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7 Service Corporation, a mutual legal reserve
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8 Cross and Blue Shield of Illinois

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

11
12 RAMIN M. ROOHIPOUR, M.D., INC., a
California corporation; and R&R
13 SURGICAL INSTITUTE, an
unincorporated association;

14
15 Plaintiffs,

16 vs.

17 BLUE CROSS BLUE SHIELD OF
ILLINOIS, an Illinois Corporation; and
18 DOES 1 through 20, inclusive;

19 Defendants.
20

Case No.: 2:21-cv-06434

[Removal from Superior Court of
California, Los Angeles County, Case
No. 21TRCV00333]

**NOTICE OF REMOVAL OF CIVIL
ACTION UNDER 28 U.S.C. §§ 1332
AND 1441**

*[Filed concurrently with (1) Civil Cover
Sheet; (2) Declaration of David Culberg;
and (3) Certification and Notice of
Interested Parties]*

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1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR**
2 **THE CENTRAL DISTRICT OF CALIFORNIA:**

3 PLEASE TAKE NOTICE THAT Defendant Health Care Service Corporation,
4 a mutual legal reserve company, doing business in Illinois as Blue Cross and Blue
5 Shield of Illinois (“HCSC”), erroneously sued as BLUECROSS SHIELD OF
6 ILLINOIS, hereby gives notice of its removal of the above-captioned action, currently
7 pending in the Superior Court of the State of California for the County of Los
8 Angeles, to the United States District Court for the Central District of California. As
9 set out more fully below, this case is a civil action over which this Court has
10 jurisdiction pursuant to 28 U.S.C. § 1332, and is one that may be removed to this
11 Court pursuant to 28 U.S.C. § 1441(b) because it is a civil action between citizens of
12 different states and the amount in controversy exceeds \$75,000.

13 In compliance with 28 U.S.C. § 1446(a), HCSC asserts the following grounds
14 for removal:

15 **I. REMOVAL IS PROPER BECAUSE THIS NOTICE OF REMOVAL IS**
16 **FILED TIMELY AND THIS COURT HAS SUBJECT MATTER**
17 **JURISDICTION PURSUANT TO 28 U.S.C. §§ 1332 AND 1441**

18 A. The Notice Of Removal Is Timely

19 1. On April 28, 2021, Plaintiffs Ramin M. Roohipour, M.D., Inc. and R&R
20 Surgical Institute (“Plaintiffs”) filed this action against HCSC with the filing of a
21 Complaint (“Original Complaint”) in the Superior Court of California for the County
22 of Los Angeles, in the case entitled *Ramin M. Roohipour, M.D., Inc., et al. v. Blue*
23 *Cross Blue Shield of Illinois, et al.*, as Case No. 21TRCV00333 (the “State Court
24 Action”). Plaintiffs did not serve HCSC with the Original Complaint. A true and
25 correct copy of the Original Complaint is attached hereto as **Exhibit A**.

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1 2. On June 7, 2021, Plaintiffs filed a First Amended Complaint (“FAC”) in
2 the State Court Action. A true and correct copy of the FAC is attached hereto as
3 **Exhibit B.**

4 3. On or about July 1, 2021, Plaintiffs mailed a copy of the summons and
5 FAC to HCSC at its address in Chicago, IL. The proof of service filed in the
6 Superior Court Action reflects the FAC’s mail service date of July 2, 2021. Pursuant
7 to California Code of Civil Procedure section 415.40: “A summons may be served on
8 a person outside this state in any manner provided by this article or by sending a copy
9 of the summons and of the complaint to the person to be served by first-class mail,
10 postage prepaid, requiring a return receipt. Service of a summons by this form of mail
11 is deemed complete on the 10th day after such mailing.”

12 4. Therefore, this Notice of Removal is timely in that it was filed within
13 thirty (30) days of the service of the FAC and less than a year after the
14 commencement of the State Court Action. *See* 28 U.S.C. § 1446(b).

15 B. There Exists a Diversity of Citizenship Between the Parties

16 5. The State Court Action is a civil action of which this Court has original
17 jurisdiction under 28 U.S.C. § 1332, and is one that may be removed to this Court by
18 Defendant pursuant to the provisions of 28 U.S.C. § 1332(a)(1) and 28 U.S.C. §
19 1441(b) in that it is a civil action between citizens of different states and the amount in
20 controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and
21 the State Court Action is being removed within one year of its filing in the Los
22 Angeles Superior Court, in compliance with 28 U.S.C. § 1446(b).

23 6. The citizenship of the parties is as follows:

24 (a) Plaintiffs: Plaintiff Ramin M. Roohipour, M.D., Inc. is a
25 California corporation with its principal place of business in the County of Los
26 Angeles in the State of California, and therefore is a citizen of the State of California.
27 FAC ¶1. Plaintiff R&R Surgical Institute is an unincorporated association with its
28

1 principal place of business in the County of Los Angeles in the State of California,
2 and therefore is also a citizen of the State of California. FAC ¶2.

3 (b) **Defendant HCSC**: Defendant HCSC is an Illinois corporation
4 with its principal place of business in Cook County in the State of Illinois, and
5 therefore is a citizen of the State of Illinois. *See* Declaration of David Culberg, ¶ 3.

6 7. The amount in controversy in the State Court Action exceeds \$75,000.
7 Plaintiffs allege that they submitted claims for reimbursement to HCSC in the
8 following amounts, \$80,000 for Patient A; \$395,000 for Patient B; and \$135,000 for
9 Patient C were usual, customary and reasonable. *See* FAC ¶¶15-20, ¶¶24-29, ¶¶33-35,
10 ¶¶39-42, ¶¶45-48, ¶¶53-56. Plaintiffs allege that HCSC improperly reimbursed
11 Plaintiffs in the amount of \$4,123.33. *See* FAC ¶18, ¶20, ¶27, ¶29, ¶¶ 56.
12 Accordingly, Plaintiffs’ FAC seeks damages of at least \$605,876.67 for the alleged
13 outstanding balance for the services rendered to the three patients. *Id.*

14 8. Upon information and belief, Does 1-20 have not been named or served,
15 and thus their consent is not required. *See* 28 U.S.C. § 1441(b)(1) (“In determining
16 whether a civil action is removable on the basis of the jurisdiction under section
17 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be
18 disregarded.”).

19 9. Accordingly, this Court is vested with subject matter jurisdiction over
20 this action because complete diversity exists between all Plaintiffs and Defendant, and
21 the amount in controversy exceeds the jurisdictional amount set by 28 U.S.C. § 1332.

22 **II. VENUE**

23 10. The Superior Court of California for the County of Los Angeles is
24 located within the United States District Court for the Central District of California,
25 Western Division. *See* 28 U.S.C. § 84(c). Venue is proper in this Court because it is
26 the “district and division embracing the place where such action is pending.” 28
27 U.S.C. § 1441(a).

1 **III. COMPLIANCE WITH 28 U.S.C § 1446**

2 11. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and
3 orders served on Defendant are attached to this Notice of Removal.

4 12. In compliance with 28 U.S.C. § 1446(d), HCSC will serve on Plaintiffs
5 and will file with the Clerk of the Superior Court of California for the County of Los
6 Angeles a “Notice to the Clerk of the Superior Court and To Adverse Parties of Filing
7 of Notice of Removal of Civil Action to Federal Court,” attaching a copy of this Notice
8 of Removal.

9 13. No previous application has been made for the relief requested herein.

10 14. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28
11 U.S.C. § 1446(a).

12 15. Having complied with all statutory requirements, removal is appropriate.
13 *See, e.g., TPS Utilicom Servs. Inc. v. AT&T Corp.*, 223 F. Supp. 2d 1089, 1104 (C.D.
14 Cal. 2002) (holding removal was proper on the basis of diversity jurisdiction); *Boon v.*
15 *Allstate Ins. Co.*, 229 F. Supp. 2d 1016, 1019-20 (C.D. Cal. 2002) (same).

16
17 WHEREFORE, HCSC respectfully remove this action from the California
18 Superior Court for the County of Los Angeles to this Court pursuant to 28 U.S.C. §§
19 1332, 1441 and 1446.

20
21 DATED: August 10, 2021

REED SMITH LLP

22 By: /s/ Amir Shlesinger

Amir Shlesinger

Michelle L. Cheng

Charles P. Hyun

Attorneys for Defendant Health Care

Service Corporation, a mutual legal reserve

company, doing business in Illinois as Blue

Cross and Blue Shield of Illinois

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