

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



CLIFTON A. JACKSON, et al.,	:	
	:	
Plaintiffs,	:	CIVIL NO. 2:17-cv-163
	:	
v.	:	
	:	
OHIO STATE HIGHWAY PATROL,	:	
et al.,	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL

1. Under 28 U.S.C. § 2679(d) and 28 U.S.C. § 1442, the United States of America, is removing to this Court a civil action originally filed in the Court of Common Pleas of Franklin County, Ohio. The United States is removing this action to federal court under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671–2680 and under 28 U.S.C. § 1442.

2. On January 20, 2017, Plaintiffs Clifton A. Jackson, Alexander Jemison, Amber Powlak, Mason Jackson, Moneh Fuller, Roman Motley, Elijah Fuller, Lorrionna Jackson, April Burns, Angel Burns Myles, Brenda Jackson, and Jamel Pittman filed a *pro se* "Civil Rights Complaint Under Civil Rule 3" with jury demand in the Franklin County Court of Common Pleas. Plaintiffs allege various state law torts and constitutional violations against numerous local, state, and federal law enforcement officials in their individual and official capacities, seeking over \$58 million in damages from Taliano and from Szcypinski. *See generally* Compl., attached hereto as Exhibit 1.



3. At all times relevant, Defendant Geno Taliano was a Task Force Officer with the DEA in Cleveland, Ohio.

4. At all times relevant, Defendant Caitlin Szczepinski was a Special Agent with the DEA in Cleveland, Ohio.

5. On January 26, 2017, the DEA Office at 1375 East 8th Street, Suite 700 in Cleveland, Ohio, received copies of the summons and complaint. The summonses and complaint received by the DEA are attached as Exhibit 1. A current copy of the case docket is attached as Exhibit 2.

6. The United States is removing this action under 28 U.S.C. § 2679(d)(2), which requires removal to federal district court upon certification by the Attorney General that a federal employee was acting within the scope of his office or employment at the 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). The United States may remove at any time before trial. *Id.* The Certification conclusively establishes scope of office or employment for purpose of removal. *Id.*

7. Under 28 U.S.C § 2679(d)(2) and by virtue of the authority vested in him by the Attorney General of the United States under 28 C.F.R. § 15.4, the United States Attorney for the Southern District of Ohio, Benjamin C. Glassman, has certified that on the basis of the information now available, the individual federal defendants, Geno Taliano and Caitlin Szczepinski, were acting within the scope of their employment and

office as employees of the United States Government at the time of the incident on which Plaintiffs' state law claims arose. *See* United States Attorney's Certification of Scope of Employment, attached hereto as Exhibit 3.

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8. In addition, the United States is removing this action under 28 U.S.C. § 1442(a)(1).

9. This removal is timely. The United States of America may remove at any time before trial under 28 U.S.C. § 2679(d)(2).

10. A copy of this Notice of Removal will be filed promptly with the Clerk of the Franklin County Court of Common Pleas to effect the removal. 28 U.S.C. § 1446(d).

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/Leah M. Wolfe
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CERTIFICATE OF SERVICE

COPY

I certify that on February 23, 2017 the foregoing Notice of Removal was presented to the Clerk of the Court for filing and uploading into the CM/ECF system, and I certify that on the same date a copy of the foregoing was sent by first class 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
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
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Lorain County Prosecutor
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75 Public Square, Suite 1016
Cleveland, OH 44113-2098

Edward Zaleski, Retired Judge
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John R. Miraldi, Judge
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Elyria, OH 44035

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