Case 1:17-cv-24253-FAM Document 1-5 Entered on FLSD Docket 11/22/2017 Page 1 of 2 **CIVIL COVER SHEET** JS 44 (Rev. 06/17) FLSD Revised 06/01/2017 The JS 44 oivil 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 oivil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) NOTICE: Attended MUST Indicate All Re filed Cases Below. DEFENDANTS Federal Bureau of Prisons I. (a) PLAINTIFFS Jeffrey R. Brooks, individually and as personal representative of the Estate of David H. Brooks, County of Residence of First Listed Plaintiff Palm Beach County County of Residence of First Listed Defendant District of Columbia **(b)** (EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY) IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. NOTE Attomeys (If Known) (c) Attorneys (Firm Name, Address, and Telephone Number) Tache, Bronis, Christianson, and Descalzo 150 S.E. 2nd Avenue, Suite 600 Ŧ (d) Check County Where Action Arose: 🗖 miami-dade 🗖 monroe 🗖 broward 💋 palm beach 🗆 martin 🗖 st. lucie 🗖 indian river 🗖 okeechobee 🗖 highlands III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff) **II. BASIS OF JURISDICTION** (Place an "X" in One Box Only) (For Diversity Cases Only) and One Box for Defendant) PTF DEF PTF DEF □ 1 U.S. Government Federal Ouestion Plaintiff (U.S. Government Not a Party) Citizen of This State **Z** 1 Incorporated or Principal Place of Business In This State 2 2 U.S. Government Diversity Citizen of Another State $\square 2$ Incorporated and Principal Place (Indicate Citizenship of Parties in Item III) Defendant of Business In Another State Citizen or Subject of a 3 Foreign Nation □ 3 Foreign Country IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions BANKRUPTCY CONTRACT TORTS FORFEITURE/PENALTY OTHER STATUTES ☐ 110 Insurance ☐ 120 Marine PERSONAL INJURY PERSONAL INJURY 1 625 Drug Related Seizure 422 Appeal 28 USC 158 375 False Claims Act П 423 Withdrawal 310 Airplane □ 365 Personal Injury of Property 21 USC 881 🔲 376 Qui Tam (31 USC 130 Miller Act 140 Negotiable Instrument 315 Airplane Product □ 690 Other Product Liability 28 USC 157 3729 (a)) □ 367 Health Care/ Liability п 400 State Reapportionment 320 Assault, Libel & 150 Recovery of Overpayment Pharmaceutical PROPERTY/RIGHTS 410 Antitrust & Enforcement of Judgment Personal Innurv 820 Copyrights 430 Banks and Banking Slander п □ 151 Medicare Act □ 330 Federal Employers' 830 Patent Product Liability ☐ 450 Commerce 835 Patent – Abbreviated New Drug Application 840 Trademark ☐ 152 Recovery of Defaulted Liability 368 Asbestos Personal 460 Deportation Student Loans 340 Marine Injury Product 470 Racketeer Influenced and (Excl. Veterans) 345 Marine Product Liability LABOR SOCIAL SECURITY Corrupt Organizations 153 Recovery of Overpayment PERSONAL PROPERTY 1710 Fair Labor Standards 🗖 861 HIA (1395ff) Liability 480 Consumer Credit 350 Motor Vehicle 355 Motor Vehicle of Veteran's Benefits 370 Other Fraud Act 🗍 862 Black Lung (923) 490 Cable/Sat TV 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 371 Truth in Lending 720 Labor/Mgmt. Relations B63 DIWC/DIWW (405(g)) 850 Securities/Commodities/ 380 Other Personal Exchange Product Liability 740 Railway Labor Act ■ 864 SSID Title XVI п 890 Other Statutory Actions ☐ 360 Other Personal Property Damage 751 Family and Medical **865 RSI (405(g))** ☐ 385 Property Damage 891 Agricultural Acts □ 196 Franchise Injury Leave Act п 362 Personal Injury -☐ 790 Other Labor Litigation Ō 893 Environmental Matters Product Liability Med. Malpractice 791 Empl. Ret. Inc. 895 Freedom of Information CIVIL-RIGHTS PRISONER PETITIONS FEDERAL TAX SUITS REAL PROPERTY Security Act FEDERAL TAX SULL 870 Taxes (U.S. Plaintiff Act 210 Land Condemnation 440 Other Civil Rights Habeas Corpus: п 896 Arbitration 220 Foreclosure 441 Voting 463 Alien Detainee or Defendant) 899 Administrative Procedure 510 Motions to Vacate USC 7609 230 Rent Lease & Ejectment 442 Employment Act/Review or Appeal of Sentence 443 Housing/ Accommodations 1 240 Torts to Land Other: Agency Decision □ 950 Constitutionality of State Statutes IMMIGRATION 245 Tort Product Liability 445 Amer. w/Disabilities -530 General □ 535 Death Penalty 290 All Other Real Property Employment 462 Naturalization Application 446 Amer. w/Disabilities 540 Mandamus & Other 465 Other Immigration Other 550 Civil Rights Actions 555 Prison Condition 560 Civil Detainee -448 Education Conditions of Confinement (Place an "X" in One Box Only) ORIGIN 6 Multidistrict Litigation Transferred from Removed from State □ ³ Re-filed (See VI Original Proceeding ☐ 4 Reinstated ☐ 5 Multidistrict 9 \square ² \square^7 Appeal to n another district Remanded from District Judge or Reopened Litigation - Direct (specify) Transfer Appellate Court Court helaw) from Magistrate File Judgmen VI. RELATED/ (See instructions): a) Re-filed Case UYES INO b) Related Cases 🛛 YES 💋 NO **RE-FILED CASE(S)** JUDGE: DOCKET NUMBER: Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity); 5 U.S.C. 552 VII. CAUSE OF ACTION LENGTH OF TRIAL via days estimated (for both sides to try entire case) VIII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION CHECK YES only if demanded in complaint: DEMAND \$ COMPLAINT: UNDER F.R.C.P. 23 JURY DEMAND: 🖸 No 🛛 Yes **ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE** SIGNATURE OF ATTORNEY OF RECORD DATE November 22, 2017 FOR OFFICE USE ONLY AMOUNT IFP HIDGE RECEIPT # MAG JUDGE

JS 44 (Rev. 06/17) FLSD Revised 06/01/2017

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.C.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; 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. 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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. 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

VIII. 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 dollar amount (in thousands of dollars) 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.

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