

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

Mount Calvary Baptist Church,

Plaintiff,

v.

Oconee Communications Co., LLC,

Defendant.

Case Number

Notice of Removal

The Defendant, Oconee Communications Co., LLC, removes the action filed in Greene County, Georgia by Plaintiff, Mount Calvary Baptist Church, pursuant to 28 U.S.C. § 1446.

1. Plaintiff prays that the Superior Court of Greene County, Georgia to seize property, which is actually a radio tower and give Plaintiff control.
2. The FCC has "unified jurisdiction and regulatory power over all forms of electrical communication, whether by telephone, telegraph, cable, or radio." *United States v. Sw. Cable Co.*, 392 U.S. 157, 167-68, 88 S. Ct. 1994, 20 L. Ed. 2d 1001 (1968).

3. In the case at hand, the transfer and possession of the radio tower are in the exclusive jurisdiction of the Federal Communications Commission (FCC). See 47 U.S.C. §§ 301, 303, 307, 318 & 319.

4. Federal preemption exists under the FCC for the relief that Plaintiff seeks against Defendant. Simply put the Plaintiff seeks control over property that is solely used for the transmission of a radio signal under the authority of the FCC.

5. Defendant removes this action within 30 days of being served with the action by Plaintiff.

Wherefore, the Defendant removes the action filed by Plaintiff and attaches all the state court documents filed in the case at hand.

Respectfully submitted this 26th day of December, 2024.

/s/ Anthony J. Hall

Anthony J. Hall

Georgia Bar Number 318028

The Leach Firm

1560 N Orange Ave, Suite 600

Winter Park, Florida 32789

Tel – (407) 574-4999

Email – ahall@theleachfirm.com

Certificate of Service

I hereby certify that a true and accurate copy of the foregoing shall be served via email to Plaintiff's counsel at albertamyersiii@hotmail.com on this 26th day of December 2024.

/s/ Anthony J. Hall
Anthony J. Hall