

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JILL ANN STEWART,)	CASE NO.:
)	JUDGE
Plaintiff,)	
)	<u>NOTICE OF REMOVAL</u>
vs.)	
)	
CITY OF LAKEWOOD, et al.,)	
)	
Defendants.)	
)	

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

1. On March 10, 2010, Plaintiff Jill Ann Stewart commenced an action in the Cuyahoga County Court of Common Pleas, Ohio, bearing Case No. CV-10-720872 entitled “Jill Ann Stewart v. City of Lakewood, et al.,” praying judgment against Defendant City of Lakewood. Said action is predicated on alleged violations of Plaintiff’s Fourth Amendment rights under the United States Constitution. Said action is wholly of a civil nature of which this Court has original jurisdiction under the provisions of Title 28, United States Code, Sections 1343(a)(3) and/or 1331, and is one which may be removed to this Court pursuant to the provisions of Title 28 United States Code Section 1441(a) and (b), as being a civil action involving a claim or claims over which this Court has original jurisdiction and involving a claim or right arising under the Constitution, treaties or laws of the United States, all of which more fully appears in the Plaintiff’s Complaint, a copy of which is attached hereto and incorporated herein by reference.

2. Said action also contains certain pendent state law claims over which this Court has jurisdiction under the provisions of 28 United States Code Section 1367.

3. A copy of the Summons and Complaint in the case aforesaid was served upon Defendant City of Lakewood on April 5, 2010 under and by virtue of Rule 4.3 of the Ohio Rules of Civil Procedure.

4. Defendant attaches hereto, and files herewith, a copy of the Summons and Complaint served as aforesaid, as well as copies of all other process, pleadings and orders served upon them.

5. Plaintiff also filed suit against John Does 1-10, but has not named or served any individual defendants. To the extent necessary, these unnamed Defendants join in this removal.

WHEREFORE, Defendant City of Lakewood prays that the case presently pending in the Cuyahoga County Court of Common Pleas against it be removed to this Court and proceed herein according to law.

Respectfully submitted,

MAZANEC, RASKIN, RYDER & KELLER CO., L.P.A.

s/Cara M. Wright

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Counsel for Defendant City of Lakewood

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2010, a copy of the foregoing Notice of Removal was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

A copy of the foregoing Notice of Removal was served April 23, 2010, by depositing same in first-class United States mail, postage prepaid, to the following:

William M. Goldstein, Esq.
Michael D. Goldstein, Esq.
Goldstein & Goldstein Co., LPA
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Attorney for Plaintiff Jill Ann Stewart

s/Cara M. Wright

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Counsel for Defendant City of Lakewood