

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

BRIAN MCKNIGHT,

Plaintiff,

v.

**FOXY/WFXC/K 107.1/104.3 RADIO
STATION; URBAN ONE, INC.; KAREN
CLARK,**

Defendants.

Civil Action No. 5:26-cv-102

URBAN ONE NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Urban One, Inc. and its d/b/a FOXY/WFXC/K 107.1-104.3 Radio Station (“Urban One”), by and through undersigned counsel, hereby remove *McKnight vs. FOXY/WFXC/K 107.1/104.3 Radio Station; Urban One, Inc.; Karen Clark*, Case No. 26CV003013-910, pending in the Superior Court of the State of North Carolina for the County of Wake (“State Court Action”), to the United States District Court for the Eastern District of North Carolina. Defendant Karen Clark advises that she has not been joined and served in the State Court Action. Removal of the State Court Action to this Court is proper for the following reasons:

I. PROCEDURAL HISTORY AND BACKGROUND

1. On January 22, 2026, Plaintiff Brian McKnight (“Plaintiff”) filed a Complaint and Demand for Jury Trial (the “Complaint”) in the District Court of the State of North Carolina for the County of Wake, naming Urban One, Inc. and FOXY/WFXC/K 107.1/104.3 Radio Station as Defendants.
2. The Complaint filed on January 22, 2026, was not served on any Defendant.

3. On January 27, 2026, Plaintiff filed an Amended Complaint against Urban One, Inc., FOXY/WFXC/K 107.1/104.3 Radio Station, and Karen Clark.

4. The Amended Complaint was served on Urban One on January 30, 2026. We are advised that no other Defendant has been served.

5. In the Amended Complaint, Plaintiff alleges four counts: (1) Defamation; (2) Negligent and Reckless Publication and Supervision; (3) Vicarious Liability/Respondeat Superior; and (4) Punitive Damages, and seeks at least \$25,000.00 in damages separately for each count.

II. GROUND FOR REMOVAL – DIVERSITY JURISDICTION

6. This Court has diversity jurisdiction over this action because there is complete diversity of citizenship between the Parties and the amount in controversy exceeds \$75,000.00.

A. Diversity of Citizenship

7. Plaintiff is a citizen of Georgia. (Amended Complaint, ¶ 1.)

8. Defendant Urban One, Inc. is a Delaware Corporation with its principal place of business in Silver Spring, Maryland. For the purposes of diversity jurisdiction under 28 U.S.C. § 1332, Urban One is a citizen of the States of Maryland and/or Delaware. FOXY/WFXC/K 107.1/104.3 Radio Station is not a natural person or a legal entity, it is a d/b/a of Urban One, so its state of citizenship is the same as Urban One.

9. Defendant Karen Clark, who we are advised has not been joined and served, is citizen of the State of North Carolina.

10. Accordingly, there is complete diversity of citizenship.

B. Amount in Controversy

11. To exercise jurisdiction “the matter in controversy [must] exceed[] the sum or value of \$75,000.00, exclusive of interest and costs.” 28 U.S.C. 1332(a).

12. “[A]s specified in § 1446(a), a defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold. Evidence establishing the amount is required by §1446(c)(2)(B) only when the plaintiff contests, or the court questions, the defendant’s allegation.” *Dart Cherokee Base Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014).

13. When determining whether the aggregate amount of Plaintiff’s claims meets the jurisdictional threshold, the Court may consider compensatory, statutory, and punitive damages.

14. Plaintiff’s claims, when aggregated, exceed the \$75,000.00 matter in controversy threshold. Plaintiff seeks “in excess of \$25,000” individually and separately for each of the four (4) counts set out in his Amended Complaint, totaling at least \$100,000.00. Thus, the matter in controversy requirement set out in 28 U.S.C. § 1332(a) is satisfied.

III. COMPLIANCE WITH STATUTORY REQUIREMENTS

15. In accordance with 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings, and orders served upon Urban One in the State Court Action are attached hereto as **Exhibit A**. Upon information and belief, no other related process, pleadings, or orders have been served upon Urban One.

16. This Notice of Removal is being filed before 30 days from Urban One’s receipt of a copy of the initial pleading setting forth the claim for relief upon which the State Court Action is based, as required by 28 U.S.C. § 1446(b).

17. Upon review of the Court’s electronic filing system, no previous Notice of Removal has been filed or made with this Court for the relief sought herein.

18. The United States District Court for the Eastern District of North Carolina is the federal judicial district encompassing the District Court of the State of North Carolina for the

County of Wake, where the State Court Action is currently pending. Venue is therefore proper under 28 U.S.C. § 1441(a).

19. This Notice of Removal complies with 28 U.S.C. § 1441(b)(2), because Defendant Karen Clark has advised that she has not been “joined and served” in the State Court Action.

20. Pursuant to the provisions of 28 U.S.C. § 1446(d), Urban One will promptly file a copy of this Notice of Removal with the Clerk of the District Court of the State of North Carolina for the County of Wake and will serve a copy upon Plaintiff. A copy of the Notice of Filing Notice of Removal is attached hereto as **Exhibit B**.

21. Accordingly, pursuant to 28 U.S.C. §§ 1332 and 1441, the State Court Action may be removed from the District Court of the State of North Carolina for the County of Wake and brought before the United States District Court for the Eastern District of North Carolina.

22. Pursuant to 28 U.S.C. § 1446(b)(2), all “properly joined and served” defendants must consent to removal. Urban One and its d/b/a FOXY/WFXC/K 107.1/104.3 Radio Station consent to this Notice of Removal. Defendant Karen Clark advises that she has not been joined and served in the State Court Action. Thus, the requirement set out in 28 U.S.C. § 1446(b)(2) is satisfied.

IV. RESERVATION OF RIGHTS

23. Urban One denies any and all allegations contained in Plaintiff’s Amended Complaint or in any other filing in the State Court Action, and files this Notice of Removal without waiving any defenses, objections, exceptions, or obligations that may exist in its favor in either state or federal court.

24. Further, in making the allegations in this Notice of Removal, Urban One does not concede in any way that the allegations in the Amended Complaint are properly raised against

Urban One, that Plaintiff has asserted claims upon which relief can be granted, or that recovery of any of the amounts sought is authorized or appropriate.

25. Urban One reserves the right to amend or supplement this Notice of Removal. If any questions arise as to the propriety of the removal of the State Court Action, Urban One expressly requests the opportunity to present a brief, oral argument, and/or any further evidence necessary in support of its position that this action is removable.

WHEREFORE, having met all the requirements for removal, Urban One respectfully removes this case from the District Court of the State of North Carolina for the County of Wake to the United States District Court for the Eastern District of North Carolina, and seeks whatever further relief this Court deems equitable and just.

Dated: February 20, 2026

Respectfully submitted,

/s/ Lauren Johnson Nichols

Lauren Johnson Nichols (N.C. Bar No. 59353)

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*Attorney for Defendant Urban One, Inc., including
d/b/a FOXY/WFXC/K 107.1/104.3 Radio Station*

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2026, I caused the foregoing document to be filed with the Clerk of Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record. I further certify that a copy of the foregoing was sent via U.S. Mail to:

S. Ranchor Harris
Ranchor Harris Law, PLLC
1784 Heritage Center Drive
Suite 204-E
Wake Forest, NC 27587

/s/ Lauren Johnson Nichols

Lauren Johnson Nichols
(N.C. Bar No. 59353)
*Attorney for Defendant Urban One, Inc.,
including d/b/a FOXY/WFXC/K 107.1/104.3
Radio Station*