

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO1:16-cv-22926

Lower Court Case No. 2016-012993 CA 01 (30)

DENNIS ROSARIO, an Individual,  
REINALDO NIEVES, an Individual,

Plaintiffs,

vs.

VILLAGE OF BISCAYNE PARK,  
CITY OF MIAMI, GEORGE MIYARES,  
an Individual,

Defendants.

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**NOTICE OF REMOVAL**

Defendant, VILLAGE OF BISCAYNE PARK, by and through undersigned counsel and pursuant to 28 U.S.C. §1446, remove this action from the Circuit Court of the 11<sup>th</sup> Judicial Circuit in and for Dade County, State of Florida, and as grounds therefor states:

1. Plaintiffs, DENNIS ROSARIO and REINALDO NIEVES, have sued Defendant, VILLAGE OF BISCAYNE PARK, under 42 U.S.C. §1983 for an alleged deprivation of their civil rights. Count II of the Complaint filed by Plaintiffs, DENNIS ROSARIO and REINALDO NIEVES, includes §1983 claims against the Defendant, VILLAGE OF BISCAYNE PARK.

2. The Defendant, VILLAGE OF BISCAYNE PARK, was served with process on June 29, 2016.

3. No other Defendants have appeared in the case at the time of filing this Notice of Removal.

4. Pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3), this Court has original jurisdiction over this action, as this action presents a "federal question" and seeks to redress the alleged deprivation of the Plaintiffs' civil rights.

5. Pursuant to 28 U.S.C. § 1367 (a), this Court has supplemental jurisdiction over all other claims in this action.

6. Pursuant to 28 U.S.C. §1441(a) and (b), and §1443, this action is removable to this Court.

7. A copy of the original Complaint and Summons served upon David Coviello, as Mayor of the Village of Biscayne Park is attached hereto and made a part hereof as **Composite Exhibit "A"** in accordance with 28 U.S.C. §1446(a).

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6<sup>th</sup> day of July, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I further certify that I either mailed the foregoing document and the Notice of Electronic Filing by first class mail or by electronic mail to any non CM/ECF participants and/or the foregoing document was served via transmission of Notice of Electronic Filing generated by CM/ECF to any and all active CM/ECF participants.

JOHNSON, ANSELMO, MURDOCH, BURKE,  
PIPER & HOCHMAN, P.A.  
Attorneys for Village of Biscayne Park  
2455 East Sunrise Boulevard - Suite 1000  
Fort Lauderdale, Florida 33304  
(954) 463-0100 - Telephone  
(954) 463-2444 - Facsimile  
[Johnson@jambg.com](mailto:Johnson@jambg.com)  
[Young@jambg.com](mailto:Young@jambg.com)

By: /s/ Scott D. Alexander  
E. BRUCE JOHNSON  
Fla. Bar No. 262137  
SCOTT D. ALEXANDER  
Fla. Bar No. 057207

640/36357

## SERVICE LIST

### **Co-Counsel for Plaintiffs:**

Vincent J. Duffy, Esq.  
Law Offices of Vincent J. Duffy, P.A.  
777 Brickell Avenue  
Suite 400  
Miami, Florida 33131  
(305) 371-8700 - Telephone  
(305) 749-8573 - Facsimile  
[vince@duffylawoffices.com](mailto:vince@duffylawoffices.com);

### **Co-Counsel for Plaintiffs:**

Stuart H. Share, Esq.  
Law Firm of Stuart H. Share, P.A.  
777 Brickell Avenue  
Suite 400  
Miami, Florida 33131  
(305) 371-8700 - Telephone  
(305) 749-8573 - Facsimile  
[stuart@sharelawpa.com](mailto:stuart@sharelawpa.com)  
[emely@sharelawpa.com](mailto:emely@sharelawpa.com)  
[amanda@sharelawpa.com](mailto:amanda@sharelawpa.com)

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### **Attorneys for City of Miami:**

### **Attorneys for George Miyares:**

### **Attorneys for Village of Biscayne Park:**

Johnson, Anselmo, Murdoch, Burke,  
Piper & Hochman, P.A.  
2455 East Sunrise Boulevard  
Suite 1000  
Fort Lauderdale, Florida 33304  
(954) 463-0100 - Telephone  
(954) 463-2444 - Facsimile  
[johnson@jambg.com](mailto:johnson@jambg.com)  
[young@jambg.com](mailto:young@jambg.com)