



2. On the 19<sup>th</sup> day of November, 2008, the respondents/plaintiffs filed a petition for a preliminary injunction with the Lackawanna County Court. A hearing has been scheduled for December 2, 2008, before the court. A copy of the petition for preliminary injunction and Exhibit D are annexed hereto.

3. The above-described action is a civil action of which this court has original jurisdiction pursuant to 28 U.S.C. §§1331 and 1338 and 17 U.S.C. §102, *et. seq.*, and is one which may be removed to this court by petitioner, defendant therein, pursuant to the provisions of 28 U.S.C. §1441 in that the complaint seeks equitable and monetary relief (in excess of \$75,000.00) for the alleged unauthorized copying and publishing of material from respondent's newspaper and website. Pursuant to 17 U.S.C. §301, federal law preempts all state law claims for the alleged activity of the petitioner and provides this court with exclusive jurisdiction over these issues. [28 U.S.C. §1338.]

**WHEREFORE**, petitioner prays that the above action now pending in the Court of Common Pleas of Lackawanna County be removed therefrom to this court.

Respectfully submitted,

By: 

**Ralph E. Kates, III, Esquire**  
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Counsel for *The Times Leader*

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILKES-BARRE PUBLISHING COMPANY :  
d/b/a THE TIMES LEADER , :  
 :  
 :  
 Petitioner/Defendant, :  
 :  
 :  
 vs. :  
 :  
 :  
 THE SCRANTON TIMES, L.P. and :  
 THE TIMES PARTNER, LLC, :  
 :  
 :  
 Respondents/Plaintiffs. : DOCKET.: 02 - 6000

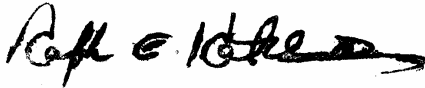
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CERTIFICATE OF SERVICE

I, Ralph E. Kates, III, Esquire, hereby certify that I have, on this, the 24<sup>th</sup> day of November, 2008, served a true and correct copy of the aforementioned Notice of Removal to federal court on the following:

Lackawanna County Court  
Attn.: Clerk of Courts  
Civil Division of Lackawanna County  
200 North Washington Avenue  
Scranton, PA 18503

J. Timothy Hinton, Jr., Esquire  
Haggerty, McDonnell, O'Brien &  
Hinton, LLP  
203 Franklin Avenue  
Scranton, PA 18503  
Counsel for the Scranton Times

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