

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
ANN ARBOR DIVISION**

Mark W. Dobronski)	
)	
Plaintiff,)	
)	Case No. <u>21-12549</u>
vs.)	
)	
AT&T Corp. and DIRECTV, LLC,)	
)	
Defendants.)	

DEFENDANTS’ NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants AT&T Corp. and DIRECTV, LLC (collectively the “Defendants”) hereby remove this action from the Circuit Court for the 22nd Judicial Circuit of the State of Michigan, County of Washtenaw to the United States District Court for the Eastern District of Michigan, Ann Arbor Division, pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446. In support of removal, Defendants state as follows:

1. By complaint dated October 7, 2021, Plaintiff Mark W. Dobronski (“Dobronski”) purportedly instituted this action against the Defendants. A true and correct copy of the complaint (“Complaint”) and writ of summons (“Summons”) are attached hereto as Exhibit A. The Complaint has been assigned docket number 21-001075-NZ in state court.

2. Defendants first received a copy of the Complaint on October 7, 2021. As reflected on the cover sheet to Exhibit A, at that time, the Complaint was served on The Corporation Company in Plymouth, MI.

3. No other proceedings have been held in the Circuit Court for Washtenaw County, Michigan in this action and the Summons and Complaint constitute all process and pleadings served upon Defendants in this action. No Defendant has filed a responsive pleading to the Complaint.

4. The Complaint asserts claims against the Defendants for allegedly violating federal law by using automated equipment to place solicitation calls to Plaintiff Dobronski without his permission and despite him being on the do-not-call list. Comp. at ¶¶ 49-89. Dobronski alleges that Defendants violated multiple sections of the federal law that prohibits such conduct, the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, and its implementing regulations. Comp. at ¶¶ 82-102. The Complaint also alleges similar claims arising under Michigan state law. Comp. at ¶¶ 103-108.

5. Each of the claims arises out of the same basic allegations. Dobronski alleges that he registered his telephone number on the national do-not-call list. Comp. at ¶ 29. Despite that, he claims, he received calls that attempted to sell Defendants’ products while using inaccurate caller ID information. *Id.* at ¶¶ 49-89.

Dobronski alleges that the calls continued even after he asked the caller to stop. *Id.* at ¶ 32.

6. Because Dobronski’s complaint includes a claim against Defendants under the federal TCPA, this action arises under the “laws . . . of the United States” over which this Court has original jurisdiction. 28 U.S.C. § 1331. Accordingly, this action is removable to this Court under 28 U.S.C. § 1441. *See Mims v. Arrow Fin. Servs. LLC*, 565 U.S. 368 (2012).

7. To the extent that Dobronski asserts claims under Michigan state law, this Court has supplemental jurisdiction over his claims because such claims are so related to Dobronski’s federal claim that they are part of the same case or controversy under Article III of the United States Constitution. 28 U.S.C. § 1367. Indeed, the state and federal claims both rely on the exact same theory—that Defendants violated telemarketing requirements by making unauthorized and inappropriate calls to Dobronski.

8. The United States District Court for the Eastern District of Michigan is a proper venue for removal because it is the federal judicial district in which the complaint alleges the events and/or conduct giving rise to the claims occurred, namely Dobronski’s receipt of the calls at issue.¹ Additionally, the court where the state action was brought and is pending is located within the jurisdiction of the

¹ Dobronski alleges he is a resident of Washtenaw County. Complaint at ¶ 2.

United States District Court for the Eastern District of Michigan, and therefore this is the proper district court to which the action should be removed.

9. All of the defendants are parties to this Notice of Removal.

10. Accordingly, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely and proper because thirty days have not expired since any defendant received the Complaint and because all defendants have joined in the removal.

11. Pursuant to 28 U.S.C. § 1446(d), Defendants have this same date given written notice of this filing to Dobronski and filed a true and correct copy of a Notice of Filing of Notice of Removal (“Notice of Filing”) with the Clerk of the Circuit Court for the State of Michigan, Washtenaw County. A copy of such Notice of Filing (without attachments) is attached hereto as Exhibit B.

12. By removing this matter to this Court, Defendants do not waive their rights to assert any and all defenses and/or objections in this action, including any right to assert that courts in the State of Michigan lack jurisdiction over these claims.

13. The undersigned is counsel for, and is duly authorized to effect removal on behalf of, Defendants.

WHEREFORE, Defendants respectfully request that this action be removed from the Circuit Court of the 22nd Judicial District of the State of Michigan for the County of Washtenaw and that this Court take jurisdiction over further proceedings.

Dated: October 28, 2021

Respectfully submitted,

By: /s/ Roger P. Meyers

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