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8 **IN THE UNITED STATES DISTRICT COURT**
FOR THE WESTERN DISTRICT OF WASHINGTON
9 **AT TACOMA**

10 DAWN MARIE KORTER, as an individual and as
11 Personal Representative for the ESTATE OF SAID
12 JOQUIN and DEATURA EVERLYN-JEAN
13 JOQUIN;

14 Plaintiffs,

15 vs.

16 CITY OF LAKEWOOD, a political subdivision of
17 the State of Washington d/b/a Lakewood Police
18 Department, MICHAEL WILEY, an individual; and
19 MICHAEL ZARO, an individual,

20 Defendants.

NO.

NOTICE OF REMOVAL

**[FROM PIERCE COUNTY
SUPERIOR COURT CAUSE NO.
21-2-06510-6]**

21 COMES NOW Defendants by and through their undersigned attorney of record, and hereby
22 request that this matter be removed to Federal District Court.

23 **A. BASIS FOR REMOVAL**

24 The basis for removal to Federal District Court is 28 U.S.C. § 1441(a), pursuant to procedures set
25 forth at 28 U.S.C. § 1446.

26 This matter is subject to removal because plaintiffs alleged, in their First Amended Complaint *inter alia*, that the defendants violated plaintiffs' rights secured by the Constitution and/or laws of the United States. Specifically, plaintiffs' First Amended Complaint alleges violations of plaintiff's civil rights,

NOTICE OF REMOVAL- 1
Cause No.:

LAW, LYMAN, DANIEL,
KAMERRER & BOGDANOVICH, P.S.
ATTORNEYS AT LAW
2674 R.W. JOHNSON RD. TUMWATER, WA 98512
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1 specifically the 4th Amendment to the U.S. Constitution brought pursuant to 42 U.S.C. § 1983. To the
2 extent plaintiffs' Complaint alleges civil rights claims arising under the Constitution and laws of the
3 United States, this Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1331. This
4 Court has supplemental jurisdiction over any claims or causes of action asserted or intended in the First
5 Amended Complaint under the laws of the State of Washington pursuant to 28 U.S. C. § 1367, which may
6 be removed and determined by this Court pursuant to 28 U.S.C. § 1441(c).

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8 Plaintiffs' Summons and First Amended Complaint were filed in Pierce County Superior Court on
9 August 31, 2022. Defendants were served with the First Amended Complaint on August 31, 2022. Copies
10 of all pleadings are listed in and attached to the Declaration of John E. Justice, which will be filed with
11 this Notice of Removal.

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13 **B. INTRADISTRICT ASSIGNMENT**

14 This matter is removed from Pierce County Superior Court. The defendants are situated in
15 Pierce County, Washington and the claim arose there. It is appropriate to assign this matter to the
16 Tacoma Division of the Western District of Washington pursuant to LCR 3(e)(1).

17 Dated this 1st day of September, 2022.

18 LAW, LYMAN, DANIEL, KAMERRER
19 & BOGDANOVICH, P.S.

20 */s/ John E. Justice*

21

John E. Justice, WSBA No. 23042
22 Attorney for Defendants
23 P.O. Box 11880, Olympia, WA 98508
24 Phone: (360) 754-3480 Fax: 360-754-3480
25 Email: jjustice@lldkb.com
26

1 **CERTIFICATE OF FILING AND SERVICE**

2 I hereby certify under penalty of perjury under the laws of the State of Washington that on this
3 date, I caused to be electronically filed the foregoing document, and served a copy of this filing to the
4 following party via e-mail:

5 **Plaintiffs' Attorneys:**

6
7 John Connelly, Jr.
8 Meaghan Driscoll
9 Samuel Daheim
10 CONNELLY LAW OFFICES, PLLC
11 2301 North 30th Street
12 Tacoma, WA 98403

13 DATED this 1st day of September, 2022, at Tumwater, WA.

14 */s/ Tam Truong*

15 _____
16 Tam Truong, Legal Assistant