

JS 44 (Rev. 2/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS
DR. BERND WOLLSCHLAEGER, et al.
(b) County of Residence of First Listed Plaintiff Miami-Dade
(c) Attorney's (Firm Name, Address, and Telephone Number)
Edward M. Mullins, Esq.
Astigarraga Davis Mullins & Grossman, P.A.
701 Brickell Avenue, 16th Floor, Miami, FL 33131 / (305) 372-8282

DEFENDANTS
RICK SCOTT, in his Capacity as Governor of the State of Florida, et al.
County of Residence of First Listed Defendant Leon
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.
Attorneys (If Known)

(d) Check County Where Action Arose: [X] MIAMI-DADE [ ] MONROE [ ] BROWARD [ ] PALM BEACH [ ] MARTIN [ ] ST. LUCIE [ ] INDIAN RIVER [ ] OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
[ ] 1 U.S. Government Plaintiff
[X] 3 Federal Question (U.S. Government Not a Party)
[ ] 2 U.S. Government Defendant
[ ] 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State [ ] 1 [ ] 1
Citizen of Another State [ ] 2 [ ] 2
Citizen or Subject of a Foreign Country [ ] 3 [ ] 3
Incorporated or Principal Place of Business In This State [ ] 4 [ ] 4
Incorporated and Principal Place of Business In Another State [ ] 5 [ ] 5
Foreign Nation [ ] 6 [ ] 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT: [ ] 110 Insurance, [ ] 120 Marine, [ ] 130 Miller Act, [ ] 140 Negotiable Instrument, [ ] 150 Recovery of Overpayment & Enforcement of Judgment, [ ] 151 Medicare Act, [ ] 152 Recovery of Defaulted Student Loans (Excl. Veterans), [ ] 153 Recovery of Overpayment of Veteran's Benefits, [ ] 160 Stockholders' Suits, [ ] 190 Other Contract, [ ] 195 Contract Product Liability, [ ] 196 Franchise
REAL PROPERTY: [ ] 210 Land Condemnation, [ ] 220 Foreclosure, [ ] 230 Rent Lease & Ejectment, [ ] 240 Torts to Land, [ ] 245 Tort Product Liability, [ ] 290 All Other Real Property
TORTS: PERSONAL INJURY: [ ] 310 Airplane, [ ] 315 Airplane Product Liability, [ ] 320 Assault, Libel & Slander, [ ] 330 Federal Employers' Liability, [ ] 340 Marine, [ ] 345 Marine Product Liability, [ ] 350 Motor Vehicle, [ ] 355 Motor Vehicle Product Liability, [ ] 360 Other Personal Injury
PERSONAL INJURY: [ ] 362 Personal Injury - Med. Malpractice, [ ] 365 Personal Injury - Product Liability, [ ] 368 Asbestos Personal Injury Product Liability, [ ] 370 Other Fraud, [ ] 371 Truth in Lending, [ ] 380 Other Personal Property Damage, [ ] 385 Property Damage Product Liability
PRISONER PETITIONS: [ ] 510 Motions to Vacate Sentence, [ ] 530 General, [ ] 535 Death Penalty, [ ] 540 Mandamus & Other, [ ] 550 Civil Rights, [ ] 555 Prison Condition
FORFEITURE/PENALTY: [ ] 610 Agriculture, [ ] 620 Other Food & Drug, [ ] 625 Drug Related Seizure of Property 21 USC 881, [ ] 630 Liquor Laws, [ ] 640 R.R. & Truck, [ ] 650 Airline Regs., [ ] 660 Occupational Safety/Health, [ ] 690 Other
LABOR: [ ] 710 Fair Labor Standards Act, [ ] 720 Labor/Mgmt. Relations, [ ] 730 Labor/Mgmt. Reporting & Disclosure Act, [ ] 740 Railway Labor Act, [ ] 790 Other Labor Litigation, [ ] 791 Empl. Ret. Inc. Security Act
IMMIGRATION: [ ] 462 Naturalization Application, [ ] 463 Habeas Corpus-Alien Detainee, [ ] 465 Other Immigration Actions
BANKRUPTCY: [ ] 422 Appeal 28 USC 158, [ ] 423 Withdrawal 28 USC 157
PROPERTY RIGHTS: [ ] 820 Copyrights, [ ] 830 Patent, [ ] 840 Trademark
SOCIAL SECURITY: [ ] 861 HIA (1395ff), [ ] 862 Black Lung (923), [ ] 863 DIWC/DIWW (405(g)), [ ] 864 SSID Title XVI, [ ] 865 RSI (405(g))
FEDERAL TAX SUITS: [ ] 870 Taxes (U.S. Plaintiff or Defendant), [ ] 871 IRS-Third Party 26 USC 7609
OTHER STATES: [ ] 400 State Reapportionment, [ ] 410 Antitrust, [ ] 430 Banks and Banking, [ ] 450 Commerce, [ ] 460 Deportation, [ ] 470 Racketeer Influenced and Corrupt Organizations, [ ] 480 Consumer Credit, [ ] 490 Cable/Sat TV, [ ] 810 Selective Service, [ ] 850 Securities/Commodities/Exchange, [ ] 875 Customer Challenge 12 USC 3410, [ ] 890 Other Statutory Actions, [ ] 891 Agricultural Acts, [ ] 892 Economic Stabilization Act, [ ] 893 Environmental Matters, [ ] 894 Energy Allocation Act, [ ] 895 Freedom of Information Act, [ ] 900 Appeal of Fee Determination Under Equal Access to Justice, [ ] 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
[X] 1 Original Proceeding [ ] 2 Removed from State Court [ ] 3 Re-filed- (see VI below) [ ] 4 Reinstated or Reopened [ ] 5 Transferred from another district (specify) [ ] 6 Multidistrict Litigation [ ] 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).
a) Re-filed Case [ ] YES [X] NO b) Related Cases [ ] YES [ ] NO
(See instructions second page): JUDGE DOCKET NUMBER

VII. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. §1983, statute violates Florida physicians' First Amendment rights
LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:
[ ] CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ INSTRUCTION
CHECK YES only if demanded in complaint: JURY DEMAND: [ ] Yes [X] No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
SIGNATURE OF ATTORNEY OF RECORD: [Signature] DATE: June 6, 2011

FOR OFFICE USE ONLY
AMOUNT RECEIPT # IFP

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

(d) Choose one County where Action Arose.

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States District Courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Related/Refiled Cases.** This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

**VII. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VIII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**Date and Attorney Signature.** Date and sign the civil cover sheet.