

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>GENEVIEVE MAHONEY,</b>	)	
<b>a/k/a @genmahoney19,</b>	)	
<b>an individual,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>NO. 3:21-cv-00607</b>
<b>v.</b>	)	
	)	<b>Judge Campbell</b>
	)	<b>Magistrate Judge Frensley</b>
<b>FACEBOOK, INC.,</b>	)	
<b>a Delaware corporation,</b>	)	<b>JURY DEMAND</b>
	)	
<b>Defendant.</b>	)	<b>ORAL ARGUMENT</b>
	)	<b>REQUESTED</b>
	)	

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**PLAINTIFF’S MOTION TO REMAND  
TO STATE COURT PURSUANT TO FORUM-CLAUSE**

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Plaintiff, Genevieve Mahoney (“Genevieve”), respectfully moves this Honorable Court to remand this case to the Circuit Court of Davidson County, Tennessee, pursuant to a valid and enforceable forum-clause of December 20, 2020, by and between, Genevieve, and the defendant, Facebook, Inc. (“Facebook”), because Facebook clearly and unequivocally waived its right to remove the case to the Middle District of Tennessee in accordance with the Terms of the forum-clause. *Regis Assocs. v. Rank Hotels (Mgmt.) Ltd.*, 894 F. 2d 193, 195 (6<sup>th</sup> Cir. 1990).

1. Facebook’s forum-clause designates the U.S. District Court for the Northern District of California as maintaining sole, exclusive federal court

jurisdiction over Genevieve's claims against Facebook, including her libel claim against Facebook that forms the basis for this lawsuit.

2. From the plain meaning of its own forum-clause which designates the Northern District of California as having exclusive federal court jurisdiction, Facebook clearly and unequivocally waived its right to remove this case to the Middle District of Tennessee. *Regis Assocs. v. Rank Hotels (Mgmt.) Ltd.*, 894 F. 2d 193, 195 (6<sup>th</sup> Cir. 1990); *APAC Atlantic Inc., d/b/a Harrison Const. Co., formerly APAC-Tenn., Inc. v. Lake Developers, II, LLC*, 2009 WL 10709911, at \*2 (E.D. Tenn. Jan. 7, 2009).

3. For the reasons set forth more fully in the contemporaneously filed Memorandum of Law, Declaration of Tori Ott, and accompanying exhibits, Genevieve respectfully requests that this Court remand this case to state court in the Davidson County, Tennessee Circuit Court.

4. Counsel for Genevieve has conferred with counsel for Facebook prior to filing this motion, and Facebook opposes the motion.

Respectfully submitted,

**DUNCAN, HATCHER,  
HOLLAND & FLEENOR, P. C.**

/s/ M. E. Buck Dougherty III

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 2021, a copy of the foregoing *Motion to Remand to State Court Pursuant to Forum-Clause* was filed electronically via the court's CM/ECF filing system. Notice of this filing will be sent by operation of the court to all parties indicated on the electronic filing receipt, including counsel below.

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