

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DR. DAVID SHIFRIN, DR. K. SHEILA SHIFRIN,)	
THE SHIFRIN GROUP, LLC, THE D.A.S. GROUP,)	
LLC, AND CHICAGO COSMETIC SURGERY)	
GROUP INSTITUTE LLC,)	
)	
)	
Plaintiffs,)	
)	
v.)	Case No. 21-
)	
JOHN DOES 1-78,)	
)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants John Doe 12 and John Doe 17, appearing specially without conceding personal jurisdiction, hereby remove this action, filed in the Circuit Court of Cook County, Illinois, in the County Department, Law Division, under Case No. 2020-L-013774.

1. Plaintiffs Dr. David Shifrin, Dr. K. Sheila Shifrin, and three companies that are associated with their medical practice, have filed suit against seventy-eight anonymous Internet users. Those users, after viewing a video that one of David Shifrin’s patients, Cristina Villegas, had posted on YouTube, took Villegas’ side and criticized one or both of the individual plaintiffs by posting reviews about them on Yelp and Google.

2. Villegas’ video, entitled “My Botched Nose Job,” appears at https://www.youtube.com/watch?v=djstn-mV_jI, is roughly 23 minutes in length, and has been viewed more than 4 million times. In the video, Villegas complains that plaintiff David Shifrin, a Chicago plastic surgeon, ”botched” his plastic surgery on her nose, asserts that he behaved in an uncaring manner toward her, and says as well that, because Dr. Shifrin recognized that she had a large following on social media,

he offered to refund the \$8000 she had paid for the surgery on the condition that she sign a nondisclosure agreement. The anonymous defendants, along with many other members of the public, expressed their disapproval of Dr. David Shifrin's work, and of his offer to pay for her silence, in light of what they had learned from the Villegas video.

3. As alleged in the complaint, defendants John Doe 12 and John Doe 17 are among the many members of the public who saw the video and criticized plaintiff Dr. David Shifrin by posting reviews on Yelp. They have not criticized plaintiff Dr. K. Sheila Shifrin.

4. The complaint alleges that all the defendants committed a number of state-law torts, including defamation, and also alleges a claim against all defendants under the Computer Fraud and Abuse Act ("CFAA"), 18 U.S.C. § 1030 *et seq.*

5. The Court has original jurisdiction of the complaint under 28 U.S.C. § 1331 because plaintiffs' CFAA claim arises under federal law. It has supplemental jurisdiction under 28 U.S.C. § 1367 of the state-law claims.

6. The complaint alleges that plaintiffs are citizens of Illinois, and that all the defendants are citizens of states other than Illinois. And, indeed, the removing defendants are citizens of California and Washington. Moreover, the managers and owners of the LLC plaintiffs are all citizens of Illinois. Therefore, the citizenship of the known parties is completely diverse.

7. The complaint alleges damages in excess of \$50,000 and it appears that the amount in controversy exceeds \$75,000, exclusive of interests and costs.

8. Consequently, the Court has diversity jurisdiction of this action under 28 U.S.C. § 1332.

9. Although this action was filed on December 28, 2020, defendants did not learn of the lawsuit until the first week of February, 2021, when they received an email notice from Yelp that it

had received a subpoena seeking to compel Yelp to identify them. This removal notice is therefore timely.

10. Plaintiffs moved in state court for leave to pursue early discovery and, having obtained permission, have served a subpoena on Yelp and, presumably, on Google. Some of the papers filed below were provided to Yelp with the subpoena. Yelp gave notice of the subpoena (along with the filed papers that it had received), but has not complied with the subpoena. To the best of defendants' knowledge, plaintiffs have not yet identified any of the anonymous defendants and hence have not served the complaint on any of the defendants.

11. Because defendants John Doe 12 and John Doe 17 have not yet been served with the complaint or any other materials, there are no "process, pleadings, and orders served" pursuant to 28 U.S.C. § 1446(a). However, copies of the complaint and of other papers known to have been filed in the Court below are attached to this Notice as Exhibit A.

Respectfully submitted,

/s/ Robert S. Held
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