CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)										
I. (a) PLAINTIFFS			DEFENDANTS							
National Public Radio, Inc. and Graham Smith			U.S. Department of Health and Human Services							
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Washington (EXCEPT IN U.S. PLAINTIFF CASES)			COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT							
(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) Matthew E. Kelley Ballard Spahr LLP 1909 K Street NW, 12th Floor Washington, DC 20006 (202) 508-1112			ATTORNEYS (IF KNOWN)							
			I. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR AINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!							
	deral Question	izen of this		PTF 0 1	DFT O 1	Incorpor	ated or Principal Place ess in This State	PTF O 4	DFT O 4	
Defendant (In	dicate Citizenship of	izen of And					ated and Principal Place ess in Another State	O 5	O ⁵	
rai	, CI	izen or Sub reign Coun	5	O 3	O 3	Foreign 1	Nation	O 6	O 6	
IV. CASE ASSIGNMENT AND NATURE OF SUIT (Place an X in one category, A-N, that best represents your Cause of Action and <u>one</u> in a corresponding Nature of Suit)										
O A. Antitrust O B. P	personal Injury/ lalpractice		Administ Review				O D. Tempora O D. Tempora Order/Pr Injunctio	ıry Rest elimina		
410 Antitrust 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Medical Malpractice 365 Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability 368 Asbestos Product Liability			1 Medicare A <u>ecurity</u> 1 HIA (1395f; 2 Black Lung 3 DIWC/DIW 4 SSID Title 2 5 RSI (405(<u>g)</u> <u>tatutes</u> 1 Agricultura 3 Environmer 0 Other Statu Administrat Involved)	f) (923) W (405 XVI) I Acts ntal Mat tory Act	tters tions (If	Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*				
O E. General Civil (Other)	OR	0	F. Pros	Se Gen	eral C	ivil				
Real PropertyBankruptcy210 Land Condemnation422 Appeal 27 USC 15220 Foreclosure423 Withdrawal 28 US230 Rent, Lease & Ejectment423 Withdrawal 28 US240 Torts to LandPrisoner Petitions245 Tort Product Liability535 Death Penalty290 All Other Real Property540 Mandamus & Oth970 Other Fraud555 Prison Conditions370 Other Fraud560 Civil Rights380 Other Personal Propertyof Confinement380 Other Personal Property820 Copyrights9835 Property Damage820 Copyrights9830 Patent835 Patent – Abbrevia0111 Drug Application840 Trademark980 Defend Trade Sect2016 (DTSA)		871 IRS-Third P 7609 Forfeiture/Penalty 625 Drug Related Property 21 690 Other 375 False Claims 376 Qui Tam (31 3729(a)) 400 State Reappo 430 Banks & Bail 450 Commerce/I		t) d Party ated Sei 21 USC (31 USC apportio Bankin; ce/ICC 1 ion	26 USC zure of 881	6 USC 470 Racketeer Influence & Corrupt Organi 480 Consumer Credit 485 Telephone Consum Protection Act (TCl 81 490 Cable/Satellite TV 850 Securities/Common Exchange 896 Arbitration 899 Administrative Pro- Act/Review or App Agency Decision nent 950 Constitutionality o Statutes		d ntion r h) ties/ edure al of State state cons e agency		

Case 1:20-cv-03259-CKK Document 1-8 Filed 11/12/20 Page 2 of 2

 O G. Habeas Corpus/ 2255 ☐ 530 Habeas Corpus – General ☐ 510 Motion/Vacate Sentence ☐ 463 Habeas Corpus – Alien Detainee 	 H. Employment Discrimination 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) 	 I. FOIA/Privacy Act 895 Freedom of Information Act 890 Other Statutory Actions (if Privacy Act) 	 J. Student Loan t 152 Recovery of Defaulted Student Loan (excluding veterans) 						
	(If pro se, select this deck)	*(If pro se, select this deck)*							
 K. Labor/ERISA (non-employment) 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 740 Labor Railway Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act 	 L. Other Civil Rights (non-employment) 441 Voting (if not Voting Rights Act) 443 Housing/Accommodations 440 Other Civil Rights 445 Americans w/Disabilities – Employment 446 Americans w/Disabilities – Other 448 Education 	 M. Contract 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholder's Suits 190 Other Contracts 195 Contract Product Liability 196 Franchise 	 N. Three-Judge Court 441 Civil Rights – Voting (if Voting Rights Act) 						
V. ORIGIN									
 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened Court 5 Transferred from another district (specify) 6 Multi-district 7 Appeal to District Judge 8 Multi-district Litigation – Direct File 									
VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.) Unlawful withholding of public records under FOIA, 5 U.S.C. Section 552									
VII. REQUESTED IN COMPLAINT CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ Check YES only if demanded in complaint YES Check YES only if demanded in complaint									
VIII. RELATED CASE(S) (See instruction) YES NO If yes, please complete related case form IF ANY If yes, please complete related case form If yes, please complete related case form									
DATE:11/12/20	SIGNATURE OF ATTORNEY OF RECORD/S/ Matthew E. Kelley								

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET 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 services 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed <u>only</u> if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the <u>primary</u> cause of action found in your complaint. You may select only <u>one</u> category. You <u>must</u> also select <u>one</u> corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.