

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Case No.

TORI McMECHAN,

Plaintiff,

v.

TOWN OF NUNN,  
BOARD OF TRUSTEES OF TOWN OF NUNN, and  
JENNY JOHNSON,

Defendants.

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NOTICE OF REMOVAL

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Defendants, **TOWN OF NUNN, BOARD OF TRUSTEES OF TOWN OF NUNN, and JENNY JOHNSON**, by and through their attorneys, **OVERTURE McGATH HULL & DOHERTY, P.C.**, hereby give Notice of the Removal of the instant action from the Weld County District Court of the State of Colorado to the United States District Court for the District of Colorado, pursuant to 28 U.S.C §1441, *et seq.*

**AS GROUNDS IN SUPPORT OF REMOVAL** Defendants state as follows:

1. On or about March 6, 2010, a civil action captioned *Tori McMechan v. Town of Nunn and Board of Trustees of Town of Nunn*, Case No. 2010CV219, was filed in the District Court for Weld County, State of Colorado. This Complaint was never served on the Defendants.

2. On April 2, 2010, Plaintiff filed an Amended Complaint, naming Jenny Johnson as a Defendant, and bringing numerous additional claims for relief, including a claim under 42 U.S.C. §1983 against the Town of Nunn and the Board of Trustees of the Town of Nunn.

3. The Town of Nunn received notice of this suit on April 7, 2010 when the Summons and Amended Complaint were delivered to the Town of Nunn's Mayor, Thomas Bender.

4. The Board of Trustees of the Town of Nunn first received notice of this suit on April 7, 2010 when the Summons and Amended Complaint were served upon the Town of Nunn's Mayor, Thomas Bender.

5. Jenny Johnson first received notice of the suit on April 7, 2010 when a copy of the Summons and Amended Complaint were served upon her personally at her residence.

6. This Court has jurisdiction over this action pursuant to the provisions of 28 U.S.C. §1441, as one of the claims against Defendants Town of Nunn and Board of Trustees of Town of Nunn in the Amended Complaint arises under federal law. Specifically, this claim arises under 42 U.S.C. §1983.

7. There have been eight (8) items entered on the State Court's docket related to this case. A history index, along with the filings that have been submitted in State Court are attached hereto, and incorporated by reference as **Exhibit A**.

8. This Notice of Removal is filed pursuant to 28 U.S.C. §1441 and §1446, and is timely pursuant to the provisions of 28 U.S.C. §1446(b). Defendants will give written

notice of the filing of this Notice as required by 28 U.S.C. §1446(d), and will file a copy of this Notice with the Clerk of the Weld County District Court as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendants request that this action proceed in this Court as an action properly removed to it.

Dated: May 6, 2010.

Respectfully submitted,

**OVERTURF MCGATH  
HULL & DOHERTY P.C.**

By s/Meredith L. McDonald

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Mark C. Overturf  
Meredith L. McDonald  
OVERTURF MCGATH  
HULL & DOHERTY P.C.  
625 E. 16<sup>th</sup> Avenue, Suite 100  
Denver, Colorado 80203  
Tel: (303) 860-2848  
Fax: (303) 866-9488  
Email: [mco@omhdlaw.com](mailto:mco@omhdlaw.com)  
[mlm@omhdlaw.com](mailto:mlm@omhdlaw.com)  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via **NOTICE OF REMOVAL** this 6<sup>th</sup> day of May, 2010 on the following:

Mark Cohen, Esq.  
The Cohen Law Firm  
110 Snyder Street, 2<sup>nd</sup> Floor  
PO Box 617  
Nederland, CO 80466

/s/ Anna M. Phillips