

JUDGE SWAIN

15 CV 00754

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOV MALNIK AND TOMER FEINGOLD,

Plaintiff,

-against-

MUDDY WATERS, LLC, CARSON BLOCK, and
JOSHUA STEINBERG

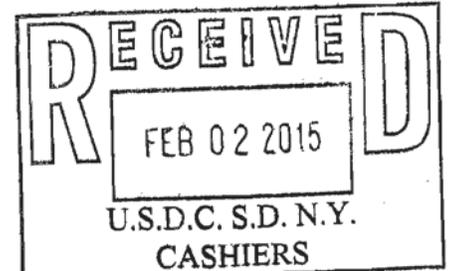
Defendant.

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Docket no. _____ / 15

NOTICE OF REMOVAL

Jury trial demanded



PLEASE TAKE NOTICE that, PURUSANT TO 28 U.S.C. §§ 1441 *et seq.*,

Muddy Waters, LLC ("Muddy Waters"), and Carson Block ("Block"), named herein as defendants, through their attorneys Raines Feldman LLP, hereby remove the New York State Supreme Court action described below to the United States District Court for the Southern District of New York on the following grounds:

1. The plaintiffs named in the caption above have commenced an action in the Supreme Court of the State of New York, County of New York, entitled *Dov Malnik and Tomer Feingold v. Muddy Waters, LLC, Carson Block, and Joshua Steinberg*, index number 652948/2014 ("State Court Action"). A copy of the summons with notice ("Summons") is annexed hereto as Exhibit 1. Plaintiffs have not filed or served a complaint in the State Court Action. A copy of all other documents served upon Muddy Waters and Block in the State Court Action are annexed hereto as Exhibits 2 through 7. Exhibits 1 through 7 comprise the state court's entire file in this action.

upon Block no earlier than January 17, 2015. Joshua Steinberg has not been served with the Summons, but upon information and belief, Steinberg consents to removal of this action to Federal Court.

3. No responsive pleadings have been served in the State Court Action, and the time within which to do so has not expired. This notice is being filed within 30 days after the service of the pleadings upon the defendants. Thus, this Notice of Removal is timely filed in this Court.¹

4. The State Court Action is a Civil Action of which this Court has original jurisdiction under 28 U.S.C. § 1332(a) (diversity) and which may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 *et seq.*

5. Block is an individual. When the Summons was filed, Block was, and still is, a citizen and resident of the State of California. When the Summons was filed, Block was, and still is, domiciled solely in California. When the Summons was filed, Block was not, and still is not, a citizen of any State other than California or a citizen of any country other than the United States.

6. Defendant Joshua Steinberg is an individual and a citizen of the United States. When the Summons was filed, Steinberg was not, and still is not, a citizen of the State of New York or a citizen of any country other than the United States. On information and belief, when the Summons was filed, Steinberg was, and still is, a

¹ Also, the Summons does not allege the citizenship, domicile, or residency of any of the parties. Therefore, no deadline to file a notice of removal has even been established.