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Yakima, WA 98902
(509) 575-0313
Attorneys for defendant
City of Spokane Valley

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROBERT HEITMAN, J.R. indivi-)
dually and on behalf of the)
marital community, and) NO.
CONKLIN DEVELOPMENT, a)
Washington general partner-)
Ship,)
) NOTICE OF REMOVAL OF ACTION:
Petitioner/Plaintiff,) UNDER 28 U.S.C. §1441(b)
vs.) (FEDERAL QUESTION)
)
CITY OF SPOKANE VALLEY, a)
political subdivision of the)
State of Washington,)
) [From Superior Court of the
Respondent/Defendant.) State of Washington in and
) for Spokane County]
SPOKANE COUNTY LIBRARY DIS-)
TRICT, a Washington Special)
Purpose District,)
)
Additional Named Party.)

TO: CLERK OF THE ABOVE-ENTITLED COURT

PLEASE TAKE NOTICE that defendant City of Spokane Valley
("defendant") hereby removes to this Court the state court
action described below:

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2
3 1. An action was commenced in the Superior Court of the
4 State of Washington for Spokane County entitled Robert
5 Heitman, J.R., individually and on behalf of the marital
6 community, and Conklin Development, a Washington General
7 Partnership v. City of Yakima, a political subdivision of the
8 State of Washington; and Spokane County Library District, a
9 Washington Special Purpose District, attached hereto as
10 Exhibit "A."

11
12 2. The first date upon which defendant City of Spokane
13 Valley received a copy of the said complaint was February 10,
14 2009, when defendant City of Spokane Valley was served with a
15 copy of the said complaint and a summons pertaining to the
16 same. A copy of the summons is attached hereto as Exhibit B.

17
18 3. This action is a civil action of which this Court
19 has original jurisdiction under 28 U.S.C. § 1331, and is one
20 that may be removed to this Court by defendant pursuant to
21 the provisions of 28 U.S.C. § 1441(b) in that it arises under
22 the Fourteenth Amendment of the United States Constitution
23 and 42 U.S.C. 1983.

24
25 4. All other defendant(s) who have been served with
26 Summons and Complaint have joined in this Notice of Removal,
27 as evidenced by the Joinder of Spokane County Library
28 District, filed concurrently herewith.

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5. All other pleadings filed in the State Court action
are attached hereto as Exhibit "C."

DATED THIS 9th day of March, 2009.

s/KENNETH W. HARPER
WSBA #25578
Attorney for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2009, I electronically filed the foregoing with the Clerk of the Court via newcases@waed.uscourts.gov, which will send notification of such filing to the following:

Stacy A. Bjordahl
sbjordahl@pblaw.biz

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/KENNETH W. HARPER
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