

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**ELIZABETH TRAVIS  
MANAGEMENT, INC.,**

**Plaintiff,**

**v.**

**RANDY TRAVIS,**

**Defendant**

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**Civ. Action No.** \_\_\_\_\_

**Removed from the Chancery Court for  
Davidson County, Tennessee  
Case No. 12-0526-IV**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant, Randy Travis (“Travis”), respectfully submits this Notice of Removal for the purpose of removing the above-captioned action from the Chancery Court for Davidson County, Tennessee to the United States District Court for the Middle District of Tennessee. As grounds for this removal, Travis states as follows:

1. On or about April 5, 2012, Plaintiff, Elizabeth Travis Management, Inc. (“ETMI”), filed a Complaint and Summons in the above-captioned action in Davidson County Chancery Court, Case No. 12-0526-IV.
2. Travis was served with a copy of the Complaint and Summons through authorized service on Travis’s counsel, Samuel D. Lipshie, on April 19, 2012, a date less than 30 days before the filing of this Notice of Removal. As such, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).
3. This is a civil action wherein ETMI seeks damages from Travis for his alleged breach of a personal management contract between the parties (the “Agreement”). *See* Compl. at ¶¶ 1, 8-9. The Agreement is attached to the Complaint as Exhibit 1.

4. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

5. First, there is complete diversity of citizenship. As alleged in the Complaint, ETMI is a Tennessee corporation with its principal place of business in Nashville, Tennessee. Compl. at ¶ 1. Travis “is a resident of Tioga, Grayson County, Texas.” *Id.* Accordingly, because ETMI and Travis, the only parties to this action, reside in and are citizens of two different states (Tennessee and Texas, respectively), there is complete diversity of citizenship in this matter.

6. Second, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. In the Complaint, ETMI seeks a judgment for damages, attorneys’ fees, and litigation costs pursuant to the Agreement. Compl. at WHEREFORE. ETMI alleges that Travis breached the Agreement “only four months and one week into the four year term of the Agreement.” *Id.* at ¶ 8. Though Travis denies owing ETMI any further amounts pursuant to the terms of the Agreement, for purposes of this Notice of Removal, Travis states affirmatively that the personal management commissions that ETMI would have received for touring engagements for which commissions have not been paid are approximately \$196,000.00 in 2011 alone. *See* Declaration of Gary Haber at ¶ 4 (filed contemporaneously herewith). This amount is based on what ETMI would have received in unpaid 2011 touring commissions had the Agreement remained in effect. *Id.* This amount does not include ETMI’s claim for personal management commissions under Paragraph 4 of the Agreement for the years 2012 through 2015, which would obviously increase the amount claimed by ETMI if Paragraph 4 of the Agreement were considered to be in force for those additional years. *Id.* Accordingly, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

7. Because this action is within the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332(a), this action is removable to this Court pursuant to 28 U.S.C. § 1441(a).

8. The United States District Court for the Middle District of Tennessee is the appropriate court for filing a Notice of Removal from the Chancery Court for Davidson County, Tennessee, where this action is pending, and accordingly, Travis seeks to remove this action to this United States District Court.

9. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served on Travis in this action prior to the filing of this Notice of Removal, which includes the Complaint and Summons, is incorporated by reference and attached hereto as Collective **Exhibit A**.

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal, together with all Exhibits, is being contemporaneously filed in the Chancery Court for Davidson County, Tennessee. A copy of the Notice of Filing Notice of Removal (without the exhibits thereto) being contemporaneously filed in the Chancery Court for Davidson County, Tennessee is attached hereto as **Exhibit B**.

WHEREFORE, Defendant, Randy Travis, respectfully gives notice of the removal of the above-captioned action from the Chancery Court for Davidson County, Tennessee to the United States District Court for the Middle District of Tennessee.

Respectfully submitted,



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Samuel D. Lipshie (No. 9538)  
Jeffrey L. Allen (No. 26782)  
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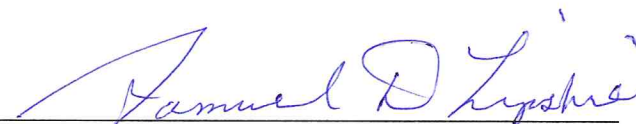
*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing is being forwarded via hand delivery and electronic mail to:

Philip M. Kirkpatrick  
DICKINSON WRIGHT PLLC  
Fifth Third Center, Suite 1401  
424 Church Street  
Nashville, Tennessee 37219-2392  
[pkirkpatrick@dickinsonwright.com](mailto:pkirkpatrick@dickinsonwright.com)

on this the 17<sup>th</sup> day of May, 2012.



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Samuel D. Lipshie