

**Christopher Lundberg**, OSB No. 941084  
Email: [clundberg@hk-law.com](mailto:clundberg@hk-law.com)  
**Matthew E. Malmshiemer**, OSB No. 033847  
Email: [mmalmshiemer@hk-law.com](mailto:mmalmshiemer@hk-law.com)  
**HAGLUND KELLEY LLP**  
2177 S. W. Broadway  
Portland, Oregon 97201  
Phone: (503) 225-0777  
Facsimile: (503) 225-1257

**Kristen A. Campbell**, OSB No. 135998  
Email: [kcampbell@campbellphillipslaw.com](mailto:kcampbell@campbellphillipslaw.com)  
**CAMPBELL PHILLIPS, P.C.**  
PO Box 2449  
The Dalles, OR 97058  
Phone: (541)371-5585  
Facsimile: (541)248-2784

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
(Portland Division)

**JENNIFER RAE GUNTER**, an Oregon  
Elector; **CHRISTINA LYNN MILCAREK**,  
an Oregon Elector; and **CHELSEA ANNE  
WEBER**, an Oregon Elector

Plaintiffs,

v.

**LISA GAMBEE**, in her individual capacity  
and as Wasco County Clerk; **KATHY  
SCHWARTZ**, in her individual capacity and  
as Wasco County Clerk; **STEVE KRAMER**,  
in his individual capacity and as Wasco  
County Clerk; and **SCOTT HEGE**, in his  
individual capacity and as Wasco County  
Clerk

Defendants.

Case No.:

**(Wasco County Case No. 22CV36776)**

**DEFENDANTS' NOTICE OF REMOVAL  
TO FEDERAL COURT**

**[28 U.S.C. §§ 1331, 1367, 1441 and 1446]**

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**TO: THE CLERK OF THE ABOVE-ENTITLED COURT, ALL PARTIES, AND  
THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Defendants Lisa Gambee, Kathy Schwartz, Steve Kramer and Scott Hege (“Defendants”) hereby remove this action from the Circuit Court of the State of Oregon, County of Wasco, to the United States District Court for the District of Oregon, Portland Division pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446. Defendants’ Notice of Removal is based upon and supported by the following:

1. On or about October 27, 2022, Plaintiffs filed a civil action against Defendants in the Wasco County Circuit Court. Declaration of Matthew E. Malmsheimer in Support of Defendants’ Notice of Removal (“Malms. Decl.”) ¶ 2 and Ex. 1.
2. Plaintiff’s state court action was served on Defendants with the Summons and Complaint on October 27, 2022. Malms. Decl. ¶ 3 and Ex. 2.
3. This Notice of Removal is timely filed because it is filed within 30 days of service of the Summons and Complaint. 28 U.S.C. § 1446(b)(2)(B); *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999).
4. Removal to this Court is appropriate because the Complaint was originally filed in the Wasco County Circuit Court for the State of Oregon, which is located in the Portland Division of the United States District Court for the District of Oregon. *See* 28 U.S.C. § 1441(a).
5. The State Court action states claims for relief under 42 U.S.C. § 1983 and the United States Constitution. *See*, Malms. Decl., Ex. 3 at 33-35, ¶¶ 51-54. This Court has original jurisdiction over those claims for relief. 28 U.S.C. § 1331. This Court has supplemental jurisdiction over the other claims for relief based on State law because they arise out of the same

set of operative facts as the claims arising under federal law and thus form part of the same case or controversy. 28 U.S.C. § 1367.

6. Plaintiffs' state court action may be removed to the federal district court for the District of Oregon under 28 U.S.C. §§ 1331 & 1441 because it is a civil action stating claims that arise under federal law.

7. Defendants have complied with the requirements of 28 U.S.C. § 1446(a). A true and correct copy of all process pleadings and orders on file in the state court action are attached to this Notice. Further, in accordance with 28 U.S.C. § 1446(d), Defendants will file a Notice of Removal with the clerk of the Wasco County Circuit Court informing that court that this case has been removed to the United States District Court for the District of Oregon Portland Division.

DATED this 31<sup>st</sup> day of October, 2022.

**HAGLUND KELLEY LLP**

By: /s/ Christopher Lundberg

Christopher Lundberg, OSB No. 941084

Email: [clundberg@hk-law.com](mailto:clundberg@hk-law.com)

Matthew E. Malsheimer, OSB No. 033847

Email: [mmalsheimer@hk-law.com](mailto:mmalsheimer@hk-law.com)

**CAMPBELL PHILLIPS, P.C.**

Kristen A. Campbell, OSB No. 135998

Email: [kcampbell@campbellphillipslaw.com](mailto:kcampbell@campbellphillipslaw.com)

Attorneys for Defendant

### CERTIFICATE OF SERVICE

I hereby certify that on the 31<sup>st</sup> day of October, 2022, I served the foregoing

**DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL COURT**, on the following:

Jennifer Rae Gunter  
1601 G St.  
The Dalles, OR 97058

Christina Lynn Millcarek  
1496 Foxglove Street  
Woodburn, OR 97071

Chelsea Anne Weber  
1900 S. Pear Rd.  
Oregon City, OR 97045

Plaintiffs

by the following indicated method(s):

- by **mailing** a full, true and correct copy thereof in a sealed first-class postage prepaid envelope, addressed to the foregoing attorney at the last known office address of the attorney, and deposited with the United States Post Office at Portland, Oregon on the date set forth above.
- by causing a full, true and correct copy thereof to be **hand delivered** to the attorney at the last known address listed above on the date set forth above.
- by **faxing** a full, true and correct copy thereof to the attorney at the fax number shown above, which is the last-known fax number for the attorney's office on the date set forth above.
- by transmitting full, true and correct copies thereof to the attorneys through the court's Cm/ECF system on the date set forth above.

#### HAGLUND KELLEY LLP

By: /s/ Matthew E. Malmshheimer  
Matthew E. Malmshheimer, OSB No. 033847  
Email: [mmalmshheimer@hk-law.com](mailto:mmalmshheimer@hk-law.com)  
Attorney for Defendant