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LOS ANGELES

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12
13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15

CV09-3984

16 LAURA ANN DeCRESCENZO, aka
17 LAURA A. DIECKMAN

18 Plaintiff,

19 v.

20 CHURCH OF SCIENTOLOGY
INTERNATIONAL, a corporate entity,
21 and DOES 1-20,

22 Defendants.
23
24

) Case No.

) **REMOVAL OF CIVIL ACTION
FROM THE SUPERIOR COURT
OF THE STATE OF
CALIFORNIA FOR THE
COUNTY OF LOS ANGELES TO
THE UNITED STATES
DISTRICT COURT**

) (Los Angeles County Superior Court,
Case No. BC 411018)
25

26 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

27 PLEASE TAKE NOTICE that defendant Church of Scientology International
28 (“CSI”) hereby removes to this Court the state action described below.

1 1. On April 2, 2009, an action was commenced in the Superior Court of
2 the State of California in the County of Los Angeles, entitled “Laura Ann
3 DeCrescenzo, aka Laura A. Dieckman, Plaintiff, v. Church of Scientology
4 International, a corporate entity, and Does 1-20, Defendants,” as case number BC
5 411018. A true and correct copy of the summons and complaint are attached hereto
6 as Exhibit A and a true and correct copy of the Proof of Service of Summons by
7 substituted service is attached hereto as Exhibit B. (Brody Decl. ¶ 2, Exs. A and B.)

8 2. On the same date, Plaintiff’s counsel filed a Notice of Related Case
9 asking, under LASC Local Rule 7.3(f), that this case be found to be related to *Claire*
10 *Headley v. Church of Scientology*, LASC Case No. BC 405834. On April 30, 2009,
11 the judge assigned to the Claire Headley matter, the Hon. Jane L. Johnson, ruled that
12 the two cases were not related, so this case was not re-assigned and remained with
13 the Hon. Ronald Sohigian for all purposes. A copy of the Notice of Related Case is
14 attached as Exhibit C; a copy of the Court’s order finding the two cases not related
15 is attached as Exhibit D. (Brody Decl. ¶ 3, Exs. C, D.)

16 3. Defendant CSI was served by substituted service effective May 2,
17 2009.

18 4. Before CSI was required to answer or otherwise respond to the
19 Complaint, Plaintiff informed CSI’s counsel that he was going to file a First
20 Amended Complaint (“FAC”). Plaintiff’s counsel first provided a courtesy copy of
21 the FAC to counsel for CSI on or about May 12, 2009. Plaintiff’s counsel filed the
22 FAC on or about May 19, 2009, and served a conformed copy of CSI’s counsel on
23 or about May 22, 2009. A copy of a conformed copy of the FAC served upon CSI’s
24 counsel is attached hereto as Exhibit E. (Brody Decl. ¶ 4, Ex. E.)
25 Removal is being effected within 30 days of first receipt of a copy of the FAC by
26 CSI’s counsel and is thus timely under 28 U.S.C. § 1446(b). *See Murphy Bros., Inc.*
27 *v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354, 119 S. Ct. 1322, (1999);
28 *Schneehagen v. Spangle*, 975 F.Supp. 973, 974 (S.D. Tex. 1997). As discussed

1 below, the FAC was the first pleading that raised a federal question; hence, CSI is
2 removing the case within 30 days after receipt of an amended pleading from which
3 it could be ascertained that the case is one which is or has become removable. 28
4 U.S.C. § 1446(d).

5 5. The original complaint was not removable as it did not plead a federal
6 question. The FAC, however, does plead a federal question. The FAC purports to
7 plead seven causes of action: (1) Rescission of Unlawful Fraudulent Instruments; (2)
8 Unpaid Wages Recoverable Under B&P § 17200; (3) Discrimination and Invasion
9 of Privacy; (4) Forced Labor aka Human Trafficking; (5) Intentional Infliction of
10 Emotional Distress; (6) Obstruction of Justice; and (7) Fraud and Deceit. In the
11 fourth cause of action, for “Forced Labor,” Plaintiff pleads that

12 [p]ursuant to 18 USC [sic] §§ 1593 and 1595, Plaintiff has
13 a private cause of action under the Federal Human
14 Trafficking laws, including 18 USC [sic] § 1589 "Forced
15 Labor", on which Plaintiff may recover the full amount of
16 his [sic] loss, including payment at minimum wage and for
17 overtime and reasonable attorneys [sic] fees.

18 (FAC ¶ 73.) Plaintiff also pleads that

19 [t]he private cause of action for forced labor under 18
20 USC [sic] §§ 1589, 1593 and 1595 does not have a statute
21 of limitation [sic] provision in the Federal Human
22 Trafficking law. In that circumstance, state procedural law
23 applies and sets the appropriate statute of limitation [sic]
24 rule.

25 (*Id.* ¶ 74.) 18 U.S.C. § 1595, specifically invoked by Plaintiff, provides that the
26 “victim” of an alleged human trafficking offense, “may bring a civil action against
27 the perpetrator *in an appropriate district court of the United States . . .*” (Emphasis
28 added.) In her prayer for relief, Plaintiff prays for “all damages authorized by law

1 for forced labor/human trafficking as alleged herein” (Prayer ¶ 4, FAC at
2 50:16-18.)

3 6. Although this federal claim is pled along with other state law claims,
4 the federal claim constitutes a separate and independent claim over which the
5 federal courts originally could have exercised jurisdiction pursuant to 28 U.S.C.
6 § 1331. Thus, the entire case is removable pursuant to 28 U.S.C. § 1441(c).

7 7. Notice of this removal is being given both to the adverse party and to
8 the state court pursuant to 28 U.S.C. § 1446(d). A true and correct copy of the
9 Notice to Adverse Party is attached as Exhibit F. A true and correct copy of the
10 Notice to State Court is attached hereto as Exhibit G. (Brody Decl. ¶ 6, Exs. F, G.)

11 8. The Central District of California, Western Division, is the judicial
12 district embracing the place where LASC Case No. BC 411018 is pending. *See* 28
13 U.S.C. § 84(c)(2).

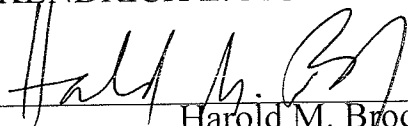
14 9. Accordingly, LASC Case No. BC 411018 is properly subject to
15 removal to the United States District Court for the Central District of California,
16 Western Division.

17 In the event this Court should have any questions about the propriety of
18 removal or may be inclined to remand this action, CSI respectfully requests that the
19 Court issue an order to show cause why the case should not be remanded, affording
20 the parties the opportunity to provide the Court with full briefing and argument.

21 DATED: June 3, 2009

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