

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PENNY J. NICKERSON,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	C.A. No.:
	:	
TOWN OF MILTON,	:	
	:	
Defendant.	:	

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE STATE OF DELAWARE**

Defendant, Town of Milton, by and through its attorneys, Whiteford Taylor Preston, LLC, hereby removes the above-captioned case to this Honorable Court and provide notice of same to Plaintiff. In support of the removal, the Defendant avers as follows:

1. The Plaintiffs’ Complaint in the above-referenced matter was filed on or about May 15, 2017. (A copy of the Complaint is attached hereto and marked Exhibit “A”).
2. Service of the Complaint was made upon Defendant on May 18, 2017.
3. In their Complaint, Plaintiff seeks redress for the alleged violation of their federal (Count I) and State (Count II) constitutional rights. Specifically, Plaintiff contend that the Defendant and the Town of Milton Code deprives her of rights to which she is entitled under the First Amendment of the United States Constitution and Article I, § 5 of the Delaware Constitution by prohibiting her from erecting and maintaining signs in her front yard. Plaintiff seeks a declaratory judgment, preliminary and permanent injunctive relief along with economic damages and attorney’s fees pursuant to 42 U.S.C. § 1988.

4. The above-described civil action is one in which this Honorable Court has original jurisdiction pursuant to 28 U.S.C. §1343 inasmuch as Plaintiff seeks redress for alleged violations of her constitutional rights and is accordingly one which may be removed pursuant to 28 U.S.C. §1441.

5. Concurrent with this filing, Defendant is giving written notice of the filing of this Notice of Removal to the Register in Chancery of the Court of Chancery of the State of Delaware and the Plaintiff, as required by 28 U.S.C. §1446(d), by filing a Notice of Filing of Notice of Removal with the Chancery Court and serving a copy of the same upon all parties. Exhibit "C" is a true and correct copy of the Notice of Filing of Notice of Removal.

WHEREFORE, Defendant, Town of Milton, prays that the above-referenced action now pending in the Court of Chancery of the State of Delaware be removed to this Honorable Court.

Dated: May 19, 2017

WHITEFORD TAYLOR PRESTON, LLC

/s/ Scott G. Wilcox

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Attorneys for Defendant Town of Milton

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TOWN OF MILTON,	:	
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CERTIFICATE OF SERVICE

I, Scott G. Wilcox, Esquire, do hereby certify that on this 19th day of May, 2017, a copy of the foregoing *Notice of Removal* was served U.S. Mail, postage prepaid to the following:

Richard H. Morse, Esquire
Ryan Tack Hooper, Esquire
ACLU Foundation of Delaware
100 W. 10th Street, Suite 706
Wilmington, DE 19801
Counsel for Plaintiff

/s/ Scot G. Wilcox
Scott G. Wilcox, Esquire (DE ID No. 3882)