## Humane Society of the United States, The et al v. National Marine Fisheries Service (NMFS) et al

SJS 44 (Rev. 12/07) €

## **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.)

I. (a) PLAINTIFFS		]	DEFENDANTS		
The Humane Society of Whale and Dolphin Con	the United States; Defenders of Wild servation Society		National Marin Bryson	e Fisheries Service; Er	ic Schwaab; John #
(b) County of Residence of First Listed Plaintiff Washington, DC			County of Residence of First Listed Defendant		
(E	XCEPT IN U.S. PLAINTIFF CASES)			(IN U.S. PLAINTIFF CASES	
				ID CONDEMNATION CASES, US INVOLVED.	SE THE LOCATION OF THE
(c) Attorney's (Firm Name	e, Address, and Telephone Number)		Attorneys (If Known)		
Kimberly D. Ockene					
T <u>he Humane Society of</u>		Ð			
II. BASIS OF JURISE	<b>DICTION</b> (Place an "X" in One Box Only)		ZENSHIP OF I r Diversity Cases Only)	PRINCIPAL PARTIES	(Place an "X" in One Box for Plaintiff and One Box for Defendant)
□ 1 U.S. Government Plaintiff	<ul> <li>G 3 Federal Question (U.S. Government Not a Party)</li> </ul>		I	TF DEF □ 1 □ 1 Incorporated <i>or</i> Pr of Business In Thi	PTF DEF incipal Place
☑ 2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen o	Citizen of Another State $\Box$ 2 $\Box$ 2 Incorporated <i>and</i> Principal Place $\Box$ 5 $\Box$ 5 of Business In Another State		
			r Subject of a C n Country	<b>3 3</b> Foreign Nation	
IV. NATURE OF SUI	T (Place an "X" in One Box Only)	roreig			
CONTRACT	TORTS		FEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<ul> <li>110 Insurance</li> <li>120 Marine</li> <li>130 Miller Act</li> <li>140 Negotiable Instrument</li> </ul>	PERSONAL INJURY     PERSONAL INJUR       □ 310 Airplane     □ 362 Personal Injury       □ 315 Airplane Product     Med. Malpractic       Liability     □ 365 Personal Injury	- 🗖 620 C ce 🗍 625 D	griculture ther Food & Drug rug Related Seizure Property 21 USC 881	<ul> <li>422 Appeal 28 USC 158</li> <li>423 Withdrawal 28 USC 157</li> </ul>	<ul> <li>400 State Reapportionment</li> <li>410 Antitrust</li> <li>430 Banks and Banking</li> <li>450 Commerce</li> </ul>
150 Recovery of Overpayment	320 Assault, Libel & Product Liability	y 🗖 630 L	iquor Laws .R. & Truck	PROPERTY RIGHTS	□ 460 Deportation
& Enforcement of Judgment	□ 330 Federal Employers' Injury Product	🗖 650 A	irline Regs.	<ul> <li>820 Copyrights</li> <li>830 Patent</li> </ul>	470 Racketeer Influenced and Corrupt Organizations
152 Recovery of Defaulted Student Loans	Liability Liability 340 Marine PERSONAL PROPER		ccupational afety/Health	□ 840 Trademark	<ul> <li>480 Consumer Credit</li> <li>490 Cable/Sat TV</li> </ul>
(Excl. Veterans)	□ 345 Marine Product □ 370 Other Fraud	🗖 690 C	ther		810 Selective Service
153 Recovery of Overpayment of Veteran's Benefits	Liability		LABOR air Labor Standards	SOCIAL SECURITY           □ 861 HIA (1395ff)	850 Securities/Commodities/ Exchange
<ul> <li>160 Stockholders' Suits</li> <li>190 Other Contract</li> </ul>	<ul> <li>355 Motor Vehicle Property Damage Product Liability</li> <li>385 Property Damage</li> </ul>		ct abor/Mgmt. Relations	<ul> <li>862 Black Lung (923)</li> <li>863 DIWC/DIWW (405(g))</li> </ul>	875 Customer Challenge 12 USC 3410
195 Contract Product Liability	360 Other Personal Product Liability	730 L	abor/Mgmt.Reporting	□ 864 SSID Title XVI	890 Other Statutory Actions
☐ 196 Franchise REAL PROPERTY	Injury CIVIL RIGHTS PRISONER PETITIO		Disclosure Act ailway Labor Act	□ 865 RSI (405(g)) FEDERAL TAX SUITS	<ul> <li>891 Agricultural Acts</li> <li>892 Economic Stabilization Act</li> </ul>
210 Land Condemnation	□ 441 Voting □ 510 Motions to Vaca	ate 🗖 790 C	ther Labor Litigation	870 Taxes (U.S. Plaintiff	■ 893 Environmental Matters
<ul> <li>220 Foreclosure</li> <li>230 Rent Lease &amp; Ejectment</li> </ul>	□ 442 Employment Sentence □ 443 Housing/ Habeas Corpus:		mpl. Ret. Inc. ecurity Act	or Defendant) I 871 IRS—Third Party	<ul> <li>894 Energy Allocation Act</li> <li>895 Freedom of Information</li> </ul>
240 Torts to Land	Accommodations 🛛 530 General		-	26 USC 7609	Act
<ul> <li>245 Tort Product Liability</li> <li>290 All Other Real Property</li> </ul>	□ 444 Welfare □ 535 Death Penalty □ 445 Amer. w/Disabilities - □ 540 Mandamus & Ot		MMIGRATION aturalization Applicatio	n	900Appeal of Fee Determination Under Equal Access
	Employment		abeas Corpus - ien Detainee		to Justice ☐ 950 Constitutionality of
	Other		ther Immigration		State Statutes
	440 Other Civil Rights	A	ctions		
I Original □ 2 R	ate Court Appellate Court	Reopen	ed of D S anoth ed (spec		
VI CAUSE OF ACTI	Cite the U.S. Civil Statute under which you a 16 U.S.C. 1361-1432h; 16 U.S.	re filing (D) C. 1531-1	not cite jurisdiction 544, 5 U.S.C. 5	nal statutes unless diversity): 551-706	
VI. CAUSE OF ACTI	Brief description of cause: Challenge to agency's failure to	timely co	nply with Enda	ngered Species Act; ta	ke of endangered
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	N DEN	IAND \$	CHECK YES only JURY DEMAND:	if demanded in complaint:
VIII. RELATED CAS IF ANY	E(S) (See instructions): JUDGE Patty B.	Saris		DOCKET NUMBER C	iv. No. 1:10-cv-10887
DATE	SIGNATURE OF A		RECORD		
10/31/2011	/s/ Kimberly D.	. Ockene			
FOR OFFICE USE ONLY					
RECEIPT # A	MOUNT APPLYING IFP		JUDGE	MAG. JUI	DGE

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## **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)".

**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.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

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.
 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
 Do not cite jurisdictional statutes

VII. 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.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

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