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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

TIMOTHY C. ROTE,

Case No. 3:19-cv-00082

Plaintiff,

**NOTICE OF REMOVAL OF CIVIL
ACTION**

v.

**LINDA L. MARSHALL, JOEL
CHRISTIANSEN, ANDREW
BRANDSNESS, CAROL BERNICK,
OREGON STATE BAR
(PROFESSIONAL LIABILITY FUND),
MATT KALMANSON, JANE DOE, PAM
STENDAHL, JOHN DOES (4-5),**

Defendants.

PLEASE TAKE NOTICE that the civil action *Rote v. Marshall, et al.*, Clackamas County Circuit Court Case No. 18CV45257, is hereby removed to this Court by the United States of America pursuant to 28 U.S.C. § 1442. The United States provides the following grounds for removal:

1. On or about December 6, 2018, the following civil action alleging fraud (among other claims) was filed: *Timothy C. Rote v. Linda L. Marshall, et al.*, Clackamas County Circuit Court, State of Oregon, Case No. 18CV45257.

2. Defendant Jane Doe was at all relevant times a federal employee, an official court reporter in federal court, who was acting within the scope of her employment. *See id.* ¶¶ 7, 61. Her actual identity is Nancy Walker.

3. Pursuant to the authority delegated by the United States Attorney for the District of Oregon, the Chief of the Civil Division of the U.S. Attorney's Office has certified that Jane Doe / Nancy Walker was acting within the course and scope of her federal employment at the time of the incident out of which the Plaintiff's claim arose. *See* Exhibit 1.

4. The United States has the statutory right to remove this action to federal court. *See* 28 U.S.C. § 1442. Upon certification, the action "shall be deemed to be an action or proceeding brought against the United States" under the Federal Torts Claims Act. 28 U.S.C. § 2679(d)(2).

5. Therefore, the United States should be substituted as a defendant in the action in place of Jane Doe / Nancy Walker.

6. Accompanying this Notice of Removal of Civil Action, the United States is filing a copy of all process, pleadings, and orders in this action as required by 28 U.S.C. § 1446(a). *See* Exhibit 2.

7. A copy of this Notice of Removal of Civil Action is being served upon the Plaintiff and all Defendants, and a copy shall be filed with the Court Clerk of Deschutes County, Oregon, as required by 28 U.S.C. § 1446(d).

DATED this 16th day of January, 2019.

BILLY J. WILLIAMS
United States Attorney
District of Oregon

/s/ Jared D. Hager
JARED D. HAGER
Assistant United States Attorney
Attorneys for the United States

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Notice of Removal of Civil Action** was placed in a postage prepaid envelope and deposited in the United States Mail according to established office procedure within the office of the United States Attorney at Portland, Oregon, on January 16, 2019, addressed to:

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