

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

CASE NO.: 8:20-cv-959

SOPHIA BOOKER,

Plaintiff,

v.

PLAIN GREEN, LLC, and
HARLAN GOPHER BAKER,

Defendants.

NOTICE OF REMOVAL

To: The Honorable Judges of the United States District Court for the
Middle District of Florida, Tampa Division

The removing parties, Defendants Plain Green, LLC, and Harlan Gopher Baker
(collectively, “Defendants”), respectfully show the Court:

1. Plaintiff Sophia Booker (“Plaintiff”) commenced the above-entitled action in the
Thirteenth Judicial Circuit Court in and for Hillsborough County of the State of Florida, on
December 4, 2019.

2. Plaintiff filed an Amended Complaint in the Thirteenth Judicial Circuit Court in
and for Hillsborough County of the State of Florida, on January 2, 2020, and it is now pending in
that court.

3. A copy of the Amended Complaint was served on Defendants on March 30, 2020.

4. A civil action for which a district court has original jurisdiction founded upon a
claim or right arising under the laws of the United States is removable without regard to
citizenship or residence of the parties. 28 U.S.C. § 1441(a).

5. Under *Grable & Sons Metal Products, Inc. v. Darue Engineering &*

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Manufacturing, 545 U.S. 308 (2005), removal on the basis of original federal jurisdiction is available whenever a state court complaint necessarily raises a dispositive, substantial, and disputed question of federal law.

6. The above-mentioned action is a civil action for state law claims of violations of the Florida Consumer Collection Practices Act (FCCPA), Section 559.72, Florida Statutes (Count I) and Florida Civil Remedies for Criminal Practices Act (FCRCPA), Section 772.103, Florida Statutes (Counts II and III).

7. Defendants are affiliated with federally recognized Native American tribes; as a result of this affiliation, Defendants are shielded from liability under the FCCPA and FCRCPA by the federal doctrine of tribal sovereign immunity. *See, e.g., Kiowa Tribe v. Mfg. Techs.*, 523 U.S. 751 (1998).

8. Plaintiff's claims thus turn on a substantial, disputed question of federal law, warranting removal of this action. *See Grable*, 545 U.S. at 308.

9. Defendants file this Notice of Removal within 30 days of receipt of the initial pleading as required by 28 U.S.C. § 1446(b). Accordingly, removal of this action is timely. No previous application for removal has been made.

10. Venue is appropriate in the United States District Court for the Middle District of Florida because the Thirteenth Judicial Circuit Court in and for Hillsborough County, Florida, is located in this judicial district. 28 U.S.C. §§ 1441(a), 1446(a).

11. Removing parties are the sole defendants named in the action. 28 U.S.C. § 1446(b).

12. Pursuant to 28 U.S.C. § 1446(a), copies of all pleadings, process, and orders served on Defendants in this action are attached to this Notice as Composite Exhibit A.

13. Pursuant to 28 U.S.C. § 1446(d), on the date set forth below, a copy of this Notice

is being served on Plaintiff's attorney. On the same date, a copy of this Notice is being filed with the clerk of the Thirteenth Judicial Circuit Court of the State of Florida.

14. Defendants respectfully reserve the right to amend or supplement this Notice of Removal, and respectfully reserve the right to submit evidence supporting this Notice of Removal should Plaintiff move to remand this action to state court.

15. Defendants also respectfully reserve the right to assert any defenses to these causes of action, including, but not limited to, their right to object to personal jurisdiction and subject-matter jurisdiction.

WHEREFORE, please take notice that the above-entitled action is removed from the Thirteenth Judicial Circuit Court in and for Hillsborough County, Florida, to the United States District Court for the Middle District of Florida, Tampa Division.

Dated: April 27, 2020.

Respectfully submitted,

By: s/David J. Zack

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by United States

Mail and Electronic Mail on April 27,2020, on the following:

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