

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

JUSTIN T. LEBRUN * **CIVIL ACTION**
VERSUS * **NO.**
CBS BROADCASTING INC., WINGS * **SECTION**
PRODUCTIONS AND ABC INSURANCE * **JUDGE**
* **MAGISTRATE**

* * * * *

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, come the defendants, CBS Corporation, improperly referred to herein as the CBS Broadcasting, Inc. and Danni Productions, LLC, who file this Notice of Removal and request that this cause of action, which is pending in the 34th Judicial District Court for the Parish of Saint Bernard, State of Louisiana, No. 18-0254 “E”, be removed to the United States District Court for the Eastern District of Louisiana, on the basis of diversity of citizenship and the potential that the plaintiff’s claim may exceed the threshold amount of \$75,000.00.

I.

On February 21, 2018, plaintiff filed his Petition for Damages against CBS Broadcasting, Inc. and Wings Productions, as a result of alleged injuries he suffered while working as a paid actor on the set of the television show “NCIS: New Orleans” at 78700 W. Judge Perez Dr. in Chalmette, Louisiana 70043 (See Exhibit A).

II.

On May 17, 2018, plaintiff filed a First Amending and Supplemental Petition for Damages adding in Danni Productions, LLC as a defendant.

III.

Plaintiff, Justin Lebrun, is a citizen of the State of Louisiana. Defendant, CBS Broadcasting, Inc., is a foreign corporation doing business in the State of Louisiana and Danni Productions, LLC is a corporation doing business in the State of Louisiana.

IV.

Process was served upon CBS Broadcasting, Inc. on March 22, 2018. Process was served upon Danni Productions, LLC on June 14, 2018. (See Exhibits B and C)

V.

Plaintiff has alleged in his petition for damages that on October 18, 2017, he was working as a paid actor on the set of the television show “NCIS: New Orleans” at 78700 W. Judge Perez Dr. in Chalmette, Louisiana 70043. His acting role was that of an “armed robber” and while acting out his role of “robbing” the jewelry store, local police officers arrived on scene with guns pointed at him as they believed that an actual armed robbery was taking place. He itemized his damages as medical expenses, past, present and future; physical pain and suffering, past, present and future including stomach pain, headaches, insomnia and anxiety; mental pain and anguish, past, present and future including post-traumatic stress disorder; inconvenience, loss of gratification or and/or intellectual and/or physical enjoyment of life and/or loss of lifestyle, as well as lost wages; and other damages.

VI.

On July 30, 2018, undersigned counsel received a response from a Subpoena Duces Tecum that was directed to Counseling Services of SWLA. In the response there was a letter from Lawrence Dilks, Ph.D. to Jacob Goehring dated January 29, 2018 (See Exhibit D). In this note, Dr. Dilks stated that Mr. Lebrun is suffering from Major Depression, Anxiety Disorder and Posttraumatic Stress Disorder. He went on to state that he has seen Mr. Lebrun on several occasions and this depression, anxiety and PTSD remain significant and it is his opinion that these issues are a direct result of his interaction with the authorities while filming for a television show. Dr. Dilks recommended that Mr. Lebrun have individual counseling on a regular basis; have regular consultation with his treating physician and remain off work for a minimum of 6 months to focus on treatment.

VII.

Pursuant to La. Code of Civil Procedure Art. 893, plaintiff is not required, nor is he permitted, to specify in his lawsuit the amount of damages sought. However, based on the allegations in his petition, his continuing treatment, the letter from Dr. Dilks to Jacob Goehring dated January 29, 2018, defendants submit that plaintiff's claim will likely exceed the threshold amount of \$75,000.00.

VIII.

As a result, this Honorable Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 in that the plaintiff and defendants are diverse, and the amount in controversy exceeds \$75,000.00.

IX.

This action is removable pursuant to the provisions of 28 U.S.C. § 1441 in that it is a civil action brought in a State court on which the district courts of the United States have original jurisdiction.

X.

The Notice of Removal is being filed within thirty (30) days of the receipt of the subpoena response from Counseling Services of SWLA where it was first ascertained that the case is one which is or has become removable. 28 U.S.C. § 1446 (c)(3).

XI.

Petitioners will promptly serve written notice of the filing of this Notice of Removal on the plaintiff and a copy of this Notice for Removal will be filed with the Clerk of the 34th Judicial District Court for the Parish of Saint Bernard, State of Louisiana.

WHEREFORE, defendants, CBS Corporation, and Danni Productions, LLC, pray for removal of the above numbered and entitled cause of action from the 34th Judicial District Court for the Parish of Saint Bernard, State

of Louisiana, to this, United States District Court for the Eastern District of Louisiana.

Respectfully submitted,

WALLER & ASSOCIATES

/s/Michael R. Zsembik

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CERTIFICATE OF SERVICE

I do hereby certify that on this 15th day of August, 2018, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent by operation of the court's electronic filing system. I also certify that a copy of the foregoing will be sent to all non-CM/ECF participants by United States Mail, properly addressed and postage pre-paid.

/s/Michael R. Zsembik

MICHAEL R. ZSEMBIK