

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

JUN 10 2009

JAMES M. HAMILTON, Clerk  
By [Signature] Deputy Clerk

**-HTW**

JOSEPH HAMILTON and DEEP SOUTH  
WRESTLING, LLC

Plaintiffs,

v.

WORLD WRESTLING ENTERTAINMENT,  
INC.,

Defendant.

CIVIL ACTION FILE

**1** ~~NO~~ **09-CV-1559**

**NOTICE OF REMOVAL**

NOW COMES Defendant World Wrestling Entertainment, Inc., (hereinafter referred to as "WWE" or "Defendant"), and, pursuant to 28 U.S.C. §§ 1441, et seq., files this Notice of Removal and in support thereof states the following:

1. On April 20, 2009, an action was filed against WWE in the State Court of Fulton County, Georgia, styled Joseph Hamilton and Deep South Wrestling, LLC v. World Wrestling Entertainment, Inc. Copies of the Summons and Complaint are attached hereto as Exhibit "A." WWE acknowledged service of the Summons and Complaint on June 9, 2009. A true and correct copy of the Acknowledgment of Service of Complaint executed by WWE is attached hereto as Exhibit "B." Accordingly, WWE's Notice of Removal is timely because it has

been filed within 30 days of the date WWE acknowledged service of the Summons and Complaint. See OCGA § 9-10-73, that provides “[t]he defendant may acknowledge service or waive process by a writing signed by the defendant or someone authorized by him.” See also SRM Realty Services Group, LLC v. Capital Flooring Enterprises, Inc., 274 Ga. App. 595, 617 S.E.2d 581 (2005) (Acknowledgment of service and waiver of process pursuant to OCGA § 9-10-73 “put the party in precisely the same situation as though process were annexed and service effected by the proper officer;” where service is acknowledged pursuant to OCGA § 9-10-73, an answer must be served within 30 days after service is acknowledged).

2. The above-described action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332(a)(1) in that it is a civil action where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

3. Plaintiff Joseph Hamilton is, upon information and belief, a citizen of Georgia.

4. Deep South Wrestling, LLC is a Georgia limited liability company. Upon information and belief, the sole member of Deep South Wrestling, LLC is Joseph Hamilton, who is a citizen of the State of Georgia. Accordingly, Deep

South Wrestling, LLC's citizenship is the State of Georgia. See Marshall Design-Build, LLC v. Bryant's Millwrights Const. Co. Inc., 2009 WL 936959 (M.D. Ga. April 6, 2009), citing to Rolling Greens MHP v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1021-22 (11th Cir.2004) ("In the Eleventh Circuit, the citizenship of a limited liability company, as an artificial, unincorporated entity, is determined for diversity jurisdiction purposes by the citizenship of all the members composing the organization. Thus, a limited liability company is a citizen of any state of which a member of the company is a citizen").

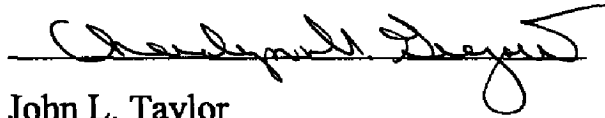
5. Defendant World Wrestling Entertainment, Inc. is a Delaware corporation with a principal place of business in Stamford, Connecticut.

6. Pursuant to 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1332(c)(1), this Court has original jurisdiction over this action due to the parties' diversity of citizenship, thereby making this action removable pursuant to 28 U.S.C. § 1441(a).

7. WWE will, after the filing of this Notice of Removal, promptly give written notice thereof to all adverse parties as required by law and will file a true and correct copy of this Notice of Removal with the State Court of Fulton County, Georgia, as provided by law.

8. Wherefore, WWE hereby removes the action described in paragraph 1 above now pending in the State Court of Fulton County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 10th day of June, 2009.



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