

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

DOCTOR JOHN DOE, DOCTOR JOHN DOE,  
INCORPORATED, an Illinois Corporation, and  
JANE DOE, Individually and as an Employee  
of the Other Plaintiffs,

No.

Plaintiffs,

v.

GOOGLE INC., a Delaware Corporation,

Defendant.

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendant Google Inc., by and through its undersigned counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes the above-captioned action to the United States District Court for the Northern District of Illinois from the Circuit Court of Cook County, Illinois.

**I. INTRODUCTION**

Plaintiffs filed this lawsuit in the Circuit Court of Cook County Illinois on August 30, 2011. On October 4, 2011, Google received a Summons and copy of Plaintiffs' Complaint. True and correct copies of the summons and Complaint are attached hereto as Exhibit A.<sup>1</sup> To date, no other process, pleadings, or orders related to this action have been filed or entered. Google will be filing a responsive pleading to Plaintiffs' Complaint in this Court pursuant to Federal Rule 81(c)(2).

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<sup>1</sup> The Complaint refers to an appendix filed under seal. The appendix has not been filed with this Notice of Removal because Google has not been able to obtain a copy of it.

## **II. GROUNDS FOR REMOVAL**

Plaintiffs' Complaint alleges that various statements relating to Plaintiffs, which are displayed on the Internet via Google products and services, are false and defamatory. This action is removable on the basis of diversity jurisdiction. *See* 28 U.S.C. §§ 1332, 1441(a). A defendant may remove any civil action brought in a state court for which the District Courts of the United States have original jurisdiction to the federal district court encompassing the county in which such action is pending. *See* 28 U.S.C. § 1441(a). Pursuant to 28 U.S.C. §1332, this Court has original jurisdiction over this action by reason of diversity of citizenship and an amount in controversy which exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000), exclusive of interest and costs.

### **A. Complete Diversity of Citizenship**

Although the Plaintiffs are suing anonymously, they appear to be citizens of the State of Illinois. Compl. at ¶ 5-6. Specifically, the individual plaintiffs, Dr. Doe and Jane Doe, "are duly licensed medical professionals who practice their business within the State of Illinois." Compl. at ¶ 5. Plaintiff Dr. Doe, Inc. is "licensed to do business in and has its principal place of business within the State of Illinois." Compl. at ¶ 5. Plaintiffs "care for patients at their facility located within the State of Illinois." Compl. at ¶ 6.

Google is, and was at the time this lawsuit was filed, a corporation organized under the laws of the State of Delaware with its principal place of business in California. Complaint at ¶ 4. And, there is nothing in the Complaint that would suggest that Plaintiffs are citizens of Delaware or California. Accordingly, there is complete diversity among the parties.

### **B. Amount in Controversy**

It is apparent from the face of the Complaint that Plaintiffs seek recovery of an amount in excess of \$75,000, exclusive of interest and costs. Plaintiffs' complaint alleges that Plaintiffs provide medical treatment and perform surgeries for patients in Illinois, and that Google websites contain libelous statements about the quality of Plaintiffs' care and services. Compl. at ¶¶ 6, 12. Plaintiffs allege that they have suffered substantial damages as a result of these allegedly libelous

statements, “having lost income as a result and having suffered embarrassment, emotional distress, and having sustained a general loss of reputation in their business and professional life as a result of this libelous conduct.” Compl. at ¶¶ 18, 25; *see also* Compl. at ¶¶ 30 (“Plaintiffs suffered a loss of a contractual relationship with existing patients”); and 31 (“Plaintiffs were damaged through loss of income and reputation”).

Significantly, Plaintiffs’ prayers for relief seek damages in excess of the jurisdictional amount. Plaintiffs ask for compensatory damages in excess of the minimum amount necessary to bring a cause of action in the Law Division of the Circuit Court of Cook County, which is \$50,000, and they also seek punitive damages in excess of \$50 million. *See Loss v. Blankenship*, 673 F.2d 942, 951 (7th Cir. 1982) (noting that punitive damages are properly considered in determining whether the jurisdictional minimum is met); *Bell v. Preferred Life Assur. Soc.*, 320 U.S. 238, 240 (1943) (same).

Illinois district courts have found that the amount in controversy requirement was met where plaintiffs alleged lost income and reputational harm exceeding \$50,000. *See, e.g. Martin v. Beck*, No. 07 C 3154, 2007 WL 2122184, at \*2 (N.D. Ill. Jul. 19, 2007) (concluding that amount in controversy requirement was satisfied where defamation plaintiff sought at least \$50,000 in damages and identified himself as public figure who had spent years developing and protecting his reputation, which he alleged was damaged); *Good v. Maxim Healthcare Servs., Inc.*, No. 09-0146-DRH, 2009 WL 1025086, at \*3 (S.D. Ill. Apr. 16, 2009) (concluding that amount in controversy requirement was met where the plaintiff sought compensatory damages in excess of \$50,000 as well as punitive damages, alleging a loss of wages, benefits, and bonuses as well as embarrassment, humiliation, distress and loss of reputation and standing in the community resulting from a wrongful discharge). Plaintiffs’ allegations in this case are similar to the allegations made in the *Martin* and *Good* cases. In short, both the face of the complaint and relevant decisions from this Court support a finding that the amount in controversy exceeds \$75,000.

### **III. DEFENDANTS HAVE SATISFIED THE PROCEDURAL REQUIREMENTS FOR REMOVAL**

This Notice of Removal is timely if filed within 30 days of service of Plaintiffs' Complaint, as required by 28 U.S.C. § 1446(b). Google was served on October 4, 2011, so this Notice of Removal is timely if filed on or before November 3, 2011. Because there are no other named defendants, no consent to removal is required.

The United States District Court for the Northern District of Illinois embraces Cook County, the county in which the state court action is now pending. Therefore, this action is properly removed to the Northern District of Illinois pursuant to 28 U.S.C. § 1441(a).

The only process or pleading that Google has served or received in the state court proceeding is Plaintiffs' Complaint. A true and correct copy of the Complaint is attached hereto as Exhibit A, pursuant to 28 U.S.C. § 1446(a). Google will file copies of additional state court records and proceedings, if any, within 10 days of receiving them.

Pursuant to 28 U.S.C. § 1446(d), Google will promptly file written notice of this removal and a copy of the Notice of Removal with the clerk of the state court in which this action is currently pending and will serve a copy of this notice on all parties to the removed action.

By filing this Notice of Removal, Google not waive, and hereby reserve, any right to assert objections and defenses to Plaintiffs' Complaint.

WHEREFORE, Defendant Google Inc. removes this action from the Circuit Court of Cook County, Illinois bearing Case No. 2011 L 009024 to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

DATED: November 3, 2011

Respectfully submitted,

By: /s/ Jade R. Lambert

One of the attorneys for Google Inc.

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that on November 3, 2011, she caused the foregoing **NOTICE OF REMOVAL** to be served upon the individuals listed below via U.S. Mail.

David A. Novoselsky  
Novoselsky Law Offices  
120 North LaSalle Street  
Suite 1400  
Chicago, IL 60602

By: /s/ Jade R. Lambert