

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

WAREHAM FREE LIBRARY, INC., and)
PRISCILLA PORTER, MARY NYMAN, HAZAL TABER,)
MICHELLE BAUM, SANDRA WHEELER, JOHN LANCI,)
MARTHA MAGUIRE, YELENA FARIOLI-BEAUPRE, and)
DIANE LAZARUS, Individually and As Trustees of)
Wareham Free Library, Inc.)
Plaintiffs,)
)
v.)
)
THE TOWN OF WAREHAM, and BRENDA ECKSTROM,)
BRUCE SAUVAGEAU, JOHN CRONAN, JAMES POTTER,)
And M. JANE DONAHUE, Individually and As)
members of the Board of Selectmen of Wareham)
Defendants.)
)

DEFENDANTS’ NOTICE OF REMOVAL OF ACTION FROM STATE COURT

Pursuant to 28 U.S.C. §1441(b) and 1446, the defendants, Town of Wareham, Brenda Eckstrom, Bruce Sauvageau, John Cronan, James Potter and M. Jane Donohue in their capacities as members of the Board of Selectmen of Wareham (“defendants”), petition for removal of this action to the United States District Court for the District of Massachusetts. As grounds therefore, the defendants state as follows:

1. On or about August 17, 2007, the plaintiffs filed this suit in the Plymouth Superior Court, Civil Action No.07-01065.
2. On September 4, 2007, the plaintiffs’ complaint was served upon the defendants. Attached as Exhibit A is a copy of the plaintiffs’ complaint and summons which were served upon the defendants.
3. In the complaint, the plaintiffs allege that “[d]efendants have violated Plaintiffs’ constitutional rights, both state and federal.”

4. Because this matter is an action arising under federal law of which this Court has original jurisdiction, as authorized by 28 U.S.C. §1331, it is subject to removal under 28 U.S.C. §1441(b).

5. This Notice of Removal is being filed within the time period required by law, 28 U.S.C. §1446(b).

Respectfully submitted,

The defendants/Plaintiffs-in-Counterclaims,
TOWN OF WAREHAM, BRENDA
ECKSTROM, BRUCE SAUVAGEAU, JOHN
CRONAN, JAMES POTTER, & M. JANE
DONOHUE, in their capacities as members of
the Board of Selectmen of Wareham,
By their attorneys,

/s/ Peter E. Montgomery

Leonard H. Kesten, BBO#542042
Peter E. Montgomery, BBO#632698
Brody, Hardoon, Perkins & Kesten, LLP
One Exeter Plaza
Boston, MA 02116

Dated: September 25, 2007