

COPY

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15 Counsel for Defendant
16 Ann C. Logue

17 * Subject to Admission Pro Hac Vice Application
18 For Which Will Be Filed Promptly Hereafter

19 IN THE UNITED STATES DISTRICT COURT FOR
20 THE CENTRAL DISTRICT OF CALIFORNIA
21 WESTERN DIVISION

22 KEITH GILABERT,

23 Plaintiff,

24 - vs -

25 ANN C. LOGUE, *Ann Logue.com, Ann Krowne,*
26 ANITA BARTHOLOMEW, *Hf-implode.com.,*
27 *hfimplode.com, hedgefundimlode.com,*
28 *hedgefundimplosion.com, implode-*
explode.com, ml-implode, blog.ml-
implode.com, builder-implode.com and DOES
1-50, inclusive,

Defendants.

CV13-00578 *GHK (MRW)*

State Court Case No. PC-054065
Los Angeles County Superior
Court

NOTICE OF REMOVAL OF
CIVIL ACTION

28 U.S.C. § 1446(a)

BY: _____
13 JAN 25 PM 3:58
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

FILED

1 To: THE HONORABLE JUDGES OF THE UNITED STATES
2 DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

3 Defendant Ann C. Logue, by and through undersigned counsel, and pursuant to 28 U.S.C.
4 §§ 1332, 1441 and 1446, hereby gives notice of the removal to this Court of the action styled Keith
5 Gilabert v. Ann C. Logue, et al., which was filed in the Los Angeles County Superior Court, where
6 it was docketed as Case No. PC-054065.

7 As grounds for this removal, Defendant Logue states as follows:

8 – PROCEDURAL HISTORY –

9 1. On November 14, 2012, Plaintiff Keith Gilabert filed an action (“the state court
10 action”) against Defendants Ann C. Logue, Aaron Krowne, and Anita Bartholomew, all of whom
11 are natural persons, in the Los Angeles County Superior Court, under the caption Keith Gilabert
12 v. Ann C. Logue, et al., where it was assigned Case No. PC-054065.

13 2. In the state court action, the Plaintiff also named a number of non-entity, nominal or
14 formal defendants with no legal existence, which upon information and belief appear to be derived
15 from the domain name of a web site associated with Defendant Krowne. These include Defendants
16 Hf-Implode.com, hfimplode.com, hedgefundimplode.com, hedgefundimplosion.com, implode-
17 explode.com, ml-implode, blog.ml-implode.com, and builder-implode.com.

18 3. The Plaintiff also included, as defendants in the state court action, fifty unnamed
19 parties designated only as “Does 1-50, inclusive.”

20 4. On December 27, 2012, copies of the Summons and Complaint in the state court
21 action were handed by an unknown person to the minor child of Defendant Logue, at their home
22 in Chicago, Illinois.

23 5. Without admitting that valid and proper service has been made upon her, Defendant
24 Logue states that neither she – nor any other Defendant in the state court action – was served with a
25 Summons and Complaint at any time prior to December 27, 2012.

1 15. None of the nominal defendants is a corporation, limited liability company,
2 partnership, nor any other form of entity with a legal existence or identity that has the capacity to sue
3 or be sued, and none is a citizen of, nor corporate or business entity licensed to do business in the
4 State of California. (See Exhibit D hereto, Declaration of Aaron Krowne, at ¶¶ 2-3).

5 16. The Plaintiff has neither identified, nor provided in his Complaint any information
6 that would assist in ascertaining the identity or citizenship of any of the alleged Doe Defendants.

7 17. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §
8 1332(a)(1) in that it is a civil action between and among citizens of different states in which the
9 amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

10 18. The amount in controversy requirements of 28 U.S.C. §§ 1332 and 1446(c)(2) are met
11 in that the Plaintiff has prayed for actual, presumed, and punitive damages against the Defendants,
12 jointly and severally, in an unspecified amount to be determined at trial, but not less than
13 \$10,000,000.00.

14 19. Moreover, without admitting or suggesting the validity of the specific claims asserted
15 in this action, or the measure of damages sought herein, the tort claims asserted here are of a sort in
16 which damages can and do exceed \$75,000.00 per defendant.

17 20. Complete diversity of citizenship exists, because the Plaintiff is a citizen of
18 California, while the actual, non-nominal and non-formal Defendants are citizens of Illinois,
19 Florida and Virginia, respectively.

20 21. Venue is proper in this District and Division pursuant to 28 U.S.C. §§ 115(a)(1),
21 1441(a) and 1446 (a), in that the state court action at issue is pending in the Los Angeles County
22 Superior Court, North Valley Division at Chatsworth, which is situated within the Central
23 District of California, Western Division.

1 Dated: January 25, 2013

2 Respectfully submitted,

3 Weston, Garrou & Mooney

4 By: 

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18 rvasvari@bgmdlaw.com

19 Counsel for Defendant
20 Ann C. Logue

21 *Subject to Admission Pro Hac Vice, Application For
22 Which Will Be Made Promptly Hereafter

EXHIBIT A

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles County Superior Court

NOV 14 2012

John A. Clarke, Executive Officer/Clerk
By _____, Deputy
O. Chaparyan

1 Keith Gilabert
2 26839 Peppertree Drive
3 Valencia, CA 91381
4 Tel: 661-510-7777
5 Email: keithgilabert@gmail.com

6 In Pro Se Plaintiff

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF LOS ANGELES – NORTH VALLEY DISTRICT

9 PC054065

10 Keith Gilabert,

11 Plaintiff,

12 vs.

13 Ann C. Logue, Ann Logue.com, Aaron Krowne,
14 Anita Bartholomew,
15 Hf-implode.com, hfimplode.com,
16 hedgefundimplode.com,
17 hedgefundimplosion.com, implode-explode.com,
18 ml-implode, blog.ml-implode.com, builder-
19 implode.com

20 And Does 1-50, inclusive,
21 Defendants.

) Case No.:

) COMPLAINT FOR DAMAGES
) (LIBEL)

) JURY TRIAL DEMANDED

) Date:

) TIME:

) DEPT:

22 **TO THE COURT AND DEFENDANT AND COUNSEL OF RECORD:**

23 Plaintiff Keith Gilabert ("Gilabert"), for his Complaint against Defendants Ann C. Logue, Aaron Krowne,
24 Anita Bartholomew, Hf-implode.com, hfimplode.com, hedgefundimplode.com,
25 hedgefundimplosion.com, implode-explode.com, ml-implode, blog.ml-implode.com, builder-
26 implode.com; and Does 1-50, states as follows:
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COMPLAINT FOR DAMAGES

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1. Plaintiff Gilabert is an individual who resides and does business in Los Angeles County, California.

2. Defendant Ann C. Logue (“Logue”) is, upon information and belief, a blogger that contributes articles on finance to the website www.annlogue.com, Hf-implode.com, hfimplode.com, hedgefundimplode.com, hedgefundimplosion.com, implode-explode.com, ml-implode, blog.ml-implode.com, and builder-implode.com.

3. Defendant Aaron Krowne (“Krowne”) is, upon information and belief, a blogger that contributes articles on finance to the website www.annlogue.com, Hf-implode.com, hfimplode.com, hedgefundimplode.com, hedgefundimplosion.com, implode-explode.com, ml-implode, blog.ml-implode.com, and builder-implode.com.

4. Defendant HF-IMPLODE.COM is, upon information and belief, a business entity, form unknown.

5. Defendant HFIMPLODE.COM is, upon information and belief, a business entity, form unknown.

6. Defendant HEDGEFUNDIMPLODE.COM is, upon information and belief, a business entity, form unknown.

7. Defendant HEDGEFUNDIMPLOSION.COM is, upon information and belief, a business entity, form unknown.

8. Defendant IMPLODE-EXPLODE.COM is, upon information and belief, a business entity, form unknown.

9. Defendant ML-IMPLODE.COM is, upon information and belief, a business entity, form unknown.

10. Defendant BLOG.ML-IMPLODE.COM is, upon information and belief, a business entity, form unknown.

11. Defendant BUILDER-IMPLODE.COM is, upon information and belief, a business entity, form unknown.

12. Defendant Anita Bartholomew (“Bartholomew”) is, upon information and belief, a blogger

1 that contributes comments to the website www.annlogue.com.

2 13. The true names of defendants DOES 1 through 50, inclusive are unknown to Plaintiff, who
3 therefore sues each defendants by fictitious names. Plaintiff is informed and believes, and based on
4 that information and belief alleges, that each of the defendants designated as a DOE is legally
5 responsible for the events and happenings referred to in this complaint, and unlawfully caused the
6 injuries and damages to Plaintiff alleged in this complaint.

7 14. Jurisdiction and venue are proper in this Court in that Plaintiff resides in and has suffered
8 injury in California as a result of Defendants' tortuous act of publishing defamatory statements about
9 Plaintiff on the internet, which was published to millions of people in the United States including
10 persons in the State of California.

11 15. On or about November 14, 2011 Plaintiff notified Defendant Aaron Krowne that a posting
12 on his website was false and misleading. Plaintiff sent a courtesy notice to Defendant Krowne who
13 then responded with an email stating, "things will only get much for you."

14 16. Defendant Krowne published a false story on Plaintiff Gilabert stating that "Gilabert, is
15 embarking on a "sweep and clean" to expunge any record of criticism from the internet....in our
16 experience, this kind of "sue to silence" behavior is 100% correlated with guilt-and additionally, is
17 usually intended to cover up even greater wrongdoing than gas been included in government and/or
18 private settlements/proceedings."

19 17. On or about November 18, 2011 Defendant Ann Logue published a false and misleading
20 article stating that Plaintiff Gilabert:

- 21 1. Raised \$14.1 million from investors.
- 22 2. Received commission kickbacks from a broker.
- 23 3. Charged management fees on phony profits.
- 24 4. Mass marketed the fund.
- 25 5. Claimed the fund had performance dating back to 1997.
- 26 6. Ann Logue published these false and misleading comments knowingly.

27 18. On or about December 1, 2011 Defendant Aaron Krowne posted that he was being harassed
28 by Plaintiff Gilabert and began raising money through lies from the public using Plaintiff Gilabert as a

1 villain. In reality Defendant Krowne was warned by Google and his own web host that he was violating
2 the terms of use. Defendant Krowne's own ignorance is not the responsibility of Plaintiff Gilabert.

3 19. On or about May 1, 2012 Anita Bartholomew posted a comment on annlogue.com calling
4 Plaintiff a "scammer" without any regard to the facts.

5 20. Defendants knew that the statements about Gilabert described above were false and/or
6 Recklessly disregarded the falsity of these statements when they published them.

7 Defendants published these statements with actual malice and with the intent to cause harm to
8 Gilabert.

9 21. The statements about Gilabert are libelous on their face. They accuse Gilabert of acts that
10 never took place.

11 22. The statements about Gilabert adversely affect Gilabert in his professional life and has been
12 damaged by their publication.

13 23. The Defendants are liable to Plaintiff as a result of these false and defamatory statements
14 for actual, presumed and punitive damages in an amount to be determined at trial, but not less than
15 \$10,000,000.00.

16
17 WHEREFORE, Plaintiff Keith Gilabert requests this Court:

18 A. For judgment against Defendants in an amount to be determined at trial, but not less than
19 \$10,000,000.00 .

20 B. For interest, costs and such other relief as my be just and proper.

21
22
23 Dated: November 14, 2012

24 Respectfully submitted,

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27 Keith Gilabert, Pro Se
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EXHIBIT B

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
ANN C. LOGUE

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
KEITH GILABERT

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): LA SUPERIOR COURT
9425 PENFIELD AVE.
CHATSWORTH, CA 91311

CASE NUMBER.
(Número del Caso): PC052659

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
KEITH GILABERT, 26839 PEPPERTREE DR. VALENCIA, CA 91381

DATE: 12/10/12 Clerk, by _____, Deputy
(Fecha) *(Secretario)* *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of *(specify):*
3. on behalf of *(specify):*
 under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other *(specify):*
4. by personal delivery on *(date):*

EXHIBIT C

Case Summary

Case Number: PC054065
KEITH GILABERT VS. ANN C. LOGUE, ET AL.

Filing Date: 11/14/2012
Case Type: Infliction of Emotional Distress (General Jurisdiction)
Status: Pending

Future Hearings

04/11/2013 at 08:30 am in department F47 at 9425 Penfield Ave., Chatsworth, CA 91311
Conference-Case Management

[Documents Filed](#) | [Proceeding Information](#)

Parties

ANN LOGUE.COM - Defendant
BARTHOLOMEW ANITA - Defendant
BLOG.MI-IMPLode.COM - Defendant
BUILDER-IMPLode.COM - Defendant
GILABERT KEITH - Plaintiff, & Plaintiff in Pro Per
HEDGEFUNDIMPLOSION.COM - Defendant
HEDGERFUNDIMPLode.COM - Defendant
HF-IMPLode.COM - Defendant
HFIMPLode.COM - Defendant
IMPLode-EXPLODE.COM - Defendant
KROWNE AARON - Defendant
LOGUE ANN C. - Defendant
MI-IMPLode - Defendant

[Case Information](#) | [Party Information](#) | [Proceeding Information](#)

Documents Filed (Filing dates listed in descending order)

11/28/2012 Order-Court Fee Waiver
Filed by Plaintiff, & Plaintiff in Pro Per
11/14/2012 Complaint Fld - No Summons Issued
11/14/2012 Request-Walve Court Fees

Filed by Plaintiff, & Plaintiff in Pro Per

[Case Information](#) | [Party Information](#) | [Documents Filed](#)

Proceedings Held (Proceeding dates listed in descending order)
None

[Case Information](#) | [Party Information](#) | [Documents Filed](#) | [Proceeding Information](#)

EXHIBIT D

1 State of New York }
2 County of New York } §§ Declaration of Aaron Krowne in Lieu of Affidavit
Pursuant to 28 U.S.C. § 1746

3 NOW COMES AARON KROWNE, who having been duly cautioned and warned, does
4 depose and testify as follows:


5 1. My name is Aaron Krowne. I am an adult competent to testify in a court of law, and
6 a citizen of Virginia and resident of the State of New York. I have personal knowledge of the
7 information set forth in this Declaration.

8 2. I am the founder of and a contributor to a website known as The Hedge Fund
9 Implode-O-Meter, on which I and other discuss matters relevant to hedge funds, investing,
10 economics, and topics of public interest in connection thereto. That website appears at the url:
11 <http://hf-implode.com>.

12 3. I am aware of the organization, structure and business aspects of the website
13 described above. There is no corporation, partnership, limited liability company or other business
14 entity or artificial person known as Hf-implode.com, hfimplode.com, hedgefundimplode.com,
15 hedgefundimplosion.com, implode-explode.com, ml-implode.com, blog.ml-implode.com, or
16 builder-implode.com that is any way associated with, affiliated with or related to that website, and
17 to the best of my knowledge, no entity whatever answering to any of those names.

18 **FURTHER DECLARANT SAYETH NAUGHT**

19 The undersigned, Aaron Krowne, under penalty of perjury under the laws of the United States
20 and pursuant to 28 U.S.C. § 1746, hereby declares that the foregoing is true and accurate to the best
21 of his knowledge and belief, in witness whereof he has signed below on the date indicated in the City
and County of New York, New York.

22 
23 Aaron Krowne

24 1/24/13
25 Date
26
27
28

PROOF OF SERVICE
[Pursuant to Local Rule 5-3.2]

On January 25, 2013, I served the within document(s) in this action entitled:

**NOTICE OF REMOVAL OF CIVIL ACTION; NOTICE OF RELATED CASE;
CERTIFICATE AS TO INTERESTED PARTIES**

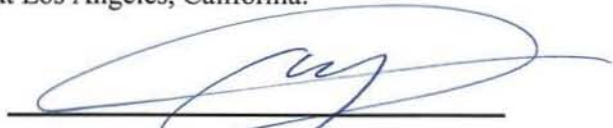
on the interested parties in this action, by placing a true copy thereof enclosed in a sealed envelope, first class, with postage thereon fully prepaid, and either: (1) personally delivering it to our firm's mailroom employee(s) for deposit with the United States Postal Service pursuant to our firm's ordinary business practice; or (2) personally depositing such correspondence directly in the United States mail, addressed as follows:

Kevin E. Gilbert, Esq.
Meyers Nave
555 12th Street, Suite 1500
Oakland, CA 94607
kgilbert@meyersnave.com

I also caused the documents to be sent to the interested person at the e-mail address listed above.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on January 25, 2013, at Los Angeles, California.



Jerome H. Mooney, III