

such that jurisdiction properly lies with this Court. *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 312 (2005).

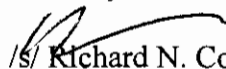
Furthermore, under 28 U.S.C. § 1441(a), removal to this Court is proper as the district and division where the State Court action is pending. Plaintiffs originally filed the State Court action in the Supreme Court of Ohio, Case No. 08-2027. Because the Supreme Court of Ohio is located within this district and division, removal to this Court is proper.

Finally, removal is timely under 28 U.S.C. § 1446(b), as Defendant Secretary of State Brunner was served with Plaintiff's complaint on October 17, 2008. *See* Summons, filed with this Notice.

Copies of the Plaintiff's State Court Expedited Petition for Writ of Mandamus, the attachments thereto, the Supreme Court's Scheduling Order, and the State Court docket are being filed today with this notice. *See* Affidavit of Richard N. Coglianese, attached to this Notice as Exhibit A. Additionally, a time stamped copy of this notice will be filed with the Clerk of the Supreme Court of Ohio.

Respectfully submitted,

NANCY H. ROGERS
Attorney General of Ohio


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Attorneys for Defendant

CERTIFICATE OF SERVICE


I hereby certify that a time stamped copy of the foregoing *Notice of Removal* will be filed with the Clerk of the Supreme Court of Ohio. I further certify that the foregoing *Notice of Removal* was sent by means of the Court's electronic filing system on October 20th, 2008 to the following:

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