

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**SCA PROMOTIONS, INC.,**  
*Plaintiff,*

v.

**YAHOO!, INC.**  
*Defendant.*

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**CIVIL ACTION NO. 3:14-cv-957**

**YAHOO!, INC.'S NOTICE OF REMOVAL**

Notice is hereby given, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Yahoo!, Inc. (“Yahoo”) hereby removes this action from the 160th Judicial District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division, and would show as follows:

**I.**  
**STATE COURT ACTION**

1. On or about January 30, 2014, Plaintiff SCA Promotions, Inc. (“SCA”) filed its Original Petition in the 160th Judicial District Court of Dallas County, Texas, styled *SCA Promotions, Inc. v. Yahoo!*, Cause No. DC-14-00947 (the “State Court Action”). On or about February 14, 2014, SCA filed Plaintiff’s First Amended Original Petition, amending its Original Petition to comply with the new Texas Rule of Civil Procedure 47 and amending the name of the Defendant.

2. Service of Plaintiff's Original Petition was completed on Yahoo on February 18, 2014. Service of Plaintiff's First Amended Original Petition has not been completed upon Yahoo.
3. The State Court Action was served on February 18, 2014, and Yahoo is filing this Notice of Removal on March 20, 2014. Accordingly, this Notice of Removal is timely under 28 U.S.C. § 1446(b).
4. SCA brings claims against Yahoo for breach of contract. *See* Plaintiff's Original Petition ¶ 15-21.
5. With this Notice of Removal Yahoo hereby removes the State Court Action to this Court on the basis of diversity, as more fully described below.

**II.**  
**PROCEDURAL REQUIREMENTS**

6. This action is properly removed to this Court, as the State Court Action is pending within this district and division. 28 U.S.C. § 1441.
7. Pursuant to 28 USC §1446(a) and Northern District of Texas Local Rule 81.1, this Notice of Removal includes copies of the following, which are attached hereto and incorporated by reference:
  - Exhibit A: Index of Matters Being Filed;
  - Exhibit B: A copy of the state court docket sheet;
  - Exhibit B(1): A copy of Plaintiff's Original Petition filed January 30, 2014;
  - Exhibit B(2): A copy of Plaintiff's First Amended Original Petition filed February 14, 2014;
  - Exhibit B(3): A copy of all executed process; and

Exhibit C: Defendant's Certificate of Interested Persons;

Exhibit D: Civil Cover Sheet; and

Exhibit E: Supplemental Civil Cover Sheet.

8. Contemporaneously with the filing of this Notice of Removal, Defendant is filing a copy of the Notice of Removal in the 160th Judicial District Court of Dallas County, Texas.

### **III. DIVERSITY OF CITIZENSHIP**

9. A case may be removed to federal court if it could have been brought in federal court originally. 28 U.S.C. § 1441. Lawsuits between citizens of different states in which the amount in controversy exceeds \$75,000 may be brought in federal court. 28 U.S.C. § 1332.

#### **There Is Complete Diversity among the Parties**

10. SCA is a citizen of Texas. *See* Plaintiff's Original Petition ¶ 1.
11. Yahoo is a corporation organized under the laws of the state of Delaware, with its principal place of business in California. Therefore, Yahoo is a citizen of California for diversity purposes. Because SCA is a citizen of Texas and Yahoo is a citizen of California, there is complete diversity among the parties. *See* 28 U.S.C. 1332(c)(1).

#### **The Amount in Controversy Exceeds \$75,000**

12. The amount in controversy as pled by SCA. in Plaintiff's Original Petition is "at least \$4.4 million." *See* Plaintiff's Original Petition ¶ 16, 21. Therefore, the damages sought by Plaintiff exceed \$75,000.

### **IV. CONCLUSION**

13. WHEREFORE, Yahoo hereby removes this action from the 160th Judicial District of Dallas County Texas to the United States District Court for the Northern District of Texas, Dallas Division, so that this Court may assume jurisdiction over the cause as provided by law.

Respectfully submitted,

DARRELL W. COOK & ASSOCIATES,  
A PROFESSIONAL CORPORATION

/s/ Darrell W. Cook

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**ATTORNEYS FOR DEFENDANT YAHOO!**

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing was served upon all parties herein on the March 17, 2014 in accordance with the FEDERAL RULES OF CIVIL PROCEDURE via ECF as follows:

Jeffrey. M. Tillotson, P.C.  
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*/s/ Darrell W. Cook* \_\_\_\_\_  
DARRELL W. COOK