

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

CRYSTAL HOLTZ,

Plaintiff,

Case No. 2019cv001361

v.

ONEIDA AIRPORT HOTEL CORPORATION,
ROBERT BARTON, STEVE NINHAM,
AIMBRIDGE HOSPITALITY, LLC,

Defendants.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, the Defendants Aimbridge Hospitality, LLC and Steve Ninham remove this matter from the Circuit Court for Brown County, Wisconsin to the United States District Court for the Eastern District of Wisconsin. The other Defendants, Robert Barton and Oneida Airport Hotel Corporation d/b/a Radisson Hotel & Conference Center Green Bay, have joined in the removal of this action. See Attachment A for the other Defendants' written acknowledgement of their joinder. The grounds for removal are as follows:

COMPLIANCE WITH STATUTORY REQUIREMENTS

1. On October 15, 2019, Plaintiff Crystal Holtz ("Holtz") filed a Summons and Complaint against the Defendants in the Circuit Court for Brown County, Wisconsin, case no. 2019-CV-1361. Copies of the Summons and Complaint are attached as Attachment B.

2. On October 22, 2019, Holtz filed an Amended Summons and Amended Complaint in Brown County case no 2019-CV-1361. Copies of the Amended Summons and Amended Complaint are attached as Attachment C.

3. The Summons and Complaint and Amended Summons and Amended Complaint are the only process, pleadings or orders served on Defendants in this action.

4. The Defendants were served with the Summons and Complaint on October 15, 2016 and with the Amended Summons and Amended Complaint on October 22, 2019. Defendants' removal of this action is timely because Defendants are removing this matter within 30 days of service. 28 U.S.C. § 1446(b).

JURISDICTION

5. The United States District Court for the Eastern District of Wisconsin has jurisdiction over this matter pursuant to 28 U.S.C. section 1331. Under section 1331, federal "district courts have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States."

6. The Complaint alleges numerous federal claims. The Complaint's "Statement of Claim" alleges "violation[s] of federal rights under 25 U.S.C. § 1302, 42 U.S.C. 1985 and 42 U.S.C. § 1983." (Complaint at 1) The Complaint alleges claims under these federal laws at pages seven through nine. The Complaint also alleges a Fifth Amendment deprivation of liberty and a deprivation of Plaintiff's "U.S. Constitutional Fourteenth Amendment Rights..." (Complaint at 8-9).

7. The Amended Complaint alleges the same federal claims.

8. By asserting these federal claims, the Complaint asserts numerous federal questions under 28 U.S.C. 1331. Accordingly, this case is properly removable under 28 U.S.C. § 1331.

9. The Court has jurisdiction under 28 U.S.C. § 1367 over the state law claims alleged.

10. The Circuit Court for Brown County is within the Eastern District of Wisconsin, Green Bay Division. Therefore, this action may be removed to this Court pursuant to 28 U.S.C. § 1441 because this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, and this Court is the district and division "embracing the place where [the State Court] action is pending." 28 U.S.C. § 1441(a).

11. Pursuant to 28 U.S.C. § 1446(d), the Defendants will promptly provide written notice of removal of the Action to Plaintiff, and will promptly file a copy of this Notice of Removal with the Clerk of the Brown County Circuit Court.

12. By removing this matter, the Defendants do not waive or intend to waive any defense or objection.

WHEREFORE, Defendants respectfully request that this Court take jurisdiction of this action and issue all necessary orders and process to remove it from the Circuit Court of Brown County, Wisconsin to the United States District Court for the Eastern District of Wisconsin.

Respectfully submitted,

By: /s/ Mark A. Johnson

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