SJS 44 (Rev. 12/07)

2:12-cv-650

## **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.)

the civil docket sheet. (SEE IN	ISTRUCTIONS ON THE REVE	ERSE OF THE FORM.)			1					
I. (a) PLAINTIFFS				DEFENDAN	ITS					
(E)	of First Listed Plaintiff  XCEPT IN U.S. PLAINTIFF CA  , Address, and Telephone Number  DICTION (Place an "X" in (U.S. Government in (U.S. Governm	n One Box Only)			I LAND AND IN own)	(IN U.S. P. CONDEMN IVOLVED.	LAINTIFF CASES, U	SE THE LOCAT  OPPLIED TO THE SECOND S	One Box for F for Defendant; <b>PTF</b> I	Plaintiff
☐ 2 U.S. Government Defendant	☐ 4 Diversity  (Indicate Citizenshi	Citize	Citizen of Another State  2 2 Incorporated and Principal Place of Business In Another State  Citizen or Subject of a 3 3 Foreign Nation 5 6  Foreign Country						<b>5</b> 5	
IV. NATURE OF SUIT	Γ (Place an "X" in One Box On	nly)	10	leigh Country						
CONTRACT	TOI		F(	ORFEITURE/PENAL	LTY	BAN	NKRUPTCY	OTHE	R STATUTES	S
& 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	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 □ 70duct Liability □ 360 Other Personal Injury  CIVIL RIGHTS □ 441 Voting □ 442 Employment □ 443 Housing/ Accommodations □ 444 Welfare □ 445 Amer. w/Disabilities - Employment □ 446 Amer. w/Disabilities - Other □ 440 Other Civil Rights	PERSONAL INJURY  362 Personal Injury - Med. Malpractice  365 Personal Injury - Product Liability  368 Asbestos Personal Injury Product Liability  PERSONAL PROPER  370 Other Fraud  371 Truth in Lending  380 Other Personal Property Damage Product Liability  PRISONER PETITION  510 Motions to Vacate Sentence  Habeas Corpus:  530 General  535 Death Penalty  540 Mandamus & Oth  550 Civil Rights  555 Prison Condition	62	0 Agriculture 0 Other Food & Drug 15 Drug Related Seizur of Property 21 USC 16 Liquor Laws 16 R.R. & Truck 16 Airline Regs. 16 Occupational Safety/Health 10 Other  LABOR  0 Fair Labor Standard: Act 10 Labor/Mgmt. Relatic 10 Labor/Mgmt. Reporti & Disclosure Act 10 Railway Labor Act 10 Other Labor Litigati 11 Empl. Ret. Inc. Security Act  IMMIGRATION 13 Habeas Corpus - Alien Detainee 15 Other Immigration Actions	re 881	□ 423 With 28 US  PROPEI □ 820 Copy □ 830 Paten □ 840 Trade  SOCIAL □ 861 HIA □ 862 Black □ 863 DIW □ 864 SSID □ 865 RSI ( FEDERÆ or D □ 871 IRS—	SC 157  RTY RIGHTS  rrights on temark  SECURITY  (1395ff) k Lung (923)  C/DIWW (405(g))  Title XVI	480 Consu   490 Cable/   810 Select   850 Securi   Exchai   875 Custor   12 US   890 Other   891 Agrict   892 Econo   893 Envir   894 Energ   895 Freedd   Act   900 Appeal   Under   to Just	ust and Banking herce to Grganization teer Influenced to Grganization mer Credit 'Sat TV ive Service tities/Commodit nge mer Challenge C 3410 Statutory Activ altural Acts omic Stabilizati onmental Matt y Allocation A om of Informat I of Fee Detern Equal Access	d and ins ities/ ions ion Act ters act tion mination
□ 1 Original □ 2 Re	ate Court	Remanded from Appellate Court	Reop	pened 3	another (specify		6 Multidist Litigation		Appeal to D Judge from Magistrate Judgment	
VI. CAUSE OF ACTION							mess diversity).			
VII. REQUESTED IN COMPLAINT:  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23				DEMAND \$ CHECK YES only if demanded in complaint:  JURY DEMAND: ☐ Yes ☐ No						
VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE				DOCKET NUMBER						
DATE		SIGNATURE OF AT	TORNEY	OF RECORD						
FOR OFFICE USE ONLY	MOUNT	ADDI VING IED		ILIDA	OCE.		MAG III	IDCE		

## 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
- 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.