

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN HRITZ,)	
)	
Petitioner,)	
)	
v.)	
)	
JOHN AND/OR JANE DOE(S),)	
)	
and)	Civil Action No.
)	
DOE ENTITY(IES))	
)	
and)	
)	
YAHOO.COM)	
)	
Respondents.)	

NOTICE OF REMOVAL

Respondent John and/or Jane Doe hereby removes this case from the Court of Common Pleas of Butler County and/or Hamilton County, Ohio, where it is pending as No. CV 0 07 1465, for the following reasons:

1. The case was filed in the Court of Common Pleas, Butler County Ohio, on July 18, 2000, by plaintiff John Hritz, a citizen of Ohio. An order signed pursuant to plaintiff's petition is captioned, with the same case number, as pending in Court of Common Pleas, Hamilton County Ohio. The Petition alleges that defendant Doe has engaged in tortious conduct, and seeks to identify Doe for the purpose of filing a defamation action against her.¹

¹ We use the female third-person pronoun in the generic sense, without specifying the gender of respondent Doe.

2. Respondent Doe has not been served with any of the papers in this case, but she obtained a copy of the Petition for Discovery and of the state court Order Establishing Action for Discovery when America Online (“AOL”) sent her a notice of the pendency of a subpoena for her identification, which included a copy of the state court papers. The notice was sent by AOL on September 18, 2000, and was received by defendant Doe on September 19, 2000. Accordingly, this notice of removal is timely.

3. Respondent Doe is a citizen of a state other than Ohio. Respondent Yahoo.Com is a Delaware corporation with its principal place of business in California.

4. Plaintiff Hritz is the Executive Vice President and General Counsel of AK Steel Corporation, a publicly traded company whose sales exceed \$4.5 billion per year; plaintiff’s compensation from AK Steel was \$2.7 million. *See* <http://biz.yahoo.com/p/a/aks.html>. Accordingly, if Doe’s messages were defamatory, and if they caused any damage to Hritz’ reputation, it is apparent that the amount in controversy in this case would exceed \$75,000.

5. Accordingly, this Court has jurisdiction of this case under 28 U.S.C. § 1332.

6. Copies of the papers sent to the defendant are attached to this Notice.

WHEREFORE, respondent Doe requests that the above-captioned action pending in the Court of Common Pleas for Butler and/or Hamilton County, Ohio, be removed to the United States District Court for the Southern District of Ohio.

Respectfully submitted,

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