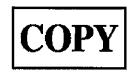
Case: 2:17-cv-00163-EAS-KAJ Doc #: 2 Filed: 02/23/17 Page: 1 of 6 PAGEID #: 35

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION



CLIFTON A. JACKSON et al.,

٠

Plaintiff, : CASE NO. 2:17-cv-163

:

,

:

OHIO STATE HIGHWAY : CHIEF JUDGE SARGUS

PATROL, et al.

MA

MAGISTRATE JUDGE JOLSON

Defendants.

NOTICE OF SUBSTITUTION

Please take notice that under 28 U.S.C. § 2679(d), the United States of America is substituted for the individual Defendants Geno Taliano and Caitlin Szczepinski with respect to the state law tort claims that Plaintiffs allege in their complaint. The grounds for this substitution are:

- 1. The Plaintiffs allege various state law torts including intentional infliction of emotional distress, intentional tort, loss of consortium, and intentional discriminatory prosecution by Geno Taliano and Caitlin Szczepinski, who were employees of the Drug Enforcement Administration (DEA) at all times relevant to the complaint. Taliano was a deputized Task Force Officer with the DEA and Szczepinski was a Special Agent with the DEA.
- 2. The Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671–2680, as amended by the Federal Employees Liability Reform and Tort Compensation Act of 1988 § 5, Pub. L. No. 100-694, 102 Stat. 1463 (1988), provides that upon certification by the Attorney General that a federal employee was acting within the scope of his office or employment at the

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time of the incident out of which the claim arose, any civil action commenced in the court shall be removed and deemed an action against the United States under the FTCA, and the United States shall be substituted as sole defendant with respect to those claims. 28 U.S.C. § 2679(d)(2). Certification authority has been delegated to United States Attorneys. 28 C.F.R. § 15.4.

- 3. Benjamin C. Glassman, the United States Attorney for the Southern District of Ohio, has certified that Defendants Taliano and Szczepinski were acting within the scope of their employment and office as employees of the United States Government at the time of the incident out of which Plaintiffs' claims arose. The Court is referred to the United States Attorney's Certification of Scope of Employment filed with the Notice of Removal. See Certification of Scope of Employment, ECF No. 1-3.
- 4. For the foregoing reasons, the United States has, by operation of law, been substituted for Defendants Taliano and Szczepinski as the sole defendant with respect to the state law tort claims that Plaintiffs allege.

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/Leah M. Wolfe

LEAH M. WOLFE (0093299) Assistant United States Attorney 303 Marconi Boulevard, Suite 200 Telephone: (614) 255-1585 Facsimile: (614) 469-5240

Email: leah.wolfe@usdoj.gov

CERTIFICATE OF SERVICE



I certify that on February 23, 2017, I filed the foregoing Notice of Substitution using the Court's CM/ECF system and I certify that on the same day a copy of the foregoing was sent via regular U.S. Mail to:

Clifton A. Jackson Lake Erie Correctional Institution, # A652-163 501 Thompson Road Conneaut, OH 44030

Alexander Jemison
Buffalo, NY
Amber Powlak
Buffalo, NY
Mason Jackson
Buffalo, NY
Moneh Fuller
Buffalo, NY
Roman Motley
Buffalo, NY
Elijah Fuller
Buffalo, NY
Lorrionna Jackson
Buffalo, NY

April Burns

Detroit, Mi

Angel Burns Myles

Detroit, Mi

Brenda Jackson

Detroit, Mi

Jamel Pittman

Ohio's State Highway Patrol 1970 W. Broad Street P.O. Box 182074 Columbus, OH 43218-2074

Detroit, MI

State Trooper, Christopher Beyer 1970 W. Broad Street P.O. Box 182074 Columbus, OH 43218-2074

State Trooper, Michael Trader 1970 W. Broad Street P.O. Box 182074 Columbus, OH 43218-2074

State Trooper, K-9 Argo 1970 W. Broad Street P.O. Box 182074 Columbus, OH 43218-2074

Lorain County Prosecutor Dennis P. Will, Esq. The Justice Center, 3rd Floor 225 Court Street Elyria, OH 44035



COPY

Lorain County Assistant Prosecutor Jennifer M. Riedthaler, Esq. The Justice Center, 3rd Floor 225 Court Street Elyria, OH 44035

Lorain County Assistant Prosecutor Peter J. Gauthier, Esq. The Justice Center, 3rd Floor 225 Court Street Elyria, OH 44035

Lorain County Assistant Prosecutor Laura Ann Dezort, Esq. The Justice Center, 3rd Floor 225 Court Street Elyria, OH 44035

Jack W. Bradley, Attorney at Law 520 Broadway, 3rd Floor Lorain, OH 44052

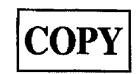
Mark A. Aufdenkampe, Attorney at Law 33399 Walker Road, Suite A Avon Lake, OH 44012

Paul A. Griffin, Attorney at Law 600 Broadway, 2nd Floor Lorain, OH 44052

Paul A. Mancino, Jr. Attorney at Law 75 Public Square, Suite 1016 Cleveland, OH 44113-2098

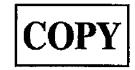
Edward Zaleski, Retired Judge The Justice Center, 7th Floor 225 Court Street Elyria, OH 44035 Case: 2:17-cv-00163-EAS-KAJ Doc #: 2 Filed: 02/23/17 Page: 6 of 6 PAGEID #: 40

John R. Miraldi, Judge The Justice Center, 3rd Floor 225 Court Street Elyria, OH 44035



s/Leah M. Wolfe LEAH M. WOLFE (0093299) Assistant United States Attorney

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO



CLIFTON A. JACKSON, et al.,

•

Plaintiff,

CASE NO. 17CV-01-616

V.

:

OHIO STATE

HIGWAY PATROL, et al.,

JUDGE YOUNG

Defendants.

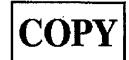
NOTICE OF FILING A NOTICE OF REMOVAL IN FEDERAL COURT

Under 28 U.S.C. § 2679(d) and 28 U.S.C. § 1442, the United States of America has filed a Notice of Removal in the United States District Court for the Southern District of Ohio, Eastern Division. The United States removed this case under the Federal Tort Claims Act, 28 U.S.C. § 1346(b), §§ 2671–2680, and 28 U.S.C. § 1442. A copy of the Notice of Removal is attached. Accordingly, removal is effected under 28 U.S.C. § 1446(d) and this Court is to proceed no further unless and until the case is remanded.¹

(signature on following page)

¹ Section 1446(d) states that "[p]romptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded."

Respectfully submitted,



BENJAMIN C. GLASSMAN United States Attorney

s/Leah M. Wolfe

LEAH M. WOLFE (0093299)
Assistant United States Attorney
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215
Telephone: (614) 469-5715

Fax: (614) 469-5240

Email: leah.wolfe@usdoj.gov

CERTIFICATE OF SERVICE



I certify that on February 23, 2017, I electronically filed a copy of the foregoing

Notice of Filing a Notice of Removal with the Franklin County Clerk of Courts and that on the same date, I mailed a copy by first class mail via the United States Postal Service to:

Clifton A. Jackson Lake Erie Correctional Institution, # A652-163 501 Thompson Road Conneaut, OH 44030

Alexander Jemison

Buffalo, NY

Amber Powlak

Buffalo, NY

Mason Jackson

Buffalo, NY

Moneh Fuller

Buffalo, NY

Roman Motley

Buffalo, NY

Elijah Fuller

Buffalo, NY

COPY

Lorrionna Jackson

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April Burns

Detroit, MI

Angel Burns Myles

Detroit, MI

Brenda Jackson

Detroit, MI

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Ohio's State Highway Patrol 1970 W. Broad Street P.O. Box 182074 Columbus, OH 43218-2074

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State Trooper, K-9 Argo 1970 W. Broad Street P.O. Box 182074 Columbus, OH 43218-2074

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Lorain County Assistant Prosecutor Jennifer M. Riedthaler, Esq. The Justice Center, 3rd Floor 225 Court Street Elyria, OH 44035

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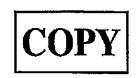
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Paul A. Mancino, Jr. Attorney at Law 75 Public Square, Suite 1016 Cleveland, OH 44113-2098 Edward Zaleski, Retired Judge The Justice Center, 7th Floor 225 Court Street Elyria, OH 44035



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> s/Leah M. Wolfe LEAH M. WOLFE (0093299) Assistant United States Attorney