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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

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11 FIFTY-SIX HOPE ROAD MUSIC  
12 LIMITED, a Bahamian corporation, and  
13 HOPE ROAD MERCHANDISING, LLC,  
14 a Florida limited liability company,

14 Plaintiffs,

15 vs.

16 JAMMIN JAVA CORPORATION, a  
17 Nevada corporation, and DOES 1-10,

18 Defendants.

12 ) Case No.:  
13 [Los Angeles County Superior Court  
14 ) Case No. BC628981

14 ) **NOTICE OF REMOVAL OF**  
15 ) **ACTION UNDER 28 U.S.C. § 1332,**  
16 ) **1441(a), 1446**  
17 ) **(DIVERSITY)**

19  
20 TO THE CLERK OF THE ABOVE ENTITLED COURT:

21 PLEASE TAKE NOTICE THAT Defendant, Jammin Java Corp. (“**JJC**” or  
22 “**Defendant**”), through undersigned counsel, hereby removes this action from the  
23 Superior Court of the State of California, County of Los Angeles, to the United  
24 States District Court for the Central District of California and sets forth in support of  
25 its Notice of Removal of Action the following:  
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1. On August 1, 2016, Fifty-Six Hope Road Music Limited (“**56HR**”) and Hope Road Merchandising, LLC (“**HRM**”) (together, “**HR Companies**”) commenced an action in the Superior Court of the State of California, County of Los Angeles, entitled *Fifty-Six Hope Road Music Limited, a Bahamian corporation, and Hope Road Merchandising, LLC, a Florida limited liability company v. Jamming Java Corporation, a Nevada corporation, and Does 1-10*, Case No. BC628981. A true and correct copy of the State Court complaint (the “Complaint”) is attached hereto as Exhibit A. True and correct copies of the summons, civil cover sheet, addendum to the civil cover sheet, notice of case assignment, voluntary efficient litigation stipulations, and waiver form in the State Court action are attached hereto as Exhibit B.

2. Through lead counsel Giovanni M. Ruscitti, Defendant JJC received the summons and complaint on August 2, 2016, from counsel for Plaintiff by email, and counsel accepted and waived service of process on August 4, 2016. Thus, this Notice is timely filed within thirty days after August 2, 2016. 28 U.S.C. §1446(b). *Murphy Brothers, Inc. v. Michetti Pipestringing, Inc.*, 119 S.Ct. 1322 (1999). A copy of the waiver is attached hereto as Exhibit C.

3. Defendant JJC has not answered the State Court Complaint, and no motions are pending.

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**The Amount in Controversy Requirement is Satisfied**

4. At issue in this case, and as further set forth in more detail in the (a) Answer, Counterclaims and Third-Party Complaint (collectively the “Counterclaims”), and (b) Application for Emergency TRO (“TRO Application”), both of which are filed concurrently herewith, is Plaintiffs’ wrongful termination Defendant’s license to use the “Marley Coffee” brand. In the short term, this will impact JJC’s ability to ship approximately \$700,000 worth of coffee product to customers who have ordered the product; thus, if JJC is prevented from completing these orders, it will incur the costs of having produced this coffee product that cannot now be sold and distributed.

5. Plaintiffs’ termination of the contract and revocation of the license will, as explained more fully in the Counterclaims and TRO Application, lead to the failure and potential bankruptcy of the Jammin Java company. In the Counterclaims, JJC has asserted claims for breach of contract, breach of implied covenant of good faith and fair dealing, intentional interference with prospective economic advantage, negligent interference with prospective economic advantage, intentional misrepresentation, negligent misrepresentation, and breach of fiduciary duties, and seeks damages in an amount to be proven at trial, but which are in excess of \$1,000,000.

6. The appropriate measure of the amount in controversy in a case removed on diversity grounds is the litigation value of the case, assuming that the allegations of

1 the complaint are true and a jury returns a verdict for the plaintiff on all claims in the  
2 complaint. *Jackson v. American Bankers Ins. Co. of Fla.*, 976 F.Supp. 1450, 1454  
3 (S.D. Ala. 1997); *see also Burns v. Windsor Ins. Co.*, 31 F.3d 1092, 1096 (11<sup>th</sup> Cir.  
4 1994) (the amount in controversy analysis presumes that “plaintiff prevails on  
5 liability”); *Richmond v. Allstate Ins. Co.*, 897 F.Supp. 447, 449-50 (S.D. Cal. 1995);  
6 *Goldberg v. CPC Int’l, Inc.*, 678 F.2d 1365, 1367 (9<sup>th</sup> Cir. 1982).

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9 7. Plaintiff’s demand for judgment does not specify the amount of damages  
10 sought. However, as specified in § 1446(a), a defendant’s notice of removal need  
11 only include a plausible allegation that the amount in controversy exceeds the  
12 jurisdictional threshold. *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135  
13 S.Ct. 547, 554 (2014). The amount in controversy requirement is satisfied because  
14 “it is more likely than not” that the amount exceeds the jurisdictional minimum of  
15 \$75,000. *See Sanchez v. Monumental Life Ins.*, 102 F.3d 398, 403 (9<sup>th</sup> Cir. 1996).

16  
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18 8. Thus, the amount in controversy here is in excess of \$75,000, excluding  
19 interest and costs.

20  
21 **Complete Diversity Exists**

22 9. Plaintiffs’ Complaint alleges that 56HR is a Bahamian corporation with its  
23 principal place of business in Nassau, Bahamas. Complaint, ¶ 6.

24  
25 10. Plaintiffs’ Complaint alleges that HRM is a limited liability company  
26 organized under the laws of the State of Florida with its principal place of business  
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1 in Miami, Florida. Complaint, ¶ 7.

2 11.The Complaint alleges that the owners of HRM are the widow and nine of the  
3 ten children of Bob Marley. Complaint, ¶ 7.

4  
5 12.Based on information known to JJC or publically available, the widow and  
6 children of Bob Marley are: Alpharita Constantia "Rita" Marley (widow), Sharon  
7 Marley Prendergast, Cedella Marley, David “Ziggy” Marley, Stephen Marley,  
8 Robert “Robbie” Marley, Rohan Marley, Karen Marley, Stephanie Marley, Julian  
9 Marley, Ky-Mani Marley, Damian Marley.

10  
11 13.Based on information known to JJC or publically available, Alpharita  
12 Constantia "Rita" Marley is and at all relevant times was, a citizen of Jamaica and  
13 not admitted for permanent residence in the United States nor domiciled in Colorado  
14 or Nevada. In any event, it is believed that to the extent Rita Marley resides or is  
15 domiciled in the United States, it is in New York or Florida.

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18 14.Based on information known to JJC or publically available, Sharon Marley  
19 Prendergast is and at all relevant times was, a citizen of Jamaica and not admitted for  
20 permanent residence in the United States nor domiciled in Colorado or Nevada. In  
21 any event, it is believed that to the extent Sharon Marley Prendergast resides or is  
22 domiciled in the United States, it is in Florida.

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25 15.Based on information known to JJC or publically available, Cedella Marley is  
26 and at all relevant times was, a citizen of Jamaica and not admitted for permanent  
27

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1 residence in the United States nor domiciled in Colorado or Nevada. In any event, it  
2 is believed that to the extent Cedella Marley resides or is domiciled in the United  
3 States, it is in Florida.

4  
5 16. Based on information known to JJC or publically available, David “Ziggy”  
6 Marley is and at all relevant times was, a citizen of Jamaica and not admitted for  
7 permanent residence in the United States nor domiciled in Colorado or Nevada. In  
8 any event, it is believed that to the extent David “Ziggy” Marley resides or is  
9 domiciled in the United States, it is in California.

10  
11 17. Based on information known to JJC or publically available, Stephen Marley is  
12 and at all relevant times was, a citizen of Jamaica and not admitted for permanent  
13 residence in the United States nor domiciled in Colorado or Nevada. In any event, it  
14 is believed that to the extent Stephen Marley resides or is domiciled in the United  
15 States, it is in Florida.

16  
17 18. Based on information known to JJC or publically available, Robert “Robbie”  
18 Marley is and at all relevant times was, a citizen of Jamaica and not admitted for  
19 permanent residence in the United States nor domiciled in Colorado or Nevada. In  
20 any event, it is believed that to the extent Robert “Robbie” Marley resides or is  
21 domiciled in the United States, it is in Florida.

22  
23 19. Based on information known to JJC or publically available, Rohan Marley is  
24 and at all relevant times was, a citizen of Jamaica and not admitted for permanent  
25 residence in the United States nor domiciled in Colorado or Nevada. In  
26 any event, it is believed that to the extent Rohan Marley resides or is  
27 domiciled in the United States, it is in Florida.

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residence in the United States nor domiciled in Colorado or Nevada. In any event, it is believed that to the extent Rohan Marley resides or is domiciled in the United States, it is in New York. Rohan Marley is not, and was not at any relevant time, a citizen or resident of the State of California.

20. Based on information known to JJC or publically available, Karen Marley is and at all relevant times was, a citizen of Jamaica and not admitted for permanent residence in the United States nor domiciled in Colorado or Nevada. In any event, it is believed that to the extent Robert “Robbie” Marley resides or is domiciled in the United States, it is in California.

21. Based on information known to JJC or publically available, Stephanie Marley is and at all relevant times was, a citizen of Jamaica and not admitted for permanent residence in the United States nor domiciled in Colorado or Nevada. In any event, it is believed that to the extent Stephanie Marley resides or is domiciled in the United States, it is in Florida.

22. Based on information known to JJC or publically available, Julian Marley is and at all relevant times was, a citizen of Jamaica and not admitted for permanent residence in the United States nor domiciled in Colorado or Nevada. In any event, it is believed that to the extent Julian Marley resides or is domiciled in the United States, it is in Florida.

23. Based on information known to JJC or publically available, Ky-Mani Marley

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1 is and at all relevant times was, a citizen of Jamaica and not admitted for permanent  
2 residence in the United States nor domiciled in Colorado or Nevada. In any event, it  
3  
4 is believed that to the extent Ky-Mani Marley resides or is domiciled in the United  
5 States, it is in Florida.

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7 24. Based on information known to JJC or publically available, Damian Marley is  
8 and at all relevant times was, a citizen of Jamaica and not admitted for permanent  
9 residence in the United States nor domiciled in Colorado or Nevada. In any event, it  
10 is believed that to the extent Damian Marley resides or is domiciled in the United  
11 States, it is in Florida.

12  
13 25. Plaintiffs' Complaint alleges, and JJC agrees, that JJC is a corporation  
14 organized under the laws of the State of Nevada with its principal place of business  
15 in Denver, Colorado. JJC is not, and was not at any relevant time, a citizen of the  
16 State of California.

17  
18 26. The Complaint also names Defendants Does 1-10. Pursuant to 28 U.S.C. §  
19 1441(b)(1), the citizenship of these defendants is disregarded.

20  
21 27. This is a civil action over which the Court has original diversity jurisdiction  
22 under the provisions of 28 U.S.C. § 1332 and may be removed to this Court by the  
23 Defendants pursuant to the provisions of 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446  
24 because it is a civil action between citizens of different states and citizens of a State  
25 and citizens or subjects of a foreign state, and the matter in controversy herein  
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exceeds the sum or value of \$75,000, exclusive of interest and costs.

28. This Notice of Removal is being filed within thirty (30) days of service on the defendant. Thus, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

29. Removal to this Court is proper, as the Superior Court of the State of California, County of Los Angeles, where this action was originally filed, is located within this district.

30. Counsel for JJC certifies that it will promptly file a copy of this Notice of Removal with the Clerk of the Superior Court of the State of California, County of Los Angeles, and give prompt notice of same to counsel for the HR Companies.

WHEREFORE, Defendant JJC removes the original action brought by Plaintiffs, which now is pending in the Superior Court of the State of California, County of Los Angeles.

DATED: August 4, 2016

Respectfully Submitted,

TILDEN MCCOY + DILWEG LLP

/s/ Padraic I. McCoy  
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