JS 44 (Rev. 10/20) - TXND (10/20)

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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of preadings 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.) DEFENDANTS I. (a) PLAINTIFFS **(b)** County of Residence of First Listed Plaintiff County of Residence of First Listed Defendant (EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY) IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known) **(c)** Attorneys (Firm Name, Address, and Telephone Number) 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) 1 U.S. Government 3 Federal Question DEF Plaintiff (U.S. Government Not a Party) Citizen of This State Incorporated or Principal Place 4 4 of Business In This State 2 U.S. Government 4 Diversity Citizen of Another State 2 Incorporated and Principal Place Defendant (Indicate Citizenship of Parties in Item III) of Business In Another State Citizen or Subject of a 3 Foreign Nation 3 6 6 Foreign Country IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions CONTRACT OTHER STATUTES TORTS FORFEITURE/PENALTY BANKRUPTCY 110 Insurance PERSONAL INJURY PERSONAL INJURY 625 Drug Related Seizure 422 Appeal 28 USC 158 375 False Claims Act 365 Personal Injury -120 Marine 310 Airplane of Property 21 USC 881 423 Withdrawal 376 Qui Tam (31 USC 130 Miller Act 315 Airplane Product Product Liability 28 USC 157 690 Other 3729(a)) 367 Health Care/ 400 State Reapportionment 140 Negotiable Instrument Liability 150 Recovery of Overpayment 320 Assault, Libel & Pharmaceutical PROPERTY RIGHTS 410 Antitrust 430 Banks and Banking & Enforcement of Judgment Slander Personal Injury 820 Copyrights 330 Federal Employers' 830 Patent 151 Medicare Act Product Liability 450 Commerce 152 Recovery of Defaulted Liability 368 Asbestos Personal 835 Patent - Abbreviated 460 Deportation 340 Marine 470 Racketeer Influenced and Student Loans Injury Product New Drug Application (Excludes Veterans) 345 Marine Product Liability 840 Trademark Corrupt Organizations PERSONAL PROPERTY 153 Recovery of Overpayment Liability LABOR 880 Defend Trade Secrets 480 Consumer Credit 350 Motor Vehicle (15 USC 1681 or 1692) of Veteran's Benefits 370 Other Fraud Act of 2016 710 Fair Labor Standards 355 Motor Vehicle 371 Truth in Lending 160 Stockholders' Suits Act 485 Telephone Consumer 190 Other Contract Product Liability 720 Labor/Management 380 Other Personal SOCIAL SECURITY Protection Act 195 Contract Product Liability 360 Other Personal Property Damage Relations 490 Cable/Sat TV 861 HIA (1395ff) 196 Franchise Injury 385 Property Damage 740 Railway Labor Act 862 Black Lung (923) 850 Securities/Commodities/ 362 Personal Injury -Product Liability 751 Family and Medical 863 DIWC/DIWW (405(g)) Exchange Medical Malpractice 864 SSID Title XVI Leave Act 890 Other Statutory Actions REAL PROPERTY PRISONER PETITIONS 790 Other Labor Litigation CIVIL RIGHTS 865 RSI (405(g)) 891 Agricultural Acts 210 Land Condemnation 440 Other Civil Rights Habeas Corpus: 791 Employee Retirement 893 Environmental Matters 220 Foreclosure 441 Voting 463 Alien Detainee 895 Freedom of Information Income Security Act FEDERAL TAX SUITS 230 Rent Lease & Ejectment 442 Employment 510 Motions to Vacate 870 Taxes (U.S. Plaintiff Act or Defendant) 240 Torts to Land 443 Housing/ Sentence 896 Arbitration 871 IRS—Third Party 245 Tort Product Liability Accommodations 530 General 899 Administrative Procedure 26 USC 7609 IMMIGRATION 290 All Other Real Property 445 Amer, w/Disabilities 535 Death Penalty Act/Review or Appeal of Agency Decision 462 Naturalization Application Employment Other: 446 Amer. w/Disabilities 540 Mandamus & Other 465 Other Immigration 950 Constitutionality of 550 Civil Rights Other Actions State Statutes 448 Education 555 Prison Condition 560 Civil Detainee -Conditions of Confinement V. ORIGIN (Place an "X" in One Box Only) 2 Removed from 4 Reinstated or 5 Transferred from 6 Multidistrict 8 Multidistrict 1 Original Remanded from Proceeding State Court Appellate Court Reopened Another District Litigation -Litigation -Transfer Direct File (specify) Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Brief description of cause: CHECK YES only if demanded in complaint: CHECK IF THIS IS A CLASS ACTION **DEMAND \$** UNDER RULE 23, F.R.Cv.P. **COMPLAINT:** JURY DEMAND: Yes No

VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint: UNDER RULE 23, F.R.Cv.P. JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44 Reverse (Rev. 10/20) - TXND (10/20)

## Case 4:21-cv-01058-P Document 1-5 Filed 09/16/21 Page 2 of 2 PageID 37 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: <a href="Nature of Suit Code Descriptions">Nature of Suit Code Descriptions</a>.
- 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. 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 cases, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

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