## JS 44 (Rev. 06/17)

## Case 5:19-cv-01196-DAE Decument 1-2 Filed 10/07/19 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.)* 

| I. (a) PLAINTIFFS  |  |  |                     | DEFENDANTS<br>U.S. Department of the Air Force  |  |  |                        |  |        |  |
|--|--|--|---------------------|---|--|--|------------------------|--|--------|--|
| HJD Capital Electric, Inc.   |  |  |                     | U.S. Department of the Army   |  |  |                        |  |        |  |
|  |  |  |                     | U.S. Department of Defense  |  |  |                        |  |        |  |
| (b) County of Residence of First Listed Plaintiff <u>Bexar</u><br>(EXCEPT IN U.S. PLAINTIFF CASES) |  |  |                     | County of Residence of First Listed Defendant(IN U.S. PLAINTIFF CASES ONLY)   |  |  |                        |  |        |  |
| (1)  |  | 515)   |                     | NOTE: IN LAND<br>THE TRAC   |  | ON CASES, USE T  | · ·                    | OF   |        |  |
| (c) Attorneys (Firm Name, Address, and Telephone Number)   |  |  |                     | Attorneys (If Known)  |  |  |                        |  |        |  |
| Thomas J. Walthall, Jr. 8<br>Avenue, Suite 500, San  |  |  | lulberry            |   |  |  |                        |  |        |  |
| II. BASIS OF JURISDICTION (Place an "X" in One Box Only)   |  |  |                     | TIZENSHIP OF  |  | AL PARTIES   |                        |  |        |  |
| □ 1 U.S. Government<br>Plaintiff   | 3       Federal Question         (U.S. Government Not a Party)   |  |                     | (For Diversity Cases Only)       and One Box for Defendant)         PTF       DEF       PTF       DEF         Citizen of This State       1       1       Incorporated or Principal Place       4       4         of Business In This State |  |  |                        |  |        |  |
| 2 U.S. Government Defendant Diversity (Indicate Citizenship of Parties in Item III)                |  | Citize   | en of Another State |   | 2 2 Incorporated <i>and</i> Principal Place 5 5 5 of Business In Another State |  |                        |  |        |  |
|  |  |  |                     | en or Subject of a<br>reign Country   |  | 3 □ 3 Foreign Nation □ 6 □ 6   |                        |  |        |  |
| IV. NATURE OF SUIT (Place an "X" in One Box Only)  |  |  |                     | Click here for: Nature of Suit Code Descriptions.   |  |  |                        |  |        |  |
| CONTRACT<br>☐ 110 Insurance  | PERSONAL INJURY  | ORTS<br>PERSONAL INJUR   |                     | DRFEITURE/PENALTY<br>25 Drug Related Seizure  |  | NKRUPTCY   | OTHER<br>☐ 375 False C | STATUT   | ES     |  |
| □ 120 Marine   | □ 310 Airplane □ 365 Personal Injury -   |  |                     | of Property 21 USC 881  | 1 🗖 423 With   | <ul> <li>422 Appeal 28 USC 158</li> <li>423 Withdrawal<br/>28 USC 157</li> </ul>   |                        | □ 376 Qui Tam (31 USC<br>3729(a))<br>□ 400 State Reapportionment   |        |  |
| <ul> <li>130 Miller Act</li> <li>140 Negotiable Instrument</li> </ul>                              | 315 Airplane Product<br>Liability  | t Product Liability<br>367 Health Care/  |                     | 00 Other  | 28 U   |  |                        |  |        |  |
| 150 Recovery of Overpayment  | 320 Assault, Libel &   | Pharmaceutical   |                     |   |  | PROPERTY RIGHTS  |                        | □ 410 Antitrust  |        |  |
| & Enforcement of Judgment  | □330 Federal Employers'<br>LiabilityProduct Liability□340 MarineInjury Product□345 Marine ProductLiability   |  |                     |   |  | □         830 Patent         □           □         835 Patent - Abbreviated<br>New Drug Application         □           □         840 Trademark         □           SOCIAL SECURITY         □         861 HIA (1395ff)           □         862 Black Lung (923)         □           □         863 DIWC/DIWW (405(g))         □           □         864 SSID Title XVI         □           □         865 RSI (405(g))         □ |                        | <ul> <li>430 Banks and Banking</li> <li>450 Commerce</li> <li>460 Deportation</li> <li>470 Racketeer Influenced and<br/>Corrupt Organizations</li> <li>480 Consumer Credit</li> <li>490 Cable/Sat TV</li> <li>850 Securities/Commodities/<br/>Exchange</li> <li>890 Other Statutory Actions</li> <li>891 Agricultural Acts</li> <li>893 Environmental Matters</li> </ul> |        |  |
| 152 Recovery of Defaulted<br>Student Loans   |  |  | l                   |   |  |  |                        |  |        |  |
| (Excludes Veterans)  |  |  |                     |   | 🗖 840 Trad   |  |                        |  |        |  |
| 153 Recovery of Overpayment<br>of Veteran's Benefits   | Liability<br>□ 350 Motor Vehicle   | Liability <b>PERSONAL PROPER</b><br>350 Motor Vehicle <b>3</b> 370 Other Fraud                   |                     | LABOR<br>0 Fair Labor Standards   |  |  |                        |  |        |  |
| <ul> <li>160 Stockholders' Suits</li> <li>190 Other Contract</li> </ul>                            | □ 355 Motor Vehicle<br>Product Liability       □ 371 Truth in Lending         □ 360 Other Personal       □ 380 Other Personal         □ 360 Other Personal       □ Property Damage   |  | <b>–</b> 70         | Act   | 862 Black  |  |                        |  |        |  |
| 195 Contract Product Liability   |  |  |                     | 0 Labor/Management<br>Relations   | 🗖 864 SSII   |  |                        |  |        |  |
| □ 196 Franchise  | Injury<br>362 Personal Injury -  | Injury   |                     | 0 Railway Labor Act   | 🗖 865 RSI  |  |                        |  |        |  |
| REAL PROPERTY  | Medical Malpractice<br>CIVIL RIGHTS  | DDICOMED DETITIO   |                     | Leave Act<br>0 Other Labor Litigation   | FEDED  | AL TAV CHITC   | IX 895 Freedor<br>Act  | n of Inform  | nation |  |
| 210 Land Condemnation  | CIVIL RIGHTS     PRISONER PETITION       440 Other Civil Rights     Habeas Corpus:       441 Voting     463 Alien Detainee       442 Employment     510 Motions to Vacate       443 Housing/     530 General       445 Amer. w/Disabilities -<br>Employment     530 Death Penalty       446 Amer. w/Disabilities -     540 Mandamus & Othe |  |                     | 1 Employee Retirement   |  | FEDERAL TAX SUITS         □       870 Taxes (U.S. Plaintiff or Defendant)         □       871 IRS—Third Party  |                        | tion   |        |  |
| <ul> <li>220 Foreclosure</li> <li>230 Rent Lease &amp; Ejectment</li> </ul>                        |  |  |                     | Income Security Act   |  |  |                        | □ 899 Administrative Procedure   |        |  |
| □ 240 Torts to Land  |  |  | ;                   |   |  | 26 USC 7609  |                        | Act/Review or Appeal of<br>Agency Decision   |        |  |
| <ul> <li>245 Tort Product Liability</li> <li>290 All Other Real Property</li> </ul>                |  |  |                     | IMMIGRATION   |  |  |                        | utionality of<br>atutes  | f      |  |
|  |  |  |                     | 2 Naturalization Applicati<br>5 Other Immigration   | ion  |  |                        |  |        |  |
|  | Other 448 Education  | <ul> <li>550 Civil Rights</li> <li>555 Prison Condition</li> <li>560 Civil Detainee -</li> </ul> |                     | Actions   |  |  |                        |  |        |  |
|  |  | Conditions of<br>Confinement   |                     |   |  |  |                        |  |        |  |
| V. ORIGIN (Place an "X" is   | n One Box Only)  |  |                     |   |  |  |                        |  |        |  |
|  | moved from <b>3</b> te Court   | Remanded from Appellate Court  |                     |   | sferred from<br>ther District<br><i>ify</i> )                                  | □ 6 Multidistr<br>Litigation<br>Transfer   |                        | Multidis<br>Litigatio<br>Direct Fi   | on -   |  |
|  | Ereedom of Infor   | tute under which you a nation Act (FOIA),  |                     |   | statutes unless di   | iversity):   |                        |  |        |  |
| VI. CAUSE OF ACTION  | DN Brief description of ca   |  | 50.5.0              | .A. § 552   |  |  |                        |  |        |  |
|  |  | reedom of Informat   |                     |   |  |  |                        |  |        |  |
| VII. REQUESTED IN<br>COMPLAINT:       CHECK IF THIS IS A CLASS ACTION<br>UNDER RULE 23, F.R.Cv.P.  |  |  | N D                 | MAND \$       CHECK YES only if demanded in complaint:         JURY DEMAND:       Yes       No  |  |  |                        |  |        |  |
| VIII. RELATED CASE(S)<br>IF ANY (See instructions): JUDGE  |  |  |                     | DOCKET NUMBER   |  |  |                        |  |        |  |
| DATE   |  | SIGNATURE OF AT  | TORNEY O            | OF RECORD   |  |  |                        |  |        |  |
| 10/07/2019   |  | /s/ Jana Richar  | ď                   |   |  |  |                        |  |        |  |
| FOR OFFICE USE ONLY  |  |  |                     |   |  |  |                        |  |        |  |
| RECEIPT # AN   | MOUNT  | APPLYING IFP   |                     | JUDGE   |  | MAG. JUE   | OGE                    |  |        |  |

## **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: <u>Nature of Suit Code Descriptions</u>.
- 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 statue.

- 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.