JS-CAND 44 (Rev. 07/19)

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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 **DEFENDANTS** U.S. DEPARTMENT OF THE ARMY; U.S. DEPARTMENT OF DEFENSE NATIONAL PUBLIC RADIO, INC. and ERIC WESTERVELT (b) County of Residence of First Listed Plaintiff Washington, D.C. County of Residence of First Listed Defendant Washington, D.C. (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. (c) Attorneys (Firm Name, Address, and Telephone Number) Attorneys (If Known) Davis Wright Tremaine LLP 505 Montgomery Street, Suite 800, San Francisco, CA 94111 (415) 276-6500 BASIS OF JURISDICTION (Place an "X" in One Box Only) III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) ☐ 1 U.S. Government Plaintiff \square 3 Federal Question PTF DEF PTF DEF (U.S. Government Not a Party) Citizen of This State Incorporated or Principal Place \square 1 \square 1 $\square 4$ $\square 4$ of Business In This State □ 2 U.S. Government Defendant □ 4 Diversity Citizen of Another State Incorporated and Principal Place $\prod 2$ \square 2 \square_5 $\prod 5$ (Indicate Citizenship of Parties in Item III) of Business In Another State Citizen or Subject of a \square 3 \square 3 Foreign Nation \Box 6 \Box 6 Foreign Country NATURE OF SUIT (Place an "X" in One Box Only) CONTRACT FORFEITURE/PENALTY TORTS BANKRUPTCY OTHER STATUTES 375 False Claims Act 110 Insurance PERSONAL INJURY PERSONAL INJURY ☐ 625 Drug Related Seizure of 422 Appeal 28 USC § 158 376 Oui Tam (31 USC) 365 Personal Injury – Product 423 Withdrawal 28 USC 310 Airplane Property 21 USC § 881 ☐ 120 Marine § 3729(a)) Liability ☐ 690 Other 315 Airplane Product Liability 8 157 ☐ 130 Miller Act 320 Assault, Libel & Slander 367 Health Care/ 400 State Reapportionment PROPERTY RIGHTS LABOR ☐ 140 Negotiable Instrument Pharmaceutical Persona 410 Antitrust 330 Federal Employers' 710 Fair Labor Standards Act ☐ 820 Copyrights ☐ 150 Recovery of Injury Product Liability 430 Banks and Banking Liability 720 Labor/Management 830 Patent Overpayment Of 368 Asbestos Personal Injury 450 Commerce 340 Marine Relations Veteran's Benefits Product Liability 835 Patent—Abbreviated New 345 Marine Product Liability 460 Deportation 740 Railway Labor Act PERSONAL PROPERTY ☐ 151 Medicare Act Drug Application 350 Motor Vehicle 370 Other Fraud ☐ 470 Racketeer Influenced & ☐ 152 Recovery of Defaulted 751 Family and Medical 840 Trademark 355 Motor Vehicle Product 371 Truth in Lending Leave Act Corrupt Organizations Student Loans (Excludes SOCIAL SECURITY Liability 380 Other Personal Property Veterans) 790 Other Labor Litigation 480 Consumer Credit 861 HIA (1395ff) 360 Other Personal Injury Damage 791 Employee Retirement ☐ 153 Recovery of 485 Telephone Consumer 362 Personal Injury-Medical 862 Black Lung (923) ☐ 385 Property Damage Produc Income Security Act Overpayment Protection Act Malpractice 863 DIWC/DIWW (405(g)) Liability 490 Cable/Sat TV of Veteran's Benefits **IMMIGRATION** 864 SSID Title XVI 160 Stockholders' Suits 850 Securities/Commodities/ CIVIL RIGHTS PRISONER PETITIONS 462 Naturalization 865 RSI (405(g)) Exchange ☐ 190 Other Contract Application 440 Other Civil Rights HABEAS CORPUS ☐ 195 Contract Product Liability ■ 890 Other Statutory Actions 465 Other Immigration 441 Voting 463 Alien Detainee FEDERAL TAX SUITS ☐ 891 Agricultural Acts Actions 196 Franchise REAL PROPERTY 442 Employment 510 Motions to Vacate 870 Taxes (U.S. Plaintiff or 893 Environmental Matters Sentence 443 Housing/ Defendant) 210 Land Condemnation ☐ 530 General 871 IRS—Third Party 26 USC Accommodations Act 220 Foreclosure § 7609 535 Death Penalty 445 Amer. w/Disabilities-896 Arbitration 230 Rent Lease & Ejectmen Employment OTHER 899 Administrative Procedure 240 Torts to Land 446 Amer. w/Disabilities-Other Act/Review or Appeal of 540 Mandamus & Other 245 Tort Product Liability 448 Education Agency Decision 550 Civil Rights 950 Constitutionality of State 290 All Other Real Property 555 Prison Condition Statutes 560 Civil Detainee -Conditions of Confinement **ORIGIN** (Place an "X" in One Box Only) ☐ 1 Original Removed from 4 Reinstated or \square_5 \square_6 8 Multidistrict \square 2 \square 3 Transferred from Multidistrict Remanded from Proceeding State Court Another District (specify) Reopened Litigation-Transfer Litigation - Direct File Appellate Court CAUSE OF Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): VI. Freedom of Information Act, 5 U.S.C. § 552 et seq. ACTION Brief description of cause: Complaint for Declaratory and Injunctive Relief for Violation of the Freedom of Information Act DEMAND \$ **REQUESTED IN** ☐ CHECK IF THIS IS A **CLASS ACTION** CHECK YES only if demanded in complaint: UNDER RULE 23, Fed. R. Civ. P. JURY DEMAND: ☐ Yes ⊠ No **COMPLAINT:** VIII. RELATED CASE(S), JUDGE DOCKET NUMBER IF ANY (See instructions):

DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

⋈ SAN FRANCISCO/OAKLAND

 \square SAN JOSE

□ EUREKA-MCKINLEYVILLE



(Place an "X" in One Box Only)