

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

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GENEVIEVE MAHONEY, a/k/a	)	
@genmahoney19, an individual,	)	
	)	
Plaintiff,	)	Civil Action No. _____
	)	
v.	)	State Court Case No. 21C1107
	)	
FACEBOOK, INC.,	)	
	)	
Defendant.	)	

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**NOTICE OF REMOVAL**

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TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE AND TO PLAINTIFF GENEVIEVE MAHONEY:

PLEASE TAKE NOTICE THAT Defendant Facebook, Inc. (“Facebook”) hereby removes the state-court action described below to the United States District Court for the Middle District of Tennessee pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446.

**INTRODUCTION**

1. This is a civil action for which this Court has diversity jurisdiction under 28 U.S.C. § 1332(a), and for which removal to this Court is appropriate under 28 U.S.C. §§ 1441 and 1446.

**REMOVAL IS TIMELY**

2. On July 1, 2021, Plaintiff Genevieve Mahoney filed an action in the Davidson County Circuit Court for the State of Tennessee, captioned “GENEVIEVE MAHONEY, a/k/a

@genmahoney19, an individual, Plaintiff, v. FACEBOOK, INC., a Delaware corporation, Defendant.”

3. On July 6, 2021, Facebook was served with the Summons and Complaint. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders served upon Facebook are attached to this Notice of Removal as **Exhibit 1**.

4. “The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based[.]” 28 U.S.C. § 1446(b)(1). That requirement is met here because this Notice of Removal has been filed before August 5, 2021, the 30th day after the summons, complaint, and other case-opening documents were served on Facebook. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (“the 30-day period for removal runs” from the date that “the summons and complaint are served together”).

**28 U.S.C. §§ 1441 AND 1446 AUTHORIZE REMOVAL**

5. “[A]ny civil action brought in a State court of which the district courts of the United States have jurisdiction, may be removed by the . . . defendants, to the district court for the district and division embracing the place where such action is pending.” 28 U.S.C § 1441(a); *see also id.* § 1453(b).

6. The Middle District of Tennessee “embrac[es] the place where” the state-court “action is pending” (*id.* § 1441(a)) because the Davidson County Circuit Court is located within the Middle District of Tennessee. 28 U.S.C. § 123(b).

7. The Court has jurisdiction over this action under 28 U.S.C. § 1332(a), which confers this Court with original jurisdiction over any action that is: (1) between citizens of

different States; and (2) where the matter in controversy exceeds the sum or value of \$75,000. 28 U.S.C. § 1332(a). This action satisfies each of these requirements.

8. **The Parties Are Diverse.** Mahoney “resides in Nashville, Davidson County, Tennessee.” Compl. ¶ 43. Upon information and belief, Mahoney is a citizen of Tennessee.

9. By contrast, Facebook is a Delaware corporation with its principal place of business and headquarters in California. *Id.* ¶ 44. For purposes of determining diversity of citizenship, a corporation “shall be deemed to be a citizen of every State . . . by which it has been incorporated and of the State . . . where it has its principal place of business . . . .” 28 U.S.C. § 1332(c)(1). Thus, Facebook is a citizen of Delaware and California.

10. Accordingly, the parties are diverse.

11. **The Amount in Controversy Exceeds \$75,000.** To satisfy the amount-in-controversy requirement of 28 U.S.C. § 1332(a), a defendant need only show that a plaintiff has alleged damages in an amount greater than \$75,000. *Betcher v. Ficosa N. Am. Corp.*, 2009 WL 1971601, at \*1 (M.D. Tenn. July 7, 2009) (“The amount in controversy should be determined from the perspective of the plaintiff, with a focus on the economic value of the rights she seeks to protect.”). Here, Mahoney seeks “compensatory damages against Facebook . . . in an amount to be proven at a jury trial but not less than \$56,000,000.00.” Compl. at 38. In addition, she demands “\$112,000,000.00” in punitive damages, “for a total combined amount in compensatory and punitive damages of \$168,000,000.00.” *Id.* Although Facebook denies the claims alleged in the Complaint and further denies that Mahoney is entitled to any monetary or other relief—much less the extraordinary sum she seeks—the amount in controversy that Mahoney alleges here satisfies the jurisdictional threshold.

12. Accordingly, the amount in controversy based on the face of the complaint exceeds \$75,000, exclusive of interests and costs.

**NOTICE TO ADVERSE PARTIES AND STATE COURT**

13. In accordance with 28 U.S.C. § 1446(d), Facebook will promptly file in the Davidson County Circuit Court for the State of Tennessee, and serve Mahoney with a copy of a Notice to the Circuit Court in the form of **Exhibit 2**, as well as a copy of this notice of removal, including exhibits.

14. Facebook intends no admission of liability or personal jurisdiction by this notice of removal and expressly reserve all defenses and motions, including but not limited to its right to move to compel arbitration and to transfer venue.

**CONCLUSION**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Facebook hereby removes this action from the Davidson County Circuit Court for the State of Tennessee to the United States District Court for the Middle District of Tennessee.

Dated: August 4, 2021

Respectfully submitted,

*/s/ Overton Thompson III*  
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*Counsel for Defendant Facebook, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of August, 2021, the foregoing was filed electronically with the Clerk of the Court and was served by U.S. Mail upon the following:

M.E. Buck Dougherty  
Duncan, Hatcher, Holland, & Fleenor, P.C.  
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*/s/ Overton Thompson III*  
Overton Thompson III