

JS 44 (Rev. 11/04)

### CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

BRUCE CRISPIN LEYSER

(b) County of Residence of First Listed Plaintiff British Isles  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

David Z. Chesnoff, Esq., Richard A. Schonfeld, Esq., Chesnoff & Schonfeld, 520 South Fourth Street, LV, NV 89101 (702) 384-5563

**DEFENDANTS**

JAMIE MILES GOLD

County of Residence of First Listed Defendant California  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Patrick G. Byrne, Esq., Corey M. Eschweiler, Esq., Alex L. Fugazzi, Esq., Snell & Wilmer L.L.P., 3800 Howard Hughes Pkwy, LV NV

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                                       |   |                            |                            |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
|   | <b>PTF</b>                            | <b>DEF</b>                            |   | <b>PTF</b>                 | <b>DEF</b>                 |
| Citizen of This State                   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input checked="" type="checkbox"/> 3 | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

**V. ORIGIN**

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgement

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Diversity jurisdiction is present pursuant to 28 USC § 1332 (a).

Brief description of cause:

Cause of action for breach of contract, breach of the covenant of good faith and fair dealing and interference with

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** \_\_\_\_\_ **CHECK YES only if demanded in complaint:**  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE  
08/30/2006

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**Snell & Wilmer**

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7 Telephone (702) 784-5200  
Attorneys for Defendant  
8 JAMIE MILES GOLD

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 BRUCE CRISPIN LEYSER,  
12 Plaintiff,

Case No. \_\_\_\_\_

**NOTICE OF REMOVAL**

13 vs.

14 JAMIE MILES GOLD,  
15 Defendant.

17 TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

18 Defendant James Miles Gold (“Gold”) through his respective counsel, the law firm of  
19 Snell & Wilmer LLP notices the removal of this action to the United States District Court, and in  
20 support thereof, states the following:

21 1. Gold was named as a Defendant in the civil action originally filed on August 21,  
22 2006, in the District Court for Clark County, Nevada, case No. A526845, Department II, entitled,  
23 “Bruce Crispin Leyser v. Jamie Miles Gold.”

24 2. Service of the following was made by acceptance of service by Jo McLachlan,  
25 Paralegal of Mark G. Tratos, Esq., on August 25, 2006: (a) Summons; (b) “Verified Complaint  
26 for Injunctive Relief and Damages;”(c) “Ex Parte Application for Temporary Restraining Order  
27 and/or Preliminary Injunction: Request for Hearing;” and (d) Temporary Restraining Order.

28 3. Plaintiff’s Ex Parte Temporary Restraining Order was granted on August 21, 2006.

1 4. Plaintiff's Application for Temporary Restraining Order and/or Preliminary  
2 Injunction is set for hearing on September 1, 2006 at 9 a.m.

3 5. No further proceedings have been had in this matter in the Eight Judicial District  
4 Court.

5 6. The above entitled action is a civil action for damages and injunctive relief based  
6 upon allegations of breach of contract, misrepresentation, fraud, intentional infliction of  
7 emotional distress, and unjust enrichment.

8 7. The action involves a controversy between citizens of different states:

9 a. On information and belief, Plaintiff is a citizen or subject of the British  
10 Isles.

11 b. Defendant Gold is and was at the time this action was commenced a citizen  
12 of California.

13 c. Does I-X, and Roe Corporations I-X are named and sued fictitiously and  
14 their citizenship is disregarded as a matter of law for purposes of removal on grounds of diversity  
15 jurisdiction.

16 4. This is a civil action, and upon information and belief, the amount in controversy  
17 which is claimed by Plaintiff, exclusive of interest and costs, exceeds the sum of Seventy-Five  
18 Thousand Dollars (\$75,000). Plaintiff's Verified Complaint alleges multiple times that Plaintiff  
19 is entitled to six million dollars (\$6,000,000) *See* Verified Compl. at ¶¶ 24, 29-30, and 35-37.  
20 Moreover, Plaintiff's prays for an award of punitive damages based on Gold's alleged "wanton  
21 and willful" conduct. *See* Verified Compl. at ¶ 56. Finally, Plaintiff prays for unspecified  
22 general, special and punitive damages as a result of Gold's alleged outrageous conduct. *See*  
23 Verified Compl. at ¶ 60.

24 5. Based upon the above allegations, this action is one to which the United States  
25 District Court is given original jurisdiction under 28 USC §1332(a)(2) in that there is complete  
26 diversity between the parties and more than \$75,000 in controversy exclusive of interest and  
27 costs. Pursuant to Section 28 U.S.C. §1441, Gold is therefore entitled to remove this action to  
28 this Court.

1 6. Thirty days have not elapsed since defendant was served with the summons and  
2 complaint in this action. Copies of the Summons, Acceptance of Service, and Verified Complaint  
3 are attached hereto and marked respectively Exhibits A, B and C. A copy of Plaintiff's Ex Parte  
4 Application for Temporary Restraining Order and/or Preliminary Injunction: Request for Hearing,  
5 and attached affidavits and exhibits is attached hereto as Exhibit D. Finally, a copy of the  
6 Temporary Restraining Order is attached hereto as Exhibit E, constituting all the papers and  
7 pleadings served on Gold.

8 7. Written notice of the filing of this Notice of Removal will be given to all adverse  
9 parties, as required by law.

10 8. A true and correct copy of this Notice of Removal will be filed with the clerk of  
11 the Eighth Judicial District Court, Clark County, Nevada, as required by law.

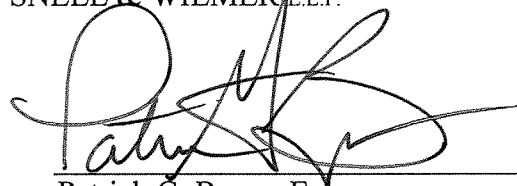
12 9. By filing this Notice of Removal, Gold waives no defenses to the complaint.

13 Based on the foregoing, Gold removes the above action now pending in the Eighth  
14 Judicial District Court, Clark County, Nevada, as Case No. A526845, to this Court.

15 Dated: August 30, 2006.

17 SNELL & WILMER, L.L.P.

18  
19 By:



20 Patrick G. Byrne, Esq.  
21 Nevada Bar No. 7636  
22 Corey M. Eschweiler, Esq.  
23 Nevada Bar No. 6635  
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28 Attorneys for Defendant Jamie Miles Gold

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **NOTICE OF REMOVAL** was electronically filed on the 31<sup>st</sup> day of August, 2006, and the following persons received copies by hand delivery:

David Z. Chesnoff, Esq.  
Richard A. Schonfeld, Esq.  
CHESNOFF & SCHONFELD  
520 South Fourth Street  
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An Employee of Snell & Wilmer L.L.P.

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