

**IN THE UNITED STATES DISTRICT COURT
THE CENTRAL DISTRICT OF ILLINOIS - SPRINGFIELD DIVISION**

ANDY MARTIN,)	
)	
Plaintiff,)	
)	
vs.)	No.
)	
WASHINGTON POST COMPANY, DANIEL)	
MORSE, SCOTT SHIRLEY, d/b/a ADD)	
PRODUCTION, GOOGLE, INC., JOHN)	
GILCHRIST, a/k/a JOHN BORLAZA, JIM)	
BROSEMER, MONTGOMERY COUNTY,)	
MARYLAND, JOHN J. McCARTHY, JOHN)	
DOE AGENT OF MARK KIRK and/or)	
BARACK HUSSEIN OBAMA, WILLIAM G.)	
SIMMONS, EUGENE WOLFE, CHERYL)	
McCALLY,)	
)	
Defendants.)	

NOTICE OF REMOVAL

NOW COMES Defendant DANIEL MORSE (“Morse”), by his attorneys, for his Notice of Removal states as follows:

1. On September 1, 2009, plaintiff Andy Martin (“Martin”) filed an action in the Circuit Court for the Seventh Judicial Circuit of Illinois, captioned *Andy Martin v. Washington Post Co., et al.*, No. 2009 CH 737 (the “State Court Action”). Morse is one of eleven defendants named in the State Court Action.
2. The Complaint in the State Court Action contains five counts. The Complaint suggests that Martin had a dispute with defendants John Gilchrist and Scott Shirley concerning their respective rights to a videotape that Shirley made of a conference Martin was conducting in Washington, D.C.; that Martin initiated a consumer complaint against Shirley with the Office

of Consumer Protection in Montgomery County, Maryland and the Better Business Bureau for the Washington, D.C. area; that Shirley then initiated a legal proceeding in Montgomery County, Maryland in response to Martin's consumer complaints against him; that the lawsuit "arises out of a mini-Watergate scandal" to "harass Plaintiff's professional and political activity using Maryland judges as adjuncts to the criminal conspiracy;" and that the conspiracy involved numerous judges in Montgomery County, the State's Attorney for Montgomery County, the County itself; Morse (who is a reporter for the Washington Post), the Washington Post, Google (through its ownership of YouTube), and others.

3. In Count Two of the Complaint in the State Court Action, Martin purports to state claims against Morse and the other defendants for a "civil rights conspiracy" in violation of "§§1983-1985," which presumably refers to 28 U.S.C. §§1983-1985. Page 1 of his Complaint alleges a conspiracy among "Plaintiff's political opposition, to harass plaintiff's professional and political activity using Maryland judges as adjuncts to the criminal conspiracy." The basis of this claim appears to be paragraph 4(a) of Count Two (found at page 13 of the Complaint), where Martin alleges that "federal law protects the right of persons to seek public office, *see e.g.* 18 U.S.C. "§245(b)(1)(a);" paragraph 4(b), where he alleges that someone is working to disrupt Martin's campaign for the U.S. Senate; and paragraph 4(c), where he alleges that the "actions of the defendants constitute a classic civil rights conspiracy" to "harass a federal candidate" for office "under color of" state law.
4. Martin purported to serve the summons and the complaint from the State Court Action on Morse on October 12, 2009, although the service was defective because the summons and complaint were not personally served on him. Copies of the summons and complaint in the

State Court Action which purportedly were served on Morse are attached hereto as Exhibit 1, pursuant to 28 U.S.C. §1446(a). No other process, pleadings or orders have been served on Morse in the State Court Action.

5. Removal of the State Court Action to this Court is proper under 28 U.S.C. §1441 because this Court would have original subject matter jurisdiction over this action. This Court has removal jurisdiction under 28 U.S.C. §1441(a) because it would have original federal question subject matter jurisdiction over Count Two of the Complaint in the State Court Action under 28 U.S.C. §1331, based on Martin's assertion of claims against Morse arising under 18 U.S.C. §§1983-1985, which are laws of the United States.
6. This Court also has supplemental jurisdiction over the remaining state law counts alleged against Morse in the other counts of the Complaint under Section 28 U.S.C. §1367(a), because those claims are so related to the claim alleged against him in Count Two as to form part of the same case or controversy.
7. This Notice of Removal is timely under 28 U.S.C. §1446(b) in that it was filed within thirty days after service of the summons and complaint on Morse on October 12, 2009.
8. Counsel for Morse has contacted the other named defendants in this action to determine whether they have been served with process. As of November 9, 2009, the only defendants other than Morse, who stated that they have been served are Scott Shirley, John Gilchrist and Montgomery County, Maryland, and the court docket in the State Court Action does not show proof of service on any other defendant. Morse attaches to this Notice of Removal, as Exhibits 2, 3 and 4, a declaration from each of the defendants who has been served in which they consent to the removal of this action.

PROOF OF SERVICE

I hereby certify that on November 10, 2009 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: NONE and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

Andy Martin
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and other served Defendants.

/s/ Donald M. Craven

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