E-FILED
IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

September 20 2024 2:58 PM

CONSTANCE R. WHITE
COUNTY CLERK
NO: 24-2-10402-5

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

NORTH PEARL STREET, A LIMITED PARTNERSHIP, a Washington limited partnership, Plaintiff, vs. CITY OF TACOMA, a Washington municipal corporation, Defendant.	No. 24-2-10402-5 Notice of Removal of Action to U.S. District Court [Clerk's Action Required]

TO: NORTH PEARL STREET, A LIMITED PARTNERSHIP, Plaintiff;

AND TO: JACKSON WILDER MAYNARD, JR. AND SAM SPEIGELMAN, Plaintiff's counsel:

PLEASE TAKE NOTICE that a Notice of Removal of this action was filed in the United States District Court for the Western District of Washington at Tacoma on September 20, 2024. This Notice is filed pursuant to 28 U.S.C. § 1446(d), which provides the following:

> Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.

Tacoma City Attorney
Civil Division
747 Market Street, Room 1120
Tacoma, WA 98402-3767
253-591-5885 / Fax 253-591-5755

A copy of the Notice of Removal, Amended Notice of Removal, and Second Amended Notice of Removal accompanies this Notice, and is served and filed herewith.

DATED this 20th day of September, 2024.

CITY ATTORNEY'S OFFICE – CITY OF TACOMA
CHRISTOPHER D. BACHA, City Attorney

By: /s/ *Christopher D. Bacha*
CHRISTOPHER D. BACHA, WSB #16714
STEVE VICTOR, WSB #20598
DEBRA E. CASPARIAN, WSB #26354
Attorneys for Defendant City of Tacoma

Tacoma City Attorney
Civil Division
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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2024, that I, through my staff, electronically filed the foregoing through the Pierce County LINX system which will send notification of such filing to the following:

Attorneys for Plaintiff:

Jackson Wilder Maynard, Jr.
Sam Speigelman
Citizen Action Defense Fund
111 – 21st Ave. SW
Olympia, WA 98501
jackson@maynardlawpllc.com
sam.spiegelman1@gmail.com

DATED this September 20, 2024, at Tacoma, Washington.

/s/ Christopher D. Bacha
CHRISTOPHER D. BACHA, WSB #16714
City Attorney
City Attorney's Office – City of Tacoma
747 Market Street, Suite 1120
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NORTH PEARL STREET, A LIMITED PARTNERSHIP, a Washington limited partnership, Plaintiff, vs. CITY OF TACOMA, a Washington municipal corporation, Defendant.	No. Notice of Removal of Civil Action from State Court Pierce County Superior Court Case No. 24-2-10402-5

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441(a), Defendant hereby removes this action from the Superior Court of the State of Washington, County of Pierce, to the United States District Court of the Western District of Washington at Tacoma. Defendant appears solely for the purpose of removal and for no other purpose, reserving all other defenses available to Defendant and alleges on information and belief as follows:

1. The Plaintiff filed the above-captioned action against Defendant City of Tacoma in Superior Court of the State of Washington, County of Pierce, on August 27, 2024. The Defendant was served with a copy of the Summons and Complaint (without

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Exhibits A, B and C referenced in the Complaint) on September 13, 2024. A copy of the Complaint is attached hereto in accordance with Local Rule 101(b).

2. This Notice of Removal is being filed within 30 days after the first receipt by the Defendant of the Complaint and thus is timely filed pursuant to 28 U.S.C. § 1446(b).

3. The City of Tacoma is the sole defendant in this action and, pursuant to 29 U.S.C. § 1446(b)(2)(A), gives notice of its consent to the removal of this action to the United States District Court.

4. This is a civil action for which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, as the Plaintiff asserts violations of the United States Constitution contending that the Defendant, (a) has taken private property without just compensation in violation of the 5th Amendment of the United States Constitution, (b) imposed conditions upon the use of property, and has seized property, in violation of the Due Process Clause of the 14th Amendment to the United States Constitution, and (c) interfered with existing obligations of contracts in violation of Article I, § 10 of the United States Constitution via the 14th Amendment to the United States Constitution.

5. Plaintiff's right to relief in Plaintiff's Fourth (Taking Of Private Property Without Just Compensation, Page 11 of Plaintiff's Complaint), Fifth (Violation of Due Process, Page 13 of Plaintiff's Complaint) and Sixth (Voiding of Private Contract, Page 13 of Plaintiff's Complaint) causes of action set forth in Plaintiff's complaint necessarily depends on resolution of substantial questions of federal law.

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6. The Plaintiff has also asserted various claims under State law for declaratory judgment, injunctive relief and damages. Defendant requests that all claims be removed from the Superior Court of the State of Washington, County of Pierce, and that this Court exercise supplemental jurisdiction over these claims pursuant to 28 U.S.C. § 1367(a) and 28 U.S.C. § 1441(c).

7. Intradistrict Assignment. Pursuant to LCR 3(d), this matter should be assigned to a Tacoma judge because the Defendant's principal place of business is in Pierce County, and because the events that give rise to the claims occurred in Pierce County.

8. The Defendant will promptly file a copy of this Notice in the Superior Court of the State of Washington, County of Pierce, and will serve a copy of the same on the Plaintiff in accordance with 28 U.S.C. § 1446(d).

9. Because this Notice complies with the statutory requirements and there are valid grounds for removal, this action should proceed in the United States District Court for the Western District of Washington at Tacoma as a properly removed action, this civil action should be entered in the docket of this Court, and all causes should be tried and all matters and controversies should be determined by the Court as if this action had originally commenced in it.

DATED this 19th day of September, 2024.

CITY ATTORNEY'S OFFICE – CITY OF TACOMA
CHRISTOPHER D. BACHA, City Attorney

By: /s/ *Christopher D. Bacha*
CHRISTOPHER D. BACHA, WSB #16714
STEVE VICTOR, WSB #20598
DEBRA E. CASPARIAN, WSB #26354
Attorneys for Defendant City of Tacoma

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CERTIFICATE OF SERVICE

I hereby certify that on September 19th, 2024, I electronically filed, through my staff, the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Plaintiff:

Jackson Wilder Maynard, Jr.
Sam Speigelman
Citizen Action Defense Fund
111 – 21st Ave. SW
Olympia, WA 98501
jackson@maynardlawpllc.com
sam.spiegelman1@gmail.com

DATED this September 19, 2024, at Tacoma, Washington.

/s/ Christopher D. Bacha
CHRISTOPHER D. BACHA, WSB #16714
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NORTH PEARL STREET, A LIMITED PARTNERSHIP, a Washington limited partnership, Plaintiff, vs. CITY OF TACOMA, a Washington municipal corporation, Defendant.	No. 3:24-cv-5794 AMENDED Notice of Removal of Civil Action from State Court Pierce County Superior Court Case No. 24-2-10402-5

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441(a), Defendant hereby removes this action from the Superior Court of the State of Washington, County of Pierce, to the United States District Court of the Western District of Washington at Tacoma. Defendant appears solely for the purpose of removal and for no other purpose, reserving all other defenses available to Defendant and alleges on information and belief as follows:

1. The Plaintiff filed the above-captioned action against Defendant City of Tacoma in Superior Court of the State of Washington, County of Pierce, on August 27, 2024. The Defendant was served with a copy of the Summons and Complaint (without

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Exhibits A, B and C referenced in the Complaint) on September 13, 2024. A copy of the Complaint is attached hereto in accordance with Local Rule 101(b).

2. This Notice of Removal is being filed within 30 days after the first receipt by the Defendant of the Complaint and thus is timely filed pursuant to 28 U.S.C. § 1446(b).

3. The City of Tacoma is the sole defendant in this action and, pursuant to 29 U.S.C. § 1446(b)(2)(A), gives notice of its consent to the removal of this action to the United States District Court.

4. This is a civil action for which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, as the Plaintiff asserts violations of the United States Constitution contending that the Defendant, (a) has taken private property without just compensation in violation of the 5th Amendment of the United States Constitution, (b) imposed conditions upon the use of property, and has seized property, in violation of the Due Process Clause of the 14th Amendment to the United States Constitution, and (c) interfered with existing obligations of contracts in violation of Article I, § 10 of the United States Constitution via the 14th Amendment to the United States Constitution.

5. Plaintiff's right to relief in Plaintiff's Fourth (Taking Of Private Property Without Just Compensation, Page 11 of Plaintiff's Complaint), Fifth (Violation of Due Process, Page 13 of Plaintiff's Complaint) and Sixth (Voiding of Private Contract, Page 13 of Plaintiff's Complaint) causes of action set forth in Plaintiff's complaint necessarily depends on resolution of substantial questions of federal law.

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6. The Plaintiff has also asserted various claims under State law for declaratory judgment, injunctive relief and damages. Defendant requests that all claims be removed from the Superior Court of the State of Washington, County of Pierce, and that this Court exercise supplemental jurisdiction over these claims pursuant to 28 U.S.C. § 1367(a) and 28 U.S.C. § 1441(c).

7. Intradistrict Assignment. Pursuant to LCR 3(d), this matter should be assigned to a Tacoma judge because the Defendant's principal place of business is in Pierce County, and because the events that give rise to the claims occurred in Pierce County.

8. The Defendant will promptly file a copy of this Notice in the Superior Court of the State of Washington, County of Pierce, and will serve a copy of the same on the Plaintiff in accordance with 28 U.S.C. § 1446(d).

9. Because this Notice complies with the statutory requirements and there are valid grounds for removal, this action should proceed in the United States District Court for the Western District of Washington at Tacoma as a properly removed action, this civil action should be entered in the docket of this Court, and all causes should be tried and all matters and controversies should be determined by the Court as if this action had originally commenced in it.

DATED this 19th day of September, 2024.

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CHRISTOPHER D. BACHA, City Attorney

By: /s/ *Christopher D. Bacha*
CHRISTOPHER D. BACHA, WSB #16714
STEVE VICTOR, WSB #20598
DEBRA E. CASPARIAN, WSB #26354
Attorneys for Defendant City of Tacoma

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NORTH PEARL STREET, A LIMITED PARTNERSHIP, a Washington limited partnership,

Plaintiff,

vs.

CITY OF TACOMA, a Washington municipal corporation,

Defendant.

No. 3:24-cv-5794

SECOND AMENDED Notice of Removal of Civil Action from State Court

Pierce County Superior Court Case No. 24-2-10402-5

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441(a), Defendant hereby removes this action from the Superior Court of the State of Washington, County of Pierce, to the United States District Court of the Western District of Washington at Tacoma. Defendant appears solely for the purpose of removal and for no other purpose, reserving all other defenses available to Defendant and alleges on information and belief as follows:

1. The Plaintiff filed the above-captioned action against Defendant City of Tacoma in Superior Court of the State of Washington, County of Pierce, on August 27, 2024. The Defendant was served with a copy of the Summons and Complaint (without

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2. This Notice of Removal is being filed within 30 days after the first receipt by the Defendant of the Complaint and thus is timely filed pursuant to 28 U.S.C. § 1446(b).

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DATED this 19th day of September, 2024.

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CHRISTOPHER D. BACHA, City Attorney

By: /s/ *Christopher D. Bacha*
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STEVE VICTOR, WSB #20598
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Attorneys for Defendant City of Tacoma

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DATED this September 20, 2024, at Tacoma, Washington.

/s/ Christopher D. Bacha
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