## JS 44 (Rev. 12/12)

## Case 5:16-cv-00511 CTV Document R3 Filed 05/13/16 Page 1 of 2

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.)* 

<ul> <li>I. (a) PLAINTIFFS</li> <li>1) Diagnostic Imaging Group, a partnership and</li> <li>2) John Hamlin</li> </ul>			<b>DEFENDANTS</b> 1) Centers for Medicare and Medicaid Services, an agency of Health and Human Services			
(b) County of Residence of First Listed Plaintiff <u>Custer</u> (EXCEPT IN U.S. PLAINTIFF CASES)			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.			
(c) Attorneys (Firm Name, Address, and Telephone Number) John Hamlin 100 North 30th Street Clinton, OK 73601 405-834-7172			Attorneys (If Known	n)		
II. BASIS OF JURISDI	CTION (Place an "X" in C	One Box Only)	III. CITIZENSHIP OF	PRINCIPAL PARTIES	(Place an "X" in One Box for Plaintiff	
□ 1 U.S. Government Plaintiff	□ 3 Federal Question (U.S. Government)	Not a Party)		) PTF DEF 1 1 Incorporated or Pr of Business In 1		
☑ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizensh	<b>J</b> 4 Diversity (Indicate Citizenship of Parties in Item III)		□ 2 □ 2 Incorporated and I of Business In A	Another State	
			Citizen or Subject of a Foreign Country	3   3   Foreign Nation		
IV. NATURE OF SUIT				DANIZDI IPTOV	OTHED OT A THIDES	
CONTRACT      110 Insurance     120 Marine     130 Miller Act     140 Negotiable Instrument     150 Recovery of Overpayment     & Enforcement of Judgment     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      REAL PROPERTY     210 Land Condemnation     220 Foreclosure     230 Rent Lease & Ejectment     245 Tort Product Liability     290 All Other Real Property	TC         PERSONAL INJURY         310 Airplane         315 Airplane Product         Liability         320 Assault, Libel &         Slander         330 Federal Employers'         Liability         345 Marine         345 Marine Product         Liability         350 Motor Vehicle         355 Motor Vehicle         Product Liability         360 Other Personal         Injury         362 Personal Injury -         Medical Malpractice         CIVIL RIGHTS         440 Other Civil Rights         441 Voting         442 Employment         443 Housing/         Accommodations         445 Amer. w/Disabilities -         Employment         446 Amer. w/Disabilities -         Other         448 Education	<ul> <li>370 Other Fraud</li> <li>371 Truth in Lending</li> <li>380 Other Personal Property Damage</li> <li>385 Property Damage Product Liability</li> <li>PRISONER PETITION</li> <li>Habeas Corpus:</li> <li>463 Alien Detainee</li> <li>510 Motions to Vacate Sentence</li> <li>530 General</li> <li>535 Death Penalty Other:</li> <li>540 Mandamus &amp; Othe</li> <li>550 Civil Rights</li> <li>555 Prison Condition</li> <li>560 Civil Detainee - Conditions of</li> </ul>	<ul> <li>of Property 21 USC 881</li> <li>690 Other</li> <li>690 Other</li> <li>710 Fair Labor Standards Act</li> <li>720 Labor/Management Relations</li> <li>740 Railway Labor Act</li> <li>751 Family and Medical Leave Act</li> <li>790 Other Labor Litigation</li> <li>791 Employee Retirement Income Security Act</li> <li>191 Employee Retirement Mission</li> <li>192 Content Conten</li></ul>	□       422 Appeal 28 USC 158         □       423 Withdrawal 28 USC 157         ■       820 Copyrights         □       820 Copyrights         □       820 Patent         □       840 Trademark         ■       861 HIA (1395ff)         □       862 Black Lung (923)         □       863 DIWC/DIWW (405(g))         □       864 SSID Title XVI         □       865 RSI (405(g))         ■       870 Taxes (U.S. Plaintiff or Defendant)         □       871 IRS—Third Party 26 USC 7609	OTHER STATUTES         375 False Claims Act         400 State Reapportionment         410 Antitrust         430 Banks and Banking         450 Commerce         460 Deportation         470 Racketeer Influenced and Corrupt Organizations         480 Consumer Credit         490 Cable/Sat TV         850 Securities/Commodities/ Exchange         890 Other Statutory Actions         891 Agricultural Acts         893 Environmental Matters         895 Freedom of Information Act         896 Arbitration         899 Administrative Procedure Act/Review or Appeal of Agency Decision         950 Constitutionality of State Statutes	
V. ORIGIN (Place an "X" in	n One Box Only)	Confinement				
X 1 Original □ 2 Re	moved from $\Box$ 3	Remanded from Appellate Court	4 Reinstated or Reopened 5 Trans Anot (speci	her District Litigation		
VI. CAUSE OF ACTIO	<b>DN</b> 5 U.S.C. § 552 Brief description of ca	ause:	re filing ( <i>Do not cite jurisdictional s</i> spond to a FOIA request.	tatutes unless diversity):		
VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS UNDER RULE 23, F.R.Cv.P			N       DEMAND \$       CHECK YES only if demanded in complaint:         JURY DEMAND:       □       Yes       X       No			
VIII. RELATED CASI IF ANY	<b>E(S)</b> (See instructions):			DOCKET NUMBER		
DATE 05/13/2016 FOR OFFICE USE ONLY		SIGNATURE OF ATTORNEY OF RECORD /s/ Joh Hamlin				
	//OUNT	APPLYING IFP	JUDGE	MAG. JU	DGE	

## **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)".

**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.