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RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 N.D. CALIF. SAN JOSE

6 **Attorneys for Defendants County of Santa Cruz,
 Deputy Howe, and Sgt. Yanez**

E-filing
 SUPERIOR COURT OF CALIFORNIA
 NORTHERN DISTRICT COURT
 COUNTY OF SANTA CRUZ
 SAN JOSE DIVISION

10 *cl*
 11 ETHNOBOTANICA, RYAN BOOKER,
 JOHN TILLEY, and DOES 1-15,
 12 Plaintiffs,
 13 v.
 14 COUNTY OF SANTA CRUZ; DEPUTY
 15 HOWE; SGT. YANEZ, and DOES 1 - 15,
 16 Defendants.

CV 11-02979 PSG

Case No. 11-02979
 (Santa Cruz County Superior Court Case No. CV 170437)

**NOTICE OF REMOVAL OF CIVIL
 ACTION TO FEDERAL COURT UNDER
 28 U.S.C. § 1441(b) (FEDERAL
 QUESTION)**

17
 18 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

19 PLEASE TAKE NOTICE that defendants Santa Cruz County, Deputy Howe, and Sgt. Yanez
 20 (hereinafter "defendants") hereby remove to this Court the state court action described below
 21 pursuant to 28 United States Code sections 1331, 1441, and 1446.

22 **STATEMENT OF GROUNDS FOR REMOVAL**

23 1. On May 26, 2011, plaintiffs served defendants with a complaint in the above titled
 24 action in the Superior Court of Santa Cruz County, California. (See Exhibit A, Complaint, attached
 25 hereto). Pursuant to 28 U.S.C. section 1446, this notice is filed with this Court within 30 days after
 26 plaintiffs served defendants with a copy of the complaint, which is the initial pleading in this case
 27 setting forth a federal claim for relief.
 28

1 2. This action is a civil action of which this Court has original jurisdiction under 28
2 U.S.C. section 1331, and is one which may be removed to this Court by defendants pursuant to the
3 provisions of 28 U.S.C. section 1441(b) in that it contains a cause of action for alleged violation of
4 the Fourth Amendment of the U.S. Constitution via 42 U.S.C. section 1983. Plaintiffs seek damages
5 and attorney's fees.

6 3. The complaint is the only document that was filed in this case in the Santa Cruz
7 County Superior Court prior to this action being removed to this Court

8 4. No proceedings took place in the Santa Cruz County Superior Court prior to this
9 action being removed to this Court.

10 WHEREFORE, defendants County of Santa Cruz, Deputy Howe, and Sgt. Yanez pray that
11 this action be removed to this Court, that this Court accept jurisdiction of this action, and that this
12 action be placed on the docket of this Court for further proceedings as though this action had
13 originally been instituted in this Court.

14
15 Dated: June 9, 2011

Respectfully submitted,

DANA McRAE, COUNTY COUNSEL

16
17
18 By: 

JASON M. HEATH

Assistant County Counsel

**Attorneys for Defendants County of
Santa Cruz, Deputy Howe, and Sgt.
Yanez**

1 **PROOF OF SERVICE**

2 I, the undersigned, state that I am a citizen of the United States and employed in the County
3 of Santa Cruz, State of California. I am over the age of 18 years and not a party to the within action.
4 My business address is 701 Ocean Street, Room 505, Santa Cruz, California 95060. On the date set
5 out below, I served a true copy of the following on the person(s)/entity(ies) listed below:

6 **NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT UNDER 28 U.S.C. §**
7 **1441(b) (FEDERAL QUESTION)**

8 by **service by mail** by placing said copy enclosed in a sealed envelope and depositing the sealed
envelope with the United States Postal Service with the postage fully prepaid.

9 by **service by mail** by placing said copy enclosed in a sealed envelope and placing the envelope
10 for collection and mailing on the date and at the place shown below following our ordinary business
11 practices. I am readily familiar with this business's practice for collecting and processing
12 correspondence for mailing. On the same day that correspondence is placed for collection and
mailing, it is deposited in the ordinary course of business with the United States Postal Service with
postage fully prepaid.

13 by **personal service** at a.m./p.m. at _____.

14 by **express or overnight mail** by depositing a copy in a post office, mailbox, sub-post office,
15 substation, mail chute, or other like facility regularly maintained by the United States Postal Service
16 for receipt of express mail or a mailbox, mail chute, or other like facility regularly maintained by an
overnight mail company, in a sealed envelope, with express mail postage paid addressed to the
below listed person(s).

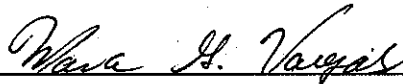
17 by **express or overnight mail** by arranging for pick-up by an employee of an express/overnight
18 mail company on:

19 by **facsimile service** at the number listed below and have confirmation that it was received by:

20 **Kate Wells, Esq.**
21 **2600 Fresno Street**
Santa Cruz, CA 95062

(Attorney For Plaintiffs)

22 I declare under penalty of perjury that the foregoing is true and correct. Executed on June
23 16, 2011, at Santa Cruz, California.

24 
25 _____
26 MARIA VARGAS
27
28