

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



CLIFTON A. JACKSON et al.,	:	
	:	
Plaintiff,	:	CASE NO. 2:17-cv-163
	:	
v.	:	
	:	
OHIO STATE HIGHWAY	:	CHIEF JUDGE SARGUS
PATROL, et al.	:	
	:	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 state 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

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CERTIFICATE OF SERVICE

COPY

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
[REDACTED]
Buffalo, NY [REDACTED]

Amber Powlak
[REDACTED]
Buffalo, NY [REDACTED]

Mason Jackson
[REDACTED]
Buffalo, NY [REDACTED]

Moneh Fuller
[REDACTED]
Buffalo, NY [REDACTED]

Roman Motley
[REDACTED]
Buffalo, NY [REDACTED]

Elijah Fuller
[REDACTED]
Buffalo, NY [REDACTED]

Lorrionna Jackson
[REDACTED]
Buffalo, NY [REDACTED]

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April Burns

[REDACTED]
Detroit, MI [REDACTED]

Angel Burns Myles

[REDACTED]
Detroit, MI [REDACTED]

Brenda Jackson

[REDACTED]
Detroit, MI [REDACTED]

Jamel Pittman

[REDACTED]
Detroit, MI [REDACTED]

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

State Trooper, Christopher Beyer
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s/Leah M. Wolfe
LEAH M. WOLFE (0093299)
Assistant United States Attorney

IN THE COURT OF COMMON PLEAS,
FRANKLIN COUNTY, OHIO

COPY

CLIFTON A. JACKSON, et al.,	:	
	:	
Plaintiff,	:	CASE NO. 17CV-01-616
	:	
v.	:	
	:	
OHIO STATE	:	
HIGHWAY 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,

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CERTIFICATE OF SERVICE

COPY

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

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[REDACTED]
Buffalo, NY [REDACTED]

Amber Powlak
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