

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DASHONDA D. WATFORD, Individually and
as Parent and Natural Guardian of Jusmeir,
Mitchell and infant, and JESSE M. NOBLE, IV,

Plaintiff,

v.

CONNOR EDWARDS, DEREK STERLING,
ANTHONY PEDICONE, GIOVANNI MENDEZ, JOHN
DOES 1-5 and CITY OF ROCHESTER,

Defendants.

**NOTICE OF
REMOVAL**

State No.: E2020006581

Case No.: 20-cv-6756

The City Defendants, City of Rochester, New York, Connor Edwards, Derek Sterling, Anthony Pedicone and Giovanni Mendez, file this Notice of Removal to the United States District Court for the Western District of New York, pursuant to 28 U.S.C. §1441, based upon the following grounds:

1. On August 31, 2020, Plaintiff filed a Summons and Complaint (Index No. E2020006581) with the Monroe County Clerk. Copies attached as Exhibit A to the Index submitted herewith.
2. On September 4, 2020, copies of the Summons and Complaint were delivered to the City of Rochester and the Rochester Police Department. As of the date of filing of this Notice of Removal, the time for the Defendants to serve an Answer is still running. It will expire for the City and the Police Department on or about September 25, 2020.
3. No other pleadings or orders have been filed in this action before the filing of this Notice of Removal.

4. This is a civil action. The Plaintiff alleges a number of causes of action against the Defendants involving his apprehension and arrest and this suit involves claims pursuant to the Fourth and Fourteenth Amendments to the United States Constitution, and, by effect, to 42 U.S.C. §1983. Plaintiffs allege, in sum and substance, that they were subjected to excessive force when arrested and “in violation of the Fourth and Fourteenth Amendments to the Constitution” and in violation of their constitutional rights pursuant to 42 USCA §§1983, 1988. They also allege multiple state law claims including assault and battery and false arrest.

5. This Court has original federal question jurisdiction, pursuant to 28 U.S.C. §1331, because this action arises under the United States Constitution and federal statutory law, specifically 42 U.S.C. §1983.

6. The Summons and Complaint were filed in the Monroe County Clerk’s Office and in the Monroe County Supreme Court, which are within the District of this Court.

7. This Notice of Removal is being filed within 30 days of the named Defendants’ receipt of the Summons and Complaint.

8. Written notice of the filing of this Notice of Removal will be provided to the Plaintiff and a copy of this Notice will be filed in the appropriate State Court, as required by 28 U.S.C. §1446(d).

9. If this Court grants removal, then pursuant to FRCP Rule 38, the Defendants hereby demand a trial by jury of all triable issues.

WHEREFORE, the Defendants respectfully request that this action be removed from the Monroe County Supreme Court to this Court for all further proceedings.

DATED: September 23, 2020
Rochester, New York

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