

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
BUNKER HILL MALL, LLC.)	
)	
Plaintiff,)	
)	C.A. NO.
v.)	
)	
UNITED STATES POSTAL SERVICE,)	
)	
)	
Defendant.)	
_____)	

**NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF MASSACHUSETTS**

The Defendant, United States Postal Service (“USPS”), by and through its attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, hereby gives notice pursuant to 28 U.S.C. § 1442 of its removal of this lawsuit to the United States District Court for the District of Massachusetts.

On May 24, 2019, Plaintiff Bunker Hill Mall, LLC filed a “Summary Process (Eviction) Summons and Complaint” in the Charlestown Division of the Boston Municipal Court against USPS. As grounds for the removal, the USPS states that, to the extent a cause of action can be discerned from the Summary Process (Eviction) Summons and Complaint, this is an action against the USPS claiming that Plaintiff is the owner/landlord of the property located at 23 Austin Street, Charlestown, MA, in which the USPS is the tenant/occupant. Plaintiff alleges that the lease between the parties expired on December 31, 2018, and was not renewed. Plaintiff seeks to evict Defendant from the premises. *See* Complaint. A copy of the Complaint is submitted herewith.

USPS received a copy of the Summons and Complaint on May 15, 2019. Accordingly, consistent with 28 U.S.C. § 1446(b), this notice of removal is being filed within thirty days after receipt by the Defendant of the initial pleading setting forth the claims upon which the action is based.

Removal may be brought pursuant to 28 U.S.C. § 1442(a)(1) as it is a civil action raised against a federal agency, the USPS, in state court.

Additionally, Title 39, United States Code, Section 409(a) provides as follows:

Except as otherwise provided in this title, the United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

A copy of this Notice of Removal will be mailed to counsel for the plaintiff and copies of said notice will be filed with the Charlestown Municipal Court pursuant to Section 1446(d) of Title 28 of the United States Code.

WHEREFORE, this action now pending in the Charlestown Municipal Court, Docket No. 1904-su-000002 is properly removed pursuant to 28 U.S.C. §§ 1442, 1446, and 39 U.S.C. § 409(a).

By filing this removal, Defendant does not waive any of its rights or defenses, including,

without limitation, proper service pursuant to Fed. R. Civ. P. 4.

Respectfully submitted,

ANDREW E. LELLING
UNITED STATES ATTORNEY

By: /s/ Michael Sady
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to via first class mail to those not registered.

Dated: June 3, 2019

/s/ Michael Sady
Michael Sady
Assistant U.S. Attorney