

Kristian Beckett (Bar No. 14415)
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Attorney for Plaintiff and Counterclaim Defendant
Skull Valley Health Care, LLC, and
Skull Valley Health Clinic LLC

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

Skull Valley Health Care, LLC, a tribal
entity, and Skull Valley Health Clinic LLC, a
tribal entity d/b/a Warrior Spirit Recovery
Center

Plaintiffs,

v.

NorStar Consultants LLC, a Utah Company,
Ashanti Moritz, an individual, and DOES I-
V.

Defendants

Ashanti Moritz, an individual,

Counterclaim/Crossclaim Plaintiff

v.

Skull Valley Health Care, LLC, a tribal
entity; Candace Bear, an individual, Dwayne
Wash, an individual, and Victor Garcia, an
individual

*Counterclaim/Third-Party
Counterclaim Defendants*

**NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. §§ 1331,
1441, 1446, & 1454**

Case No.

REMOVED FROM THIRD
JUDICIAL DISTRICT COURT,
TOOELE COUNTY, STATE OF
UTAH CASE NO. 220300382

TO: The Clerk of the Court
TO: NorStar Consultants LLC, through counsel Jerome Mooney, Weston, Garrou & Mooney
AND TO: Ashanti Moritz, through counsel Jerome Mooney, Weston, Garrou & Mooney

PLEASE TAKE NOTICE that Skull Valley Health Care LLC, and Skull Valley Health Clinic, LLC, do hereby remove the following state court action to this court:

Skull Valley Health Care, LLC, a tribal entity, and Skull Valley Health Clinic LLC, a tribal entity d/b/a Warrior Spirit Recovery Center, *Plaintiffs*, vs. NorStar Consultants LLC, a Utah Company, Ashanti Moritz, an individual, and DOES I-V. *Defendants*, AND Ashanti Moritz, an individual, *Counterclaim/Crossclaim Plaintiff*, vs. Skull Valley Health Care, LLC, a tribal entity; Candace Bear, an individual, Dwayne Wash, an individual, and Victor Garcia, an individual, *Counterclaim/Third-Party Defendants*, which was filed in the Third Judicial District, Tooele County, State of Utah with the cause number of 220300382; on the grounds that this court has original jurisdiction as set forth herein and supported by the declaration of Kristian Beckett and the exhibits attached thereto.

The declaration of Kristian Beckett is attached hereto as Attachment No. 1.

BASIS FOR REMOVAL

A) The Counterclaims presented arise under the laws of the United States.

This Court has original jurisdiction pursuant to 28 U.S.C. § 1331 as the claims, crossclaims, and counter claims arise under the laws of the United States. Specifically, Plaintiffs claims assert a right to certain copyright and intellectual property pursuant to 17 U.S.C. §201; and crossclaims and counterclaims asserted under the Civil Rights Act of 1964, Title VII.

B) Notice of Removal is Timely

Skull Valley Health Care, LLC and Skull Valley Health Clinic, LLC initiated this action on March 28, 2022 asserting claims under the Copyright Act. Defendants answered, counterclaimed, and crossclaimed May 5, 2022 asserting claims under the Civil Rights Act of 1964, Title VII. Pursuant to 28 U.S.C. § 1446(b) service of this Notice is required to be filed within 30 days of May 5, 2022. This notice of removal is therefore timely filed.

C) Removal is timely filed

This notice of removal complies with all applicable Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 1331 the district court has original jurisdiction to hear actions arising under the laws of the United States. The actions asserted in this matter arise under U.S. Code Title 17. Furthermore, the counterclaims and crossclaims asserted arise under the Civil Rights Act of 1964, Title VII.

Moritz asserts claims against Skull Valley Health Care LLC, and Skull Valley Health Clinic, LLC related to Civil Rights Act of 1964, Title VII for discrimination. Pursuant to 28 U.S.C. § 1441.

Furthermore, pursuant to 28 U.S.C. § 1454, any party may remove an action arising under any Act of Congress relating to copyrights in accordance with section 1446.

As required by 28 U.S.C. § 1446, Respondent has attached copies of all necessary papers and pleadings for removal to the Declaration of Kristian Beckett filed in support of Respondents' Notice of Removal.

D) Venue is proper in the United States District Court for the Central District of Utah

Venue is proper in this division pursuant to 28 U.S.C. § 125(2) because this dispute relates to conduct which occurred in Tooele County, Utah, and the underlying action was initiated within the Third Judicial District Court, Tooele County which is now being removed.


E) Service on all parties

Skull Valley Health Care, LLC and Skull Valley Health Clinic, LLC will serve, as indicated in the subjoined certificate of service, NorStar Consultants LLC, and Ashanti Moritz through counsel with copies of this Notice of Removal and the supporting declaration of Kristian Beckett.

Skull Valley Health Care, LLC and Skull Valley Health Clinic, LLC will also file with the Clerk of the Third Judicial District, Tooele County, State of Utah, a copy of this Notice of Removal as well as a Notice to District Court of Filing of Notice of Removal.

DATED this Friday, May 13, 2022.

THE BECKETT LAW FIRM



Kristian Beckett, UTBN #14415

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct of copy of the foregoing NOTICE OF REMOVAL was served or will be served to the following in the manner set forth below:

ATTORNEY FOR THE PETITIONER:

Jerome H. Mooney, Esq.
Weston, Garrou & Mooney
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Hand-delivery
 U.S. Mail
 Fax:
 Email: jerrym@mooneylaw.com
 ECF

SERVED THIS THE 13TH DAY OF MAY.



Kristian Beckett