

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE

IN THE MATTER OF:

████████████████████  
(all minors),

STATE OF TENNESSEE,  
DEPARTMENT OF CHILDREN'S  
SERVICES  
Petitioner,

CIVIL CASE NO:

v.

MARK CARR,  
Intervenor.

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Intervenor Mark Carr hereby removes Case No. 18-403/404/405/406, pending in the Juvenile Court of Sevier County, Tennessee, to the United States District Court for the Eastern District of Tennessee pursuant to 28 U.S.C. §1441.

Grounds for this removal are as follows:

1. On October 5, 2018 the petitioner filed a “motion for injunction regarding website” in the Juvenile Court of Sevier County, Tennessee, seeking, among other things, an order “to remove a website that contains information about this case, to instruct third parties to remove any website that contains information about this case and...to restrain [parents of the minors indicated above] from discussing this matter with third-parties.” A copy of the motion filed by petitioners is attached to this notice as an exhibit.
2. The petitioner’s motion correctly indicates that Mark Carr created and manages the website of which the petitioner complains.

3. Mark Carr is the pastor for the parents of the minor children indicated above.
4. Petitioner's motion for injunction against Pastor Carr's website, and requesting an injunction prohibiting member's of Pastor Carr's church from talking with Pastor Carr about matters of religious concern, raises questions of federal constitutional law such that jurisdiction lies in this Court under 28 U.S.C. §1331. The petitioner's motion violates Pastor Carr's rights under the First Amendment to the United States Constitution's free speech clause, freedom to petition clause, and establishment clause.
5. Notice of removal is timely filed because the motion raising these issues of Federal Law was filed on October 5, 2018; and because Pastor Carr has not been served notice of the motion or notice of any hearing on said motion.
6. Pursuant to 28 U.S.C. §1446(b), the parents of the minor children indicated above have, through their attorney Andrew Fox, joined and consented to removal of the Juvenile Court matter to this Court.
7. A copy of this Notice will be filed promptly with the Clerk of the Juvenile Court of Sevier County, Tennessee. That filing will automatically effect the removal of the subject action to this Court, in its entirety, for future proceedings pursuant to 28 U.S.C. § 1446(d).

Submitted this 16<sup>th</sup> Day of October, 2018.

s/Van R. Irion  
Van R. Irion (TN BPR#024519)  
Law Office of Van R. Irion, PLLC  
800 Gay St., Ste. 700  
Knoxville, TN 37929  
(865) 766-4040  
[van@irionlaw.com](mailto:van@irionlaw.com)  
Attorney for the Intervenor