

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION, CLEVELAND, OHIO**

METRON NUTRACEUTICALS, LLC)	Case No. _____
)	
Plaintiff,)	
)	
v.)	Judge _____
)	
CHRISTINA RAHM COOK, et al.)	Notice of Removal
)	
Defendants.)	

Defendant Christina Rahm Cook, through counsel, provides notice of the removal of this civil action which was filed in the common pleas court in Cuyahoga County, Ohio as Metron Nutraceuticals, LLC v. Cook, et al., case no. 20-CV-934812. Defendant Cook is entitled to removal under 28 U.S.C. § 1441 *et seq.* and states as follows in support:

SUMMARY OF THE CASE

1. Plaintiff Metron Nutraceuticals, LLC, filed the instant action on July 13, 2020 in the Common Pleas Court of Cuyahoga County, Ohio. The case was titled Metron Nutraceuticals, LLC v. Cook, et al., Case no. 20-CV-934812. The named defendants are (1) Christina Rahm Cook (“Defendant Cook”), (2) Clayton Thomas, (3) Simply Wholeistic, Inc. d/b/a Root, Inc., (4) Root Wellness, LLC, and (5) DC2 Holdings, LLC, d/b/a DC2 Healthcare. The complaint and summonses received by Defendant Cook along with a certified mail receipt are attached as Exhibit A. The summonses served (or attempted to be served) on the other defendants along with certified mail receipts where available are attached as exhibit C through G. The sole journal entry from the Common Pleas Court case is attached as Exhibit H. A returned unsuccessful mailer to Defendant Clayton Thomas is attached as

Exhibit I. The current docket report of the Common Pleas Court case is attached as Exhibit J.

REMOVAL IS PROPER

2. This court has diversity jurisdiction under 28 U.S.C. § 1332.
3. The domiciles of the parties for purposes of diversity jurisdiction are as follows:
 - a. The Plaintiff, Metron Nutraceuticals, LLC, is an Ohio corporation with its principal place of business in Ohio and has been at all times relevant for determining diversity jurisdiction, including at the time the case was filed and at the time of removal;
 - b. Defendant Cook is domiciled in Tennessee and has been at all times relevant for determining diversity jurisdiction, including at the time the case was filed and at the time of removal;
 - c. Defendant Clayton Thomas is domiciled in Tennessee and has been at all times relevant for determining diversity jurisdiction, including at the time the case was filed and at the time of removal;
 - d. Simply Wholeistic, Inc. is a Tennessee corporation with its principal place of business in Tennessee and has been at all times relevant for determining diversity jurisdiction, including at the time the case was filed and at the time of removal;
 - e. Root Wellness, LLC is a Missouri corporation with its principal place of business in Tennessee and has been at all times relevant for determining diversity jurisdiction, including at the time the case was filed and at the time of removal;

- f. DC2 Holdings, LLC is a Delaware corporation with its principal place of business in Tennessee and has been at all times relevant for determining diversity jurisdiction, including at the time the case was filed and at the time of removal;
4. Therefore, diversity exists because the Plaintiff is a citizen of Ohio and the defendants are all citizens of other states.
 5. The jurisdictional amount is met. The Plaintiff's complaint (under the required pleading in Ohio) seeks compensatory damages in excess of \$25,000. The Plaintiff also seeks punitive damages. Under Ohio R.C. 2315.21(D), a punitive damage award may be up to two times the compensatory damage award. Therefore, the Plaintiff's complaint on its face seeks relief of compensatory damages of at least \$25,001 and punitive damages of at least up to \$50,002, resulting in a total amount in controversy of at least \$75,003, which exceeds the jurisdictional threshold of \$75,000 set forth in 28 U.S.C. § 1332(a).
 6. All other named defendants have consented to and joined in this removal as demonstrated by the notice attached as Exhibit B.
 7. Defendant Cook first received a copy of the complaint and summons on or after July 17, 2020. Accordingly, this removal is filed within the 30-day period provided by 28 U.S.C. § 1446(b).
 8. Based on all of the foregoing, this court has diversity jurisdiction under 28 U.S.C. § 1332 and removal is appropriate under 28 U.S.C. § 1441 *et seq.*
 9. A notice of this removal will be filed in the Cuyahoga County Court of Common Pleas promptly after this filing.

10. By filing this removal, Defendant Cook does not waive any potential defenses, including defenses based on lack of personal jurisdiction and insufficient service of process.
11. A civil cover sheet is attached as Exhibit K.

Respectfully Submitted,

/s/ Andrew S. Peterson

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*Attorneys for Defendant Christina
Rahm Cook*

CERTIFICATE OF SERVICE

A copy of the foregoing and exhibits is being sent on August 14, 2020 via ordinary mail to the following:

PLAINTIFF:

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Daniel A. Leister
LEWIS BRISBOIS BRISGAARD &
SMITH LLP
1375 E. 9th St., Ste. 2250
Cleveland, OH 44114

*Counsel for Metron Nutraceuticals,
LLC*

CO-DEFENDANTS:

**Simply Wholeistic, Inc., d/b/a Root,
Inc.**

c/o Kline Preston
4515 Harding Pike, Ste. 107
Nashville, TN 37205

Root Wellness, LLC

116 Wilson Pike Cir. Ste. 100

AND

c/o United States Corporation Agents,
Inc.

1213 N. Kingshighway St., Ste. 102
Cape Girardeau, MO

**DC2 Holdings, LLC d/b/a DC2
Healthcare**

116 Wilson Pike Cir., Ste. 240
Brentwood, TN 37027

AND

c/o Harvard Business Services, Inc.
16192 Coastal Highway
Lewes, Delaware 19958

Clayton Thomas

1704 Championship Blvd.
Franklin, TN 37064

/s/ Andrew S. Peterson

*One of counsel for Defendant Christina
Rahm Cook*