

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
NORTHERN DIVISION AT COVINGTON  
CIVIL ACTION NO. 2012-\_\_\_\_\_**

**CHARLIE COLEMAN, JOHN P. ROTH JR AND  
ERIK HERMES ON BEHALF OF THEMSELVES  
AND OTHER SIMILARLY SITUATED  
v.**

**PLAINTIFFS**

**CAMBEPLLCOUNTY PUBLIC LIBRARY  
BOARD OF TRUSTEES**

**DEFENDANT**

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**NOTICE OF REMOVAL**

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The Defendant, Campbell County Public Library Board of Trustees (the "Library") , by and through counsel files this Notice of Removal to the United States District Court for the Eastern District of Kentucky at Covington, and states as follows:

1. On January 19, 2012, the Plaintiffs, Charlie Coleman, John P. Roth, Jr. and Erik Hermes, on behalf of themselves and others similarly situated, filed a Class Action Complaint against the Library in the Campbell County, Kentucky Circuit Court, First Division. The Campbell County, Kentucky Circuit Court Clerk assigned the Complaint as Civil Action No. 12-CI-89.

2. Attached hereto are true and accurate copies of the following pleadings served upon the Library in this action:

- (a) Class Action Complaint (attached as Exhibit A);
  - (b) Plaintiffs' Motion for an Order Requiring the Library to Escrow All Tax Payments Received in Excess of \$0.30 Per Thousand of Assessed Value (attached as Exhibit B) ;
- and,

(c) Plaintiffs' Filing of Additional Legal Authority in Support of its Motion to Escrow All Tax Payments (attached as Exhibit C).

3. The Court has jurisdiction over the action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441, in that:

(a) In their Complaint, Plaintiffs assert a 42 U.S.C. § 1983 claim alleging that the Library engaged in an unlawful taking in violation of their rights under the 5<sup>th</sup> and 14<sup>th</sup> amendments to the United States Constitution, claims for which the United States District Courts are given original jurisdiction pursuant to the statutes cited herein; and,

(b) In their Complaint, Plaintiffs allege related state law claims for declaratory judgment, conversion and unjust enrichment, claims for which the United States District Courts have supplemental jurisdiction.

4. The Library's Notice of Removal is filed within thirty (30) days after it was served with a copy of the Summons and Class Action Complaint in this action.

5. This civil action is properly removable pursuant to 28 U.S.C. § 1441(a).

6. A filed stamped copy of this Notice of Removal will promptly be filed with the Campbell Circuit Court Clerk, pursuant to 28 U.S.C. § 1446(d).

**WHEREFORE**, the Defendant, the Campbell County Public Library Board of Trustees, gives notice of the removal of this action from the Circuit Court of Campbell County, Kentucky to the United States District Court for the Eastern District of Kentucky at Covington.

Respectfully submitted,

**s/ Jeffrey C. Mando**

JEFFREY C. MANDO (#43548)

LOUIS D. KELLY

ADAMS, STEPNER,

WOLTERMANN & DUSING, PLLC

40 W. Pike Street, P.O. Box 861

Covington, Kentucky 41012-0861

(859)394-6200

(859)392-7263 Fax

[jmando@aswdlaw.com](mailto:jmando@aswdlaw.com)

Attorneys for Defendant, Campbell County  
Public Library Board of Trustees

**CERTIFICATE OF SERVICE**

This is to certify that on the 1<sup>st</sup> day of February, 2012, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system. I further certify that a true and accurate copy of the foregoing was sent by U.S. mail, postage prepaid, this 1<sup>st</sup> day of February, 2012 to:

Brandon N. Voelker  
The Voelker Firm, PLLC  
4135 Alexandria Pike Suite 41076  
Cold Spring, KY 41076

**s/ Jeffrey C. Mando**

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Attorneys for Defendant, Campbell County  
Public Library Board of Trustees