Case 4:20-cv-06898-DMR Document 1-1 Filed 10/02/20 Page 1 of 2

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

Ecological Rights Foundation

- (b) County of Residence of First Listed Plaintiff Humboldt (EXCEPT IN U.S. PLAINTIFF CASES)
- (c) Attorneys (Firm Name, Address, and Telephone Number)

Christopher Sproul, Stuart Wilcox, and Brian Orion, Environmental Advocates, 5135 Anza Street, San Francisco, CA 94121, 415-533-3376

DEFENDANTS

U.S. Environmental Protection Agency

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.

Attorneys (If Known)

Unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff							
				Diversity Cases Only)		and One B	ox for Defendant)
1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)			Citizen of This State		DEF Incorporated or Princ of Business In This S		
X2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)			Citizen of Another State 2		2 Incorporated and Prin	•	
			Citizen or Subject of a 3 Foreign Country		of Business In Anoth Foreign Nation	er State 6 6	
IV. NATURE OF SUIT (Place an "X" in One Box Only)							
CONTRACT		RTS		FORFEITURE/PENA	ALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	PERSONAL I	NHIRV	625 Drug Related Seiz		422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	365 Personal Inju		Property 21 USC	§ 881	423 Withdrawal 28 USC	376 Qui Tam (31 USC
130 Miller Act	315 Airplane Product Liability	T 1 1 111	,	690 Other		§ 157	§ 3729(a))
140 Negotiable Instrument	320 Assault, Libel & Slander	367 Health Care/		LABOR		PROPERTY RIGHTS	400 State Reapportionment
150 Recovery of	330 Federal Employers'	Pharmaceution Injury Produ		710 Fair Labor Standa	ırds Act	820 Copyrights	410 Antitrust
Overpayment Of Veteran's Benefits	Liability	368 Asbestos Per		720 Labor/Manageme	nt	830 Patent	430 Banks and Banking
151 Medicare Act	340 Marine	Product Liab		Relations	•	835 Patent-Abbreviated New	450 Commerce
152 Recovery of Defaulted	345 Marine Product Liability	PERSONAL PR	OPERTY	740 Railway Labor Ac		Drug Application	460 Deportation
Student Loans (Excludes	350 Motor Vehicle	370 Other Fraud		751 Family and Medic Leave Act	cal	840 Trademark 880 Defend Trade Secrets	470 Racketeer Influenced & Corrupt Organizations
Veterans)	355 Motor Vehicle Product Liability	371 Truth in Lend	ding	790 Other Labor Litig	ation	Act of 2016	480 Consumer Credit
153 Recovery of	360 Other Personal Injury	380 Other Person	al Property	790 Other Eabor Eng 791 Employee Retiren			485 Telephone Consumer
Overpayment of Veteran's Benefits	362 Personal Injury -Medical	Damage		Income Security		SOCIAL SECURITY	Protection Act
160 Stockholders' Suits	Malpractice	385 Property Dan	nage Product	IMMIGRATION	N	861 HIA (1395ff) 862 Black Lung (923)	490 Cable/Sat TV
190 Other Contract	r Contract		462 Naturalization		863 DIWC/DIWW (405(g))	850 Securities/Commodities/	
195 Contract Product Liability	CIVIL RIGHTS	PRISONER PET	TITIONS	Application		864 SSID Title XVI	Exchange 890 Other Statutory Actions
196 Franchise	440 Other Civil Rights	HABEAS CO	ORPUS	465 Other Immigration	n	865 RSI (405(g))	891 Agricultural Acts
REAL PROPERTY	441 Voting	463 Alien Detain		Actions		FEDERAL TAX SUITS	893 Environmental Matters
210 Land Condemnation	442 Employment	510 Motions to V Sentence	acate				■ 895 Freedom of Information
220 Foreclosure	443 Housing/ Accommodations	530 General				870 Taxes (U.S. Plaintiff or Defendant)	Act
230 Rent Lease & Ejectment	445 Amer. w/Disabilities—	535 Death Penalt	v			871 IRS-Third Party 26 USC	896 Arbitration
240 Torts to Land	Employment	OTHER				§ 7609	899 Administrative Procedure
245 Tort Product Liability	446 Amer. w/Disabilities-Other	540 Mandamus &					Act/Review or Appeal of Agency Decision
290 All Other Real Property	449 Education		e omer				950 Constitutionality of State
		555 Prison Condi	ition				Statutes
		560 Civil Detaine					
		Conditions o					
		Confinement	t				
V. ORIGIN (Place a	n "X" in One Box Only)						
		Remanded from	4 Reinst	tated or 5 Transfe	erred fron	n 6 Multidistrict	8 Multidistrict
Proceeding	State Court	Appellate Court	Reope	ened Anothe	er District	(specify) Litigation-Tran	sfer Litigation-Direct File
VI. CAUSE OF Cite the U.S. Civil Statute under which you are filing (Do not cite iurisdictional statutes unless diversity): 5 U.S.C. 552							
AUTUUN	ef description of cause:						
Failure to timely and fully respond to Plaintiff's Freedom of Information Act request							
VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.			N DEM.	DEMAND \$		CHECK YES only if demanded in complaint: JURY DEMAND: Yes X No	
COMPLAINT:	UNDEK KULE 23, Fed	1. K. CIV. P.				JUKY DEMAND:	Yes X No
VIII. RELATED CAS	SE(S)						
IF ANY (See inst	JULKE			DOCKET NU	JMBER		
ii iii (see mst	i weitotisj.						

DATE 10/02/2020

(Place an "X" in One Box Only)

DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

SIGNATURE OF ATTORNEY OF RECORD

× SAN FRANCISCO/OAKLAND

Christopher Sproul

EUREKA-MCKINLEYVILLE

SAN JOSE

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
 - (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.
 - Please note that there is no Origin Code 7. 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.
 - 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-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.