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7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA  
9

10 RICHARD SIELA, individually and on behalf  
of all others similarly situated,  
11  
Plaintiff,

12 vs.

13 SUPERIOR GLOBAL MARKETING INC.,  
14 an Oregon corporation, d/b/a PRIMITIVE  
SURVIVORS; and DOES 1-50, inclusive,  
15  
Defendants.  
16

CASE NO. **'19CV1943 L MSB**  
(Removed from San Diego Superior Court;  
Case No. 37-2019-00040992-CU-BT-CTL)

CLASS ACTION

**NOTICE OF REMOVAL UNDER  
28 U.S.C. § 1331**

Action Filed: August 6, 2019  
Trial Date: None Set

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1 of Primitive Survivors, all employees of Plaintiff’s counsel, and the judicial officers to whom this  
2 case is assigned.

3 4. This Notice of Removal is timely because Primitive Survivors filed it within thirty  
4 days of receipt of the First Amended Complaint. *See* 28 U.S.C. § 1446(b)(3).

5 5. Removal to this district is proper under 28 U.S.C. §§ 1441(a) and 1446(a) because  
6 the state court action was filed in this district.

7 6. Defendant will contemporaneously file a copy of this notice and related documents  
8 with the clerk of the Superior Court under 28 U.S.C. § 1446(d).

9 **THE COURT HAS FEDERAL QUESTION JURISDICTION**

10 7. Plaintiff’s First Amended Complaint alleges a violation of the Electronic Funds  
11 Transfer Act (“EFTA”), a federal statute. Accordingly, this Court has federal question jurisdiction  
12 under 28 U.S.C. § 1331.

13 **THIS NOTICE OF REMOVAL IS PROCEDURALLY PROPER**

14 8. In accordance with 28 U.S.C. § 1446(a), all copies of papers filed in the State Court  
15 action as of the filing of this Notice of Removal are attached to this Notice.

16 9. Venue in this Court is proper pursuant to 28 U.S.C. § 1446(a) because this action  
17 was removed from San Diego County Superior Court, located within the District and Division of  
18 the Court.

19 10. Pursuant to 28 U.S.C. § 1446(d), Primitive Survivors is providing written notice to  
20 Plaintiff of the removal of this action.

21 11. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with  
22 the Clerk of the Superior Court of the State of California, County of San Diego.

23 12. Primitive Survivors is the only named defendant in this action. Primitive Survivors  
24 is not required to investigate the identity of the unnamed defendants or to obtain their consent for  
25 removal. *See Newcombe v. Adolf Coors Co.*, 157 F.3d 686, 690-691 (9th Cir. 1998). In any event,  
26 no Doe defendant has been served. Primitive Survivors is not required to obtain consent to remove  
27 from defendants who have not been served. *See* 28 U.S.C. § 1446(b); *Salveson v. Western States*  
28 *Bankcard Ass’n*, 731 F.2d 1423, 1429 (9th Cir. 1984).

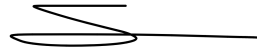
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**CONCLUSION**

For all of the reasons set forth above, Primitive Survivors removes the action brought by Plaintiff in the Superior Court of the State of California for the County of San Diego to this Court.

DATED: October 7, 2019

DE DIEGO LAW LLC



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SARAH DE DIEGO  
Attorneys for Defendant

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