

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ROBERT H. BRAVER,

Plaintiff,

v.

NEWPORT INTERNET MARKETING
CORPORATION, and
ROBERT ALAN SOLOWAY,

Defendants.

Case No. _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, the defendants, Newport Internet Marketing Corporation and Robert Alan Soloway (collectively “Defendants”), hereby remove this action from the District Court of Cleveland County, State of Oklahoma. In support of removal, Defendants submit the following:

1. Defendants have been named in a civil action brought against them in the District Court of Cleveland County, State of Oklahoma, styled Robert H. Braver v. Newport Internet Marketing Corporation and Robert Alan Soloway, Case No. CJ-2004-1948 W. This action was filed on December 21, 2004, when Plaintiff filed his Petition in Cleveland County (attached as Exhibit “1”).

2. Removal is timely in that Defendants have not been properly served and received their first and only copy of the Petition and Summons via mail at the residence of Robert A. Soloway on Saturday, January 29, 2005.

3. Plaintiff is a resident of the State of Oklahoma.

4. Defendant Newport Internet Marketing Corporation is a California corporation with its principal place of business outside of Oklahoma; it is not a citizen of Oklahoma.

5. Defendant Robert Alan Soloway is an individual whose domicile is located in the State of Washington.

6. The allegations in the Petition prepared by Plaintiff's counsel indicate that the matter in controversy in this action would exceed \$75,000.00, exclusive of interest and costs. Plaintiff's Petition demands judgment in excess of \$10,000.00, as required by 12 Okla. Stat. § 2008(A)(2). Plaintiff also demands statutory damages pursuant to 15 Okla. Stat. § 776 of \$25,000 per day for a total of 52 days for (1) alleged fraudulent electronic mail messages, and (2) alleged fraudulent unsolicited commercial electronic mail messages. Thus, by the express nature of the claimed injuries and the damages claimed by Plaintiff in his Petition, the damages in this case are in excess of \$75,000.00.

7. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332 because complete diversity of citizenship exists between the parties and there is a sufficient amount in controversy.

8. A copy of this Notice of Removal is being filed in the District Court of Cleveland County, State of Oklahoma.

9. All state court papers served on Defendants at the time of removal and a certified copy of the docket sheet are attached hereto as Exhibit "2."

10. Accordingly, Defendants remove this entire action to this Court pursuant to 28 U.S.C. § 1332, 1441 and 1446 and invoke this Court's jurisdiction.

Respectfully submitted this 22nd day of February, 2005.



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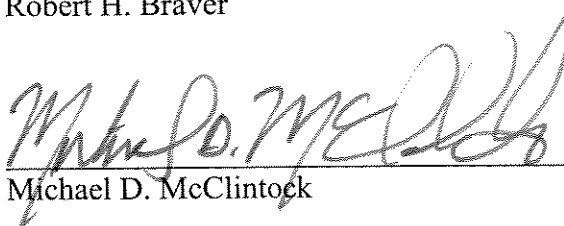
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of February, 2005, I served the above document by mail, postage prepaid, on the following, who may not be a registered participant of the ECF System:

Michael R. McKee
Attorney at Law
P.O. Box 1351
Norman, OK 73072

Attorney for Plaintiff
Robert H. Braver



Michael D. McClintock