

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JON AUSMAN, ALMA
GONZALEZ, LINDA LLOYD,
TANYA RIVKA, JACK J.
ALBUQUERQUE, and ARNOLD
PERLSTEIN,

CASE NO.

Plaintiffs,

v.

NOTICE OF REMOVAL

KURT S. BROWNING, in his official
capacity as Secretary of State of the
State of the State of Florida,

Defendant.

_____ /

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF FLORIDA:

1. KURT S. BROWNING, in his official capacity as Secretary of State of the State of the State of Florida, is the Defendant in an action styled *Jon Ausman, Alma Gonzalez, Linda Lloyd, Tanya Rivka, Jack J. Albuquerque, and Arnold Perlstein, Plaintiffs v. Kurt S. Browning, in his official capacity as Secretary of State of the State of the State of Florida, Defendant*, Case No. 2007-CA-3233, in the Circuit Court for the Second Judicial Circuit in and for Leon County, Florida. Pursuant to local rule 7.2(A), all papers filed and served on Defendant in that action will be filed with the court within 10 days of this Notice.

2. The Summons and Complaint in this action were served on Defendant on November 28, 2007. Therefore, this notice of Removal is filed within 30 days of receipt of the Complaint and is timely filed under 28 U.S.C. § 1446(b).

3. This action is an action brought pursuant to, *inter alia*, 42 U.S.C. § 1983 for the alleged impairment of Plaintiffs' First and Fourteenth Amendment rights. Removal of this action is proper because the Complaint on its face raises federal questions over which this court would have jurisdiction pursuant to 28 U.S.C. § 1331 and therefore this court has removal jurisdiction pursuant to 28 U.S.C. § 1441(a).

Respectfully submitted this 7th Day of December, 2007.

BILL McCOLLUM
ATTORNEY GENERAL

S/Jonathan A. Glogau
Jonathan A. Glogau
Chief, Complex Litigation
Fla. Bar No. 371823
Craig D. Feiser
Fla. Bar No. 0164593
PL-01, The Capitol
Tallahassee, FL 32399-1050
850-414-3300, ext. 4817
850-414-9650 (fax)
jon.glogau@myfloridalegal.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was served by U.S. mail and fax this 7th Day of December, 2007, on:

Jerry G. Traynham
Ben R. Patterson
P.O. box 4289
Tallahassee, Florida 32315-4289

Roger J. Bernstein
233 Broadway, Suite 2701
New York, N.Y. 10279

S/Jonathan Glogau
Attorney