd is a citizen and resident of the State of Georgia.

5. Plaintiff alleges that as a result of Defendant's conduct that it suffered damages which give rise to claims of fraud and tortious interference.

6. Plaintiff's Complaint seeks recovery of damages in an unspecified amount.

7. Although Plaintiff's Complaint does not seek a specified amount of damages, it is apparent from the face of the Complaint that Plaintiff seeks recovery of money damages in excess of \$75,000.00, exclusive of interest and costs.

8. This case is removable to this Court because complete diversity of citizenship exists between all parties and because Plaintiff seeks recovery of money damages in excess of the jurisdictional amount. Thus, pursuant to 28 U.S.C. § 1441, et seq., this action is properly removed to the United States District Court for the District of Colorado, Denver Division.

9. Defendant has complied with all conditions precedent to removal.

WHEREFORE, Defendant Brandon Byrd prays that this case proceed in this Court as a removed claim or cause of action under 28 U.S.C. § 1332. *et seq.*

Respectfully submitted,

s/Rachel L. Eichenbaum
Teresa L. Ashmore
Rachel L. Eichenbaum
HOLME ROBERTS & OWEN LLP
1700 Lincoln Street, Suite 4100
Denver, CO 80203
Telephone: (303) 861-7000
Facsimile: (303) 866-0200

and

Ryan L. Isenberg, Esq.
Isenberg & Hewitt, P.C.
7000 Peachtree Dunwoody Road
Building 15, Suite 100
Atlanta, Georgia 30328
770-351-4400 (Voice)
678-990-7737 (Fax)
www.isenberg-hewitt.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29th day of March, 2007, I electronically filed the a true and correct copy of the foregoing **NOTICE OF REMOVAL** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following email addresses:

Christopher P. Beall
FAEGRE & BENSON LLP
3200 Wells Fargo Center
1700 Lincoln Street
Denver, CO 80203
Email: CBeall@faegre.com

Clerk of Court
District Court, City and County of Denver
1437 Bannock Street
Denver, CO 80202

s/ Rachel L. Eichenbaum– Signature on File