

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

RIKI PAUL JOHNSON, )  
)  
*Plaintiff,* )  
) Case No. 3:18-cv-565  
vs. )  
)  
)  
ASHLEY ELIZABETH FLIEHR a/k/a )  
CHARLOTTE FLAIR; RICHARD )  
MORGAN FLIEHR a/k/a RIC FLAIR; )  
BRIAN SHIELDS; and WORLD )  
WRESTLING ENTERTAINMENT, INC. )  
)  
*Defendants.*

**NOTICE OF REMOVAL**

Defendant World Wrestling Entertainment, Inc. (“WWE”) respectfully submits this Notice of Removal (the “**Notice**”) and requests that the action docketed as Case Number 18 CVS 19522 in the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina (the “**State Court Action**”) be removed from that Court to the United States District Court for the Western District of North Carolina, Charlotte Division. As grounds for removal, WWE states as follows:

**TIMELINESS OF REMOVAL**

1. On September 23, 2018, Plaintiff filed the State Court Action in the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, docketed as Case Number 18 CVS 19522.
2. On October 12, 2018, WWE received a copy of the Complaint, but has not been served with the Summons and Complaint at the time of this removal. Removal is timely under

28 U.S.C. § 1446(b)(1) because WWE has filed this Notice “within 30 days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading.”

3. A copy of the Complaint, as received by WWE, in the State Court Action is attached as **Exhibit A**.

### **DIVERSITY JURISDICTION**

4. Pursuant to 28 U.S.C. § 1441(a), removal of an action filed in state court is proper in “any civil action brought in a State court of which the district courts of the United States have original jurisdiction.”

5. This Court has original jurisdiction of this action under 28 U.S.C. § 1332(a), which provides, “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different states.”

6. The amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. Plaintiff’s Complaint demands \$5,500,000 in damages, consisting of \$500,000 in alleged actual damages and \$5,000,000 in alleged punitive damages. *See* Ex. A. “A party’s good faith allegation on the amount in controversy generally will be sufficient to establish that the amount in controversy requirement of § 1332 is met.” *Fairfield Resorts, Inc. v. Fairfield Mountains Prop. Owners Ass’n, Inc.*, No. 1:06-CV-191, 2006 WL 1801547, at \*1 (W.D.N.C. June 28, 2006).

7. Complete diversity exists between Plaintiff and Defendants, as Plaintiff is a citizen of the State of New Jersey and none of the defendants are New Jersey citizens.

8. Defendant WWE is incorporated under the laws of the State of Delaware, with its principal place of business in the State of Connecticut.

9. Defendant Brian Shields is a citizen of the State of New York.
10. Defendant Ashley Elizabeth Fliehr is a citizen of the State of North Carolina.
11. Defendant Richard Morgan Fliehr is a citizen of the State of North Carolina.
12. Removal is not prohibited by the plain language of 28 U.S.C. § 1441(b)(2). The “forum defendant rule” prohibits the removal of a case to federal court where the sole basis of removal is under 28 U.S.C. § 1332(a) and “any of the parties in interest *properly joined and served* as defendants is a citizen of the State in which the action is brought.” 28 U.S.C. § 1441(b)(2) (emphasis added). This statutory prohibition against removal by a forum resident defendant is not triggered because there has not been service on the resident defendants.
13. Applying the plain language meaning of Section 1441(b)(2), North Carolina district courts have held that the forum defendant must be *served* at the time the notice of removal is filed for the “forum defendant rule” to apply. *See Chace v. Bryant*, No. 4:10-CV-85-H, 2010 WL 4496800, at \*2 (E.D.N.C. Nov. 1, 2010) (“The plain language of Section 1441(b) ‘implies that a diverse but resident defendant who has not been served may be ignored in determining removability.’ . . . Therefore, 28 U.S.C. § 1441(b) does not apply to bar removal of this action.”) (quoting 14B Wright & Miller § 3723, at 784 (4th ed. 2009)); *see also Annese v. Diversey, Inc.*, No. 3:17-CV-00005-GCM, 2017 WL 2378808, at \*2 (W.D.N.C. June 1, 2017) (“Defendants [forum defendants] were not ‘properly joined and served’ when they filed the Notice of Removal and were therefore not subject to the forum defendant rule.”).
14. The language of the statute is unambiguous. Congress plainly intended to require service of the complaint to trigger the prohibition of removal by a forum resident defendant.

15. To date, Plaintiff has not served the forum defendants, Ashley Elizabeth Fliehr and Richard Fliehr. Accordingly, the forum defendant rule does not apply to bar removal of this action.

16. To date, no other Defendant has been properly joined and served in this action. As such, it is not necessary for any other Defendant to consent to the removal of this action pursuant to 28 U.S.C. § 1446(b)(2)(A).

### **VENUE**

17. Venue is proper in this Court under 28 U.S.C. § 1441(a) because the United States District Court for the Western District of North Carolina, Charlotte Division, is the federal judicial district embracing the Superior Court of Mecklenburg County, North Carolina, in which the State Court Action was originally filed.

### **SERVICE AND FILING OF NOTICES**

18. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice is being filed with the Clerk of Court for the Superior Court of Mecklenburg County, North Carolina, together with a Notice of Filing Notice of Removal.

19. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice, together with a copy of the Notice of Filing Notice of Removal, is being served on Plaintiff.

WHEREFORE, because this Court has jurisdiction over this action as set forth above, and because Defendant WWE has complied with the applicable procedures for removal specified in § 1446, removal is appropriate; and Defendant WWE respectfully requests that this action be placed upon the docket of the Court for further proceedings, as though it had originally been instituted in this Court.

Dated: October 17, 2018

Respectfully submitted,

/s/ John H. Culver III

John H. Culver III

NC Bar No. 17849

K&L GATES LLP

Hearst Tower, 47th Floor

214 North Tryon Street

Charlotte, NC 28202

Phone: 704.331.7453

Fax: 704.353-3753

[john.culver@klgates.com](mailto:john.culver@klgates.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on October 17, 2018, I served a true and correct copy of the foregoing Notice of Removal via U.S. First Class, postage prepaid, upon the following:

Riki Paul Johnson  
404 Navesink Ave.  
Atlantic Highlands, NJ 07716.

/s/ John H. Culver III

# STATE OF NORTH CAROLINA

File No.

MECKLENBURG

County

In The General Court Of Justice  
☐ District ☒ Superior Court Division

Name And Address Of Plaintiff 1

Riki Paul Johnson  
 404 Navesink Avenue  
 Atlantic Highlands, NJ 07716  
 Cell: 662-701-0582

Name And Address Of Plaintiff 2

N/A

VERSUS

Name Of Defendant 1

Ashley Elizabeth Fliehr  
 a/k/a Charlotte Flair

Summons Submitted

☐ Yes ☒ No

Name Of Defendant 2

Richard Morgan Fliehr  
 a/k/a Ric Flair

Summons Submitted

☐ Yes ☒ No

☒ Jury Demanded In Pleading  
☐ Complex Litigation

TYPE OF PLEADING

(check all that apply)

- ☐ Amended Answer/Reply (AMND-Response)  
☐ Amended Complaint (AMND)  
☐ Answer/Reply (ANSW-Response)  
☒ Complaint (COMP)  
☐ Confession of Judgment (CNFJ)  
☐ Counterclaim vs. (CTCL)  
☐ All Plaintiffs ☐ Only (List on back)  
☐ Crossclaim vs. (List on back) (CRSS)  
☐ Extend Statute of Limitations, Rule 9 (ESOL)  
☐ Extend Time For Answer (MEOT-Response)  
☐ Extend Time For Complaint (EXCO)  
☐ Rule 12 Motion In Lieu Of Answer (MDLA)  
☐ Third Party Complaint (List Third Party Defendants on Back) (TPCL)  
☐ Other: (specify)

NOTE: Small claims are exempt from cover sheets.

Date

09/23/18

## GENERAL CIVIL ACTION COVER SHEET

☒ INITIAL FILING ☐ SUBSEQUENT FILING

Rule 5(b), Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

Pro Se at this time

North Carolina Attorney Bar No.

☐ Initial Appearance in Case

☐ Change of Address

Name Of Firm

Pending

Telephone No.

FAX No.

Counsel for

☐ All Plaintiffs ☐ All Defendants ☐ Only (List party(ies) represented)

☐ Amount in controversy does not exceed \$15,000  
☐ Stipulate to arbitration

CLAIMS FOR RELIEF FOR:

(check all that apply)

- ☐ Administrative Appeal (ADMA)  
☐ Appointment of Receiver (APRC)  
☐ Attachment/Garnishment (ATTC)  
☐ Claim and Delivery (CLMD)  
☐ Collection on Account (ACCT)  
☐ Condemnation (CNDM)  
☐ Contract (CNTR)  
☐ Discovery Scheduling Order (DSCH)  
☐ Injunction (INJU)  
☐ Medical Malpractice (MDML)  
☐ Minor Settlement (MSTL)  
☐ Money Owed (MNYO)  
☐ Negligence - Motor Vehicle (MVNG)  
☐ Negligence - Other (NEGO)  
☐ Motor Vehicle Lien G.S. 44A (MVLN)  
☐ Limited Driving Privilege - Out-of-State Convictions (PLDP)  
☐ Possession of Personal Property (POPP)  
☐ Product Liability (PROD)  
☐ Real Property (RLPR)  
☐ Specific Performance (SPPR)  
☒ Other: (specify)

Defamation, Slander

Signature Of Attorney/Party

Riki P. Johnson

NOTE: The initial filing in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must either include a cover sheet or the filing must comply with G.S. 7A-34.1.

No.	<input type="checkbox"/> Additional Plaintiff(s)
	None

No.	<input checked="" type="checkbox"/> Additional Defendant(s) <input type="checkbox"/> Third Party Defendant(s)	Summons Submitted
3	Brian Shields	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4	World Wrestling Entertainment, Inc. d/b/a "WWE"	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

Plaintiff(s) Against Whom Counterclaim Asserted
N/A

Defendant(s) Against Whom Crossclaim Asserted
N/A





## COUNT I

### IV.

That the Defendant(s) and or their agents (hereinafter collectively referred to as the “Defendants”) collaborated together in the preparation and publication of a 320-page book entitled “*Second Nature*” (ISBN-10: 1250120578) which was released nationally in/about September 2017. The false assertions in that book were purposely designed to willfully, maliciously and intentionally inflict emotional distress upon the Plaintiff, without just cause, and done so with the intent of harming the Plaintiff. As a direct and proximate cause of Defendants’ actions in publishing the book with the numerous salacious falsehoods about the Plaintiff - falsehoods that were never verified, nor even investigated, by the defendants, the Plaintiff was irreparably harmed by the Defendants and subjected to national ridicule, contempt and disgrace. Such aspersions include, but are certainly not limited to, the allegation that the Plaintiff is sterile thus incapable of fathering children. Such a false allegation that called into question how the Plaintiff’s current wife was recently impregnated while, at the same time, questioning the identity of the Plaintiff’s other three (3) children’s father – children who all currently reside in the Charlotte, NC area and who are now subject to the ridicule and shame of the false allegations as well. Multiple false allegations of physical and/or psychological abuse perpetrated by the Plaintiff on Defendant #1 and Defendant #2. Notably, alleged criminal misconduct by the Plaintiff that is unsupported by any official records, medical reports or any other supporting documentation. Moreover, such misconduct being attributed to the Plaintiff that is, in fact, contradicted by official police reports and police dash cam video footage depicting Defendant #1 being the “out-of-control” aggressor in a physical and verbal

tirade which was directed at the responding police officers as well as her disparaging and racist comments being directed at the Afro-American community in Chapel Hill, NC.

## COUNT II

### V.

As a direct and proximate cause of Defendants' actions in publishing the book with the numerous egregious aspersions, the Defendants willfully, maliciously and intentionally inflicted emotional distress upon the Plaintiff, without just cause, and did so with the intent of harming the Plaintiff. In one representative example, the Defendants falsely alleged that the Plaintiff was terminated from two (2) prior places of employment because of illicit drug use - claims that they knew were patently false yet they recklessly disregarded their falsity. As a direct and proximate cause of the Defendants' actions, the Plaintiff was, in fact, irreparably harmed by the Defendants and subjected to impeachment in his chosen profession as well as any future employment opportunities. Resultantly, the Plaintiff has suffered significant financial hardships and continues to do so.

## COUNT III

### VI.

That the Defendants have intentionally, maliciously and without just cause, engaged in deceitful business practices, as well as malicious and intentional fraud, that was deliberately designed to enhance the reputations and WWE marketability of Defendant #1 and Defendant #2, but done so at the expense of the Plaintiff's national reputation. Specifically, Defendant #4 agreed, collaborated and conspired with the other Defendants identified herein, and others as yet unknown, to make Defendant #1 *"the driving force*

*behind WWE's women's evolution, which has given female performers an equal share of the spotlight both in and out of the ring.*" Additionally, as was stated publically by members of Defendant #4's corporate management staff, as well as Defendant #3, Defendant #1 was being promoted and groomed to be the "new face" of women involved in the WWE. The salacious, albeit false, allegations made against the Plaintiff in the publication "*Second Nature*," (and the many subsequent public interviews) were intentionally designed to falsely promote Defendant #1 as a female "victim" who overcame personal adversity and domestic abuse, while, at the same time, representing Defendant #2 was a supportive and caring father. Neither assertion is based in fact or truth, but was intentionally designed by Defendant #3 and Defendant #4 to garner public sympathy (and marketability) for Defendant #1 in the burgeoning *#MeToo* movement. As a direct and proximate cause of these deliberate deceitful business practices and accompanying falsehoods, the Plaintiff has been irreparably harmed.

#### VII.

By conducting these personal interviews, conducting numerous telephone interviews and sending emails/texts to Defendant #1 and Defendant #2 in Charlotte, North Carolina, the Defendants have established this Court's jurisdiction in this matter by intentionally, maliciously, and without just cause, slandering the Plaintiff's name and reputation in the Charlotte, NC community, and elsewhere, by knowingly making these false and defamatory assertions about the Plaintiff in a national publication. As a direct and proximate cause thereof, the Defendants have irreparably harmed the Plaintiff.

#### VIII.

That as a result of the Defendants' collective actions, the Plaintiff will be forced to retain an attorney and incur additional expenses in defending himself in this matter.

WHEREFORE PREMISES CONSIDERED, Plaintiff demands a judgment of and from the Defendant in the sum of Five Hundred Thousand Dollars (\$500,000.00) in actual damages and Five Million Dollars (\$5,000,000.00) as punitive damages along with reasonable attorney fees and all related costs.

WHEREFORE PREMISES FURTHER CONSIDERED, Plaintiffs further pray that this Court will issue a temporary injunction against the Defendants in preventing said Defendants from continuing to harm the Plaintiff in the manner set out above. Arguably, the Plaintiff has no other remedy in law, or equity, and he will continue to be irreparably harmed should said injunction not be issued.

Plaintiffs pray for such other relief as in law or equity they may be entitled.

Respectfully submitted,

  
RIKI PAUL JOHNSON  
*Pro Se Plaintiff*

Date: 09/22/2018



BERNARD MARCINIAK  
CLERK PUBLIC OF NEW JERSEY  
My Commission Expires 9/9/2020



CERTIFICATE OF SERVICE

I, Riki Paul Matsufuji Johnson, Plaintiff Pro Se, do hereby certify that I have this day forwarded via certified mail, signature and return receipt requested, a true and correct original and/or copy of the above complaint to:

**Ashley Elizabeth Fliehr AKA "Charlotte Flair"**  
5205 Berkeley Estates Drive  
Charlotte, NC 28277

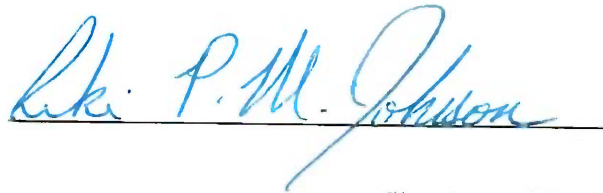
**Richard Morgan Fliehr AKA "Ric Flair"**

**Brian Shields**

**World Wrestling Entertainment, Inc.**

WWE Business and Legal Affairs  
Attention: Blake T. Bilstad  
SVP and General Counsel  
1241 East Main Street  
Stamford, CT 06902

SO CERTIFIED, this the 23 day of September, 2018



Signature of Party  
Riki Paul Matsufuji Johnson  
404 Navesink Avenue  
Atlantic Highlands, NJ 07716  
662.701.0582  
[BohdiWest@Gmail.com](mailto:BohdiWest@Gmail.com)