## JS-CAND 44 (Rev. 10/2020) Case 4:23-cv-02954-KAW\_Document 1-1\_Filed 06/15/23 Page 1 of 2 CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS				DEFEN	DANTS					
(b) (c)	<ul> <li>b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)</li> <li>c) Attorneys (Firm Name, Address, and Telephone Number)</li> <li>BASIS OF JURISDICTION (Place an "X" in One Box Only) III. CII (For</li> <li>1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)</li> </ul>			County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)						
II.	BASIS OF JURISDICTION (Place an "X" in One Box Only)	Ш		<b>TIZENSHI</b> Diversity Case		INCIP	AL PA	<b>RTIES</b> (Place an "X" in One Bo and One Box for Defend		aintiff
						PTF	DEF		PTF	DEF
1			Citize	n of This State		1	1	Incorporated <i>or</i> Principal Place of Business In This State	4	4
2	U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item II)		Citize	n of Another St	ate	2	2	Incorporated <i>and</i> Principal Place of Business In Another State	5	5
	(inaccure Chizenship of Farties in term in	ĺ		n or Subject of gn Country	a	3	3	Foreign Nation	6	6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT TORTS			FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES							
CONTRACT         110 Insurance         120 Marine         130 Miller Act         140 Negotiable Instrument         150 Recovery of Overpayment Of Veteran's Benefits         151 Medicare Act         152 Recovery of Defaulted Student Loans (Excludes Veterans)         153 Recovery of Overpayment of Veteran's Benefits         160 Stockholders' Suits         190 Other Contract         195 Contract Product Liability         196 Franchise <b>REAL PROPERTY</b> 210 Land Condemnation         220 Foreclosure         230 Rent Lease & Ejectment         240 Torts to Land         245 Tort Product Liability         290 All Other Real Property	TOP         PERSONAL INJURY         310 Airplane Product Liability         315 Airplane Product Liability         320 Assault, Libel & Slander         330 Federal Employers' Liability         340 Marine         345 Marine Product Liability         355 Motor Vehicle         355 Motor Vehicle Product Liability         360 Other Personal Injury         362 Personal Injury         362 Personal Injury -Medical Malpractice         CIVIL RIGHTS         440 Other Civil Rights         441 Voting         442 Employment         445 Amer. w/Disabilities- Employment         446 Amer. w/Disabilities- Employment         446 Amer. w/Disabilities- Other         448 Education	PERSONAL INJURY         365 Personal Injury – Product         Liability         367 Health Care/         Pharmaceutical Personal         Injury Product Liability         368 Asbestos Personal Injury         Product Liability         368 Asbestos Personal Injury         Product Liability         368 Other Fraud         370 Other Fraud         371 Truth in Lending         380 Other Personal Property         Damage         385 Property Damage Product         Liability         PRISONER PETITIONS         HABEAS CORPUS         463 Alien Detainee         510 Motions to Vacate         Sentence         530 General         535 Death Penalty         OTHER         540 Mandamus & Other         555 Prison Condition         560 Civil Rights         555 Prison Condition	FORFEITURE/PENALTY 625 Drug Related Seizure of Property 21 USC § 881 690 Other  710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act  IMMIGRATION  462 Naturalization Application 465 Other Immigration Actions	BANKRUPTCY         422 Appeal 28 USC § 158         423 Withdrawal 28 USC § 158         423 Withdrawal 28 USC § 157         PROPERTY RIGHTS         820 Copyrights         830 Patent         835 Patent—Abbreviated New Drug Application         840 Trademark         880 Defend Trade Secrets         Act of 2016         SOCIAL SECURITY         861 HIA (1395ff)         862 Black Lung (923)         863 DIWC/DIWW (405(g))         864 SSID Title XVI         865 RSI (405(g))         FEDERAL TAX SUITS         870 Taxes (U.S. Plaintiff or Defendant)         871 IRS—Third Party 26 USC § 7609	<ul> <li>375 False Claims Act</li> <li>376 Qui Tam (31 USC § 3729(a))</li> <li>400 State Reapportionment</li> <li>410 Antitrust</li> <li>430 Banks and Banking</li> <li>450 Commerce</li> <li>460 Deportation</li> <li>470 Racketeer Influenced &amp; Corrupt Organizations</li> <li>480 Consumer Credit</li> <li>485 Telephone Consumer Protection Act</li> <li>490 Cable/Sat TV</li> <li>850 Securities/Commodities/ Exchange</li> <li>890 Other Statutory Actions</li> <li>891 Agricultural Acts</li> <li>895 Freedom of Information Act</li> <li>896 Arbitration</li> <li>896 Arbitration</li> <li>895 Administrative Procedure Act/Review or Appeal of Agency Decision</li> <li>950 Constitutionality of State Statutes</li> </ul>							
V.       ORIGIN (Place an "X" in One Box Only)         1       Original Proceeding       2       Removed from State Court       3       Remanded from Appellate Court       4       Reinstated or Reopened       5       Transferred from Another District (specify)       6       Multidistrict Litigation-Transfer       8       Multidistrict Litigation-Direct File         VI.       CAUSE OF ACTION       Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):       6       Multidistrict Litigation-Transfer       8       Multidistrict Litigation-Direct File         VI.       CAUSE OF ACTION       Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):       6       Multidistrict Litigation-Transfer       8       Multidistrict Litigation-Direct File         VI.       CAUSE OF ACTION       Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):       6       Multidistrict Litigation-Transfer       8       Multidistrict Litigation-Direct File         VII.       REQUESTED IN COMPLAINT:       CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.       Demanded in complaint:       JURY DEMAND:       Yes       No         VIII.       RELATED CASE(S), IF ANY (See instructions):       JUDGE       DOCKET NUMBER       DOCKET NUMBER         IX.       DIVISIONAL ASSIGNMENT (												
(Place an "X" in One Box Only)         SAN FRANCISCO/OAKLAND         SAN JOSE         EUREKA-MCKINLEYVILLE												

## **INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44**

Authority For Civil Cover Sheet. The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate 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 Federal Rule of Civil Procedure 8(a), 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.
  - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - (2) <u>United States defendant</u>. When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  - (3) Federal question. This refers to suits under 28 USC § 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.
  - (4) <u>Diversity of citizenship</u>. This refers to suits under 28 USC § 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-CAND 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 clerk(s) 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 six boxes.
  - (1) Original Proceedings. Cases originating in the United States district courts.
  - (2) <u>Removed from State Court</u>. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
  - (3) <u>Remanded from Appellate Court</u>. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - (4) <u>Reinstated or Reopened</u>. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) <u>Transferred from Another District</u>. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - (6) <u>Multidistrict Litigation Transfer</u>. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
  - (8) <u>Multidistrict Litigation Direct File</u>. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.

Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

- 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. <u>Brief Description</u>: 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 Federal Rule of Civil Procedure 23.

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-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment. If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."

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