

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)
 KENNETH HINTON,)
 4622 New Hampshire Avenue, NW)
 Washington, DC 20011)
 (571) 228-4424)
)
 Plaintiff,)
)
 v.)
)
 GROUPON, INC.)
 600 West Chicago Avenue)
 Suite 620)
 Chicago, IL 60654)
)
 Defendant.)
 _____)

Civil Action No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, defendant Groupon, Inc. (“Groupon”), through its undersigned counsel, hereby notices removal of the above-captioned action from the Superior Court of the District of Columbia to the United States District Court for the District of Columbia. The grounds for removal are as follows:

1. On September 20, 2011, Plaintiff Kenneth Hinton filed a complaint in the Superior Court of the District of Columbia, thereby commencing the action captioned *Kenneth Hinton v. Groupon, Inc.*, Civil Action No. 2011 CA 007483B. As required by 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon and/or otherwise received by Groupon are attached as Exhibit A.

2. Plaintiff has not yet properly served Groupon in the above-captioned case. Defendant Groupon first received a copy of the Complaint, Summons and other papers on September 30, 2011, after they were mailed to Groupon along with a Notice and Acknowledgment pursuant to Superior Court Rule 4(c)(4). Groupon has not signed or returned the Notice and Acknowledgement.

3. Thirty days have not elapsed since this case became removable to this Court, as required by 28 U.S.C. § 1446(b).

4. On information and belief, Plaintiff is a resident and citizen of the District of Columbia. The Complaint lists Plaintiff's residence as 4622 New Hampshire Avenue, NW, Washington, DC 20011.

5. For purposes of 28 U.S.C. §§ 1332 and 1441, Groupon is a citizen of Delaware, where it is incorporated, and Illinois, where it maintains its principal place of business.

6. The Complaint filed by Plaintiff demands judgment against Groupon in the sum of \$250,000.00 with interests and costs. The amount in controversy in this action thus exceeds \$75,000, exclusive of interests and costs.

7. This action is a civil action over which the district courts of the United States have original jurisdiction pursuant to 28 U.S.C. § 1332 by reason of the diversity of citizenship of the parties.

8. The United States District Court for the District of Columbia is the district in which the Plaintiff filed the Complaint.


9. Accordingly, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

10. Upon the filing of this notice of removal, Groupon, as required by 28 U.S.C. § 1446(d), will promptly serve a copy of the notice of removal on Plaintiff and will file a copy of the notice of removal with the Clerk of the Superior Court.

11. Nothing in this Notice of Removal is intended or should be construed as an admission of the merits of any claim asserted against Groupon or as a waiver by Groupon of any of its defenses to the Complaint.

Dated: October 21, 2011

Defendant GROUPON, INC.

By 
Sara Z. Moghadam (#463862)
DLA PIPER LLP (US)
500 Eighth Street, NW
Washington, DC 20004
Telephone: (202) 799-4000
Facsimile: (202) 799-5000
sara.moghadam@dlapiper.com

Shirli F. Weiss*
Christopher M. Young*
DLA PIPER LLP (US)
401 B Street, Suite 1700
San Diego, California 92101
Telephone: (619) 699 2700
Facsimile: (619) 699-2701
shirli.weiss@dlapiper.com
christopher.young@dlapiper.com

*pro hac vice applications to be filed

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October, 2011, a copy of the foregoing Notice of Removal was served by first class U.S. mail, postage prepaid, on Kenneth Hinton, 4622 New Hampshire Avenue, NW, Washington, DC 20011.

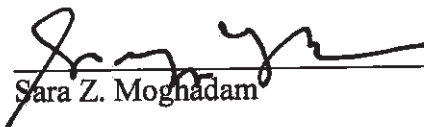

Sara Z. Moghadam

EXHIBIT A



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

Kenneth Hinton
Plaintiff(s)

v.

Case No: 2011 CA 7483 G

Gruppen, Inc
Defendant(s)

NOTICE

To (insert name and address of the party to be served):

Gruppen, Inc.
100 W. Chicago Ave
Suite 1020
Chicago, IL 60654

The enclosed summons, complaint and initial order are served pursuant to Rule 4(c)(4) of the Superior Court Rules of Civil Procedure.

You must sign and date the Acknowledgement (below). If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate next to your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate next to your signature your authority.

If you do not complete and return the form to the sender within twenty (20) days after it has been mailed, you (or the other party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons, complaint and initial order in any other manner permitted by law.

If you do complete and return this form, you (or the other party on whose behalf you are being served) must answer the complaint within twenty (20) days after you have signed, dated and returned the form. If you fail to do so, judgment by default may be entered against you for the relief demanded in the complaint.

This Notice and Acknowledgment of Receipt of Summons, Complaint and Initial Order was mailed on (insert date): 9/21/11.

[Signature]
Signature

9/21/11
Date of Signature

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS, COMPLAINT, AND INITIAL ORDER

I (print name) _____ received a copy of the summons, complaint and initial order in the above captioned matter at (insert address): _____

Signature

Relationship to Defendant/Authority to Receive Service

Date of Signature

Para pedir una traducción, llame al (202) 879-4828
Dé co (not ban dien) huj goi (202) 879-4828

如需翻译, 请打电话 (202) 879-4828
如需翻译, 请打电话 (202) 879-4828

Veuillez appeler au (202) 879-4828 pour une traduction
번역을 원하시면, (202) 879-4828 로 전화하십시오



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

KENNETH HINTON
Vs.
GROUPON, INC.

C.A. No. 2011 CA 007483 B

INITIAL ORDER AND ADDENDUM

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure (“SCR Civ”) 40-I, it is hereby **ORDERED** as follows:

(1) Effective this date, this case has assigned to the individual calendar designated below. All future filings in this case shall bear the calendar number and the judge’s name beneath the case number in the caption. On filing any motion or paper related thereto, one copy (for the judge) must be delivered to the Clerk along with the original.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of serving on each defendant: copies of the Summons, the Complaint, and this Initial Order. As to any defendant for whom such proof of service has not been filed, the Complaint will be dismissed without prejudice for want of prosecution unless the time for serving the defendant has been extended as provided in SCR Civ 4(m).

(3) Within 20 days of service as described above, except as otherwise noted in SCR Civ 12, each defendant must respond to the Complaint by filing an Answer or other responsive pleading. As to the defendant who has failed to respond, a default and judgment will be entered unless the time to respond has been extended as provided in SCR Civ 55(a).

(4) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an Initial Scheduling and Settlement Conference to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including, normally, either mediation, case evaluation, or arbitration. Counsel shall discuss with their clients **prior** to the conference whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this Conference.**

(5) Upon advice that the date noted below is inconvenient for any party or counsel, the Quality Review Branch (202) 879-1750 may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. Request must be made not less than six business days before the scheduling conference date. No other continuance of the conference will be granted except upon motion for good cause shown.

(6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each Judge’s Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court’s website <http://www.dccourts.gov/>.

Chief Judge Lee F. Satterfield

Case Assigned to: Judge CRAIG ISCOE
Date: September 20, 2011
Initial Conference: 9:30 am, Friday, December 23, 2011
Location: Courtroom 317
500 Indiana Avenue N.W.
WASHINGTON, DC 20001

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

In accordance with the Medical Malpractice Proceedings Act of 2006, D.C. Code § 16-2801, et seq. (2007 Winter Supp.), "[a]fter an action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ("ISSC"), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC." D.C. Code § 16-2821.

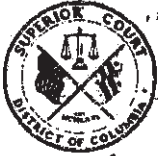
To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at <https://www.dccourts.gov/pa/>. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. Two separate Early Mediation Forms are available. Both forms may be obtained at www.dccourts.gov/medmalmediation. One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Both forms also are available in the Multi-Door Dispute Resolution Office, Suite 105, 515 5th Street, N.W. (enter at Police Memorial Plaza entrance). Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. *Pro se* Plaintiffs who elect not to eFile may file by hand in the Multi-Door Dispute Resolution Office.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at www.dccourts.gov/medmalmediation/mediatorprofiles. All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following persons are required by statute to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case. D.C. Code § 16-2824.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code § 16-2826. Any Plaintiff who is *pro se* may elect to file the report by hand with the Civil Clerk's Office. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Lee F. Satterfield



Superior Court of the District of Columbia
CIVIL DIVISION

500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133

KENNETH HINTON

4622 New Hampshire Ave NW Plaintiff
Washington, D.C. 20011

0007483-11

vs.

Case Number

GROUPON, INC.

600 W. Chicago Ave Defendant
Suite 620
Chicago, IL 60654

90 Andrew Mason - CEO/President

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within five (5) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

KENNETH HINTON, Plaintiff. Prose

Name of Plaintiff's Attorney

4622 New Hampshire Ave, NW

Address

Washington, D.C. 20011

571-228-4424

Telephone

如需翻译, 请拨打电话 (202) 879-4828

Veillez appeler au (202) 879-4828 pour une traduction

Để có một bản dịch, hãy gọi (202) 879-4828

번역을 원하시면, (202) 879-4828 로 전화하십시오. የአገርና ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

By

Date

Clerk of the Court

Deputy Clerk

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-682-2700) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation

Vea al dorso la traducción al español

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

KENNETH HINTON
4622 New Hampshire Ave NW
Washington, D.C. 20011

0007483-11

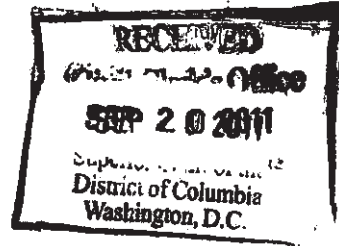
Plaintiff

vs.

CIVIL ACTION NO. _____

(SERV: ANDREW MASON, CEO)
President

Groupon, Inc.
600 W. CHICAGO AVE
Suite 620
CHICAGO, IL 60654 Defendants



COMPLAINT

1. Jurisdiction of this court is founded on D.C. Code Annotated, 2001 edition, as amended, Sec. 11-921.

From on or about September 20, 2010, Plaintiff has received from Defendant numerous "Daily Deal" email offers from Groupon promoting discount restaurant offers in the District of Columbia. Such advertising, marketing and selling of Groupon gift certificates were sent to Plaintiff with illegitimate expiration dates for use by Plaintiff before the "expiration period" which is deceptive and unfair in accordance with the provisions of D.C. Code Section 28-3904, et seq. Defendant has therefore engaged in false advertising, fraudulent misrepresentation and deceit.

Wherefore, Plaintiff demands judgment against Defendant in the sum of \$ 250,000.00 with interest and costs.

Phone: 571-228-4424

DISTRICT OF COLUMBIA, SS

KENNETH HINTON, Plaintiff, being first duly sworn on oath deposes and says that the foregoing is a just and true statement of the amount owing by defendant to the plaintiff, exclusive of all set-off and just grounds of defense.

[Signature]
(Plaintiff) Agent)

Subscribed and sworn to before me this 20 day of SEP 2011.

[Signature]
(Notary Public/Deputy Clerk)