

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Ashton James Reese,)
)
 Plaintiff,)
)
 vs.)
)
 Richland School District Two, Dr. Baron)
 R. Davis, in his official capacity as)
 principal of Spring Valley High School,)
 and Ben Fields, in his official capacity as)
 a Richland County Deputy and school)
 resource officer,)
)
 Defendants.)

C.A. No. 3:13-3040-TLW

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the District of South Carolina, Columbia Division:

Petitioners, Richland School District Two and Dr. Baron R. Davis, by and through their undersigned attorneys, hereby appear for the purpose of removal only, with the consent of Defendant Ben Fields, in his official capacity as a Richland County Deputy and school resource officer, as expressed herto as **Exhibit A**, and respectfully shows this Court the following:

I.

Petitioners are Defendants in the above-entitled action.

II.

The above-entitled action was filed on October 16, 2013, in the Court of Common Pleas, Richland County, State of South Carolina. Said action is now pending in the Court of Common Pleas of Richland County, State of South Carolina.

III.

Defendants Richland School District Two and Dr. Baron R. Davis accepted service of the

Complaint on October 17, 2013. Said Summons and Complaint constitutes all process, pleadings, and orders received by Defendant. A copy of the Summons and Complaint is attached hereto as **Exhibit B**.

IV.

No further proceedings have been had herein in the Court of Common Pleas, Richland County, State of South Carolina.

V.

As set forth in the Complaint attached hereto as **Exhibit B**, Plaintiff alleges causes of action arising under the laws of the United States, specifically, the Fourteenth Amendment to the United States Constitution, by way of 42 U.S.C. § 1983.

VI.

This Court, therefore, has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. §§ 1331 and 1343, and removal of the action to this Court is proper pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1367.

VII.

This notice is filed with this Court within thirty (30) days after receipt by the Defendants Richland School District Two and Dr. Baron R. Davis "through service or otherwise, of a copy of a pleading, motion, order or other paper from which it may be first ascertained that the case is one which is or has become removable" as provided in 28 U.S.C. § 1446(b). *See also Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999).

VIII.

Petitioners will give written notice of the filing of this Notice to Plaintiff as provided in 28 U.S.C. § 1446(d). A copy of said Notice of Filing of Notice of Removal is attached hereto as **Exhibit C**.

IX.

A duplicate copy of this Notice will be filed with the Clerk of Court of Richland County, State of South Carolina, as provided in 28 U.S.C. § 1446(d).

Wherefore, Petitioners request that the above-entitled action be removed from the Court of Common Pleas, Richland County, State of South Carolina, to this Court.

Respectfully submitted,

CHILDS & HALLIGAN, P.A.

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November 7, 2013

Columbia, South Carolina