

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

STEVEN B. WOLTMANN,

Plaintiff,

v.

ARENA FOOTBALL ONE, LLC,
CHICAGO GRIDIRON, LLC, and
JOHN DOES 1-10,

Defendants.

Northern District Civil Action No.
11cv5994

Cook County No. 10-L-5472

NOTICE OF REMOVAL OF A CIVIL ACTION

Defendant, CHICAGO GRIDIRON, LLC, ("Gridiron") hereby notifies this Court that this civil action has been removed from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois, Eastern Division pursuant to 28 U.S.C. §§ 1331, 1338, 1441 and 1446. In support of removal, defendant states:

1. Plaintiff, Steven B. Woltmann ("Woltmann"), filed a Third Amended Complaint in the Circuit Court of Cook County, Law Division, on August 11, 2011. (A copy of the Complaint is attached as Exhibit A) (the "Complaint").

2. On August 12, 2011, Gridiron, through its counsel, accepted service and received a copy of the Complaint.

3. The Complaint against Gridiron alleges Copyright Infringement (Count I), seeks Declaratory Judgment (Count III) and Unjust Enrichment (Count VI).

GROUND FOR REMOVAL: FEDERAL QUESTION

4. This Notice of Removal is timely because it is being filed within thirty (30) days of the date of service of the Complaint. See 28 U.S.C. § 1446(b).

5. Removal is proper under 28 U.S.C. §§ 1331, 1338 and 1441 because the alleged Copyright Infringement arises under the federal Copyright Act, which gives the federal district court exclusive subject matter jurisdiction over Woltmann's claims.

6. Woltmann's complaint is entirely based on claims that require the Court to address protections granted by the Copyright Act, 17 U.S.C. 101 *et seq.* Accordingly, removal is proper to allow the District Court to resolve questions of Federal law.

7. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) over Woltmann's claims for Declaratory Judgment as well as Unjust Enrichment, even though that latter claim, as plead, is duplicative of the protections granted to a copyright owner under section 106 of the Copyright Act and, thereby, preempted. 17 U.S.C. §301.

8. Defendant is serving this Notice of Removal on Woltmann's counsel of record, Joseph Siprut by U.S. Mail addressed to 122 S. Michigan Ave. Suite 1850, Chicago, Illinois 60603 and Aleksandra Vold by U.S. Mail addressed to 105 W. Adams St. Suite 2800, Chicago, Illinois 60603.

9. Defendant is filing a copy of this Notice of Removal of a Civil Action in the Circuit Court of Cook County, Illinois.

WHEREFORE, defendant respectfully notifies this Court that this case, Counts I, III and VI directed to Gridiron has been removed from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois pursuant to the provisions of 28 U.S.C. §§ 1331, 1338, 1441 and 1446.

Respectfully submitted,

/s/Christopher W. Niro

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