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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

RICHARD HELMS,)	Case No.
)	
Plaintiff,)	
)	
vs.)	NOTICE OF REMOVAL
)	
BRADLEY LOGAN, M.D.)	
)	
Defendant.)	
_____)	

The United States, through counsel, notifies this Court of the removal of this action from the Superior Court for the State of Alaska, Third Judicial District at Anchorage. The notice is based on the following:

1. Plaintiff filed a complaint against defendant Bradley Logan, M.D. in the Superior Court for the State of Alaska, Third Judicial District at Anchorage, *Richard Helms v. Bradley Logan, M.D. and Norton Sound Health Corp.*, Case No. 3AN-10-10287

CI. Plaintiff alleged medical malpractice tort claims for personal injury and compensatory damages for medical services Plaintiff allegedly received from the defendants. A copy of the complaint is attached with this notice of removal.

2. The United States removed the case to federal court pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. §§450a to n (Case 3:11-cv-00062-TMB) and substituted itself for NSHC. The case was then dismissed for failure to exhaust administrative remedies, and remanded to state court as to Dr. Logan.

3. On September 16, 2011, the U.S. Attorney certified that Dr. Logan is a federal employee, pursuant to a personal service contract with the Indian Health Service and pursuant to 108 Stat 2499, 2530. Thus, Plaintiff's claims against Dr. Logan are deemed to be an action against the United States under the Federal Tort Claims Act (FTCA).

3. The remedy provided by the FTCA for tort claims against the United States is the exclusive remedy and this notice of removal is brought pursuant to 28 U.S.C. §2679(b)(1).

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4. A Notice of Filing Removal of a Civil Action, together with a copy of this notice are being filed with the State court where the action is pending.

RESPECTFULLY SUBMITTED September 19, 2011, in Anchorage,
Alaska.

KAREN L. LOEFFLER
United States Attorney

s/ Susan Lindquist
Assistant U.S. Attorney
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2011,
a copy of the foregoing **UNITED STATES'**
NOTICE OF REMOVAL was served
via U.S. mail on:

Richard J. Helms
Law Offices of Richard J. Helms
P.O. Box 100916
Anchorage, AK 99510

s/ Susan J. Lindquist