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5 **Attorneys for Defendant Santa Cruz County, et al.**

6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
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<p>10 MICHAEL E. BOYD,</p> <p>11 Plaintiff,</p> <p>12 v.</p> <p>13</p> <p>14 SANTA CRUZ COUNTY; SANTA CRUZ COUNTY BOARD OF SUPERVISORS, 15 JOHN LEOPOLD, ZACH FRIEND, NEAL COONERTY, GREG CAPUT, and BRUCE 16 McPHERSON; DOES 1 to 50,</p> <p>17 Defendants.</p> <p>18</p>	<p>Case No. _____ (Santa Cruz County Superior Court Case No. CV 179607)</p> <p>NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT UNDER 28 U.S.C. § 1441(b) (FEDERAL QUESTION)</p>
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20 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

21 PLEASE TAKE NOTICE that defendant Scott M. Jalbert (hereinafter “defendant”) hereby
22 removes to this Court the state court action described below pursuant to 28 United States Code
23 sections 1331, 1441, and 1446.

24 **STATEMENT OF GROUNDS FOR REMOVAL**

25 1. On January 5, 2015, plaintiff served defendant with his complaint in this case
26 (plaintiff served defendant as DOE defendant number 14). Pursuant to 28 U.S.C. section 1446, this
27 notice is filed with this Court within 30 days after plaintiff served defendant with a copy of his
28 complaint.

1 2. This action is a civil action of which this Court has original jurisdiction under 28
2 U.S.C. section 1331, and is one which may be removed to this Court by defendant pursuant to the
3 provisions of 28 U.S.C. section 1441(b) in that it contains a cause of action for alleged violation of
4 the “First Amendment, Due Process Violations, and 42 USC § 1983” (the fourth cause of action).
5 The amended complaint also contains claims for alleged violations of the California Constitution.
6 Plaintiff seeks damages, injunctive relief, and attorney’s fees.

7 3. The following are relevant documents filed with the Santa Cruz County Superior
8 Court prior to this action being removed to this Court¹:

- 9 a. Plaintiff’s Summons, filed July 15, 2014;
- 10 b. Plaintiff’s Complaint Against Unlawful Tax On Medical Cannabis, filed July
11 15, 2014;
- 12 c. Plaintiff’s Request For Entry of Default and Court Judgment, filed August 19,
13 2014;
- 14 d. Defendants’ Answer To Complaint, filed August 20, 2014;
- 15 e. Plaintiff’s Motion For Entry Of Default Judgment For Plaintiff And To Set
16 Aside Answer, filed September 11, 2014;
- 17 f. Defendants’ Opposition To Plaintiff’s Motion For Entry Of Default Judgment
18 And To Set Aside Answer, filed September 26, 2014;
- 19 g. Court’s Minute Order related to Plaintiff’s Motion For Entry Of Default
20 Judgment And To Set Aside Answer, dated October 10, 2014;
- 21 h. Defendants’ Case Management Conference Statement, filed October 30, 2014;
- 22 i. Plaintiff’s Case Management Conference Statement, filed November 3, 2014;
- 23 j. Plaintiff’s Identification Of Fictitious Named Defendants, filed December 5,
24 2014;
- 25 k. Defendant City of Santa Cruz’s Notice of Demurrer & Demurrer;
26 Memorandum Of Points & Authorities In Support Thereof, filed January 16,
27 2015;

28 ¹ True and correct copies of these documents are attached hereto as Exhibits A through M.)

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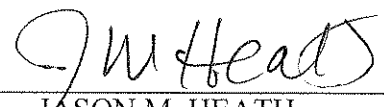
- l. Plaintiff's Notice Of Motion And Motion To Amend Complaint By Leave Of Court And Points And Authorities In Support Thereof, filed January 26, 2015;
- m. Plaintiff's Proposed First Amended Complaint, filed January 26, 2015.

4. The following proceedings took place in the Santa Cruz County Superior Court prior to this action being removed to this Court:

- a. October 10, 2008 – Hearing On Plaintiff's Motion For Default Judgment;
- b. November 13, 2008 – Case Management Conference.

WHEREFORE, defendant Scott M. Jalbert prays that this action be removed to this Court, that this Court accept jurisdiction of this action, and that this action be placed on the docket of this Court for further proceedings as though this action had originally been instituted in this Court.

Dated: January 29, 2015

Respectfully submitted,
 DANA McRAE, COUNTY COUNSEL
 By: 
 JASON M. HEATH
 Chief Assistant County Counsel
**Attorneys for Defendant
 Santa Cruz County, et al.**

PROOF OF SERVICE

I, the undersigned, state that I am a citizen of the United States and employed in the County of Santa Cruz, State of California. I am over the age of 18 years and not a party to the within action. My business address is 701 Ocean Street, Room 505, Santa Cruz, California 95060. On the date set out below, I served a true copy of the following on the person(s)/entity(ies) listed below:

NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT UNDER 28 U.S.C. § 1441(b) (FEDERAL QUESTION)

by **service by mail** by placing said copy enclosed in a sealed envelope and depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.

by **service by mail** by placing said copy enclosed in a sealed envelope and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

by **personal service** at a.m./p.m. at _____.

by **express or overnight mail** by arranging for pick-up by an employee of an express/overnight mail company on:

by **facsimile service** at the number listed below and have confirmation that it was received by:


**Michael E. Boyd
5439 Soquel Drive
Soquel, CA 95073**

(Plaintiff In Propria Persona)

**George J. Kovacevich
Atchison, Barisone, Condotti & Kovacevich
P.O. Box 481
Santa Cruz, CA 95061**

(Attorney For City of Santa Cruz Defendants)

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 29, 2015, at Santa Cruz, California.



MARIA VARGAS