

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MELVIN JOHNSON, *et al.*,

*

Plaintiffs,

*

v.

*

Civil Action No.

MARYLAND STATE BOARD OF
ELECTIONS, *et al.*,

*

Defendants.

*

* * * * *

NOTICE OF CONSENT TO REMOVAL

Without prejudice to any available defense that may be raised, and pursuant to 28 U.S.C. §§ 1441 and 1446(b)(2)(C), Defendant Maryland State Board of Elections, by its attorneys, hereby consents to the removal to this Court of the matter pending in the Circuit Court for Prince George's County captioned *Melvin Johnson, et al. v. Maryland State Board of Elections, et al.* (Case No. CAL16-42799) (the "State court action").

1. This Notice of Consent to Removal is being timely filed after Defendant Linda Lamone filed her Notice of Removal of this case on September 26, 2017. According to Ms. Lamone's Notice of Removal, she was not served with copies of a summons and complaint until September 18, 2017.

2. Defendant Maryland State Board of Elections previously was served with a copy of a summons and complaint in the State court action on or about June 6, 2017.

3. Under 28 U.S.C. § 1446(b)(2)(C), "[i]f defendants are served at different times, and a later-served defendant files a notice of removal, any earlier-served defendant

may consent to the removal even though the earlier-served defendant did not previously initiate or consent to the removal.” *See Alston v. Wells Fargo Bank, N.A.*, No. TDC-17-1085, 2017 WL 2839629, at *2 (D. Md. June 29, 2017) (“A defendant who has failed to remove during its own 30-day period may join in or consent to a later-served defendants timely notice of removal.”); *Mudd v. Comcast of Md., LLC*, No. PWG-14-2310, 2015 WL 773017, at *3 (D. Md. Feb. 23, 2015) (subsequently served defendant timely filed notice of removal).

4. On the date of filing of this Notice of Consent to Removal, Defendant Linda Lamone filed a Notice of Removal in this Court requesting the removal of this case from State court.

5. Defendant Maryland State Board of Elections consents to removal of the State court action to this Court.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland



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Attorneys for Defendant Maryland State
Board of Elections

Dated: September 26, 2017

CERTIFICATE OF SERVICE


I certify that on this 26th day of September, 2017, a copy of the foregoing Notice of Consent to Removal was served by first-class mail, postage prepaid, on:

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