

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROY DEN HOLLANDER,
Plaintiff,

v.

PRESSREADER, INC.,
Defendant.

CIVIL ACTION NO.
DOCUMENT FILED ELECTRONICALLY

**NOTICE OF REMOVAL OF
DEFENDANT PRESSREADER, INC.**

Removed from the Civil Court of the City
of New York, County of New York

To: United States District Court - SDNY
500 Pearl Street
New York, New York 10007

With Notice to:

Clerk of the Civil Court of the City of New York
County of New York
111 Centre Street
New York, New York 10013

Roy Den Hollander, Esq.
545 East 14th Street, 10D
New York, New York 10009
Pro Se Plaintiff

PLEASE TAKE NOTICE THAT on March 7, 2019, based on the following allegations, Defendant PressReader, Inc. (“PressReader” or “Defendant”) hereby does remove this action from the Civil Court of the City of New York, County of New York, Index No. CV-24897 NY/2018, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §§ 1331, 1441 and 1446 with full reservation of any and all defenses and objections.

1. On or about October 15, 2018, Plaintiff Roy Den Hollander (“Plaintiff”) filed a civil action against PressReader in the Civil Court of the City of New York, County of New York, captioned *Roy Den Hollander v. PressReader, Inc.*, and assigned Index No. CV-24897 NY/2018 (the “Civil Court Action”). A true and correct copy of the Complaint in the Civil Court Action is attached hereto as **Exhibit A**.

2. The Complaint pleads a single cause of action for violation of Plaintiff’s right to Publicity under New York Civil Rights Law §§ 50 & 51.

3. PressReader received a Summons and Complaint in the Civil Court Action on or about November 30, 2018. A true and correct copy of the Summons in the Civil Court Action and Request for Service Abroad of Judicial or Extrajudicial Documents is attached hereto as **Exhibit B**.

4. The initial filing did not plead any federal question claims.

5. On February 8, 2019, Plaintiff served an Amended Complaint that pleads, for the first time in this action, a claim for relief under a federal statute: the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 *et seq.* (“RICO”). Attached hereto as **Exhibit C** is a true and correct copy of the Amended Complaint.

6. On February 15, 2019, the Civil Court of the City of New York entered an order setting a briefing schedule for PressReader’s motion to dismiss the Amended Complaint, which Order is attached as **Exhibit D**. Exhibits A-D constitute copies of all process, pleadings, and orders that have been served on PressReader in this action. 28 U.S.C. § 1446(a).

7. Removal is timely pursuant to 28 U.S.C. § 1446(b) because this Notice is filed within thirty (30) days after service of the Amended Complaint upon PressReader, PressReader’s

first notice that this action includes a claim that presents a federal question under 28 U.S.C. § 1331.

8. Written notice of the filing of this Notice of Removal will be served upon Plaintiff's counsel as required by 28 U.S.C. § 1446(d).

9. A copy of this Notice of Removal is being served upon Plaintiff and is being filed contemporaneously with the Clerk of the Civil Court of the City of New York, County of New York, as required by 28 U.S.C. 1446(d).

10. Venue is proper under 28 U.S.C. § 1441(a) because the Civil Court of the City of New York, County of New York is located within the district of the United States District Court for the Southern District of New York.

11. This Court has jurisdiction over Count 2 of the Amended Complaint pursuant to 28 U.S.C. § 1331 because it asserts a claim that presents a federal question, specifically a claim under a United States statute.

12. This Court has supplemental jurisdiction over Count 1 of the Amended Complaint, for violation of Article 5 of the N.Y. Civil Rights Law §§ 50 and 51, because that claim is part of the same case or controversy as Plaintiff's civil RICO claim, Count 2, both of which are alleged to concern the purportedly improper use of Plaintiff's name in particularly identified newspaper articles.

WHEREFORE, Defendant respectfully requests that the Civil Court action be removed from the Civil Court of the City of New York, County of New York to the United States District Court for the Southern District of New York.

Dated: New York, New York
March 7, 2019

DENTONS US LLP

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