

**ORIGINAL**

**FILED IN CLERK'S OFFICE**  
USDC Atlanta

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

**FEB 06 2008**

**JAMES N. HATTEN, CLERK**  
By: *JWH* Deputy Clerk

MAUREEN TOFFOLONI, )  
as Administrator and Personal )  
Representative of the ESTATE )  
OF NANCY E. BENOIT, )

Plaintiff )

v. )

LFP PUBLISHING GROUP, LLC, )  
d/b/a Hustler Magazine, MARK )  
SAMANSKY, an individual, )  
and other distributors and sellers of )  
Hustler Magazine, as Defendants X, )  
Y, and Z, )

Defendants. )

Civil Action File No.

~~1 08-CV-0421~~

**TWT**

**NOTICE OF REMOVAL**

**TO: THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
GEORGIA:**

Defendant LFP Publishing Group, LLC ("Defendant"), by and through its undersigned  
counsel, respectfully petitions this Court for removal of the above-entitled action from the  
Superior Court of Fayette County, State of Georgia, to the United States District Court for the  
Northern District of Georgia, pursuant to 28 U.S.C. §§ 1441 and 1446, and respectfully states as  
follows:

1. On or about February 5, 2008, Plaintiff commenced the above-entitled civil action  
in the State Court of Fayette County of the State of Georgia by filing a Complaint.
2. Defendant received a copy of the Complaint on February 5, 2008. This Notice of  
Removal is filed within 30 days of receipt of the initial pleading as required by 28 U.S.C. §  
1446(b).

3. As demonstrated by the allegations in the Complaint, the manner in controversy exceeds the sum of value of \$75,000, exclusive of interest and costs.

4. The case is also between citizens of different states. Defendant is a Delaware corporation with its principal place of business located in the State of California. Plaintiff alleges that she is a resident of the State of Florida.

5. Upon information and belief, no other defendants have been properly joined or served.

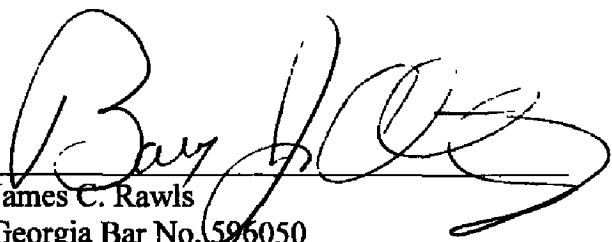
6. The civil action may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441, in that this Court has diversity jurisdiction over the action under 28 U.S.C. § 1332(a)(1).

7. A copy of all process, pleadings and orders served upon Defendant accompanies this Notice of Removal as required by 28 U.S.C. § 1441(a). (See Exhibit A hereto).

8. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal is being filed with the Clerk of the Superior Court of Fayette County, Georgia.

9. Defendant, by virtue of filing this Notice of Removal, does not waive any defenses or objections available to it under the law.

This 6<sup>th</sup> day of February, 2008.

  
James C. Rawls  
Georgia Bar No. 596050  
Barry J. Armstrong  
Georgia Bar No. 022055

McKenna Long & Aldridge LLP  
303 Peachtree Street, Suite 5300  
Atlanta, Georgia 30308  
(404) 527-4000

(404) 527-4198 (facsimile)

Of Counsel:

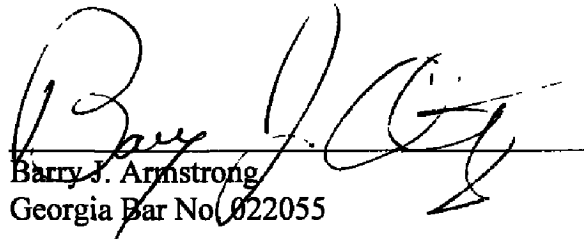
Paul J. Cambria, Jr., Esq.  
Jeffrey F. Reina, Esq.  
William M. Feigenbaum, Esq.  
Lipsitz Green Scime Cambria LLP  
42 Delaware Avenue  
Suite 120  
Buffalo, New York 14202-3924  
(716) 849-1333

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the within and foregoing **NOTICE OF REMOVAL** upon all parties to the above-captioned action by depositing a copy of the same in the United States Mail, with sufficient postage thereon, addressed to except as otherwise noted:

Richard P. Decker, Esq.  
Decker, Hallman, Barber & Briggs  
260 Peachtree Street, N.W.  
Suite 1700  
Atlanta, Georgia 30303

This 6th day of February, 2008.

  
Barry J. Armstrong  
Georgia Bar No. 022055

McKenna Long & Aldridge LLP  
303 Peachtree Street, Suite 5300  
Atlanta, Georgia 30308  
(404) 527-4000  
(404) 527-4198 (facsimile)