

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael L. Barnes Jr.,

Case No:

Plaintiff,

v.

NOTICE OF REMOVAL TO
FEDERAL COURT

City of Minneapolis and John Doe,

Defendants.

Defendant City of Minneapolis, through its attorney, Tracey N. Fussy, Assistant City Attorney, 350 South Fifth Street, Suite 210, Minneapolis, MN 55415, hereby gives notice to the State Court and Plaintiff, Michael L. Barnes, as follows:

1. City of Minneapolis is a Defendant in a civil action in the District Court of the Fourth Judicial District of the State of Minnesota entitled *Michael L. Barnes Jr. v. City of Minneapolis and John Doe*, and a trial has not yet been had thereon.

2. A copy of the Summons is attached as **Exhibit A**. A copy of the Complaint is attached as **Exhibit B**. A copy of the Answer of Defendant City of Minneapolis is attached as **Exhibit C**.

3. This Notice of Removal to Federal Court is filed pursuant to Title 28, United States Code, § 1441(a) and (b), said action in the State Court commenced

against Defendant being a civil action alleging that Defendant violated the civil rights of the Plaintiff resulting in injury.

4. The Complaint alleges a violation of Plaintiff's rights protected under 42 U.S.C. § 1983. These are claims over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1343, as they arise under the laws of the United States within the meaning of 28 U.S.C. § 1331, and this claim is therefore removable under 28 U.S.C. § 1441. The Complaint also alleges several State law claims.

5. Defendant City of Minneapolis, files herewith a copy of all process, pleadings and orders served upon them in this action, have sent written notice of the filing of this Notice of Removal to Federal Court to Plaintiff, and will promptly file a copy of this Notice with the Clerk of the District Court for the Fourth Judicial District of the State of Minnesota, County of Hennepin, and attach the Federal Rules of Civil Procedure, Rule 11 affidavit.

7. Pursuant to 28 U.S.C. 1446(b)(2)(A), all defendants who have been properly joined and served consent to the removal of this action.

WHEREFORE, notice is hereby given this action is removed from the State Court to this Court for trial or such other determination as this Court may make

regarding the action and in accordance with its jurisdictional limits under 28 U.S.C. § 1441.

Dated: January 7, 2015

SUSAN L. SEGAL
City Attorney
By

/s/ Tracey N. Fussy
TRACEY N. FUSSY (#0311807)
Assistant City Attorney
City Hall, Room 210
350 South 5th Street
Minneapolis, MN 55415
(612) 673-2254
Attorneys for Defendants

AFFIDAVIT OF TRACEY N. FUSSY

STATE OF MINNESOTA)
)SS
COUNTY OF HENNEPIN)

Tracey N. Fussy, being first duly sworn, states and alleges as follows:

Affiant is an attorney with the Office of the City Attorney for the City of Minneapolis and represents Defendant City of Minneapolis; she has read the foregoing Notice of Removal to Federal Court and knows the contents thereof; the same is true of her own knowledge, except as to any matters stated therein on information and belief, and as to those matters, she believes them to be true.

Subscribed and sworn to
before me this _____ day
of _____, 2015.

/s/ Tracey N. Fussy

Notary Public
My Commission expires: