

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

AMBER ROUNSEVILLE,)
)
 Plaintiff,)
) Cause No:
 vs.)
) Division
 EBENEZER FIRE PROTECTION DISTRICT) **JURY DEMAND REQUESTED**
 and NELSON PREWITT, in his individual and)
 official capacity,)
) Green County Cause No: 1431-CC01239
 Defendants.)

NOTICE OF REMOVAL

COME NOW Defendants Ebenezer Fire Protection District and Nelson Prewitt, by and through its undersigned counsel, pursuant to 28 U.S.C. § 1446(b), and file this Notice of Removal to the United States District Court for the Western District of Missouri, Southern Division, and for grounds of this Notice of Removal, state:

1. The above-entitled action, filed and now pending in the Circuit Court of Greene County, Missouri, alleges a violation of 42 U.S.C. § 1983 *et seq.* (See Plaintiff's Petition, attached hereto as Exhibit A).
2. Removal in this matter is timely in that the Plaintiff filed her Petition on or about September 11, 2014. Defendant was served with Plaintiff's Petition on September 23, 2014.
3. As required by 28 U.S.C. § 1446(b), Defendants' Notice of Removal is filed in this Court within thirty days after the receipt by Defendants of a copy of Plaintiff's Petition in

said action, setting forth the claim for relief upon which said action is based, which was served upon Defendants.

4. The United States District Court for the Western District of Missouri has federal question jurisdiction over this case because Plaintiff's cause of action is brought pursuant to the 42 U.S.C. § 1983.
 5. Therefore, and pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over Plaintiff's cause of action as it arises under federal law, authorizing removal to this Court pursuant to 28 U.S.C. § 1446(b).
 6. As Plaintiff's Petition was originally filed in Greene County, Missouri, removal to this judicial district and division is appropriate pursuant to 28 U.S.C. § 1441(a).
 7. This Court has supplemental jurisdiction over all other claims contained within Plaintiff's Petition, pursuant to 28 U.S.C. § 1367, because said claims arise between the same parties and out of same controversy which serves as the basis of Plaintiff's claim brought pursuant to 42 U.S.C. § 1983.
 8. Furthermore, as required by 28 U.S.C. § 1446(a), Defendants attach a copy of all process, pleadings, and orders served upon Defendants in said action, attached hereto as Exhibit A.
 9. Contemporaneously with the filing of this Notice of Removal, and pursuant to 28 U.S.C. § 1446(d), Defendants are filing a copy of this Notice of Removal with the Clerk of the Circuit Court of Greene County, Missouri, and is serving a copy on counsel for Plaintiff.
- WHEREFORE, Defendants pray this Honorable Court accept jurisdiction of said action.

/s/ Steven J. Hughes

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I, the undersigned, certify that the original pleading was signed by the attorney of record and a copy of the foregoing has been electronically served on all counsel of record via the Missouri eFiling System, or U.S. mail for parties not registered for the Missouri eFiling System, on this 22nd day of October, 2014: **Mr. Rick Barry and Ms. Megan L. Hoffman**, Attorneys for Plaintiff, 1034 S. Brentwood Blvd., Suite 1301, St. Louis, Missouri 63117; E-mail: rickbarry@rickbarrypc.com and megens@rickbarrypc.com.

Under penalties of perjury as provided by law, I certify that the statements in this affidavit are true.

/s/ Linda R. Alexander