

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GENEVIEVE MAHONEY,)	
a/k/a @genmahoney19,)	
an individual,)	
)	
Plaintiff,)	NO. 3:21-cv-00607
v.)	
)	Judge Campbell
)	Magistrate Judge Frensley
FACEBOOK, INC.,)	
a Delaware corporation,)	JURY DEMAND
)	
Defendant.)	ORAL ARGUMENT
)	REQUESTED
)	

**PLAINTIFF’S MOTION TO REMAND
TO STATE COURT PURSUANT TO FORUM-CLAUSE**

Plaintiff, Genevieve Mahoney (“Genevieve”), respectfully moves this Honorable Court to remand this case to the Circuit Court of Davidson County, Tennessee, pursuant to a valid and enforceable forum-clause of December 20, 2020, by and between, Genevieve, and the defendant, Facebook, Inc. (“Facebook”), because Facebook clearly and unequivocally waived its right to remove the case to the Middle District of Tennessee in accordance with the Terms of the forum-clause. *Regis Assocs. v. Rank Hotels (Mgmt.) Ltd.*, 894 F. 2d 193, 195 (6th Cir. 1990).

1. Facebook’s forum-clause designates the U.S. District Court for the Northern District of California as maintaining sole, exclusive federal court

jurisdiction over Genevieve's claims against Facebook, including her libel claim against Facebook that forms the basis for this lawsuit.

2. From the plain meaning of its own forum-clause which designates the Northern District of California as having exclusive federal court jurisdiction, Facebook clearly and unequivocally waived its right to remove this case to the Middle District of Tennessee. *Regis Assocs. v. Rank Hotels (Mgmt.) Ltd.*, 894 F. 2d 193, 195 (6th Cir. 1990); *APAC Atlantic Inc., d/b/a Harrison Const. Co., formerly APAC-Tenn., Inc. v. Lake Developers, II, LLC*, 2009 WL 10709911, at *2 (E.D. Tenn. Jan. 7, 2009).

3. For the reasons set forth more fully in the contemporaneously filed Memorandum of Law, Declaration of Tori Ott, and accompanying exhibits, Genevieve respectfully requests that this Court remand this case to state court in the Davidson County, Tennessee Circuit Court.

4. Counsel for Genevieve has conferred with counsel for Facebook prior to filing this motion, and Facebook opposes the motion.

Respectfully submitted,

**DUNCAN, HATCHER,
HOLLAND & FLEENOR, P. C.**

/s/ M. E. Buck Dougherty III

M. E. Buck Dougherty III, BPR #022474

Phillip E. Fleenor, BPR #012075

1418 McCallie Avenue

Chattanooga, TN 37404

(423) 266-2207 Telephone

(423) 265-8907 Facsimile

bdougherty@duncanhatcher.com

pfleenor@duncanhatcher.com

Attorneys for Plaintiff Genevieve Mahoney

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2021, a copy of the foregoing *Motion to Remand to State Court Pursuant to Forum-Clause* was filed electronically via the court's CM/ECF filing system. Notice of this filing will be sent by operation of the court to all parties indicated on the electronic filing receipt, including counsel below.

Overton Thompson III
Courtney A. Hunter
Bass, Berry & Sims PLC
150 Third Avenue South, Suite 2800
Nashville, TN 37201
(615) 742-7730 Telephone
(615) 742-2804 Facsimile
othompson@bassberry.com
courtney.hunter@bassberry.com

Counsel for Defendant Facebook, Inc.

Archis A. Parasharami
Mayer Brown LLP (DC Office)
1999 K Street, NW
Washington, D.C. 20006
aparasharami@mayerbrown.com

Counsel for Defendant Facebook, Inc.

/s/ M. E. Buck Dougherty III
M. E. Buck Dougherty III BPR #022474