

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JASCHA CHIAVERINI
10-351 County Road O-3
Napoleon, OH 43545,

: Case No.

: Judge

and

: **NOTICE OF REMOVAL**

CHIAVERINI, INC.
125 E. Maumee Ave.
Napoleon, OH 43545,

:

:

Plaintiffs,

:

vs.

:

CITY OF NAPOLEON
255 W. Riverview Avenue
Napoleon, OH 43545,

:

:

and

:

**NICHOLAS EVANOFF, as an
individual**
310 Glenwood Ave.
Napoleon, OH 43545,

:

:

:

and

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:

DAVID STEWARD, as an individual
310 Glenwood Ave.
Napoleon, OH 43545,

:

:

:

and

JAMIE MENDEZ, as an individual

310 Glenwood Ave.
Napoleon, OH 43545,

and

ROBERT WEITZEL, as an individual

310 Glenwood Ave.
Napoleon, OH 43545,

and

DAVID HILL

511 Fillmore Street
Napoleon, OH 43545,

and

CHRISTINA HILL

511 Fillmore Street
Napoleon, OH 43545,

and

JOHN DOE, unknown persons

Defendants.

* * * * *

Defendants, City of Napoleon, Nicholas Evanoff, David Steward, Jamie Mendez, and Robert Weitzel (“Defendants”), appear for the purposes of removal and state:

1. These Defendants wish to exercise their rights under the provisions of 28 U.S.C. §1441 et seq. to remove this action from the Court of Common Pleas of Henry County, Ohio, in which this case is now pending under the style of Jascha Chiaverini, et al., v. City of Napoleon, et al., Case No. 17CV126.

2. This is a civil action over which this Court has original jurisdiction arising under the provisions of 28 U.S.C. §1331 *et seq.*, federal question jurisdiction, and is an action which may be removed to this Court by these Defendants pursuant to 28 U.S.C. §1441(a). Plaintiffs assert that these Defendants violated his rights under the Fourth and Fourteenth Amendments to the U.S. Constitution in violation of 42 U.S.C. §1983. Plaintiffs also attempt to assert civil claims arising under two federal criminal statutes, 18 U.S.C. §241 and 18 U.S.C. §242, and they seek attorney fees under 42 U.S.C. §1988.

3. This Notice of Removal is being filed within 30 days after these Defendants received a copy of the Complaint, and it is timely in accordance with 28 U.S.C. §1446(b). These Defendants' time to move, plead, or answer with respect to the Complaint has not expired. Copies of all process and pleadings served by and upon these Defendants are attached hereto as Exhibit 1.

4. All Defendants, with the exception of the John Doe Defendants whose identities are unknown, have provided consent to this removal in compliance with 28 U.S.C. §1446(b). Defendants' counsel has spoken with Defendants David Hill and Christina Hill, who are not represented by the undersigned counsel, and hereby certifies that those Defendants have provided their consent to this removal. *See* Exhibit 2, emails confirming those conversations.

Respectfully submitted,

SPENGLER NATHANSON P.L.L.

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*Attorneys for Defendants, City of Napoleon,
Nicholas Evanoff, David Steward, Jamie
Mendez, and Robert Weitzel*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served this 4th day of December, 2017,
by electronic mail and ordinary U.S. mail, postage prepaid, upon:

Matthew O. Hutchinson, Esq.
Schindler Neff LLP
6135 Trust Drive Suite 115
Holland, OH 43528

Attorney for Plaintiffs

David Hill
511 Fillmore Street
Napoleon, OH 43545

Defendant

Christina Hill
511 Fillmore Street
Napoleon, OH 43545

Defendant

/s/ Teresa L. Grigsby

Teresa L. Grigsby

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