

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BLUETRITON BRANDS, INC.,

900 Long Ridge Road, Building 2
Stamford, CT 06902-1138

Plaintiff,

v.

UNITED STATES FOREST SERVICE,

1400 Independence Avenue, SW
Washington, D.C. 20250,

RANDY MOORE, in his official capacity as
Chief of the U.S. Forest Service,

1400 Independence Avenue, SW
Washington, D.C. 20250,

CHRISTPHER FRENCH, in his official
capacity as Deputy Chief for the National
Forest System of the U.S. Forest Service,

1400 Independence Avenue, SW
Washington, DC 20250,

JENNIFER EBERLEIN, in her official
capacity as Regional Forester for the Pacific
Southwest Region of the U.S. Forest Service,

1323 Club Drive
Vallejo, CA 94592,

DANELLE HARRISON, in her official
capacity as Forest Supervisor of the San
Bernardino National Forest of the U.S. Forest
Service,

602 S. Tippecanoe Avenue
San Bernardino, CA 94208

Case No. 1:24-cv-2302

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

and

MICHAEL NOBLES, in his official capacity
as Front Country District Ranger of the
United States Forest Service,

602 S. Tippecanoe Avenue
San Bernardino, CA 94208,

Defendants.

Plaintiff BlueTriton Brands, Inc., files this Complaint against the above-named Defendants seeking declaratory and injunctive relief, and alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action, pursuant to 28 U.S.C. § 1331, because the matter in controversy arises under the Administrative Procedure Act (APA), 5 U.S.C. § 701, et seq.

2. Venue in this Court is proper, pursuant to 28 U.S.C. § 1391(e)(1), because Defendants United States Forest Service and Randy Moore, Chief of the United States Forest Service, reside in this judicial district.

PARTIES

3. Plaintiff BlueTriton Brands, Inc. (“BlueTriton”), formerly known as “Nestle Waters North America Inc.,” is a leading provider of spring and purified water products. For over 150 years, BlueTriton and its predecessors have owned the water that percolates at Arrowhead Springs in Strawberry Canyon, just north of San Bernardino, California, and have put that water to beneficial use through the use of water collection tunnels, boreholes, water transmission pipelines, and associated improvements. BlueTriton is incorporated under the laws of the State of Delaware, with its principal place of business in Stamford, Connecticut.

4. Defendant United States Forest Service (“Forest Service”) is a federal agency within the U.S. Department of Agriculture. The Forest Service is responsible for the management of National Forests, including the San Bernardino National Forest (“SBNF”), which was reserved by Presidential proclamation in 1893 and includes Arrowhead Springs. The Forest Service is subject to the APA, and it issued the Notice of Denial challenged in this case.

5. Defendant Randy Moore, Chief of the Forest Service, is sued in his official capacity. The Chief of the Forest Service has the authority under 36 C.F.R. § 212.6 to grant private parties access to lands administered by the Forest Service and intermingled and adjacent private and public lands for the use and development of resources within or adjacent to National Forest lands.

6. Defendant Christopher French, Deputy Chief for the National Forest System of the Forest Service, is sued in his official capacity. The Deputy Chief for the National Forest System of the Forest Service has delegated authority to provide program direction and leadership for lands management, including administration of special use permits.

7. Defendant Jennifer Eberlein, Regional Forester for the Pacific Southwest Region of the National Forest Service, is sued in her official capacity. The Regional Forester for the Pacific Southwest Region has delegated authority to administer National Forest System lands, including those in California near San Bernardino, California.

8. Defendant Danelle Harrison, Forest Supervisor of the San Bernardino National Forest for the Forest Service, is sued in her official capacity. The Forest Supervisor of the San Bernardino National Forest for the Forest Service is responsible for management and administration of the San Bernardino National Forest, including administration of special use permits.

9. Defendant Michael Nobles is the Front Country District Ranger of the Forest Service and is sued in his official capacity. The Front Country District Ranger signed the Notice of Denial challenged in this case.

FACTUAL BACKGROUND

10. This action concerns official agency action of the Forest Service purporting to completely and indefinitely eliminate Plaintiff BlueTriton's right to access its water at Arrowhead Springs.

11. BlueTriton collects water from the Arrowhead Springs sources in Strawberry Canyon pursuant to certain percolating groundwater rights claimed and owned by BlueTriton (the "Arrowhead Water Rights"), which authorize the use of the water originating from the Arrowhead Springs sources, consistent with California water rights law.

12. BlueTriton's Arrowhead Water Rights can be traced to a possessory claim recorded in 1865, and to a subsequent patent from the United States recorded in 1882. The Arrowhead Water Rights were adjudicated under California state law and upheld in California state superior court proceedings in 1931. Through a series of corporate transactions and conveyances of record, BlueTriton is the sole current owner of the Arrowhead Water Rights.

13. The Arrowhead Springs have been producing commercial quantities of spring water for more than 120 years. BlueTriton and its predecessors-in-interest have put to beneficial use under California law the water collected under the Arrowhead Water Rights since the late 1800s—predating the establishment of the SBNF.

14. The creation of the SBNF did not disturb BlueTriton's water rights. Under federal law, then and now, the reservation of federal land does not disturb existing appropriations of water, and the reserved federal land is servient to the water owner's implied right to a right-of-way to transport the water from its source to points outside the federal reservation.

15. Until recently, the Forest Service has recognized and honored BlueTriton’s rights, and since 1930, the agency has expressly authorized BlueTriton’s access to these rights for the collection and transmission of water from Arrowhead Springs in a series of special use permits issued to BlueTriton and its predecessors-in-interest.

16. The most recent authorization issued to BlueTriton by the Forest Service was issued on February 16, 2023, as Special Use Permit No. FCD728503 (“SUP”). The SUP authorizes BlueTriton’s use of an approximately five-foot wide, 4.5-mile long right-of-way crossing a 4.51 acre area of Forest Service-managed land within the southwestern boundary of the SBNF, near the City of San Bernardino, California.

17. BlueTriton has engineered, constructed, and installed—and owns—a four-inch diameter, approximately 23,000-foot long stainless steel pipe with support legs and associated components (the “Pipeline”). The Pipeline carries spring water from the Arrowhead Springs down Strawberry Canyon, along the right-of-way identified in the SUP, to a collection point located on privately owned land (the “Load Station”).

18. Using its own infrastructure, and as authorized by the right-of-way identified in the SUP, BlueTriton has continued to collect and transport water from the Arrowhead Springs for a number of beneficial uses, including providing spring water to consumers and to the San Manuel Band of Mission Indians, a Federally-recognized Indian Tribe (the “Tribe”), which uses water provided by BlueTriton for, *inter alia*, fire suppression, domestic uses, and irrigation at the Tribe-owned Arrowhead Springs Hotel property, which is located directly adjacent to the SBNF.

19. On February 21, 2023, BlueTriton timely submitted a request to the Forest Service for renewal of the SUP in accordance with the terms of the SUP and applicable law.

20. On Saturday, July 27, 2024, BlueTriton received a noticed dated July 26, 2024 from the Front County District Ranger of the Forest Service and titled “Notice of Denial of Application for Use and Occupancy of National Forest Lands; Termination of Special Use Permit FCD728503” (the “Notice of Denial”), which denies BlueTriton’s February 21, 2023 renewal request. *See* Exhibit 1.

21. The Notice of Denial purports to place immediate, full, and indefinite restrictions on BlueTriton’s ability to rely on the right-of-way identified in the SUP and to prevent BlueTriton’s access to its vested Arrowhead Water Rights. The Notice of Denial purports to rely on three “factors” to deny reauthorization:

a. First, the Notice of Denial contended that BlueTriton’s “application materials are insufficient to demonstrate compliance with the current Land Management Plan,” which according to the Forest Service limits BlueTriton’s collection of water under the Arrowhead Water Rights to that amount which is in excess of the “needs” of the SBNF. Specifically, the Notice of Denial identified the “greater concern” that BlueTriton purportedly “refuses to provide sufficient information about the uses of the waters being taken from the SBNF to assure that they are in compliance with California law. Compliance with State law in regards to water rights and uses is a precondition to the issuance of any special use permit.”

b. Second, the Notice of Denial claimed that BlueTriton’s “reporting shows that 94-98% of the total monthly volume was delivered to the Arrowhead Springs Hotel property for undisclosed purposes, rather than for the purpose of supplying bottled drinking water as described in the permit and application.” The Notice of Denial continued that “such an unprecedented volume of water must be explained in sufficient

detail,” and rejected BlueTriton’s assertion that “responsibility” for providing sufficient detail regarding the Tribe’s use “lies with the Tribe.”

c. Third, the Notice of Denial asserted that a “change in both the beneficial use of water and the location of that use ... constitutes a violation of the current permit and basis for termination” and “also provides independent reason to deny BlueTriton’s application.”

22. The Notice of Denial orders BlueTriton to stop immediately “all use of Forest System lands, including the operation and maintenance of a water collection/water transmission system on USFS lands.” The Notice of Denial further orders BlueTriton:

a. To “take any necessary steps to stop use of the [Pipeline]” within 7 days of the Notice of Denial;

b. To “[r]emove locks from all BlueTriton equipment on SBNF land” or otherwise “provide the USFS with all copies of keys” within 2 weeks of the Notice of Denial; and

c. To “[p]repare and submit a plan to remove its infrastructure from SBNF lands” within 12 weeks of the Notice of Denial, to include the removal of “[a]ll stainless steel pipes and structural scaffolding installed after 1974”; “[a]ll valves, valve cages, and support structures”; “[a]ll electronic monitoring and power equipment”; and “[a]ny discharge, bypass, and/or hydropower equipment.”

23. The Notice of Denial, which is final and not subject to administrative appeal, is final agency action within the meaning of 5 U.S.C. § 704.

COUNT ONE
Violation of the APA, 5 U.S.C. § 706

24. Plaintiff realleges and incorporates by reference all allegations contained in the preceding paragraphs as though fully set forth below.

25. Under the APA, an agency action is unlawful and may be set aside if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law” or if it is “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A), (C).

26. Defendants have violated the APA in issuing the Notice of Denial for multiple reasons. At a minimum:

a. Defendants have exceeded their statutory authority and thus have acted contrary to law by preventing BlueTriton from accessing the water to be collected under its Arrowhead Water Rights at Arrowhead Springs. Under California law, BlueTriton owns the right to use the water that percolates at Arrowhead Springs, and that property right includes the implied right to transport the water from its source to BlueTriton’s Load Station outside the SBNF. All relevant federal legislation relating to the creation and management of national forests recognizes that water rights are governed by State law. Any federal reservation of water rights attending the reservation of the SBNF could only reach water then unappropriated and necessary to effect the purpose of the reservation. By 1893, BlueTriton’s predecessors had appropriated the water percolating at Arrowhead Springs and put it to beneficial use, and the Government has never previously claimed under any theory the need for all water at Arrowhead Springs to effect the limited purpose of the 1893 reservation. Under settled law, Defendants must allow

BlueTriton access to its water, subject only to reasonable conditions. The Notice of Denial purports to eliminate the only means of accessing BlueTriton's water rights.

b. Defendants have exceeded their statutory authority and thus have acted contrary to law by assuming the regulatory authority, evidenced by the Notice of Denial, to evaluate whether the volume of water BlueTriton collects from Arrowhead Springs exceeds its appropriation and whether the uses to which BlueTriton puts its water are consistent with California law. That authority rests solely with California authorities.

c. Defendants have acted arbitrarily and capriciously by failing to engage in reasoned decisionmaking. The Notice of Denial shows no deliberation over BlueTriton's claim of appropriative rights to the water at Arrowhead Springs, a central point of dispute raised by BlueTriton during the agency's review of BlueTriton's permit renewal application. By failing to provide any reasons whatsoever for their claim to all water at Arrowhead Springs, including their claim that some portion of the water at Arrowhead Springs is necessary to serve the needs of the SBNF, Defendants have failed to provide sufficient transparency into their rationale. The Notice of Denial also is arbitrary and capricious, because it is contrary to the evidence before the agency, in that substantial evidence supports BlueTriton's claim to water rights, and the agency bases its decision on the demonstrably false assertion that BlueTriton failed to provide requested information regarding use of water collected at Arrowhead Springs.

d. Defendants have acted arbitrarily and capriciously by basing the Notice of Denial on factors Congress did not intend for Defendants to consider, specifically whether BlueTriton's collection and use of water at Arrowhead Springs pursuant to its rights under State law is consistent with the needs of the SBNF. All federal legislation

authorizing Defendants to manage the SBNF acknowledges that Defendants must honor and respect rights claimed under State law.

e. Defendants have acted arbitrarily and capriciously by departing from the Forest Service's longstanding recognition of BlueTriton's superior right to the water percolating at Arrowhead Springs without acknowledging the change, considering BlueTriton's profound reliance interests on the Forest Service's previous position, or providing a detailed justification.

27. For these reasons and other reasons outlined above, the Notice of Denial is therefore "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, 5 U.S.C. § 706(2)(A), as well as "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right," 5 U.S.C. § 706(2)(C), and should be set aside accordingly.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff BlueTriton respectfully requests this Court to enter judgment for Plaintiff and provide the following relief:

- A. Declare that Defendants are in violation of the APA as alleged herein;
- B. Vacate and set aside the Forest Service's Notice of Denial;
- C. Issue preliminary and permanent injunctive relief prohibiting the Forest Service from denying or otherwise unreasonably restricting Plaintiff's access to Arrowhead Springs;
- D. Award Plaintiff reasonable costs and fees, including attorney's fees, pursuant to any applicable statute or authority; and
- E. Grant Plaintiff such other relief as the Court deems just and proper.

Dated: August 6, 2024

Respectfully submitted,

/s/ George P. Sibley III

George P. Sibley III (D.C. Bar No. 1011939)

Kevin S. Elliker (D.C. Bar No. 90011101)

(D.D.C. admission pending)

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Counsel for Plaintiff BlueTriton Brands, Inc.

EXHIBIT 1



United States
Department of
Agriculture

Forest
Service

San Bernardino National Forest
Supervisor's Office

602 S Tippecanoe Ave
San Bernardino, CA 92408
909-382-2600
TDD: 1-800-735-2922

File Code: 2700

Date: July 26, 2024

Louis Mixon, III
Senior Natural Resource Manager
BlueTriton Brands, Inc
4718 Mountain Creek Parkway
Dallas, TX 75236

Subject: Notice of Denial of Application for Use and Occupancy of National Forest Lands; Termination of Special Use Permit FCD728503

Dear Mr. Mixon,

Thank you for your latest correspondence dated July 1, 2024. After careful consideration and review of the information provided by BlueTriton, I regret to inform you that your application dated February 21, 2023, for use and occupancy of lands and resources of the San Bernardino National Forest (SBNF), has been denied. As a consequence of this denial, BlueTriton's current permit terminates, and it must cease operations on SBNF lands as explained below.

This decision was made after our extended correspondence and exchange of information over multiple permit terms. (For the sake of clarity, I attach to this letter BlueTriton's most recent permit, as well as our significant correspondence of the last several months). The Forest Service repeatedly requested BlueTriton provide additional information necessary to assure compliance with BlueTriton's existing permit, and evaluate BlueTriton's application for a new permit. Several of our requests, particularly those concerning the use of the water being taken from SBNF lands, were consistently left unanswered by BlueTriton. As we repeatedly explained, this information was necessary to evaluate compliance with your current permit, and to provide adequate information to consider your application. BlueTriton's refusal to provide the information provides us no alternative to denying your application. Pursuant to the terms of BlueTriton's prior special use permit (FCD728503), that permit is now terminated as a result of this denial. (See paragraphs I.C. and VII.D. of the permit).

As both your prior permit indicated (see paragraph I.D. of the permit), and our regulations make clear (36 C.F.R. § 251.64), the decision of whether to issue a new special use authorization upon the expiration of an existing special use is subject to the Authorized Officer's sole discretion. Factors guiding my exercise of discretion include:

1.) *The use must conform to the Forest Land and Resource Management Plan as well as applicable laws and regulations.*

As an initial matter, BlueTriton's application has not sufficiently demonstrated that standards 45 and 46 of the Forest Land Management Plan (LMP) have been met. These are:

45.) All construction, reconstruction, operation and maintenance of tunnels on National Forest System lands shall use practices that minimize adverse effects on groundwater aquifers and their surface expressions.

46.) Surface water diversions and groundwater extractions, including wells and spring developments will only be authorized when it is demonstrated by the user, and/or agreed to by



the Forest Service, that the water extracted is excess to the current and reasonably foreseeable future needs of forest resources.

Both BlueTriton's application materials and its subsequent correspondence recognize that conditions in Strawberry Canyon have significantly changed since our last evaluation in 2018. Given these changing circumstances, BlueTriton's application materials are insufficient to demonstrate compliance with the current Land Management Plan.

Of greater concern, as I explained in my prior correspondence, is that BlueTriton refuses to provide sufficient information about the uses of the waters being taken from the SBNF to assure that they are in compliance with California law. Compliance with State law in regards to water rights and uses is a precondition to the issuance of any special use permit.

2.) The purpose of the use must be the same for which it was authorized.

The 2018 Decision Memo signed by Ranger Joseph Rechsteiner documented that "Nestlé's project purpose is to continue to operate and maintain the existing system to supply bottled drinking water for retail sale." Similarly, your most recent application explicitly described the purpose of the requested "Business Facilities" as being "to supply bottled drinking water for retail purposes."

Despite this proclaimed and documented purpose, BlueTriton's reporting shows that 94-98% of the total diverted monthly volume was delivered to the Arrowhead Springs Hotel property for undisclosed purposes, rather than for the purpose of supplying bottled drinking water as described in the permit and application. In fact, for months BlueTriton has indicated it has bottled none of the water taken from the SBNF. This change of diversion and use of the water remains completely ahistoric, despite BlueTriton's contrary assertions. This volume increase from 4.5 million gallons in December of 2023 to 9.5 million gallons in May of 2024 represents a significant trend of substantial amounts of water used for unauthorized purposes. This increase represents significantly more water than has ever been delivered previously with seemingly no change of the uses of the Arrowhead property. As we have noted, the recipient property to our knowledge has no irrigated agriculture, no industrial uses, no residences, and no municipalities. The hotel and conference facility on the property is not operating, and there is no explanation of where the millions of gallons of water per month are going. As explained in prior correspondences, such an unprecedented volume of water must be explained in sufficient detail. Still, after several requests from the Forest Service and ample time to provide the requested information, BlueTriton failed to provide any explanation and asserted that responsibility lies with the Tribe. To be clear, BlueTriton is the current permit holder and applicant for the new permit. BlueTriton is therefore solely responsible for complying with the terms of the permit and also for providing information necessary for its application.

3.) The holder must be in compliance with the terms and conditions of the authorization.

BlueTriton's previous special use authorization FCD728503 stipulates that "Any change in a water facility, including a change in the ownership or beneficial use of water or location of use of water from a water facility, that is not expressly Authorized in this permit shall result in termination of the authorization for that water facility."

As discussed in point 2 above, there has been a change in both the beneficial use of water and the location of that use. This constitutes a violation of the current permit and basis for termination. 36 C.F.R. § 251.60. It also provides independent reason to deny BlueTriton's application.

For all of these reasons, I have decided to deny BlueTriton's application. This determination regarding the denial of your application is final and not subject to administrative appeal because your permit did not provide for renewal (36 CFR 214.5; compare 36 CFR 214.4(c)(5)).

Because your application has been denied, the previous authorization FCD728503 has terminated. (See paragraph I.C.). Termination of the permit is not subject to administrative appeal. (See paragraph VII.D. and 36 C.F.R. § 251.60.)

I am hereby notifying BlueTriton Brands, Inc. that all use of Forest System lands, including the operation and maintenance of a water collection/water transmission system on USFS lands, must stop immediately.

BlueTriton is required to complete the following:

1. Within seven (7) days of the date of this letter, take any necessary steps to stop use of the BlueTriton pipeline for water conveyance in Strawberry Canyon, by severing or blocking the pipe at each tunnel or borehole (1, 1A, 8, 7, 7A, 7B, 7C, 2, 3, 10, 11, 12), or other such means as to bypass all flow to the surface from each point of diversion. Provide a confirmation to me via email immediately following the completion of step 1. Include photo documentation with the statement.
2. Remove locks from all BlueTriton equipment on SBNF land. Alternatively, it will be sufficient to provide the USFS with copies of all keys. If this alternative is chosen, the BlueTriton will arrange to hand over keys on site. This step shall be completed within two (2) weeks of the date of this letter.
3. Prepare and submit a plan to remove its infrastructure from SBNF lands. The plan shall be submitted within twelve (12) weeks of the date of this letter and shall include a time frame for complete removal. Infrastructure to include in the removal plan:
 - a. All stainless steel pipes and structural scaffolding installed after 1974.
 - b. All valves, valve cages, and support structures.
 - c. All electronic monitoring and power equipment
 - d. Any discharge, bypass, and/or hydropower equipment

The plan should not include the removal of vault houses or any of the structures made of stone.

BlueTriton shall not perform any infrastructure removal work until the USFS has approved the plan.

Please direct any questions or concerns directly to me, or to your permit administrator David Anderson.

Sincerely,

Michael Nobles
DISTRICT RANGER
San Bernardino National Forest

<input type="radio"/> G. Habeas Corpus/ 2255 530 Habeas Corpus – General 510 Motion/Vacate Sentence 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act 895 Freedom of Information Act 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 740 Labor Railway Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) 441 Voting (if not Voting Rights Act) 443 Housing/Accommodations 440 Other Civil Rights 445 Americans w/Disabilities – Employment 446 Americans w/Disabilities – Other 448 Education	<input type="radio"/> M. Contract 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 153 Recovery of Overpayment of Veteran’s Benefits 160 Stockholder’s Suits 190 Other Contracts 195 Contract Product Liability 196 Franchise	<input type="radio"/> N. Three-Judge Court 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input type="checkbox"/>	If yes, please complete related case form

DATE: _____	SIGNATURE OF ATTORNEY OF RECORD _____
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET 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 services 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.