

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

DANTE DESIDERIO
606 Quincy Street
Arlington, VA 22204

Plaintiff,

v.

**NATIONAL CONGRESS OF AMERICAN
INDIANS, et al.**
Embassy of Tribal Nations
1516 P Street NW
Washington, DC 20005, et al.

Defendants.

Case No. 1:22-cv-02664

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332, 441 and 1446, Defendant National Congress of American Indians (“NCAI” or the “Defendant”) removes this action from the Superior Court of the District of Columbia to the United States District Court for the District of Columbia. In support of this Notice, Defendant states as follows:

1. Plaintiff Dante Desiderio brought a civil action against Defendant in the Superior Court of the District of Columbia titled *Dante Desiderio vs. National Congress of American Indians, et al.*, District of Columbia Superior Court Civil Docket No. 2019 CA 4958 B (the “Superior Court Action”). In addition to NCAI, Plaintiff names as Defendants, “John Does 1-10 (being the fictitious names of persons who are not presently known to Plaintiff), ABC Corporation, DEF Corporation, GHI Corporation (being fictitious entities who are not presently known to Plaintiff).”

2. The Complaint, filed on June 24, 2022, asserted claims under the District of Columbia Human Rights Act, D.C. Code §§ 22-1401, *et seq.* (“DCHRA”) and the District of Columbia Wage Payment and Collection Law, D.C. Code §§ 32-1302, *et seq.* On the associated Civil Actions Branch Information Sheet, Plaintiff indicated his Demand of \$5,000,000.00.

3. On August 1, 2022, Plaintiff filed his Amended Complaint (the “Amended Complaint”), in which he asserted claims again under the District of Columbia Human Rights Act, D.C. Code §§ 22-1401, *et seq.* (“DCHRA”) and the District of Columbia Wage Payment and Collection Law, D.C. Code §§ 32-1302, *et seq.*

4. On August 12, 2022, Plaintiff served Defendant with the Complaint, the Amended Complaint, and the associated summons in the Superior Court Action.

5. This Court has jurisdiction over the Superior Court Action because this matter exceeds the value of \$75,000, and is between citizens of different states; Plaintiff is a resident and citizen of Virginia, while NCAI is incorporated in the District of Columbia and has its principal place of business in the District of Columbia. 28 U.S.C. § 1332(a).

6. National Congress of American Indians is the only Defendant named in this action— and so no other Defendant need consent to its removal. Citizenship of defendants sued under fictitious names shall be disregarded. 28 U.S.C. § 1441(b)(1).

7. Pursuant to 28 U.S.C. § 1446(a), Plaintiff’s summons and Complaint is attached as **Exhibit A**; Plaintiff’s Amended Complaint is attached as **Exhibit B**; Plaintiff’s Affidavit of Service of Process is attached as **Exhibit C**; and all other process and pleadings served upon Defendant in the Superior Court Action are attached as **Exhibit D**. To Defendant’s knowledge, no further proceedings have been conducted in the Superior Court Action.

8. This Notice of Removal is timely, as it is filed within thirty (30) days of the date on which the Defendant was served with the Amended Complaint in the Superior Court Action.

9. Pursuant to 28 U.S.C. § 1446(d), Defendant shall provide written notice of the filing of this Notice of Removal to Plaintiff and is filing a copy of this Notice of Removal with the Clerk of the Superior Court of the District of Columbia.

WHEREFORE, Defendant respectfully requests that the District Court enter this Notice of Removal and effect the removal of the Superior Court Action to the United States District Court for the District of Columbia.

September 2, 2022

/s/ Jillian Ambrose
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of September, 2022, a true copy of the above document was served via CM/ECF and email on Plaintiff's counsel:

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/s/ Jillian Ambrose
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