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Attorney for Defendants State of Alaska

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JENNIFER SPENCER, individually and)	
on behalf of all those similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	
)	
ADAM CRUM, in his official capacity as)	
Commissioner of the Alaska Department)	
of Health and Social Services, and)	
SHAWNDA O'BRIEN, in her official)	
capacity as Director of the Alaska)	
Division of Public Assistance,)	
)	
Defendants.)	Case No.
)	

DEFENDANTS' NOTICE OF REMOVAL

Defendants Adam Crum, in his official capacity as Commissioner of the Alaska
Department of Health and Social Services, and Shawnda O'Brien, in her official capacity
as the Director of the Alaska Division of Public Assistance, hereby provide notice of

Defendant's Notice of Removal
Spencer v. Crum and O'Brien

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removal of case number 3AN-19-05386CI from the Superior Court for the State of Alaska, Third Judicial District at Anchorage, to the United States District Court, District of Alaska, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and as grounds for removal state:

STATEMENT OF THE CASE

1. On February 27, 2019, Plaintiff Jennifer Spencer filed a complaint styled “Jennifer Spencer, individually and on behalf of all other similarly situated” case number 3AN-19-005386CI (the “State Court action”). A copy of the Complaint and Summons is attached.

2. Defendants are unsure when service was completed, but it was not sooner than February 28, 2019, when the Complaint was received by the Alaska Attorney General’s Office as shown by the received date stamped on the attached Complaint and Summons.

3. The two causes of action stated in the Complaint are violations of: 42 U.S.C. §1983, based on 42 U.S.C. § 1396(a)(8) and 7 AAC 100.018.

4. The relief sought is a certification of the class; a declaration that the defendants violated 42 U.S.C. § 1396a(a)(8) and 7 AAC 100.018; a preliminary and permanent injunction requiring defendants to make final eligibility determinations and to begin providing Medicaid coverage to all eligible individuals within 30 days after receiving their Medicaid applications or 90 days if a disability determination is required; the award of costs and expenses of litigation; the award of full reasonable attorney’s fees

under 42 U.S.C. § 1988; and such other and further compensatory or equitable relief as this Court may deem just under the circumstances

JURISDICTION UNDER 28 U.S.C. § 1331, § 1367 AND § 1441

5. This Court has jurisdiction under 28 U.S.C. § 1331, § 1367, and § 1441 because this is a civil action in which the primary cause of action alleged in the State Court action Complaint is a violation of a federal law related to Medicaid which arises under the laws of the United States. The other cause of action is based on a violation of a State of Alaska regulation implementing the federal law and is related such that it forms part of the same case and controversy.

PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

6. This Notice of Removal has been filed within 30 days of the date service was accomplished, which was at the earliest February 28, 2019. Removal is timely. 28 U.S.C. § 1446(b).

7. All of the defendants consent to removal under 28 U.S.C. § 1446(b)(1).

8. A true and correct copy of all pleadings and documents filed in the State Court action are being filed with this Notice of Removal.

9. Written notice of the filing of this Notice will promptly be given to all adverse parties.

10. A Notice to State Court of Removal will be filed in the Superior Court for the State of Alaska, Third Judicial District at Anchorage, case number 3AN-19-05386CI, on behalf of defendants.

11. Venue is proper because the United States District Court, District of Alaska, is the corresponding federal judicial district for the Superior Court of the State of Alaska, Third Judicial District at Anchorage, where the State Court action was filed.

DATED: March 29, 2019.

KEVIN G. CLARKSON
ATTORNEY GENERAL

By: /s/Alexander J. Hildebrand
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State of Alaska

Certificate of Service

I certify that on March 29, 2018 the foregoing *Defendants' Notice of Removal* and *Exhibits 1-2* was served on the following via USPS, First Class Mail and electronically on:

James J Davis, Jr. and Goriune Dudukgian
Northern Justice Project, LLC
310 K Street, Suite 200
Anchorage, AK 99501
Email: jdavis@njp-law.com
Email: gdudukgian@njp-law.com

/s/Rebecca N. Garcia
Rebecca N. Garcia, Law Office Assistant

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