

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK  
BUFFALO DIVISION**

|   |   |                         |
|---|---|-------------------------|
| EQUAL EMPLOYMENT                          | ) |                         |
| OPPORTUNITY COMMISSION,                   | ) | Civil Action No.:       |
|   | ) |                         |
| Plaintiff,                                | ) |                         |
|   | ) | <b><u>COMPLAINT</u></b> |
| v.  | ) |                         |
|   | ) | Jury Trial Demanded     |
| BOXWOOD HOTELS, LLC,                      | ) |                         |
| d/b/a Holiday Inn Express,                | ) |                         |
| SANDALWOOD HOTELS, LLC,                   | ) |                         |
| d/b/a Hampton Inn & Suites,               | ) |                         |
| STAR HOTELS, LLC,                         | ) |                         |
| d/b/a La Quinta Inn,                      | ) |                         |
| BRADFORD HOTEL LLC,                       | ) |                         |
| d/b/a Holiday Inn Express Bradford,       | ) |                         |
| HAMBURG HOTEL LLC,                        | ) |                         |
| d/b/a Holiday Inn Express & Suites,       | ) |                         |
| HAMBURG LODGING INC.,                     | ) |                         |
| d/b/a Hampton Inn Buffalo-Hamburg,        | ) |                         |
| FALLS HOTEL LLC,                          | ) |                         |
| d/b/a Hampton Inn Niagara Falls/Blvd, and | ) |                         |
| ROSEWOOD HOTELS LLC,                      | ) |                         |
|   | ) |                         |
| Defendants.                               | ) |                         |

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex (transgender) and to provide appropriate relief to Charging Party Dylan Bringuel. As alleged with greater particularity below, the Equal Employment Opportunity Commission (the “Commission” or the “EEOC”) alleges that Defendants, Boxwood Hotels, LLC, d/b/a Holiday Inn Express, Sandalwood Hotels, LLC, d/b/a Hampton Inn & Suites, Star Hotels, LLC, d/b/a La Quinta Inn,

Bradford Hotel LLC, d/b/a Holiday Inn Express Bradford, Hamburg Hotel LLC, d/b/a Holiday Inn Express & Suites, Hamburg Lodging Inc., d/b/a Hampton Inn Buffalo-Hamburg, Falls Hotel LLC, d/b/a Hampton Inn Niagara Falls/Blvd, and Rosewood Hotels LLC (“Defendants”), which operate hotels in Western New York and northern Pennsylvania, violated Title VII by subjecting Bringuel to sex discrimination and retaliation by creating and maintaining a hostile work environment because of Bringuel’s transgender status, and by terminating or, in the alternative, constructively discharging Bringuel in retaliation for opposing and complaining about the harassment. As explained in detail below, Bringuel’s supervisor subjected Bringuel to slurs, anti-transgender statements, and misgendering. After Bringuel complained, Defendants’ managers laughed about the statements and, ultimately, told Bringuel they<sup>1</sup> were not the right fit for the job and ended Bringuel’s employment.

### **JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of New York.

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<sup>1</sup> Bringuel uses they/them and he/him pronouns but prefers they/them. Those pronouns will be used to refer to Bringuel throughout.

**PARTIES**

3. Plaintiff, the EEOC, is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Boxwood Hotels, LLC, d/b/a Holiday Inn Express (“Boxwood”), a New York limited liability company, has continuously been doing business in the State of New York and the City of Jamestown.

5. At all relevant times, Defendant Boxwood continuously was an employer engaged in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

6. At all relevant times, Defendant Sandalwood Hotels, LLC, d/b/a Hampton Inn & Suites, a New York limited liability company, has continuously been doing business in the State of New York and the City of Jamestown.

7. At all relevant times, Defendant Sandalwood Hotels, LLC, d/b/a Hampton Inn & Suites, continuously was an employer engaged in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

8. At all relevant times, Defendant Star Hotels, LLC, d/b/a La Quinta Inn, a New York limited liability company, has continuously been doing business in the State of New York and the City of Jamestown.

9. At all relevant times, Defendant Star Hotels, LLC, d/b/a La Quinta Inn, continuously was an employer engaged in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

10. At all relevant times, Defendant Bradford Hotel LLC, d/b/a Holiday Inn Express Bradford, a Pennsylvania limited liability company, has continuously been doing business in the State of Pennsylvania and the City of Bradford.

11. At all relevant times, Defendant Bradford Hotel LLC, d/b/a Holiday Inn Express Bradford, continuously was an employer engaged in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

12. At all relevant times, Defendant Hamburg Hotel LLC, d/b/a Holiday Inn Express & Suites, a New York limited liability company, has continuously been doing business in the State of New York and the Town of Hamburg.

13. At all relevant times, Defendant Hamburg Hotel LLC, d/b/a Holiday Inn Express & Suites, continuously was an employer engaged in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

14. At all relevant times, Defendant Hamburg Lodging Inc., d/b/a Hampton Inn Buffalo-Hamburg, a New York corporation, has continuously been doing business in the State of New York, and the Town of Hamburg.

15. At all relevant times, Defendant Hamburg Lodging Inc., d/b/a Hampton Inn Buffalo-Hamburg, continuously was an employer engaged in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

16. At all relevant times, Defendant Falls Hotel LLC, d/b/a Hampton Inn Niagara Falls/Blvd, a New York limited liability company, has continuously been doing business in the State of New York and the City of Niagara Falls.

17. At all relevant times, Defendant Falls Hotel LLC, d/b/a Hampton Inn Niagara Falls/Blvd, continuously was an employer engaged in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

18. At all relevant times, Defendant Rosewood Hotels LLC, a New York limited liability company, has continuously been doing business in the State of New York and the Town of Orchard Park.

19. At all relevant times, Defendant Rosewood Hotels LLC, continuously was an employer engaged in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

20. At all relevant times, Defendants have operated as a single employer or integrated enterprise by virtue of their common management, common ownership, interrelation of operations, and centralized control of labor relations. For example:

- a. During the EEOC investigation, Defendants admitted Ramesh Patel and Jayesh Patel own and operate the Defendant hotels in Western New York and Bradford, Pennsylvania.
- b. All of the Defendant entities located and operating in New York list the same business address with the New York Department of State: 3940 Southwestern Boulevard, Orchard Park, New York, 14127.
- c. During the EEOC investigation, Defendants admitted that Rosewood Hotels LLC is the entity that employs James Burke as Director of Revenue and Expense to provide administrative services for the seven hotels owned by Ramesh Patel and Jayesh Patel.

- d. Burke oversees administration of all Defendant hotels. Burke recruits staff, participates in annual reviews, sets hotel rates, drafts employee handbooks, and reviews price invoices.
  - e. Burke also provides advice regarding personnel issues and can terminate employees of Defendants.
  - f. A uniform Employee Handbook is used at all Defendant hotels.
  - g. Employees terminated from one Defendant hotel have been notified they are prohibited from re-hire at other Defendant hotels.
21. Defendants collectively have continuously had well over 15 employees during the relevant time.

#### **ADMINISTRATIVE PROCEDURES**

22. More than thirty days prior to the institution of this lawsuit, Bringuel filed a Charge of Discrimination with the Commission alleging violations of Title VII by Defendant Boxwood.

23. On January 29, 2024, the Commission issued to Defendants a Letter of Determination finding reasonable cause to believe that Defendants had violated Title VII and inviting Defendants to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

24. The Commission engaged in communications with Defendants to provide Defendants the opportunity to remedy the unlawful employment practices described in the Letter of Determination.

25. The Commission was unable to secure from Defendants a conciliation agreement acceptable to the Commission.

26. On March 4, 2024, the Commission issued to Defendants a Notice of Failure of Conciliation advising Defendants that the Commission was unable to secure from Defendants a conciliation agreement acceptable to the Commission.

27. All conditions precedent to the institution of this lawsuit have been fulfilled.

**STATEMENT OF CLAIMS**

28. Since at least August 2022, Defendants have engaged in unlawful employment practices in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), by subjecting Bringuel to harassment and creating and failing to remedy a hostile work environment based on their transgender status. These unlawful practices include, but are not limited to, the following:

- a. At their job interview, which took place at Defendants' Jamestown Holiday Inn Express location in August 2022, Bringuel told Defendants' managers that they are transgender.
- b. Defendants hired Bringuel as a housekeeper in August 2022.
- c. On their first day of work on August 25, 2022, Bringuel introduced themselves to employees and supervisors and explained that Bringuel uses the pronouns they/them and he/him.
- d. The Housekeeping Manager, who supervised Bringuel, was present for Bringuel's introduction and assigned Bringuel to train with another housekeeper cleaning hotel rooms.
- e. Bringuel had only cleaned two rooms when the Housekeeping Manager spoke to the housekeeper working with Bringuel in the hallway just outside the room Bringuel was cleaning.

- f. When the housekeeper returned to the room, she appeared shocked by the Housekeeping Manager's comments and said that Bringuel should know about the rude and disrespectful things being said about them.
- g. The housekeeper relayed to Bringuel a number of offensive statements the Housekeeping Manager had made about Bringuel and transgender people, including:
  - i. Referring to Bringuel as a "Transformer," a fictional robot-alien character that can transform at will, but also a derogatory term used to demean transgender people;<sup>2</sup>
  - ii. Stating that there is something wrong with transgender people like Bringuel and opining they should figure out what was wrong with themselves before transitioning;
  - iii. Saying that transgender people like Bringuel are what is wrong with society;
  - iv. Claiming that transgender people like Bringuel are what is wrong with the mental health community; and
  - v. Asserting that being transgender is why people commit suicide.
- h. Throughout the day, the Housekeeping Manager repeatedly and intentionally misgendered and dehumanized Bringuel. For example, standing in the doorway of the hotel rooms in which Bringuel was working, the Housekeeping Manager

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<sup>2</sup> The Transformers franchise features alien robots that are able to transform into other forms, like cars or planes, and whose theme song is titled "More Than Meets the Eye." *See* Wikipedia (accessed September 16, 2024), <https://en.wikipedia.org/wiki/Transformers>. The term is used as a slur against transgender individuals, *See e.g.* Urban Dictionary (accessed September 18, 2024), <https://www.urbandictionary.com/define.php?term=Transformers.&page=5>.

would point to Bringuel and ask the other housekeeper about Bringuel's training, asking "How is **she** doing," and "How is **it** doing," at certain tasks.

- i. Bringuel was appalled and hurt by the Housekeeping Manager's repeated stereotypical and prejudicial comments about them and transgender people throughout the day, but continued working and completed their shift.
- j. Defendants' Employee Handbook provides that employees must report acts of harassment or discrimination to the General Manager for investigation.
- k. After Bringuel's shift ended, Bringuel reported the Housekeeping Manager's comments to the Front Office Manager and General Manager (collectively, the "Hotel Managers").
- l. Bringuel told the Hotel Managers that the comments and treatment made them feel uncomfortable and unwelcome.
- m. In response, the Hotel Managers laughed and told Bringuel that there was no way the Housekeeping Manager made those comments but, if she did, she was probably just joking.
- n. The General Manager told Bringuel she would talk with the Housekeeping Manager about the comments.
- o. The following day, the Hotel Managers told Bringuel that the Housekeeping Manager denied making the comments Bringuel reported and told Bringuel that the Housekeeping Manager needed more time to get used to working with someone who is transgender.

- p. The Hotel Managers did not interview the housekeeper to whom the Housekeeping Manager made the comments about Bringuel and transgender people.
- q. At the time, the General Manager was the Housekeeping Manager's mother-in-law.
- r. Bringuel suggested to the Hotel Managers that there could be a meeting to discuss gender issues or working with a transgender coworker, but the Hotel Managers refused to discuss these issues with other employees.
- s. Bringuel was upset and dismayed at the Hotel Managers' response to their complaints and was concerned there would be nowhere to turn should future problems occur.
- t. The Hotel Managers had never received training about gender identity, how to respond to complaints of discrimination, or how to conduct an investigation.
- u. Defendants failed to prevent and then failed to take prompt and effective remedial action to remedy the unwelcome and unlawful behavior.

29. Since at least August 2022, Defendants have engaged in unlawful employment practices, in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3. These unlawful practices include, but are not limited to, retaliating against Bringuel by discharging or, in the alternative, constructively discharging Bringuel for opposing Defendants' discriminatory conduct and for reporting the conduct to the Hotel Managers and to IHG Hotels & Resorts ("IHG").

- a. On August 25, 2022, Bringuel complained to the Hotel Managers about the Housekeeping Manager's comments and misgendering.

- b. Bringuel told the Hotel Managers that the comments and treatment made them feel uncomfortable and unwelcome.
- c. After leaving work on August 25, Bringuel contacted IHG, which Bringuel incorrectly thought was Defendants' corporate office, to complain about the Housekeeping Manager's comments.
- d. IHG, who licenses Boxwood's franchise, advised Bringuel that the franchise location, not IHG, handles such complaints.
- e. Bringuel reported for work at the Holiday Inn Express in Jamestown the next day, August 26, 2022.
- f. Upon arriving, Bringuel was asked to meet with the Hotel Managers.
- g. The Hotel Managers told Bringuel that the Housekeeping Manager denied making the comments Bringuel reported and that the Housekeeping Manager needed more time to get used to working with someone who is transgender.
- h. The Hotel Managers did not interview the employee to whom the Housekeeping Manager made the comments about Bringuel.
- i. The General Manager also raised Bringuel's call to IHG, saying that it was unfair of Bringuel to call corporate.
- j. The General Manager then contacted James Burke, who advises Defendants on management decisions, including personnel issues.
- k. Burke advised the General Manager to tell Bringuel that this job may not be a good fit for either of them.
- l. The General Manager then told Bringuel that maybe this job was not a good fit for Bringuel, and that maybe Bringuel would prefer not to work for Defendants.

- m. When Bringuel asked Defendants to reconsider, the General Manager told Bringuel their services were no longer needed.
- n. Bringuel took off their uniform shirt and returned it, and neither of the Hotel Managers told Bringuel to come back to work the next day.
- o. Bringuel understood they had been fired.
- p. Bringuel never worked for Defendants again.
- q. Bringuel received a letter dated that same day, August 26, 2022, stating that Bringuel's last day of employment with Defendants was August 26, 2022, and that they were not eligible for employment at Boxwood or two other Defendant hotels in Jamestown, New York.
- r. Within one day of Bringuel's complaints about the harassment, Defendants ended Bringuel's employment.

30. Since at least 2022, Defendants have failed, in violation of Section 709(c) of Title VII, 42 U.S.C. § 2000e-8(c), to make and preserve records relevant to the determination of whether unlawful employment practices have been or are being committed. Specifically, Defendant promptly destroyed the applications of unsuccessful applicants and all interview notes, thus failing to maintain applicant records for the time required by Title VII.

31. The unlawful employment practices complained of in paragraphs 28-30 above were intentional.

32. The unlawful employment practices complained of in paragraphs 28-30 above were done with malice or with reckless indifference to Bringuel's federally protected rights.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, attorneys, and all persons in active concert or participation with them, from creating or maintaining a work environment that is hostile to transgender employees.

B. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, attorneys, and all persons in active concert or participation with them, from creating or maintaining a work environment that is retaliatory to employees opposing or reporting discrimination.

C. Order Defendants to institute and carry out policies, practices, and programs that provide equal employment opportunities for transgender employees and that eradicate the effects of their past and present unlawful employment practices.

D. Order Defendants to make Bringuel whole by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement of Bringuel.

E. Order Defendants to make Bringuel whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 28-30 above, in amounts to be determined at trial.

F. Order Defendant to make Bringuel whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraphs 28-30 above, including emotional pain, suffering, inconvenience, and humiliation, in amounts to be determined at trial.

G. Order Defendants to award punitive damages to Bringuel for their malicious and reckless conduct, as described in paragraphs 28-30 above, in amounts to be determined at trial.

H. Grant such further relief as the Court deems necessary and proper in the public interest.

I. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Date: September 25, 2024  
New York, New York

Respectfully Submitted,

KARLA GILBRIDE  
General Counsel

CHRISTOPHER LAGE  
Deputy General Counsel

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# 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 NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

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)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | <b>PTF</b>                 | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                 |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT  | TORTS  | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES  |   |
|---|--|--|---|---|---|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application<br><input type="checkbox"/> 840 Trademark<br><br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 485 Telephone Consumer Protection Act<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY   | CIVIL RIGHTS   | PRISONER PETITIONS   |   |   |   |
| <input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  | <input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education  | <b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement   |   |   |   |

**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):

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.      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 ATTORNEY OF RECORD \_\_\_\_\_

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**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: [Nature of Suit Code Descriptions](#).
- 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 – 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 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 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.