

BASES FOR REMOVAL

4. Removal is proper because Plaintiffs' suit involves a federal-question claim over which the Court has original jurisdiction and state-law claims over which the Court has supplemental jurisdiction. 28 U.S.C. §§ 1331, 1367(a), 1441(a), 1441(c); *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 312 (2005). Specifically, Plaintiffs allege a federal-question claim arising under 42 U.S.C. § 1983, and claims arising under Texas law that are so related to claims in the action with the Court's original jurisdiction that they form part of the same case or controversy. 28 U.S.C. § 1367(a). Thus, the entire action is removable.

5. Counsel for the other Defendants in this case have indicated that they are not opposed to this removal (Mr. Keith Wolfhoh for Defendant DHI Fund, LP; Mr. James R. Young for Lakeside Residential Community Association, Inc.; Mr. Cameron A. Hatzel for Defendant Harris County Precinct 4 Constable, Mark Herman).

6. Harris County attaches to this notice a civil cover sheet (**Exhibit A**), a list of counsel (**Exhibit B**), and an index of matters filed upon removal, which includes copies of all pleadings, process, orders, and other filings in the state-court suit, Cause No. 2019-35046, (**Exhibit C**). *See* 28 U.S.C. § 1446(a); S.D. Tex. LR81.

7. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district.

8. Harris County will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

JURY DEMAND

9. Plaintiffs demanded a jury in the state-court suit.

10. Harris County asserts its right under the Seventh Amendment to the U.S. Constitution and demand, in accordance with Federal Rule of Civil Procedure 38, a trial by jury on all issues.

CONCLUSION

11. Harris County seeks to remove this action from state court based on the Court's original and supplemental jurisdiction over Plaintiff's claims.

For these reasons, Defendant, Harris County, respectfully asks the Court to remove the suit to the United States District Court for the Southern District of Texas, Houston Division.

Date: August 12, 2019

Respectfully submitted,

/s/ Cameron A. Hatzel _____

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Of Counsel:

Vince Ryan

Harris County Attorney

Counsel for Defendant Harris County

CERTIFICATE OF SERVICE

I certify that on August 12, 2019, I filed a true and correct copy of the foregoing instrument and Exhibits A-C on the Court's CM/ECF system, and served a copy to all parties of record via certified mail, return receipt requested.

/s/ Cameron A. Hatzel

CAMERON A. HATZEL

Assistant County Attorney