

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

CHRISTOPHER SULLIVAN )

*Plaintiff,* )

vs. )

SAM BENNINGFIELD and )

ODDIE SHOUBE )

*Defendants.* )

Case No. \_\_\_\_\_

JURY DEMANDED

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**NOTICE OF REMOVAL**

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TO THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

For their Notice of Removal of this action from the Chancery Court of White County, Tennessee to the United States District Court for the Middle District of Tennessee, Defendants Sam Benningfield and Oddie Shoupe state:

On or about August 24, 2017, Plaintiff filed a Complaint in the Chancery Court for White County, Tennessee against the above-named defendants. As of the date of this filing, all defendants have been served with a summons. The Complaint seeks damages for *inter alia* alleged violations of Plaintiff's Fourteenth Amendment Due Process and Equal Protection rights based upon an alleged unlawful order issued by Judge Sam Benningfield of the General Sessions Court for White County, Tennessee.

This action is one over which this Court has subject matter jurisdiction under the provisions of 28 U.S.C.A. Sections 1331 and 1446. The Complaint brings action under the Constitution and laws of the United States. Therefore, this action is one that may be removed to

this Court by Defendants, pursuant to the provisions of 28 U.S.C. § 1446. Pursuant to 28 U.S.C. § 1446(b)(2), all defendants agree to the removal of this action and therefore removal is appropriate.

This Notice of Removal was filed in this Court within thirty (30) days of Plaintiff's notices of the commencement of the lawsuit on defendants, said notices received by certified mail on or about August 28, 2017 in Civil Action No. 2017-cv-69 in the Chancery Court for White County, Tennessee. *See Affidavit of Service.*

Pursuant to 28 U.S.C.A. Section 1446(a), the following documents are attached hereto:

- (1) A copy of the Complaint and summonses are attached hereto as Exhibit "A;"
- (2) A copy of the Notice of Filing of Notice of Removal filed in the White County, Tennessee Circuit Court is attached hereto as Exhibit "B;"
- (3) A Civil Cover Sheet is attached hereto as Exhibit "C;"
- (4) Affidavit of Service is attached hereto as Exhibit "D;"
- (5) Notice of Appearance is attached hereto as Exhibit "E;" and
- (6) Order of Recusal is attached hereto as Exhibit "F."

WHEREFORE, Defendants respectfully request that this action now pending before the Chancery Court for White County, Tennessee be removed to this Court.

Respectfully Submitted By,

**THE ORTALE KELLEY LAW FIRM**



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Michael T. Schmitt, BPR #026573

*Attorney for Defendants*

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Nashville, TN 37201

[mschmitt@ortalekelley.com](mailto:mschmitt@ortalekelley.com)

615-256-9999

**CERTIFICATE OF SERVICE**

I hereby certify that on September 13, 2017 a true and correct copy of the foregoing Notice of Filing has been served via United States Mail, postage prepaid, on the following:

Daniel A. Horwitz  
1803 Broadway, Suite 531  
Nashville, TN 37203  
*Attorney for Plaintiff*

Richard M. Brooks  
130 Third Avenue West  
Carthage, TN 37030  
*Attorney for Plaintiff*

  
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Michael T. Schmitt