#### Case 3:19-cv-02246-LB iled 04/25/19 Page 1 of 3

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

### I. (a) PLAINTIFFS **SIERRA CLUB**

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

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

### **DEFENDANTS** UNITED STATES DEPARTMENT OF ENERGY

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

	justice, 50 California Str ) (see attachment for add		-			
<ul> <li>BASIS OF JURISDICTION (Place an "X" in One Box Only)</li> <li>U.S. Government Plaintiff</li> <li>Federal Question (U.S. Government Not a Party)</li> <li>U.S. Government Defendant</li> <li>Diversity (Indicate Citizenship of Parties in Item III)</li> </ul>		III. CITIZENSHIP OF PRINCI (For Diversity Cases Only)  PTF Citizen of This State 1  Citizen of Another State 2  Citizen or Subject of a Foreign Country			ox for Defendant)  PTF DEF cipal Place 4 4 tate ncipal Place 5 5	
IV. NATURE OF S	SUIT (Place an "X" in One Box (	Only)				
CONTRACT	CONTRACT TORTS			FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment Of	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers'	9ERSONAL I 365 Personal Inju Liability 367 Health Care/ Pharmaceutic Injury Produce	ry – Product	625 Drug Related Seizure of Property 21 USC § 881 690 Other  LABOR 710 Fair Labor Standards Act	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157  PROPERTY RIGHTS 820 Copyrights	thdrawal 28 USC 57  PERTY RIGHTS  pyrights ent ent—Abbreviated New ag Application demark  ALAL SECURITY  376 Qui Tam (31 USC § 3729(a))  400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced & Corrupt Organizations
Veteran's Benefits  151 Medicare Act  152 Recovery of Defaulted Student Loans (Excludes Veterans)	355 Motor Vehicle Product	368 Asbestos Per- Product Liab PERSONAL PR 370 Other Fraud 371 Truth in Lend	sonal Injury ility OPERTY	740 Railway Labor Act 751 Family and Medical Leave Act	830 Patent 835 Patent—Abbreviated New Drug Application 840 Trademark SOCIAL SECURITY	
153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits	Liability  360 Other Personal Injury  362 Personal Injury -Medical  Malpractice	380 Other Personal Property Damage 385 Property Damage Product Liability		790 Other Labor Litigation 791 Employee Retirement Income Security Act IMMIGRATION	861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI	480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions
190 Other Contract 195 Contract Product Liabilit	CIVIL RIGHTS PRISONER P		462 Naturalization Application	865 RSI (405(g))	891 Agricultural Acts	
196 Franchise  REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities— Employment 446 Amer. w/Disabilities—Other 448 Education	HABEAS CO  463 Alien Detains 510 Motions to V Sentence 530 General 535 Death Penalty OTHEI 540 Mandamus & 550 Civil Rights 555 Prison Condi 560 Civil Detaine Conditions o Confinement	y R c Other tion tie f	465 Other Immigration Actions	FEDERAL TAX SUITS  870 Taxes (U.S. Plaintiff or Defendant)  871 IRS—Third Party 26 USC § 7609	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
		Remanded from Appellate Court	4 Reinst Reope	tated or 5 Transferred from Another District		8 Multidistrict sfer Litigation–Direct File
ACTION B	ite the U.S. Civil Statute under Freedom of Information Act, 5 U.S.C rief description of cause: Plaintiff asserts violations of FO	2. § 552				g a lawful request by Plaintiff
VII. REQUESTED COMPLAINT:				CHECK YES only if demanded in complaint:  JURY DEMAND:  Yes  No		
VIII. RELATED CA IF ANY (See inst	JUDGE			DOCKET NUMBER		
IX. DIVISIONAL	ASSIGNMENT (Civil L	ocal Rule 3-2)	)			

(Place an "X" in One Box Only)

**EUREKA-MCKINLEYVILLE** 

SAN JOSE

× SAN FRANCISCO/OAKLAND

#### INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

**Authority For Civil Cover Sheet.** The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate 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 Federal Rule of Civil Procedure 8(a), 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.
  - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  - (3) <u>Federal question</u>. This refers to suits under 28 USC § 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.
  - (4) <u>Diversity of citizenship</u>. This refers to suits under 28 USC § 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-CAND 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.
  - (1) Original Proceedings. Cases originating in the United States district courts.
  - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
  - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) <u>Transferred from Another District</u>. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - (6) <u>Multidistrict Litigation Transfer</u>. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
  - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.
  - <u>Please note that there is no Origin Code 7</u>. 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 Federal Rule of Civil Procedure 23.
  - <u>Demand</u>. 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-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment. If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."
- Date and Attorney Signature. Date and sign the civil cover sheet.

# CIVIL COVER SHEET Attachment

## I. (c) Attorneys

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Earthjustice
1625 Massachusetts Avenue N.W., Suite
702 Washington, D.C. 20036
(pro hac vice admission pending)