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 9 CITY AND COUNTY OF SAN FRANCISCO
 SAN FRANCISCO MUNICIPAL TRANSIT AGENCY
 10 EDWARD D. REISKIN, DIRECTOR OF TRANSPORTATION

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO TAXI COALITION,
 15 PATRICK O’SULLIVAN, SAI LEE,
 GEORGE HORBAL, ALLIANCE CAB and
 16 S.F. TOWN TAXI INC.,

17 Plaintiffs,

18 vs.

19 CITY AND COUNTY OF SAN
 FRANCISCO; SAN FRANCISCO
 20 MUNICIPAL TRANSIT AGENCY;
 EDWARD D. REISKIN, Director of
 21 Transportation; and DOES 1 through 20,

22 Defendants.

Case No.

**NOTICE OF REMOVAL OF ACTION UNDER
 28 U.S.C. §1441(a) BY DEFENDANTS CITY
 AND COUNTY OF SAN FRANCISCO, SAN
 FRANCISCO MUNICIPAL TRANSIT
 AGENCY, AND EDWARD D. REISKIN**

(FEDERAL QUESTION)

Attached Documents:

- Exhibit A:** Superior Court Docket Sheet
- Exhibit B:** State Court Complaint
- Exhibit C:** State Court Answer
- Exhibit D:** Plaintiffs’ preliminary injunction motion, and supporting papers
- Exhibit E:** Defendants’ opposition to preliminary injunction, and supporting papers
- Exhibit F:** Plaintiffs’ reply in support of preliminary injunction

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that Defendants CITY AND COUNTY OF SAN FRANCISCO,
3 SAN FRANCISCO MUNICIPAL TRANSIT AGENCY, and EDWARD D. REISKIN (collectively,
4 “San Francisco”) hereby remove to this Court pursuant to 28 U.S.C. §§ 1441 and 1446 the state court
5 action described below. San Francisco is filing in San Francisco Superior Court a Notice of Removal.

6 1. On or about March 13, 2019, Plaintiffs SAN FRANCISCO TAXI COALITION, et al.
7 filed an unverified Complaint For Declaratory Relief for Denial of Substantive Due Process and Equal
8 Protection under Cal. Constitution and 42 U.S.C. § 1983, for Preliminary and Injunctive Relief,
9 Violation of California Environmental Quality Act, Violation of Public Utilities Code Sections
10 21690.5, et seq., and Violation of Government Code Sections 11135, et seq. (“Complaint”) in the
11 Superior Court of the State of California in and for the County of San Francisco, titled San Francisco
12 *Taxi Coalition, et al. v. City and County of San Francisco et al.*, Superior Court Case No. CGC-19-
13 574503. Attached hereto as **Exhibit A** is the Superior Court Register of Action reflecting the filing of
14 the Complaint.

15 2. San Francisco is informed and believes that the first date upon which any defendant
16 named in this action received a copy of the Complaint was March 18, 2019, when Plaintiff served San
17 Francisco with a copy of the Complaint, Summons, and required initial notices regarding ADR, case
18 management, and jury trial information. Copies of the Summons, Complaint, and initial notices are
19 attached hereto as **Exhibit B**. A copy of San Francisco’s Answer to Unverified Complaint, which San
20 Francisco filed and served on April 9, 2019, is attached hereto as **Exhibit C**.

21 3. On March 21, 2019, Plaintiffs served on San Francisco their Motion for Preliminary
22 Injunction and supporting papers. On April 5, 2019, San Francisco served and filed its opposition and
23 supporting papers. On April 11, 2019, Plaintiffs served their reply papers. Copies of the Preliminary
24 Injunction motion papers are attached hereto as **Exhibits D-F**.

25 4. This action is a civil action over which this Court has original jurisdiction under 28
26 U.S.C. § 1331, and is one which may be removed to this Court by San Francisco pursuant to the
27 provisions of 28 U.S.C. § 1441(a), in that it asserts a claim under 42 U.S.C. § 1988. See Complaint,
28 ¶¶ 65-67 (Second Cause of Action) & Second Prayer for Relief. This civil action arises in the City and

1 County of San Francisco based on Plaintiffs' allegations that a substantial part of the event or
2 omissions which give rise to the claims occurred in the City and County of San Francisco.

3 5. San Francisco is informed and believes that it is the only defendant that has been served
4 with the Summons and Complaint in the pending action.

5 WHEREFORE, San Francisco prays that the above action, now pending in Superior Court of
6 the State of California in and for the City and County of San Francisco, be removed in its entirety to
7 this Court for all further proceedings, pursuant to 28 U.S.C. § 1441, *et. seq.*

8 **JURISDICTION**

9 This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. §
10 1331, and is one which may be removed to this Court by San Francisco pursuant to the provisions of
11 28 U.S.C. § 1441(a), in that it asserts a claim under 42 U.S.C. § 1988. See Complaint, ¶¶ 65-67
12 (Second Cause of Action) & Second Prayer for Relief.

13 **INTRADISTRICT ASSIGNMENT**

14 Because the claims arise out of alleged acts and omissions that occurred in the City and County
15 of San Francisco, and because San Francisco, its local transit agency and the director of the local
16 transit agency are the sole named defendants in this action, this action is properly assigned to the San
17 Francisco division of this Court.

18 Dated: April 12, 2019

19 DENNIS J. HERRERA
20 City Attorney
21 AILEEN M. MCGRATH
22 JAMES M. EMERY
23 Deputy City Attorneys

24 By: /s/ Aileen M. McGrath
AILEEN M. MCGRATH

25 Attorneys for Defendants
26 CITY AND COUNTY OF SAN FRANCISCO
27 SAN FRANCISCO MUNICIPAL TRANSIT AGENCY
28 EDWARD D. REISKIN, DIRECTOR OF
TRANSPORTATION

PROOF OF SERVICE

I, Voneciel J. Gaines, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney’s Office of San Francisco, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

On April 12, 2019, I served the following document:

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §1441(a) BY DEFENDANTS CITY AND COUNTY OF SAN FRANCISCO, SAN FRANCISCO MUNICIPAL TRANSIT AGENCY, AND EDWARD D. REISKIN

on the following persons at the locations specified:

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in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY PERSONAL SERVICE: I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. **A declaration from the messenger who made the delivery** **is attached** or **will be filed separately with the court.**

BY OVERNIGHT DELIVERY: I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

1 **BY ELECTRONIC MAIL:** Based on a court order or an agreement of the parties to accept electronic
2 service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above.
Such document(s) were transmitted *via* electronic mail from the electronic address:
3 Voneciel.Gaines@sfcityatty.org in portable document format ("PDF") Adobe Acrobat or in Word
4 document format. OR

5 **BY ELECTRONIC MAIL:** Based on a court order or an agreement of the parties to accept electronic
6 service, I caused the documents to be served electronically through **File & ServeXpress** in portable document
7 format ("PDF") Adobe Acrobat.

8 **BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and
9 correct copies of the above document(s) via a facsimile machine at telephone number Fax # to the persons and the
10 fax numbers listed above. The fax transmission was reported as complete and without error. The transmission
11 report was properly issued by the transmitting facsimile machine, and a **copy of the transmission report** **is**
12 **attached** or **will be filed separately with the court.**

13 I declare under penalty of perjury pursuant to the laws of the State of California that the
14 foregoing is true and correct.

15 Executed April 12, 2019, at San Francisco, California.

16 /s/ Voneciel J. Gaines
17 Voneciel J. Gaines