

1 COOPER, WHITE & COOPER LLP  
JIE-MING CHOU (SBN 211346)  
jchou@cwclaw.com  
2 SCOTT M. McLEOD (SBN 242035)  
smcleod@cwclaw.com  
3 201 California Street, 17<sup>th</sup> Floor  
San Francisco, California 94111  
4 Telephone: (415) 433-1900  
5 Facsimile: (415) 433-5530

6 Attorneys for Defendant, American Airlines, Inc.

7 DENNIS J. HERRERA, State Bar #139669  
City Attorney  
8 JOANNE HOEPER, State Bar #114961  
Chief Trial Deputy  
9 WARREN METLITZKY, State Bar #220758  
Deputy City Attorney  
10 Fox Plaza  
1390 Market Street, Sixth Floor  
11 San Francisco, California 94102-5408  
12 Telephone: (415) 554-3916  
12 Facsimile: (415) 554-3837  
13 E-Mail: warren.metlitzky@sfgov.org

14 Attorneys for Defendants  
14 CITY AND COUNTY OF SAN FRANCISCO  
15 and SAN FRANCISCO CHIEF OF POLICE  
15 GREG SUHR

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

18 CV 11 3290

19 MAHEEN GHANI TASEER and SHAHBAZ  
20 ALI TASEER,

21 Plaintiffs,

22 vs.

23 AMERICAN AIRLINES; CITY AND  
24 COUNTY OF SAN FRANCISCO; SAN  
24 FRANCISCO POLICE DEPARTMENT; SAN  
25 FRANCISCO CHIEF OF POLICE GREG  
25 SUHR; OFFICER CUNNINGHAM (Badge  
26 #236); OFFICER LEE (Badge #81); and  
26 DOES 1 to 10,

27 Defendants.  
28

FILED  
201 JUL -5 P 4 42  
RICHARD W. BUCKING  
CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

5  
Jerrid  
MS

EC

E-filing

WHA

CASE NO.

NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. §§ 1331 and 1441(c)  
(Federal Question)

1 TO THE CLERK OF THE COURT OF THE NORTHERN DISTRICT OF  
2 CALIFORNIA:

3 PLEASE TAKE NOTICE that Defendants AMERICAN AIRLINES, INC. ("American"),  
4 erroneously sued as American Airlines, the CITY AND COUNTY OF SAN FRANCISCO  
5 ("CCSF"), erroneously named defendant SAN FRANCISCO POLICE DEPARTMENT ("SFPD")<sup>1</sup>,  
6 and SAN FRANCISCO CHIEF OF POLICE GREG SUHR ("Chief Suhr") hereby remove to this  
7 Court the state court action described below:

8 1. On March 4, 2011 an action was commenced in the Superior Court of the State of  
9 California in and for the County of San Francisco, entitled *Maheen Ghani Taseer and Shahbaz Ali*  
10 *Taseer v. American Airlines, City and County of San Francisco, San Francisco Police*  
11 *Department, and Does 1-10*, as Case Number CGG-11-508779 ("Complaint"). The Complaint  
12 was never served on any of the Defendants.

13 2. On June 3, 2011 Plaintiffs' filed a First Amended ("FAC"). A true and correct copy  
14 of the FAC is attached hereto as Exhibit "A".

15 3. On June 6, 2011, Plaintiff served the FAC on American. A true and correct copy of  
16 the summons is attached hereto as Exhibit "B".

17 4. On June 6, 2011, Plaintiff served the FAC on CCSF, named in the FAC as both  
18 CCSF and as the SFPD. A true and correct copy of the summons to CCSF is attached hereto as  
19 Exhibit "C". A true and correct copy of the summons to CCSF, erroneously named as SFPD, is  
20 attached hereto as Exhibit "D".

21 5. On June 6, 2011, Plaintiff served the FAC on San Francisco Chief of Police Greg  
22 Suhr. A true and correct copy of the summons is attached hereto as Exhibit "E".

23 6. SFPD Officers Cunningham and Lee have not yet been properly served. Service  
24 was attempted on June 6, 2011 by delivering a copy of the FAC to the San Francisco Mayor's  
25 Office, but such service is not effective on an individual SFPD officer. True and correct copies of  
26 \_\_\_\_\_

27 <sup>1</sup> As a department of a public entity (CCSF), SFPD is not a separate legal entity from CCSF.

1 the summons on Officers Cunningham and Lee are attached hereto as Exhibit F.

2 7. Jurisdiction.

3 (a) The Court has original jurisdiction of this civil action under 28 U.S.C. §  
4 1331 because this action arises under the Treaty of the United States – the Montreal Convention,  
5 reproduced in the *International Agreements* volume of the United States Code Service (U.S.C.S.)  
6 at 635<sup>2</sup>, and is one which may be removed to this Court by Defendants pursuant to the provisions  
7 of 28 U.S.C. § 1441(c) because the FAC raises independent federal questions through a cause of  
8 action alleging violations of 42 U.S.C. § 1983.

9 8. Intradistrict Assignment. This complaint has been removed to the San Francisco  
10 Division of the Northern District because the original state court action was filed in the County of  
11 San Francisco.

12  
13 DATED: July 5, 2011

COOPER, WHITE & COOPER LLP

14  
15 By: 

Jie-Ming Chou  
Attorneys for Defendant, AMERICAN  
AIRLINES, INC.

16  
17 DATED: July 5, 2011

18 DENNIS J. HERRERA  
19 City Attorney  
20 JOANNE HOEPER  
21 Chief Trial Deputy  
22 WARREN METLITZKY  
23 Deputy City Attorney

24  
25  
26 By: 

WARREN METLITZKY  
Attorneys for Defendant  
CITY AND COUNTY OF SAN FRANCISCO  
SAN FRANCISCO and CHIEF OF POLICE  
GREG SUHR

27 <sup>2</sup> It is also available at S. Treaty Doc. No. 106-45, 1999 WL 3329734 at \*\*29-45.