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10 ADT LLC, d/b/a PROTECTION ONE (erroneously sued as  
11 ADT, INC. and PROTECTION 1)

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA

14 TEMECULA GOLD AND JEWELRY;  
15 ALFY SHENOUDA,

16 Plaintiffs,

17 vs.

18 ADT, INC., a California corporation;  
19 PROTECTION 1, a California  
20 corporation; and DOES 1 through 50,

21 Defendants.

Case No.: 5:21-cv-635

Judge: Hon.  
Ctrm.:

**ADT LLC, D/B/A PROTECTION  
ONE'S NOTICE OF REMOVAL**

[Filed concurrently with Notice of  
Interested Parties; Corporate Disclosure  
Statement; Notice of Related Cases;  
and Civil Cover Sheet]

Complaint filed: January 29, 2021

22 TO ALL PARTIES, THEIR ATTORNEYS OF RECORD, AND THE CLERK OF  
23 THE ABOVE-ENTITLED COURT:

24 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332, 1441, and 1446,  
25 Defendant ADT LLC, d/b/a Protection One ("ADT"), hereby removes the above-  
26 entitled case from the Superior Court of California, County of Riverside, to the United  
27 States District Court, Central District of California, based on diversity of citizenship  
28 jurisdiction, on the following grounds:

1 1. The removed case is a civil action brought by Plaintiffs Temecula Gold  
2 and Jewelry; and Alfy Shenouda (“Plaintiffs”), on or about January 29, 2021, in  
3 Superior Court of the State of California, County of Riverside, and is entitled  
4 *Temecula Gold and Jewelry; and Alfy Shenouda vs. ADT, Inc.; Protection 1; and*  
5 *Does 1 through 50, inclusive*, having been assigned Case No. CVRI2100440. ADT  
6 accepted service of process on March 11, 2021. The Complaint alleges claims for  
7 Breach of Contract; Unjust Enrichment; and Negligence (*See* Complaint, **Exhibit A.**)

8 2. Defendant ADT removes this action under 28 U.S.C. §§1332(a) and  
9 1441(b) on the grounds that complete diversity of citizenship exists between Plaintiffs  
10 and ADT, and the amount in controversy exceeds \$75,000, exclusive of interest and  
11 costs.

12 **PAPERS FROM THE REMOVED ACTION**

13 3. As required by 28 U.S.C. § 1446(a), attached are copies of all pleadings  
14 and orders in the possession of ADT in the removed case.

15 4. True and correct copies of the Civil Cover Sheet, Summons, Complaint,  
16 and Acknowledgements of Service are included in **Exhibit A** attached hereto.

17 5. **Exhibit A** constitutes all papers, process, pleadings, and orders served  
18 upon and received to date in this matter by ADT.

19 **COMPLETE DIVERSITY EXISTS BETWEEN THE PARTIES**

20 6. Complete diversity of citizenship exists between the parties.

21 7. Plaintiff Alfy Shenouda is a citizen of Riverside County, California. (*See*  
22 Complaint, ¶3.) State citizenship for diversity purposes requires that the individual be  
23 domiciled in that state. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th  
24 Cir. 1983). A person’s domicile is the place he or she resides with the intent to remain  
25 or to which he or she intends to return. *Kanter v. Warner-Lambert Co.*, 265 F.3d 853,  
26 857 (9th Cir. 2001). A party’s place of residence is “prima facie” evidence of  
27 domicile. *Gonzalez v. First NLC Fin. Servs.*, No. CV 09-4147 AHM, 2009 WL

1 2513670, at \*2 (C.D. Cal. Aug. 12, 2009) (citing *State Farm Mut. Auto. Ins. Co. v.*  
2 *Dyer*, 19 F.3d 514, 520 (10th Cir. 1994)).

3 8. Plaintiff Temecula Gold and Jewelry, at all relevant times, owned and  
4 operated a jewelry store business in the state of California (*See* Complaint, ¶3.) Thus,  
5 Plaintiffs are California citizens.

6 9. ADT is a limited liability company, the citizenship of which is  
7 determined by the citizenship of its members. *See Johnson v. Colombia Props.*  
8 *Anchorage, LP*, 437 F.3d 894 (9th Cir. 2006). ADT’s sole member is The ADT  
9 Security Corporation, a Delaware corporation with its principal place of business  
10 located in Boca Raton, Florida. Under 28 U.S.C. § 1332(c)(1), The ADT Security  
11 Corporation is a citizen of Delaware and Florida. ADT is therefore a citizen of  
12 Delaware and Florida. ADT is not, and was not at the time of filing, a citizen of the  
13 State of California within the meaning of the Acts of Congress relating to the removal  
14 of actions. 28 U.S.C. § 1332(c)(1).

15 10. “ADT, Inc.” was improperly named as it has no business relationship  
16 with Plaintiffs. Nevertheless, ADT, Inc. is a Delaware corporation, with a principal  
17 place of business in Boca Raton, Florida. Thus, ADT, Inc. is not a citizen of  
18 California.

19 11. “Protection 1” was improperly named. Protection One’s assets were  
20 acquired by ADT LLC. Protection One did not survive as an independent entity, and  
21 thus shares citizenship with ADT LLC, d/b/a Protection One (Delaware and Florida).  
22 “Protection 1” is not a citizen of California.

23 12. For purposes of removal, the citizenship of defendants sued under  
24 fictitious names (John Does 1 through 50, inclusive) is disregarded. 28 U.S.C.  
25 § 1441(a).

1 13. Because Plaintiffs are citizens of California, and ADT is a citizen of  
2 Delaware and Florida, requisite diversity of citizenship is satisfied under 28 U.S.C.  
3 § 1332(a)(1).

4 **THE AMOUNT-IN-CONTROVERSY IS SATISFIED**

5 14. The amount in controversy in this case exceeds \$75,000, excluding  
6 interest and costs.

7 15. A defendant may utilize the allegations in a complaint to establish the  
8 amount in controversy. *Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 377  
9 (9th Cir. 1997), citing *Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326 (5th Cir. 1995);  
10 *Conrad Assocs. v. Hartford Accident & Indemn. Co.*, 994 F. Supp. 1196, 1198 (N.D.  
11 Cal. 1998). Alternatively, a defendant may set forth facts in its notice of removal that  
12 demonstrate that the amount in controversy exceeds \$75,000. *Singer*, 116 F.3d at 377.  
13 Courts may use “judicial experience and common sense” in determining whether it is  
14 “facially apparent” that the amount in controversy is satisfied. *Dourian v. Stryker*  
15 *Corp.*, No. CV 12-1790 DSF (CWX), 2012 WL 12893752, at \*1 (C.D. Cal. Apr. 25,  
16 2012).

17 16. Plaintiffs seeks damages regarding two burglaries in July 2019 and on  
18 February 24, 2020 that resulted in Plaintiffs inability to continue operating the  
19 business. Specifically, Plaintiffs allege the jewelry business was broken into,  
20 vandalized, and most if not all of its high-end jewelry was stolen. Plaintiffs state the  
21 jewelry store “carries expensive, high-end items such as gold, jewelry, diamonds,  
22 emeralds, and other precious [sic] metals” [*See* Paragraphs 12, 19, Complaint]. When  
23 describing the February 24, 2020 burglary, Plaintiffs state that “[m]ost, if not all,  
24 valuables in Plaintiffs’ business were subsequently stolen.” [*See* Paragraph 17,  
25 Complaint]

26 17. Plaintiffs also complain of “vandalism, theft, and destruction of  
27 Plaintiffs’ business.” [*See* Paragraph 18, Complaint]. Plaintiffs claim they suffered

1 “extensive property damage and destruction to their business” and “robbery of  
2 valuables, and vandalism” [See Paragraph 13, Complaint].

3 18. As a result, Plaintiffs complain that “Plaintiffs’ entire business was  
4 robbed and destroyed,” “jewelry and monies were stolen, casings [sic] were broken,  
5 and the entire interior and framework was destroyed” [see Paragraph 20, Complaint],  
6 and that “Plaintiffs’ entire business was burglarized and destroyed” and “Plaintiffs  
7 were unable to operate their business.” [see Paragraph 21, Complaint].

8 19. Plaintiffs’ Prayer for Relief seeks the following, excluding costs and  
9 interest, as follows: “1) The cost of repairing damaged and/or destroyed property  
10 according to proof; 2) Loss of the use benefit, and enjoyment of Plaintiffs’ personal  
11 property; 3) Loss of wages and/or any related displacement and/or out of pocket living  
12 expenses; 4) All Special damages according to proof; 5) All General damages  
13 including but not limited to worry, grief, distress, annoyance, anxiety, discomfort, and  
14 emotional damages, according to proof; 8) Loss of business income/business profits;  
15 and 10) All monies paid to [ADT] for which they were unjustly enriched.” [See  
16 Prayer for Relief, Complaint].

17 20. Thus, Plaintiffs’ claim for damages exceeds the requisite amount in  
18 controversy for purposes of diversity jurisdiction under 28 U.S.C. § 1332(a).

19 **REMOVAL IS TIMELY**

20 21. Under 28 U.S.C. §1446(b), defendants may remove within 30 days after  
21 receipt of the initial pleading setting forth the claim for relief on which the action or  
22 proceeding is based.

23 22. ADT accepted service on March 11, 2021.

24 23. This Notice of Removal is therefore filed within thirty (30) days after  
25 receipt by ADT of the initial pleading upon which the aforesaid action is based  
26 pursuant to Rule 6(a) of the Federal Rules of Civil Procedure and 28 U.S.C.  
27 § 1446(b).

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