## Lyman et al v. Baker et al

JS 44 (Rev. 06/17)

## **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 NEXT PAGE OF THIS FORM.)* 

L.(a) PLAINTIFFS Richard J. Lyman; William F. Weld; and Robert D. Capodilupo				<b>DEFENDANTS</b> Charles D. Baker, in his official capacity as Governor of the Commonwealth of MA and William Francis Galvin, in his official capacity as Secretary of the Commonwealth of MA		
(b) County of Residence of First Listed Plaintiff Essex County				County of Residence of First Listed Defendant Suffolk County		
(b) County of Residence of First Listed Plaintin <u>ESSEX County</u> (EXCEPT IN U.S. PLAINTIFF CASES)				(IN U.S. PLAINTIFF CASES ONLY)		
				NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.		
(c) Attorneys (Firm Name, Address, and Telephone Number)				Attorneys (If Known)		
Jamés D. Gotz, Esq. BB DriveSuite 1410, Boston	O #567157, HAUSFEL	D LLP, One Marina	a Park			
II. BASIS OF JURISDI	<b>CTION</b> (Place an "X" in O	ne Box Only)			RINCIPAL PARTIES	(Place an "X" in One Box for Plaintiff
□ 1 U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a Party)			(For Diversity Cases Only) PT en of This State		
□ 2 U.S. Government Defendant	I 4 Diversity (Indicate Citizenship of Parties in Item III)		Citiz	en of Another State $\Box$	2 🗖 2 Incorporated and a of Business In	
				en or Subject of a reign Country	5	
IV. NATURE OF SUIT	IV. NATURE OF SUIT (Place an "X" in One Box Only) CONTRACT TORTS			Click here for: <u>Nature of Suit Code Descriptions</u> . FORFEITURE/PENALTY BANKRUPTCY OTHER STATUTES		
□ 110 Insurance	PERSONAL INJURY	PERSONAL INJUR		25 Drug Related Seizure	□ 422 Appeal 28 USC 158	□ 375 False Claims Act
<ul><li>120 Marine</li><li>130 Miller Act</li></ul>	<ul><li>310 Airplane</li><li>315 Airplane Product</li></ul>	<ul> <li>365 Personal Injury - Product Liability</li> </ul>		of Property 21 USC 881 00 Other	□ 423 Withdrawal 28 USC 157	□ 376 Qui Tam (31 USC 3729(a))
<ul> <li>140 Negotiable Instrument</li> <li>150 Recovery of Overpayment</li> </ul>	Liability I 320 Assault, Libel &	367 Health Care/ Pharmaceutical			PROPERTY RIGHTS	□ 400 State Reapportionment □ 410 Antitrust
& Enforcement of Judgment	Slander 330 Federal Employers'	Personal Injury Product Liability			<ul> <li>820 Copyrights</li> <li>830 Patent</li> </ul>	<ul> <li>430 Banks and Banking</li> <li>450 Commerce</li> </ul>
152 Recovery of Defaulted	Liability	368 Asbestos Personal			835 Patent - Abbreviated	□ 460 Deportation
Student Loans (Excludes Veterans)	<ul> <li>340 Marine</li> <li>345 Marine Product</li> </ul>	Injury Product Liability			New Drug Application 840 Trademark	470 Racketeer Influenced and Corrupt Organizations
153 Recovery of Overpayment of Veteran's Benefits	Liability 350 Motor Vehicle	<b>PERSONAL PROPER</b> <b>370</b> Other Fraud		LABOR 0 Fair Labor Standards	<b>SOCIAL SECURITY</b> <b>861 HIA (1395ff)</b>	□ 480 Consumer Credit □ 490 Cable/Sat TV
160 Stockholders' Suits	□ 355 Motor Vehicle	□ 371 Truth in Lending		Act	□ 862 Black Lung (923)	□ 490 Cable/Sat 1 V □ 850 Securities/Commodities/
<ul> <li>190 Other Contract</li> <li>195 Contract Product Liability</li> </ul>	Product Liability 360 Other Personal	380 Other Personal Property Damage	<b>1</b> 72	20 Labor/Management Relations	<ul> <li>863 DIWC/DIWW (405(g))</li> <li>864 SSID Title XVI</li> </ul>	Exchange Exchange 890 Other Statutory Actions
□ 196 Franchise	Injury	□ 385 Property Damage		0 Railway Labor Act	□ 865 RSI (405(g))	891 Agricultural Acts
	<ul> <li>362 Personal Injury - Medical Malpractice</li> </ul>	Product Liability	0 75	1 Family and Medical Leave Act		<ul> <li>893 Environmental Matters</li> <li>895 Freedom of Information</li> </ul>
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITION		0 Other Labor Litigation	FEDERAL TAX SUITS	Act
<ul> <li>210 Land Condemnation</li> <li>220 Foreclosure</li> </ul>	☐ 440 Other Civil Rights ★ 441 Voting	Habeas Corpus: 463 Alien Detainee	<b>1</b> 79	1 Employee Retirement Income Security Act	870 Taxes (U.S. Plaintiff or Defendant)	<ul> <li>896 Arbitration</li> <li>899 Administrative Procedure</li> </ul>
230 Rent Lease & Ejectment	□ 442 Employment	☐ 510 Motions to Vacate	;	meone security rice	871 IRS—Third Party	Act/Review or Appeal of
<ul> <li>240 Torts to Land</li> <li>245 Tort Product Liability</li> </ul>	443 Housing/ Accommodations	Sentence 530 General			26 USC 7609	Agency Decision 950 Constitutionality of
245 Fort House Elability 290 All Other Real Property	□ 445 Amer. w/Disabilities -	□ 535 Death Penalty		IMMIGRATION		State Statutes
	Employment 446 Amer. w/Disabilities -	Other: 540 Mandamus & Other	er □ 46	52 Naturalization Application 55 Other Immigration		
	Other	550 Civil Rights		Actions		
	□ 448 Education	<ul> <li>555 Prison Condition</li> <li>560 Civil Detainee -</li> </ul>				
		Conditions of				
		Confinement				
V. ORIGIN (Place an "X" in One Box Only) A 1 Original 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Litigation - Direct File						
	421LSC 8 1983		re filing (1	(specify) Do not cite jurisdictional stat		DirectThe
VI. CAUSE OF ACTIO	Brief description of ca	use:	t and Fo	ourteenth Amendmer	nts	
VII. REQUESTED IN		IS A CLASS ACTION		<b>DEMAND \$</b> CHECK YES only if demanded in complaint:		
COMPLAINT:	UNDER RULE 2	3, F.R.Cv.P.		0.00	JURY DEMAND	: 🗇 Yes 🕱 No
VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER						
DATE SIGNATURE OF ATTORNEY OF RECORD						
02/21/2018 FOR OFFICE USE ONLY		s/ James D. Go	otz			
RECEIPT # AN	MOUNT	APPLYING IFP		JUDGE	MAG. JUI	DGE
						Dockets.Justia.com

## **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.Cv.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; **NOTE: 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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: <u>Nature of Suit Code Descriptions</u>.
- 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

- 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
- 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 actual dollar amount 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.