

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CHRISTINA PRUKALA</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>CIVIL ACTION NO.</b>
	:	
<b>ADORE ME, INC.</b>	:	
<b>And JOHN DOES 1-10 and</b>	:	
<b>CORPORATIONS X, Y, Z .</b>	:	
<b>Defendants.</b>	:	

**NOTICE OF REMOVAL**

**PLEASE TAKE NOTICE** that, pursuant to 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453, Defendant, Adore Me, Inc., ("Adore Me") timely removes this action titled Christina Prukala v. Adore Me, Inc., et al. from the Court of Common Pleas of Lackawanna County, Pennsylvania to the United States District Court for the Middle District of Pennsylvania<sup>1</sup>. In support of removal, Adore Me further states as follows:

1. On or after November 30, 2015, Plaintiff, Christina Prukala, served the Complaint in this action on Adore Me by certified U.S. Mail.

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<sup>1</sup> In addition to Adore Me, the Complaint identifies as defendants "John Does 1-10" and "Corporations X, Y, Z." This Notice of Removal is nevertheless proper because the general rule that all defendants must join in a notice of removal "may be disregarded where . . . the non-joining defendants are unknown." Balazik v. County of Dauphin, 44 F.3d 209, 213, n.4 (3d Cir. 1995). Furthermore, to the extent Plaintiff styles this action as a class action, "[a] class action may be removed to a district court of the United States in accordance with section 1446 . . . without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed by any defendant without the consent of all defendants." See 28 U.S.C. § 1453(b).

2. The action is presently pending in the Lackawanna County Court of Common Pleas. A copy of the Complaint and all papers and process received by Adore Me is attached to this Notice as Exhibit "A," pursuant to 28 U.S.C. § 1446(a).

3. Prukala's Complaint is a putative class action and contains three Counts. In Count I, Prukala seeks damages for alleged violations of the Pennsylvania Unfair Trade Protection and Consumer Practices Law, 73 P.S. § 201-1 et seq. In Count II, Prukala seeks damages for alleged Unjust Enrichment. In Count III, Prukala seeks damages for alleged "Breach of Contract." See Complaint (Ex. "A") at ¶¶ 37-48.

4. This Court has original jurisdiction over this action pursuant to the Class Action Fairness Act of 2005 ("CAFA"), Pub. L. No. 109-2, 119 Stat. 4 (2005) (codified primarily in 28 U.S.C. §1332(d)), and this action is removable pursuant to 28 U.S.C. § 1453, because it is a putative class action involving 100 or more class members, an aggregate amount in controversy that is reasonably expected to exceed \$5,000,000, exclusive of interest and costs, and has minimal diversity.

5. Adore Me is not a citizen of Pennsylvania and Prukala and members of the putative class are Pennsylvania citizens. See Complaint (Ex. "A") at ¶26. ("Plaintiff represents and is a member of the Class, consisting of all persons within the

Commonwealth who may have been enrolled by Defendant in its “VIP Membership” program.”). Accordingly, CAFA's diversity requirement is met. 28 U.S.C. § 1332(d)(2)(A).

6. Plaintiff purports to represent a class whose members “number in the hundreds, if not more.” See Complaint (Ex. “A”) at ¶27.

7. As a result, “there are at least one hundred putative class members.” See 28 U.S.C. § 1332(d).

8. In the Complaint, “Plaintiff seeks for herself and each Class member any actual damages sustained as a result of Defendants' behavior ...Plaintiff estimates this total... at \$1,000.” See Complaint (Ex. “A”) at Wherefore clause (a).

9. Because Adore Me currently has approximately 15,000 VIP Members within the Commonwealth of Pennsylvania, there is a reasonable probability that the aggregate amount in controversy exceeds \$5,000,000, exclusive of interest and costs. See 28 U.S.C. § 1332(d).

10. The Court of Common Pleas of Lackawanna County, Pennsylvania is located within the Middle District of Pennsylvania and venue for this action is proper in this Court under 28 U.S.C. § 1441(a) because the Middle District of Pennsylvania is the “district and division embracing the place where such action is pending.”

11. In removing this action, Adore Me does not intend to waive any rights or defenses to which it is otherwise entitled, including but not limited to

those set forth in Federal Rules of Civil Procedure 12(b), 13, 23 and 81, and all defenses available under Pennsylvania law and its procedural rules.

12. Plaintiff filed the Complaint with the Lackawanna County Court of Common Pleas on or about November 25, 2015 and Adore Me was served on or after November 30, 2015.

13. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within thirty (30) days of the receipt of the initial pleading setting forth the alleged claims for relief.

14. Immediately following the filing of this Notice of Removal, written notice of the filing will be provided to Prukala's counsel and filed with the Prothonotary of the Court of Common Pleas of Lackawanna County, as required by 28 U.S.C. § 1446(d).

15. Adore Me intends to file a Motion to Dismiss within seven (7) days of filing this Notice of Removal in compliance with Fed.R.Civ.P. 81(c)(2).

**WHEREFORE**, Defendant Adore Me, Inc. gives notice that the civil action docketed as Civil Division No. 15-cv-6839 in the Court of Common Pleas of Lackawanna County, Pennsylvania, is removed to this Court pursuant to 28 U.S.C.

§§ 1332(d), 1441, 1446, and 1453. Defendant Adore Me, Inc. respectfully requests that this Court retain jurisdiction for all further proceedings in this matter.

**WISLER PEARLSTINE, LLP**

**By: s/ Michael D. Kristofco**  
**MICHAEL D. KRISTOFKO, ESQUIRE**  
PA Bar Nos. 73148  
460 Norristown Road, Suite 110  
Blue Bell, PA 19422  
(610) 825-8400  
Attorneys for Defendant,  
Adore Me, Inc.

Dated: December 17, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing NOTICE OF REMOVAL was filed using the Court's CM/ECF System and was served upon the following counsel of record this 17th day of December, 2015 via the Court's CM/ECF System, via email and U.S. Mail, First Class:

Joseph T. Sucec, Esquire  
325 Peach Glen-Idaville Road  
Gardners, PA 17324  
[joesucec@comcast.net](mailto:joesucec@comcast.net)  
Attorney for Plaintiff

**WISLER PEARLSTINE, LLP**

By: s/ Michael D. Kristofco  
**MICHAEL D. KRISTOFKO, ESQUIRE**  
PA Bar Nos. 73148  
460 Norristown Road, Suite 110  
Blue Bell, PA 19422  
(610) 825-8400  
Attorneys for Defendant,  
Adore Me, Inc.

Dated: December 17, 2015

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Christina Prukala

(b) County of Residence of First Listed Plaintiff Luzerne County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Joseph T. Sucec, Esquire
325 Peach Glen-Idaville Road, Gardners, PA 17324

DEFENDANTS

Adore Me, Inc.

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Michael D. Kristofco, Esquire
460 Norristown Road, Suite 110, Blue Bell, PA 19422

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. sections 1332(d), 1441, 1446 and 1453

Brief description of cause: Consumer class action based on Pennsylvania Unfair Trade Protection and Consumer Practice Law

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/17/2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE