

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE
MEMPHIS BRANCH (NAACP), ANGELA
BARKSDALE, DR. NOEL HUTCHISON,
TAMARA HENDRIX and JANICE F. SCOTT,

Case No. _____

Plaintiffs,

vs.

SHELBY COUNTY ELECTION COMMISSION,
LINDA PHILLIPS in her official capacity as
Administrator of the Shelby County Election
Commission, NORMA LESTER, ROBERT
MEYERS, DEE NOLLNER, ANTHONY TATE,
and STEVE STAMSON, in their Official
Capacities as Members of the Board of
Commissioners of the Shelby County Election
Commission,

[FORMERLY Shelby County
Chancery Court, Part III—Case
No. CH-18-1003]

Defendants.

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION:

Shelby County Election commission, Linda Philips, Norma Lester, Robert Meyers, Dee Nollner, Anthony Tate, and Steve Stamson (“Defendants” or “SCEC”), pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, hereby respectfully file this Notice of Removal of the above-styled civil action from the Chancery Court of Tennessee for the Thirtieth Judicial District at Memphis to the United States District Court for the Western District of Tennessee, Western Division on the following grounds:

1. On July 6, 2018, Plaintiffs National Association for the Advancement of Colored People Memphis Branch (NAACP), Angela Barksdale, Dr. Noel Hutchison, Tamara Hendrix, and Janice F. Scott filed a Complaint in the Shelby County Chancery Court styled *NAACP v. Shelby Cty. Election Comm'n*, Case No. CH-18-10032 (the “State Court Action”). The case was originally filed in part II of the Shelby County Chancery Court but was consolidated for administrative purposes with another case filed on the same grounds prior to it. A preliminary injunction hearing was held on Monday July 9, 2018. No further proceedings have occurred therein.

2. Defendants were served with the Summons and Complaint on July 6, 2018. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

3. This is a civil action in which Plaintiffs allege, *inter alia*, that Defendants have violated Section 2 of the Voting Rights Act of 1965 41 U.S.C. § 1973. Accordingly, 28 U.S.C. § 1331 affords this Court original jurisdiction of this action, and 28 U.S.C. §§ 1441 and 1446 authorize Defendants to remove this action to this Court.

4. In accordance with 28 U.S.C. § 1446, copies of all process, pleadings, and orders served upon the Defendants in this action are attached hereto as Exhibit 1; written notice of the filing of this Notice of Removal will be given to Plaintiffs via their counsel of record; and a copy of the Notice of Removal will be filed with the Clerk and Master of the Chancery Court of Tennessee for the Thirtieth Judicial District at Memphis.

5. This Notice of Removal has been filed within 30 days of the date that Defendants were served with the summons or the Complaint in this matter. Removal is therefore timely in accordance with 28 U.S.C. § 1446(b).

6. In accordance with 28 U.S.C. § 1446, all Defendants that have received summonses in this action have consented to removal.

7. By filing this Notice of Removal, Defendants do not waive, either expressly or implicitly, their right to assert any defense that it could have asserted in the Chancery Court of Tennessee for the Thirtieth Judicial District, at Memphis. All such Defenses are expressly reserved.

8. Defendants intend no admission of fact, law, or liability by this Notice, and expressly reserve all defenses, motions, and/or pleas.

WHEREFORE, Defendants respectfully remove this action from the Chancery Court of Tennessee for the Thirtieth Judicial District at Memphis to this Court, pursuant to 28 U.S.C. 1441.

Respectfully submitted,

HARRIS SHELTON HANOVER WALSH, PLLC

By: /s/ Pablo A. Varela

John L. Ryder #08258

Pablo A. Varela #29436

40 S. Main Street, Suite 2210

Memphis, Tennessee 38103

Tel: (901) 525-1455

Fax: (901) 526-4084

jryder@harrishelton.com

Attorneys for Shelby County Election

Commission, Linda Philips, Norma Lester,

Robert Meyers, Dee Nollner, Anthony Tate,

and Steve Stamson

[Certificate of Service to follow]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent to:

Alexander C. Wharton, or
Andre C. Wharton
Attorneys for Plaintiff
1575 Madison Avenue
Memphis, Tennessee 38104

via U.S. Mail, postage prepaid, on this the 2nd day of August 2018.

/s/ Pablo A. Varela

Pablo A. Varela