## Case 6:20-cv-07009-FPG Document 1-1 Filed 11/24/20 Page 1 of 2 CIVIL COVER SHEET

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.)

purpose of initiating the civil do	ocket sheet. (SEE INSTRUC	TIONS ON NEXT PAGE O	F THIS FO	PRM.)															
I. (a) PLAINTIFFS FITZSIMMONS, NUNN & PLUKAS, LLP				DEFENDANTS															
				U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, and U.S. DEPARTMENT OF HOMELAND SECURITY															
(b) County of Residence of First Listed Plaintiff  (EXCEPT IN U.S. PLAINTIFF CASES)  (c) Attorneys (Firm Name, Address, and Telephone Number)				County of Residence of First Listed Defendant Monroe  (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  Attorneys (If Known)															
										Jason E. Abbott, Esq., Fit									
										Street, Suite 300, Roches	ster, New York 14614,	Tel: (585) 451-090	9						
										II. BASIS OF JURISDI	CTION (Place an "X" in O	One Box Only)		TIZENSHIP OF P (For Diversity Cases Only)	RINCIPA	L PARTIES	(Place an "X" in and One Box fo	-	
☐ 1 U.S. Government ☐ 3 Federal Question				P1	F DEF		ana One Box je	PTF	DEF										
Plaintiff	(U.S. Government Not a Party)		Citize	Citizen of This State $\Box$ 1 $\Box$ 1 Incorporated $or$ Principal Place $\Box$ 4 $\Box$ 4 of Business In This State															
2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizenship of Parties in Item III)		Citize	en of Another State	2 🗖 2	Incorporated and F of Business In A		<b>1</b> 5	□ 5										
				en or Subject of a 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 Descri														
CONTRACT		ORTS		ORFEITURE/PENALTY		NKRUPTCY	OTHER		ES										
☐ 110 Insurance ☐ 120 Marine	PERSONAL INJURY  ☐ 310 Airplane	PERSONAL INJUR  ☐ 365 Personal Injury -	Y 🗖 62	25 Drug Related Seizure of Property 21 USC 881		eal 28 USC 158	☐ 375 False Cla ☐ 376 Qui Tam												
☐ 130 Miller Act	☐ 315 Airplane Product	Product Liability	□ 69	00 Other	,			(a))											
140 Negotiable Instrument	Liability	☐ 367 Health Care/			DD O DE		☐ 400 State Re		nent										
150 Recovery of Overpayment & Enforcement of Judgment	☐ 320 Assault, Libel & Slander	Pharmaceutical Personal Injury			□ 820 Copy	RTY RIGHTS rights	☐ 410 Antitrust☐ 430 Banks at		g										
☐ 151 Medicare Act	☐ 330 Federal Employers'	Product Liability			☐ 830 Pater	nt	☐ 450 Commer	ce	_										
☐ 152 Recovery of Defaulted Student Loans	Liability  ☐ 340 Marine	☐ 368 Asbestos Personal Injury Product				nt - Abbreviated Drug Application	<ul><li>☐ 460 Deportat</li><li>☐ 470 Racketee</li></ul>		ed and										
(Excludes Veterans)	☐ 345 Marine Product	Liability			☐ 840 Trad	emark	Corrupt	Organizati											
☐ 153 Recovery of Overpayment of Veteran's Benefits	Liability  ☐ 350 Motor Vehicle	PERSONAL PROPER  ☐ 370 Other Fraud		0 Fair Labor Standards	SOCIAL  861 HIA	(1305ff)	☐ 480 Consum ☐ 485 Telephon		nar										
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle	☐ 371 Truth in Lending		Act		k Lung (923)	Protection		ICI										
190 Other Contract	Product Liability			20 Labor/Management	☐ 863 DIWC/DIWW (405(g))☐ 864 SSID Title XVI														
☐ 195 Contract Product Liability☐ 196 Franchise	☐ 360 Other Personal Injury	Property Damage  385 Property Damage	<b>1</b> 74	Relations O Railway Labor Act	☐ 864 SSIL		Exchange		uities/										
	☐ 362 Personal Injury -	Product Liability	<b>1</b> 75	1 Family and Medical			□ 890 Other Sta		ions										
REAL PROPERTY	Medical Malpractice CIVIL RIGHTS	PRISONER PETITION	NS 🗆 79	Leave Act O Other Labor Litigation	FEDER	AL TAX SUITS	☐ 891 Agricult ☐ 893 Environ		itters										
☐ 210 Land Condemnation	☐ 440 Other Civil Rights	Habeas Corpus:		1 Employee Retirement		s (U.S. Plaintiff	<b>★</b> 895 Freedom	of Inform	ation										
☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment	☐ 441 Voting ☐ 442 Employment	☐ 463 Alien Detainee ☐ 510 Motions to Vacate		Income Security Act	or Defendant)  ☐ 871 IRS—Third Party		Act ☐ 896 Arbitrati	ion											
☐ 240 Torts to Land	☐ 442 Employment ☐ 443 Housing/	Sentence Sentence				USC 7609	☐ 899 Adminis		ocedure										
<ul><li>245 Tort Product Liability</li><li>290 All Other Real Property</li></ul>	Accommodations  ☐ 445 Amer. w/Disabilities -	☐ 530 General ☐ 535 Death Penalty		IMMIGRATION	1		Act/Review or Appeal of												
290 All Other Real Floperty	Employment	Other:  540 Mandamus & Other	□ 46	☐ 462 Naturalization Application		1		Agency Decision ☐ 950 Constitutionality of											
	☐ 446 Amer. w/Disabilities -		er 🗖 46	55 Other Immigration			State Sta	atutes											
	Other  448 Education	☐ 550 Civil Rights☐ 555 Prison Condition		Actions															
		560 Civil Detainee -																	
		Conditions of Confinement	ļ		İ														
V. ORIGIN (Place an "X" in	n One Box Only)	•			•														
X 1 Original □ 2 Rea	moved from  3	Remanded from Appellate Court	□ 4 Rein Reo <sub>l</sub>		r District	☐ 6 Multidistr Litigation Transfer	-	Multidis Litigatio Direct Fil	n -										
	Cite the U.S. Civil Sta	atute under which you a	re filing (I	Do not cite jurisdictional state															
VI. CAUSE OF ACTIO	DN 5 U.S.C.§ 552  Brief description of ca	ause.																	
	Injunctive and oth	ner appropriate relie	ef, includ	ling the immediate p															
VII. REQUESTED IN		N D	DEMAND \$ CHECK YES only if demanded in complaint:																
COMPLAINT:	UNDER RULE 2	3, F.R.Cv.P.			J	URY DEMAND:	□ Yes	XINo											
VIII. RELATED CASI IF ANY	E(S) (See instructions):	JUDGE			DOCKE	ET NUMBER													
DATE	JUDGEDOCKET NUMBER SIGNATURE OF ATTORNEY OF RECORD																		
11/24/2020		/s Jason E. Abb																	
FOR OFFICE USE ONLY																			
RECEIPT # AM	AMOUNT APPLYING IFP			JUDGE		MAG. JUDGE													

## 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:

- 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.
- 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.)
- 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.
- 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 IV. that is most applicable. Click here for: Nature of Suit Code Descriptions.
- **Origin.** Place an "X" in one of the seven boxes. V.
  - 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.
  - 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
- 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.