

JS 44 (Rev. 11/15) **IL 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.) I. (a) PLAINTIFFS Federal Defenders of New York, Inc., on behalf of itself and its clients DEFENDANTS Federal Bureau of Prisons; Warden Herman Quay, in his official detained at the Metropolitan Detention Center - Brooklyn capacity Kings, New York County of Residence of First Listed Plaintiff County of Residence of First Listed Defendant Washington, D.C. BRODIE, <sup>(excapt in U.S. plaintiff cases)</sup> (IN U.S. PLAINTIFF CASES ONLY) IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. NOTE: (c) Attorneys (I-irm Name, Address, and Telephone Number) Kaplan Hecker & Fink LLP, 350 Fifth Avenue, Suite 7110, New York, NY Attomevs (If Known) Susan Riley, Department of Justice 10118 GOLD, M.J. II. BASIS OF JURISDICTION (Place an "X" in One Box Only) III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff (For Diversity Cases Only) and One Box for Defendant) **3** Federal Question I U.S. Government DEF PTF DEF PTF Plaintiff (U.S. Government Not a Party) Citizen of This State ٥ I 01 Incorporated or Principal Place 04 of Business In This State U.S. Government 21 2 I 4 Diversity Citizen of Another State 0 2 Incorporated and Principal Place 05 05 Defendant (Indicate Citizenship of Parties in Item III) of Business In Another State Citizen or Subject of a П 3 I 3 Foreign Nation 0 6 06 Foreign Country IV. NATURE OF SUIT (Place an "X" in One Box Only, CONTRACT TORTS FORFEITURE/PENALTY BANKRUPTCY **OTHER STATUTES** I 110 Insurance PERSONAL INJURY PERSONAL INJURY 625 Drug Related Seizure 422 Appeal 28 USC 158 375 False Claims Act 🗇 310 Airplane 🗇 120 Marine □ 365 Personal Injury of Property 21 USC 881 423 Withdrawal 376 Oui Tam (31 USC) □ 130 Miller Act 315 Airplane Product Product Lighility 690 Other 28 USC 157 3729(a)) 140 Negotiable Instrument Liability 400 State Reapportionment 367 Health Care/ □ 150 Recovery of Overpayment I 320 Assault, Libel & Pharmaceutical PROPERTY RIGHTS 410 Antitrust & Enforcement of Judgmen Slander Personal Injury 820 Copyrights 430 Banks and Banking 330 Federal Employers' I51 Medicare Act Product Liability CI 830 Patent ☐ 450 Commerce 152 Recovery of Defaulted 368 Asbestos Personal Lizbility 840 Trademark 460 Deportation 340 Marine Student Loans Injury Product 470 Racketeer Influenced and (Excludes Veterans) 345 Marine Product Liability LABOR SOCIAL SECURITY **Corrupt Organizations** 153 Recovery of Overpayment PERSONAL PROPERTY 710 Fair Labor Standards Liability 861 HIA (1395ff) 480 Consumer Credit of Veteran's Benefits 370 Other Fraud 350 Motor Vehicle 862 Black Lung (923) 490 Cable/Sat TV Act B63 DIWC/DIWW (405(g)) 160 Stockholders' Suits 355 Motor Vehicle O 371 Truth in Lending 720 Labor/Management 850 Securities/Commodities/ П 190 Other Contract Product Liability 864 SSID Title XVI 380 Other Personal Relations Exchange 195 Contract Product Liability 360 Other Personal 740 Railway Labor Act Property Damage 🗇 865 RSI (405(g)) □ 890 Other Statutory Actions 196 Franchise 385 Property Damage Injury 751 Family and Medical 891 Agricultural Acts 362 Personal Injury -**Product Liability** Leave Act 893 Environmental Matters Medical Malpractice 790 Other Labor Litigation 395 Freedom of Information **REAL PROPERTY** CIVIL RIGHTS PRISONER PETITIONS 791 Employee Retirement FEDERAL TAX SUITS Act I 210 Land Condemnation 440 Other Civil Rights 896 Arbitration
899 Administrative Procedure Habeas Corpus: Income Security Act 3 870 Taxes (U.S. Plaintiff □ 220 Foreclosure 441 Voting 463 Alien Detainee or Defendant) 230 Rent Lease & Ejectment 442 Employment ☐ 510 Motions to Vacate I IRS-Third Party Act/Review or Appeal of CI 87 240 Torts to Land □ 443 Housing/ Sentence 26 USC 7609 Agency Decision C 245 Tort Product Liability Accommodations 🗇 530 General 950 Constitutionality of 290 All Other Real Property 445 Amer. w/Disabilities O 535 Death Penalty IMMIGRATION State Statutes Employment Other: 462 Naturalization Application 446 Amer. w/Disabilities Ο 540 Mandamus & Other 465 Other Immigration Other 550 Civil Rights F Actions LED 448 Education ٥ 555 Prison Condition IN CLERK'S OFFICE U.S. DISTRICT COURT E.D.N.Y. 560 Civil Detainee -Conditions of Confinement FEB 0 4 2019 ù V. ORIGIN (Place an "X" in One Box Only) \* □ 2 Removed from Жı Original Remanded from 03 Reinstated or D 5 Transferred from □ 6 Multidistrict Proceeding State Court Appellate Court Reopened Another District Litigation <u>RROŎKI</u> (specify) Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): U.S. Const. amend VI; 5 U.S.C. section 706(2) VI. CAUSE OF ACTION Brief description of cause: Viciation of Sixth Amendment right to counsel; failure to follow agency regulations regarding attorney visitation **VII. REQUESTED IN** ۵ CHECK IF THIS IS A CLASS ACTION **DEMAND \$** CHECK YES only if demanded in complaint: UNDER RULE 23, F.R.Cv.P **COMPLAINT:** XNo JURY DEMAND: □ Yes VIII. RELATED CASE(S) (See instructions). IF ANY JUDGE DOCKET NUMBER DATE SIGNATURE OF ATTORNEY OF RECORD 02/04/2019

# FOR OFFICE USE ONLY

**RECEIPT #** AMOUNT

4653136763

APPLYING IFP

MAG. JUDGE

JUDGE

Dockets.Justia.com

## **CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I. Sean Hecker

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counsel for Federal Defenders of New York, Inc, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):



monetary damages sought are in excess of \$150,000, exclusive of interest and costs,

the complaint seeks injunctive relief.

the matter is otherwise ineligible for the following reason

### **DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks:

Plaintiff Federal Defenders of New York, Inc. has no parent corporation, and no publicly held corporation owns 10% or more of its stock.

### **RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

#### NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

1.)	Is the civil action County?	being t	filed in the Yes	e Easte	ern District removed from No	n a New	v York State Court located in Nassau or Suffolk
2.)	If you answered a) Did the events County?			ving ris	se to the claim or claims No	, or a sul	ubstantial part thereof, occur in Nassau or Suffolk
	b) Did the events District?	or om	issions gi Yes	ving ris	se to the claim or claims No	, or a sul	ubstantial part thereof, occur in the Eastern
c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:							
If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? Yes No (Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).							
BAR ADMISSION							
	I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.						
		$\checkmark$	•	Yes			Νο
	Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?						
			•	Yes	(If yes, please explain		Νο
	I certify the accuracy of all information provided above.						
	Signature:Sc.bl/						