

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

CHRIST APOSTOLIC TEMPLE, INC.,	)	
DWIGHT REED and JORDAN REED,	)	
	)	
Plaintiffs,	)	
	)	Case No.:
vs.	)	
	)	
DEMETRIUS SINEGAL, THE KINGDOM	)	
CHURCH and SAFEHOUSE #UNMUZZLED,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

**NOTICE OF REMOVAL**  
**Removed from Iowa District Court, Polk County**

**TO:** Clerk of the U.S District Court for the Southern District of Iowa:

**PLEASE TAKE NOTICE THAT** Defendants, Demetrious Sinegal, The Kingdom Church and Safehouse #Unmuzzled hereby removes to this Court the state court action described herein pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1447. Pursuant to 28 U.S.C. § 1446(d) and this Court’s Local Rules, copies of this Notice of Removal are being served on all parties at the addresses listed in Plaintiffs’ state court complaint and are being filed in the Iowa District Court, Polk County.

**INTRODUCTION**

1. On April 6, 2022 Plaintiffs Christ Apostolic Temple, Inc., Dwight Reed and Jordan Reed filed a petition against Defendants Demetrious Sinegal, the Kingdom Church and Safehouse #Unmuzzled in the Iowa District Court, Polk County and styled as, Christ Apostolic Temple, Inc., Dwight Reed and Jordan Reed vs. Demetrious Sinegal, The Kingdom Church and Safehouse #Unmuzzled Polk County Case No. LACL152830 (the “State Court Action”).
2. The State Court Action concerns claims of libel and slander by the Plaintiffs, regarding comments made by defendants on various social media, a podcast and communication applications. Plaintiffs have made several allegations

against Defendants, including that Defendants have wrongfully accused Plaintiffs of child sexual abuse, grooming a child, sexual assault and misuse of plaintiff's position as a religious figure to abuse both physically and financially. Plaintiffs specific legal claims are libel per se and intentional infliction of emotional distress.

3. Plaintiffs seek compensatory damages, actual damages, punitive damages and attorney costs and fees in the amount of \$1.5 million dollars.
4. Defendants, who are residents of Texas, did not receive service of the amended complaint until August 22, 2022.
5. Plaintiffs allegations are denied and complete diversity exists between the named parties for the purposed of removal to federal court.
6. Pursuant to Local Rule 81, a completed civil cover sheet is attached hereto as Exhibit 1. Pursuant to local rule 81a(1), an index of documents filed in the state court action is attached hereto as Exhibit 2, and copies of all process, pleadings and orders filed in the state action are attached hereto as Exhibits 3 through 25. Pursuant to Local Rule 81a(3) a list of all counsel and the parties they represent are attached hereto as Exhibit 26.

### **BASIS FOR REMOVAL**

- I. Removal is proper because this court has subject matter jurisdiction pursuant to 28 U.S.C. §§1332 and 1441(b).
7. Pursuant to 28 U.S.C. §1332 this court has jurisdiction over this action because it is between citizens of different states, and the amount in controversy is greater than \$75,000, exclusive of interest and costs. Therefore this action could have been originally filed with this court and is now properly removed to this court.
  - a. ***There is complete diversity of citizenship between the parties***
8. Plaintiffs, Christ Apostolic Temple, Inc., Dwight Reed and Jordan Reed are all citizens of the state of Iowa. Generally, “[a] n individual’s citizenship, within the meaning of the diversity statute, is determined by his domicile[.]” *Van Buskirk v. United Grp. of Cos., Inc.*, 935 F.3d 49, 53 (2d Cir. 2019) (internal quotation marks omitted). Here, the Complaint specifically alleges that plaintiff Christ Apostolic Temple, Inc. is a religious non-profit headquartered in Des Moines, Iowa and that Dwight Reed is the pastor of that church, which is located in the state of Iowa.

Presumably as the wife of Dwight Reed, Plaintiff Jordan Reed is also domiciled in the state of Iowa with all other Plaintiffs. Amend. Comp. ¶¶3-5.

9. All Plaintiffs are citizens of Iowa for the purposes of diversity of citizenship.
10. Defendant Demetrious Sinegal is domiciled in the state of Texas.
11. Defendant The Kingdom Church is listed in the amended complaint as operating out of Texas, which is correct. Amend. Comp.
12. Defendant Safehouse #Unmuzzled operates out of and is headquartered in the state of Texas.
13. None of the Defendants are located in the state of Iowa.
14. Hence, there is complete diversity between the Plaintiffs and the Defendants in this case, and this Court has subject matter jurisdiction under 28 U.S.C. § 1332. In addition, no defendant is a citizen of the state in which this action is brought.

***b. The amount in controversy is satisfied***

15. To determine the amount in controversy, courts look first to the Plaintiff's state court petition. The "party invoking the jurisdiction of the federal court has the burden of proving that it appears to a reasonable probability that the claim is in excess of the statutory jurisdictional amount." *Scherer v. The Equitable Life Assurance Soc'y of the United States*, 347 F.3d 394, 398 (2d Cir. 2003). There is a rebuttable presumption that the face of the complaint is a good-faith representation of the "actual amount in controversy," and "[t]o overcome the face-of-the-complaint presumption, the party opposing jurisdiction must show to a legal certainty that the amount recoverable does not meet the jurisdictional threshold." *Id.* (internal quotation marks and citations omitted).
16. The amount in controversy meets the jurisdictional requirements, as Plaintiffs are asking for a combined \$1.5 million in costs, interest, actual damages and punitive damages.
17. While the amount in controversy requirement excludes costs and interest, the combined actual damages and punitive damages are believed to exceed the \$75,000 required amount in controversy based on plaintiff's amended complaint.

**II. DEFENDANTS HAVE SATISFIED THE PROCEDURAL REQUIREMENTS FOR REMOVAL**

18. Plaintiffs have provided no service or proof of service for the petition they originally filed in the state action on April 6, 2022.

19. Plaintiffs then filed an amended petition in the state action on April 16, 2022.
20. Plaintiffs requested that the state court allow alternative service on June 24, 2022
21. Plaintiffs provided the state court with proof of service on August 22, 2022, stating that Defendants were served on August 22, 2022.
22. Defendants were served on August 22, 2022, therefore Defendants deadline to remove this action is September 22, 2022.
23. This Notice of Removal is timely filed. See 28 U.S.C. § 1446(b)(1) (“The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based”).
24. This action is being removed “to the district court of the United States for the district and division embracing the place where such action is pending,” pursuant to 28 U.S.C. § 1441(a). The United States District Court for the Southern District of New York, Central Division embraces Polk County, Iowa. 28 U.S.C. § 112(d).
25. No previous application has been made for the removal requested herein.

#### **Preservation of Rights and Defenses**

26. All rights are reserved, including, but not limited to, defenses and objections as to venue and personal jurisdiction and the right to move for dismissal of the Complaint for, e.g., failure to state a claim for relief and failure to sue the appropriate parties. The filing of this Notice of Removal is subject to, and without waiver of, any such defenses and objections.
27. Defendants also reserve the right to amend or supplement this Notice of Removal.

**WHEREFORE**, Defendants respectfully give notice that the above-captioned civil action pending in the District Court of Iowa, Polk County is removed to this Court, pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1447.

Respectfully submitted

*s/ Amanda Adams*

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Amanda Adams, Esq.

*Attorney for Defendants*