

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CHRIS MATSON,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.:
vs.)	
)	
CITY OF FOREST PARK, GA,)	
)	
Defendant.)	

NOTICE OF REMOVAL

TO: The Judges of the United States District Court for the Northern District of Georgia.

Defendant City of Forest Park, Georgia (hereinafter, “the City”) files this Notice of Removal pursuant to 28 U.S.C. § 1441(c) and § 1446. In support of this Notice, the City states as follows:

1.

The City was named as party defendant to a civil action commenced in the Superior Court of Clayton County, State of Georgia, captioned, Chris Matson v. City of Forest Park, and assigned civil action number 2020CV02803-09 (hereinafter, the “State Court Action”).

2.

In accordance with 28 U.S.C. § 1446(a), true and correct copies of all process,

pleadings, and orders filed, served upon, and/or received by the City in the State Court Action are attached collectively hereto as Exhibit A.

3.

Plaintiff filed a purported Affidavit of Service averring that he perfected service upon the City by serving City Finance Director Ken Thompson on November 2, 2020. (See Exhibit A.) However, Ken Thompson is and/or was not authorized by law or otherwise to accept service of process on behalf the City. Therefore, the City has not yet been properly served. Nevertheless, the City files this Notice of Removal within thirty days of the purported date of service provided in the Affidavit of Service out of an abundance of caution.

4.

As such, this Notice of Removal is filed and served within the thirty (30) day period required by 28 U.S.C. § 1446(b). See *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347 (1999) (noting that thirty-day removal period does not begin to run until defendant deemed served under state law).

5.

Inasmuch as Plaintiff commenced this action in the Superior Court of Clayton County, Georgia, which lies within the Atlanta Division of the United States District

Court for the Northern District of Georgia, this Court is “the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

6.

The district courts have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States. See 28 U.S.C. § 1331. In Counts I and II, Plaintiff asserts claims pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., (“Title VII”) and 42 U.S.C. § 1983. In particular, Plaintiff alleges that the City discriminated against him on the basis of his race in violation of Title VII and committed various acts and omissions under color of law and/or pursuant to an official policy or custom of the City that caused or resulted in violations of his rights under the U.S. Constitution and racial discrimination in violation of 42 U.S.C. § 1981. (See, e.g., Compl. ¶¶ 4, 36-53, Nov. 2, 2020.) Thus, Plaintiff has alleged causes of action which depend on the resolution of federal questions of which this Court has original jurisdiction. For this reason, and because 28 U.S.C. § 1367(a) authorizes the district courts to exercise supplemental jurisdiction over state law claims asserted in actions over which they have original

jurisdiction, removal of this action to this Court is appropriate under 28 U.S.C. § 1441.

7.

Contemporaneous with the filing of this Notice of Removal, the City has served a written Notice of Filing Notice of Removal of Civil Action on counsel for Plaintiff, and has filed a copy of same with the Clerk of the Superior Court of Clayton County in accordance with 28 U.S.C. § 1446(d). A true and correct copy of this Notice to Plaintiff is attached hereto as Exhibit B.

WHEREFORE, the City hereby removes this action to this Court's jurisdiction.

Respectfully submitted, this 2nd day of December, 2020.

/s/ Sharon P. Morgan
Sharon P. Morgan
Georgia Bar No. 522955
Laura A. Denton
Georgia Bar No. 158667
K. Tate Gray
Georgia Bar No. 919123

ELARBEE, THOMPSON, SAPP &
WILSON, LLP

800 International Tower

229 Peachtree Street, N.E.

Atlanta, Georgia 30303

(404) 659-6700

(404) 222-9718 (Facsimile)

morgan@elarbeethompson.com

denton@elarbeethompson.com

gray@elarbeethompson.com

Attorneys for the City of Forest Park

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I hereby certify that the foregoing **NOTICE OF REMOVAL** was served on counsel for Plaintiff via U.S. Mail, postage pre-paid, to the following address:

Steven N. Newton
Steven N. Newton, LLC
401 Westpark Ct., Suite 200
Peachtree City, GA 30269

Nancy B. Pridgen
Pridgen Bassett Law, LLC
One Glenlake Pkwy., Suite 650
Atlanta, GA 30328

Respectfully submitted, this 2nd day of December, 2020.

/s/ Sharon P. Morgan
Sharon P. Morgan
Georgia Bar No. 522955

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WILSON, LLP

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Atlanta, Georgia 30303

(404) 659-6700

(404) 222-9718 (Facsimile)

morgan@elarbeethompson.com

Attorney for the City of Forest Park