

Management LLC, David Dexel and Howard Reiner and file this *Notice of Removal*, and respectfully show this Court the following:

1. This removal is pursuant to 28 U.S.C. § 1441(c). On Sept. 26, 2016, Plaintiff Sherry Lynn Johnston filed her Original Petition, naming David Dexel, Ginger Lott, GSL Care Management LLC, Clarinda Comstock, Howard Reiner, Judge Butts, Sherrie Fox and Harris County as defendants. Plaintiff brings claims under 42 U.S.C. § 1983, alleging that defendants violated her constitutional rights and her mother's constitutional rights, causing the death of her mother, and damages to plaintiff. Plaintiff also brings claims under 42 U.S.C. § 12101, Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Because claims arising under the laws of the United States are asserted, this Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331.

2. Plaintiff also brings claims arising under state law including the Texas Human Resource Code, the Texas Health and Safety Code, the Estates Code and the Wrongful Death Act and common law claims of intentional infliction of emotional distress and defamation.

3. Venue is proper in the United States District Court for the Southern District of Texas (Houston Division) under 28 U.S.C. § 1441(c) because plaintiff has alleged claims arising under the Constitution, laws, or treaties of the United States. Specifically, plaintiff has brought claims under 42 U.S.C. § 1983, 42 U.S.C. § 12101 and Section 504 of the Rehabilitation Act.

4. Plaintiff filed her Original Petition on Sept. 26, 2016. The petition and citation for personal service were first served on Harris County, Judge Butts and Sherrie Fox on October 5, 2016. The Harris County defendants have thirty (30) days after the receipt in which to remove the case to federal court. *See* 28 U.S.C. § 1446(b). Therefore, this removal is timely.

5. Harris County filed its Motion to Transfer Venue, Original Answer and Defenses in the state district court of Liberty County on Oct. 19, 2016. The Motion to Transfer Venue to Harris County is pending. Judge Butts and Sherrie Fox filed their Original Answer and Affirmative Defenses in the state district court of Liberty County on Oct. 26, 2016.

6. The petition and citation for personal service were first served on Clarinda Comstock on Oct. 7, 2016.

7. The petition and citation for personal service were first served on Ginger Lott and GSL Care Management, LLC on Oct. 8, 2016 and they filed their Original Answer and Defenses in the state district court of Liberty County on Oct. 25, 2016.

8. The petition and citation for personal service were first served on Howard Reiner on Oct. 11, 2016.

9. The petition and citation for personal service were first served on David Dexel on Oct. 14, 2016.

10. A copy of all process, pleadings, and orders served upon, or by, the Defendants in the state court suit are being filed with this notice as required by 28 U.S.C. § 1446(a), along with the additional documentation identified in Local Rules

of the United States District Court for the Southern District of Texas, Local Rule 81.

11. Defendants will promptly file a copy of this notice of removal with the clerk of the state court where the suit is pending.


PRAYER

ACCORDINGLY, the Defendants pray that this cause be removed to the United States District Court for the Southern District of Texas (Houston Division).

DATE: Oct. 27, 2016

Respectfully submitted,

VINCE RYAN, 99999939
County Attorney



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CERTIFICATE OF CONFERENCE

The undersigned certifies that she discussed this notice of removal with the defendants against whom a claim arising under the Constitution, laws, or treaties of the United States has been asserted (or their counsel). Harris County, Judge Butts, Sherrie Fox, Clarinda Comstock, Ginger Lott, GSL Management LLC, David

Dexel, and Howard Reiner have expressed their consent to this removal, as required under 28 U.S.C. § 1441(c)(2).

/s/ Julie Countiss
JULIE COUNTISS
Assistant County Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on, November 1, 2016, in compliance with the Federal Rules of Civil Procedure on all parties of record:

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