

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO.

JAMES N. THIVIERGE,

Plaintiff

v.

TOWN OF AMESBURY, MAYOR KEZER,
TOWN ASSESSOR, TOWN CLERK,
AGENT OF LIBRARY,

Defendants

NOTICE OF REMOVAL

Now come the defendants pursuant to the provisions of 28 U.S.C. §§1441 and 1446, and hereby file notice of the removal of this action from the Superior Court of the Commonwealth of Massachusetts, County of Essex, where it is currently pending, based upon the following grounds:

1. This is an action in which the plaintiff alleges violations of his civil rights under the First Amendment to the U.S. Constitution and parallel provisions of the Massachusetts Declaration of Rights. See Complaint, P.2-4 affixed hereto and incorporated by reference. He seeks relief pursuant to 42 U.S.C. §1983 and any “State Comm. of Mass. Equivalent.”

Complaint, p.4.

2. This Court has jurisdiction over the plaintiff’s constitutional claims pursuant to 28 U.S.C. §1441.

3. This Removal is timely, as this action was first served on the defendants on December 28, 2007.

4. All defendants have consented to the removal of the matter to the United States District Court for the District of Massachusetts.

SIGNED PURSUANT TO RULE 11 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

DEFENDANTS,

By their attorneys,

/s/Mark R. Reich

Mark R. Reich (BBO# 553212)

Katharine I. Doyle (BBO# 634131)

Kopelman and Paige, P.C.

Town Counsel

101 Arch Street

12th Floor

Boston, MA 02110-1109

(617) 556-0007

Dated: January 25, 2008

336417/AMES/0039