

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TIASHA GEORGE,

Plaintiff,

- against -

THE CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, ANDREW C. BOCCHIERI, JOHN DOES
1-3,

Defendants.

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NOTICE OF REMOVAL

Case No. 21 Civ. 6327

Law Dept. No. 2021-012636

**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendant THE CITY OF NEW YORK (“the City”) by and through its attorney, Georgia
M. Pestana, Acting Corporation Counsel of the City of New York, respectfully shows this Court
as follows:

1. On June 21, 2021, Plaintiff commenced this action by filing a Summons and Complaint in the Supreme Court of the State of New York, County of Bronx, under Index No. 808510/2021E, naming THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, ANDREW C. BOCCHIERI and JOHN DOES 1-3 as defendants therein, and setting forth the claims for relief upon which the action is allegedly based, including federal claims under 42 U.S.C. § 1983 and state law claims of assault and battery; and excessive force. See Plaintiff’s Summons and Complaint, annexed hereto as “Exhibit A.”

2. Upon information and belief, ANDREW C. BOCCHIERI was served with the Summons and Complaint at 1 Police Plaza, New York, NY 10038 on June 28th, 2021.

3. Upon information and belief, the City was served with the Summons and Complaint for the above-captioned action, at 100 Church Street, New York, NY on June 24th, 2021.

4. The above-captioned action is a civil action of which the United States District Court now has original jurisdiction in that it includes causes of action which arise under the Constitution and laws of the United States, pursuant to 28 U.S.C. § 1331. This action is therefore removable to the United States District Court without regard to the citizenship or residence of the parties.

5. Plaintiff brings claims pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, excessive force, false arrest and municipal liability in violation of the Fourth, Fifth and Fourteenth Amendments to the United States Constitution.

6. Defendant ANDREW C. BOCCHIERI consents to removal of this action. A copy of the Consent to Removal Form of is annexed hereto as “Exhibit B.”

7. This Notice of Removal is timely because it is being filed within thirty (30) days of receipt of the initial pleadings by the City. See 28 U.S.C. § 1446(b).

8. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

9. Defendants are unaware of any previous application for the relief requested herein.

WHEREFORE, Defendant respectfully requests that the above-captioned action be removed from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York.

Dated: New York, New York
July 26, 2021

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