

DENA B. CALO, ESQUIRE (DC6716)
SUSAN R. FIORENTINO, ESQUIRE (SF7552)
GALLAGHER, SCHOENFELD, SURKIN,
CHUPEIN & DeMIS, P.C.
25 West Second Street
P.O. Box 900
Media, PA 19063
(610) 565-4600

RECEIVED
CLERK

FEB 22 A 10 05

U.S. DISTRICT COURT

Attorney for Defendants

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

ADVANCED DIRECTORY SALES

Plaintiff

v.

ALLENTOWN MEDICAL SERVICES, et al.

Defendants

CIVIL ACTION- NO.

06cv 810

JURY TRIAL DEMANDED

NOTICE OF REMOVAL

Defendants, Allentown Medical Services, *et al.*, hereby file this Notice of Removal and, in support thereof, state the following:

1. A civil action seeking to recover monetary damages in the amount of \$882,318.43 plus interest, has been commenced by Plaintiff and is now pending in Camden County Superior Court, New Jersey, whercin Advanced Directory Sales is Plaintiff, and Allentown Medical Services, American Women's Services, Associates in Obstetrics/Gynecology, CK Company, Professional Medical Services, P.C., ABC Company 1-100, and Steven Brigham, M.D., are defendants, and which civil action is docket numbered Cam-L 0028706.

2. A copy of Plaintiff's Complaint is attached hereto as Exhibit "A".
3. Plaintiff is a New Jersey corporation with a principal place of business in Sicklerville, New Jersey.
4. Defendant, Allentown Medical Services, is a Pennsylvania corporation, with a principal place of business at 2200 Hamilton Boulevard, Suite 310, Allentown, Pennsylvania.
5. Defendant, American Women's Services, is a trade name only, and not a legal entity, and thus is not subject to suit.
6. Defendant, Associates in Obstetrics/Gynecology, is a non-profit Pennsylvania corporation with a principal place of business at 100 Four Falls Corporate Center, Suite 210, Conshohocken, Pennsylvania.
7. Upon information and belief, Defendant, CK Company, with a business address of 9864 Ford Road, Perrysburg, Ohio, is a trade name only, and not a legal entity, and thus is not subject to suit.
8. Defendant, Professional Medical Services, P.C., is a professional corporation organized under the laws of Maryland, with a principal place of business at 224 Groveland Road, Virginia Beach, Virginia.
9. Defendant, Steven Brigham, M.D., maintains a domicile in Connecticut, and is therefore a citizen of Connecticut.
10. According to Plaintiff's Complaint and upon information and belief, the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs.
11. The earliest date upon which any defendant was served with the initial pleading

was January 25, 2006.

12. Defendants, Allentown Medical Services, *et al.*, are entitled to remove this action pursuant to 28 U.S.C.A. Section 1441(a) and (b) in that there is diversity of citizenship between the plaintiff and all defendants, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and none of the defendants is a citizen of the State of New Jersey, where the action was brought.

WHEREFORE, Defendants, Allentown Medical Services, *et al.*, hereby removes the aforesaid Camden County Superior Court Action from that Court to the United States District Court for the District of New Jersey for trial and determination of all issues for the reasons stated above.

Date: February 21, 2006



DENA B. CALO, ESQ.
SUSAN R. FIORENTINO, ESQ.
GALLAGHER, SCHOENFELD, SURKIN,
CHUPEIN & DEMIS, P.C.
25 West Second Street
P.O. Box 900
Media, PA 19063
(610)565-4600
Attorneys for Defendants



EXHIBIT A

WHITE AND WILLIAMS LLP

BY: Chad A. Rutkowski, Esquire

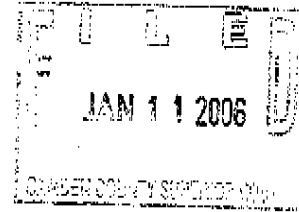
LibertyView

457 Haddonfield Road, Suite 400

Cherry Hill, NJ 08002-2220

856.317.3600

Attorneys for plaintiff, Advanced Directory Sales



ADVANCED DIRECTORY SALES

Plaintiffs,

v.

**ALLENTOWN MEDICAL SERVICES;
AMERICAN WOMEN'S SERVICES;
ASSOCIATES IN
OBSTETRICS/GYNECOLOGY; CK
COMPANY; PROFESSIONAL MEDICAL
SERVICES, P.C.; and STEVEN BRIGHAM,
M.D., individually and as a representative of
ALLENTOWN MEDICAL SERVICES;
AMERICAN WOMEN'S SERVICES;
ASSOCIATES IN
OBSTETRICS/GYNECOLOGY; CK
COMPANY; PROFESSIONAL MEDICAL
SERVICES, P.C., and
ABC COMPANY 1-100**

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CAMDEN COUNTY

DOCKET NO.: CAM-L-

L 00287 06
CIVIL ACTION

COMPLAINT

Plaintiff Advanced Directory Sales, by way of complaint against the above-named defendants, says:

PARTIES

1. Plaintiff, Advanced Directory Sales (hereinafter "ADS"), is a corporation formed under the laws of the State of New Jersey maintaining its principle place of business at 330 Sicklerville, NJ 08081.

2. Defendant, Allentown Medical Services, is a corporation formed under the laws of Pennsylvania with a business address of 2200 Hamilton Boulevard, Suite 310, Allentown, Pennsylvania.

3. Defendant, American Women's Services, is a corporation and/or trade name and/or fictitious name. American Women's Services has an address of c/o Julie E. Gabis & Associates, 100 Four Falls Corporate Center, Suite 210, Conshohocken, Pennsylvania.

4. Defendant, Associates in Obstetrics/Gynecology is a corporation formed under the laws of Pennsylvania with an address of c/o Julie E. Gabis & Associates, 100 Four Falls Corporate Center, Suite 210, Conshohocken, Pennsylvania.

5. Defendant, CK Company is a corporation, partnership, limited liability company, limited liability partnership, professional corporation, trade name, fictitious name, or other corporate entity or business designation through which some or all defendants transacted business, are affiliated, and/or are guaranteed by. CK Company has an address of 9864 Ford Road, Perrysburg, Ohio.

6. Defendant, Professional Medical Services, P.C., is a professional corporation organized under the laws of Maryland and maintaining a business address at 224 Groveland Road, Second Floor, Virginia Beach, Virginia.

7. Defendant, Steven Brigham, M.D., individually and as a representative of Allentown Medical Services; American Women's Services; Associates in Obstetrics/Gynecology; CK Company, and Professional Medical Services, P.C., is an individual, a physician licensed in the state of New Jersey, and an owner, officer, shareholder, director, employee or otherwise affiliated with all of the corporate defendants named above. Dr. Brigham maintains a primary business address at 1 Alpha Avenue, Suite 27, Voorhees, New Jersey.

8. Defendants ABC Companies 1-100 are corporations, partnerships, limited liability companies, limited liability partnerships, professional corporations, trade names, fictitious names, or other corporate entities or business designations through which some or all defendants transacted business, are affiliated, and/or are guaranteed by.

FACTUAL BACKGROUND

9. Plaintiff ADS is a telephone directory yellow page advertisement broker in the business of assisting businesses place yellow page advertisements in multiple telephone directories on a regional and national basis.

10. In or about the mid-1990's, ADS met with Steven Brigham, M.D. who sought to place regional yellow page advertisements to support his abortion practice. Dr. Brigham obtained the phone numbers 1-800-ABORTION and 1-888-ABORTION for his practice. Dr. Brigham agreed to pay to ADS the prevailing rate charged by the publishers of the various

telephone directories for ADS services, minus any incentives and/or discounts offered by ADS at its sole discretion.

11. Although Dr. Brigham made it clear that the advertisements were to support his personal abortion practice and that he would be ultimately responsible for the payment of fees charged by ADS, Dr. Brigham did indicate that he ran his practice through numerous corporate and/or partnership entities, and that he would occasionally be affiliated with other practitioners. Dr. Brigham would provide ADS with the names of numerous entities that were authorized to utilize the 1-800 and 1-888 ABORTION phone numbers and indicate the geographic locations in which he wished to place advertisements. Dr. Brigham would then supply ADS with the name of a business where bills for their services were to be sent.

12. For example, early in the relationship Dr. Brigham utilized the company name of "Mohonk Corp." Dr. Brigham authorized the placement of advertisements for businesses with the names "American Women's Services", "A Woman's Right", "A Abortion Appointment Service", "Abortion Care", "American Women's Center", and "Abortion & Birth Control Services" at this time, and instructed ADS to send the bill to "Mohonk Corp" for advertisements placed for those entities. Each of these entities used the "1-800-ABORTION" phone number. The bills would then be paid by several other corporations, including "Professional Practice Management, Inc.", "American Medical Services, P.C.", "Professional Medical Services, P.C.", "The Kindness Corp.", "The Peaceful Corp.", and others. This arrangement persisted for several years without incident.

13. Later Dr. Brigham directed ADS to place advertisements for "A Choice", "American Healthcare Services", "Associates in Obstetrics/Gynecology", "Women's Choice", "Staten Island Women's Services" and "A Abortion Appointment Service", and directed ADS

to send bills for these advertisements to "US Medical Care". Again, these bills were paid without incident.

14. In 2001, Brigham directed ADS to place advertisements using the 1-800 and 1-888-ABORTION phone numbers for "American Women's Services", "Abortion Care", "Allentown Medical Services", "State College Medical Services", "Phillipsburg Women's Services", "A American Women's Services", "A Right to Choose", "American Healthcare Services", "A Woman's Choice", "Abortion", "Pittsburgh Abortion Services", "Associates in Obstetrics/Gynecology", "Abortions to 24 Weeks", and "American Wellness Center". Bills were to be sent to "CK Company" located in Perrysburg, Ohio.

15. Dr. Brigham was billed for these services through a series of ten invoices. A Statement of Account is attached as Exhibit "A". From January 1, 2001 to September 1, 2001, Dr. Brigham and/or his affiliated companies were billed monthly for a total amount of \$1,015,222.94. Dr. Brigham and/or his affiliated companies acknowledged the validity of these bills, making partial payments of \$163,092.51. Dr. Brigham and his affiliated companies were also billed \$35,004.00 on July 1, 2003, against which a \$4,816.00 partial payment was made.

16. However, Dr. Brigham and his affiliated companies are in arrears in the amount of \$882,318.43, plus interest.

FIRST COUNT
(Breach of Contract Against Dr. Brigham)

17. Plaintiff repeats and re-allege each and every allegation contained in the paragraphs above as if the same were set forth more fully at length herein.

18. Dr. Brigham entered into an express oral contract with ADS for the placement of advertisements to further his personal abortion practice. Dr. Brigham also promised to be, and/or is otherwise required to act as, a guarantor of his affiliated companies.

19. Dr. Brigham received the benefit of his bargain with ADS in that he and his affiliated companies placed yellow page advertisements in numerous telephone directories.

20. By failing to pay ADS the remainder of the outstanding bill, Brigham has breached his contractual obligations owed under the oral contract reached with ADS.

21. By virtue of Brigham's breach of contractual obligations, ADS has been harmed in the amount of \$882,318.43, plus interest.

WHEREFORE, plaintiff demands judgment in its favor and against defendants in the amount of \$882,318.43 together with interest, attorneys fees, costs of suit, and all other relief this Court finds equitable and just.

SECOND COUNT

(Breach of Contract Against Allentown Medical Services; American Women's Services; Associates in Obstetrics/Gynecology; CK Company, Professional Medical Services, P.C., and ABC Company 1-100)

22. Plaintiff repeats and re-allege each and every allegation contained in the paragraphs above as if the same were set forth more fully at length herein.

23. Dr. Brigham acted at all times both on his own behalf and as an agent or other authorized representative of Allentown Medical Services; American Women's Services; Associates in Obstetrics/Gynecology; CK Company, Professional Medical Services, P.C., and ABC Company 1-100.

24. Dr. Brigham entered into an oral contract with ADS for the placement of yellow page advertising on his own behalf and on behalf of and with the authorization of Allentown Medical Services; American Women's Services; Associates in Obstetrics/Gynecology; CK Company, Professional Medical Services, P.C., and ABC Company 1-100.

25. Allentown Medical Services; American Women's Services; Associates in Obstetrics/Gynecology; CK Company, Professional Medical Services, P.C., and ABC Company 1-100 received the benefit of their bargain with ADS in that they placed yellow page advertisements in numerous telephone directories.

26. Accordingly, Allentown Medical Services; American Women's Services; Associates in Obstetrics/Gynecology; CK Company, Professional Medical Services, P.C., and ABC Company 1-100 are jointly and severally liable to ADS for the outstanding invoiced amount of \$882,318.43, plus interest.

WHEREFORE, plaintiff demands judgment in its favor and against defendants in the amount of \$882,318.43 together with interest, attorneys fees, costs of suit, and all other relief this Court finds equitable and just.

THIRD COUNT

(Quasi-Contract Against All Defendants)

27. Plaintiff repeats and re-allege each and every allegation contained in the paragraphs above as if the same were set forth more fully at length herein.

28. All defendants received a benefit from ADS in that yellow page advertising was placed in numerous phone directories identifying their businesses.

29. It would be inequitable and unjust to allow defendants to have received that benefit without paying the fair market value for those services.

30. The amounts invoiced by ADS are no more than the prevailing rate charged by the applicable phone directory publishers, and in some cases are below fair market value.

31. Accordingly all defendants are jointly and severally liable to ADS for the amount of \$882,318.43 plus interest.

WHEREFORE, plaintiff demands judgment in its favor and against defendants in the amount of \$882,318.43 together with interest, attorneys fees, costs of suit, and all other relief this Court finds equitable and just.

JURY DEMAND

Plaintiff Advanced Directory Sales demands a trial by jury.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Plaintiff hereby designates Chad A. Rutkowski, Esquire as trial counsel in this matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

Pursuant to Rule 4:5-1, I hereby certify that this matter is not the subject of any other action pending in any other court, or of a pending arbitration proceeding.

WHITE AND WILLIAMS LLP
Attorneys for Plaintiff

By: 
Chad A. Rutkowski, Esquire

Dated: January 11, 2006

1164

Date: January 10, 2004
To: CK Company
Judith Fitch
9864 Ford Road
Perrysburg, OH 43551



Statement of Account

01/01/01	13043	\$238,709.19	\$159,731.51	\$ 78,977.68
02/01/01	13134	\$36,445.50	\$0.00	\$ 36,445.50
03/01/01	13313	\$11,861.00	\$0.00	\$ 11,861.00
04/01/01	13318	\$15,943.50	\$0.00	\$ 15,943.50
05/01/01	13402	\$100,006.50	\$0.00	\$ 100,006.50
06/01/01	13495	\$90,455.00	\$0.00	\$ 90,455.00
07/05/01	13626	\$112,530.05	\$0.00	\$ 112,530.05
08/01/01	13699	\$171,411.00	\$0.00	\$ 171,411.00
09/01/01	13790	\$239,861.20	\$3,361.00	\$ 236,500.20
07/01/03	15342	\$35,004.00	\$4,816.00	\$ 30,188.00
Total Amount Due:				\$ 882,318.43

Make checks payable to:

Advanced Directory Sales, Inc.
330 Sicklerville Road
Sicklerville, NJ 08081
(856) 629-2304
Fax (856) 629-0686

Please disregard this statement if full payment has been made.



CAMDEN COUNTY
SUPERIOR COURT
HALL OF JUSTICE
CAMDEN

NJ 08103

COURT TELEPHONE NO. (856) 379-2200
COURT ROOMS

TRACK ASSIGNMENT NOTICE

DATE: JANUARY 13, 2006
RE: ADVANCED DIRECTORY SALES VS ALLENTOWN MBD SVCS
DOCKET: CAM L -000287 06

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 1.

DISCOVERY IS 150 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON CHARLES A. BITTLE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 301 AT: (856) 379-2200 EXT 3080.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADINGS. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.

ATTENTION:

NTT: CHAD A. RUTKOWSKI
WHYTE & WILLIAMS LLP
LIBERTY VIEW
457 HADDONFIELD RD SUITE 400
CHERRY HILL NJ 08002

JUCH?