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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 DEFENDANTS Bureau of Industry and Security and U.S. Department of Commerce Center for Biological Diversity and ForestEthics (b) County of Residence of First Listed Plaintiff Pima County of Residence of First Listed Defendant (EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY) (c) Attorneys (Firm Name, Address, and Telephone Number) Attorneys (If Known) Anchun Jean Su Brendan Cummings Center for Biological Diversity 1212 Broadway Street, St. 800 Oakland, CA 94612 (510) 844-7150 Center for Biological Diversity P.O. Box 549 Joshua Tree, CA 92252 (760) 366-2232 x304 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) **ĎEF** 1 U.S. Government □ 3 Federal Question **P**TF DEF PTF (U.S. Government Not a Party) Citizen of This State Incorporated or Principal Place of Business In This State  $\square 4$ Plaintiff  $\Box$  1  $\Box$  1  $\Box 4$ 2 Incorporated and Principal Place 2 U.S. Government  $\square 2$ Π 5 □ 4 Diversity Citizen of Another State of Business In Another State Defendant (Indicate Citizenship of Parties in Item III)  $\Box 6$  $\square 3$ □ 3 Foreign Nation  $\square 6$ Citizen or Subject of a Foreign Country **IV. NATURE OF SUIT** (Place an "X" in One Box Only) CONTRACT TORTS FORFEITURE/PENALTY BANKRUPTCY OTHER STATUTES 110 Insurance PERSONAL INJURY PERSONAL INJURY 625 Drug Related Seizure 422 Appeal 28 USC 158 375 False Claims Act 120 Marine 423 Withdrawal 310 Airplane 365 Personal Injury of Property 21 USC 881 400 State Reapportionment 130 Miller Act 315 Airplane Product Product Liability 690 Other 28 USC 157 410 Antitrust 140 Negotiable Instrument Liability □ 367 Health Care/ 430 Banks and Banking □ 150 Recovery of Overpayment 320 Assault, Libel & Pharmaceutical PROPERTY RIGHT 450 Commerce 460 Deportation & Enforcement of Judgmen Slander Personal Injury 820 Copyrights 151 Medicare Act П 330 Federal Employers' Product Liability 830 Patent □ 470 Racketeer Influenced and □ 152 Recovery of Defaulted Liability □ 368 Asbestos Personal □ 840 Trademark Corrupt Organizations 480 Consumer Credit П 340 Marine Injury Product Student Loans (Excludes Veterans) 345 Marine Product Liability LABOR SOCIAL SECURITY 490 Cable/Sat TV PERSONAL PROPERTY 153 Recovery of Overpayment Liability 710 Fair Labor Standards 861 HIA (1395ff) 850 Securities/Commodities/ of Veteran's Benefits 350 Motor Vehicle 370 Other Fraud 862 Black Lung (923) Act Exchange 863 DIWC/DIWW (405(g)) 160 Stockholders' Suits 355 Motor Vehicle 371 Truth in Lending 890 Other Statutory Actions 720 Labor/Management 190 Other Contract Product Liability 380 Other Personal Relations 864 SSID Title XVI 891 Agricultural Acts 195 Contract Product Liability 865 RSI (405(g)) 893 Environmental Matters П 360 Other Personal Property Damage 740 Railway Labor Act □ 385 Property Damage 895 Freedom of Information ☐ 196 Franchise 751 Family and Medical Injury 362 Personal Injury -Product Liability Leave Act Act 790 Other Labor Litigation □ 896 Arbitration Medical Malpractice REAL PROPERTY CIVIL RIGHTS PRISONER PETITIONS FEDERAL TAX SUITS 791 Employee Retirement 899 Administrative Procedure 210 Land Condemnation ☐ 440 Other Civil Rights Habeas Corpus: Income Security Act 🗌 870 Taxes (U.S. Plaintiff Act/Review or Appeal of 220 Foreclosure П 441 Voting 463 Alien Detainee or Defendant) Agency Decision 230 Rent Lease & Ejectment 442 Employment 510 Motions to Vacate 871 IRS—Third Partv 950 Constitutionality of 240 Torts to Land 443 Housing/ 26 USC 7609 State Statutes Sentence 530 General 245 Tort Product Liability Accommodations 290 All Other Real Property 445 Amer w/Disabilities 535 Death Penalty IMMIGRATION ☐ 462 Naturalization Application Employment Other: 446 Amer. w/Disabilities D 465 Other Immigration 540 Mandamus & Other 550 Civil Rights Other Actions 448 Education 555 Prison Condition 560 Civil Detainee Conditions of Confinement V. ORIGIN (Place an "X" in One Box Only) Transferred from 

6 □ 2 Removed from □ 1 Original 3 Remanded from 4 Reinstated or 5 Multidistrict State Court Proceeding Appellate Court Reopened Another District Litigation (specify) Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): VI. CAUSE OF FOIA, 5 U.S.C. § 552 ACTION Brief description of cause: This case challenges Defendants' withholding of documents re: applications and license issuances for crude oil exports in violation of FOIA VII. REQUESTED IN **DEMAND \$** CHECK YES only if demanded in complaint: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. JURY DEMAND: 🛛 No **COMPLAINT: V**es VIII. RELATED CASE(S) (See instructions): IF ANY JUDGE DOCKET NUMBER IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2) () SAN FRANCISCO/OAKLAND () SAN JOSE () EUREKA (Place an "X" in One Box Only) SIGNATURE OF ATTORNEY OF RECORD DATE /s/Anchun Jean Su September 24, 2015

## Case3:15-cv-04376 Document1-1 Filed09/24/15 Page2 of 2 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 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.

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.

- 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.