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8 IN THE UNITED STATES DISTRICT COURT
9 IN AND FOR THE EASTERN DISTRICT OF WASHINGTON
10 AT YAKIMA
11

12 EVA A. RAMIREZ)

13)
14 Plaintiff,)

15 v.)

16)
17 OLYMPIC HEALTH MANAGEMENT,) NO. CV-07-3044-EFS
18 SYSTEMS, INC., a Washington)
19 Corporation,)

20 Defendant.)
21)

COMPLAINT FOR
DAMAGES AND
DEMAND FOR JURY
TRIAL

22 Eva A. Ramirez alleges:
23

24 **I. PARTIES**
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26 1. Eva A. Ramirez resides in Yakima County, Washington. She is of
27 Mexican descent. Ms. Ramirez is a citizen of the United States of America and
28 of the state of Washington.
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31 2. Olympia Health Management Systems, Inc. (Olympic) is a
32 Washington corporation that resides and does business in Yakima County,
33 Washington as Sterling Life Insurance Company (Sterling).
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II. JURISDICTION AND VENUE

3. 28 U.S.C. § 1331 grants the District Court jurisdiction because Ms. Ramirez alleges that Olympic violated 42 U.S.C. § 2000e which creates civil causes of action arising under the laws of the United States.

4. The District Court has supplemental jurisdiction under 28 U.S.C. § 1367 over the state claims that are brought under Washington's law against discrimination, RCW 49.60, because a substantial federal question exists. Also, the state claims form part of the same case in controversy under the United State Constitution.

5. The Eastern District of Washington has venue under 28 U.S.C. § 1391(a) and (b) because Olympic resides in the jurisdiction and district.

6. Ms. Ramirez filed a claim with the Equal Employment Opportunity Commission (E.E.O.C.) on February 7, 2007, by filing through the Washington State Human Rights Commission. The filing was within 180 days of the discriminatory acts and the hostile work environment complaints. On April 30, 2007, the E.E.O.C. issued Ms. Ramirez a Right to Sue Letter. This complaint is filed within 90 days of Ms. Ramirez' receipt of the Notice of Right to Sue.

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3 **III. FACTS**

4 7. Ms. Ramirez began working as an insurance sales person for
5 Sterling on May 1, 2006. Ms. Ramirez fluently speaks both Spanish and
6 English.
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10 8. She worked with approximately nine people in Sterling's Yakima
11 office. Sterling employed more than 300 people during all of 2006.
12

13 9. Barbara Bloomfield was the field sales manager for the Sterling
14 office in Yakima. She had authority to supervise and oversee all aspects of the
15 Yakima office. Katrina Broth, the regional manager for Sterling, oversaw the
16 Yakima office's operations.
17
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20 10. During a training meeting in Spokane on August 25, 2006, a
21 trainer made comments about Mexicans and immigration that Ms. Ramirez
22 found offensive. The trainer said that a wall was going to be built and that
23 when the Mexicans were thrown out there would be no problem. Ms. Ramirez
24 complained to Ms. Broth about the comment after the meeting. In response,
25 Ms. Broth told her that she needed to have a "tougher skin" and that Ms.
26 Ramirez "didn't even look like those people." Ms. Ramirez was offended
27 greatly by the comments.
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1 11. On August 26, 2006, when Ms. Ramirez was returning from the
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3 Spokane training to Yakima, she learned from some coworkers that Ms.
4
5 Bloomfield had told the Sterling receptionist who answered the telephone in the
6
7 Yakima office not to give Ms. Ramirez any referrals of non-Hispanic customers
8
9 who called the Yakima Sterling office for insurance services. The office
10
11 receptionist was an important way to assign new callers to the different agents
12
13 working in the office.

14 12. Ms. Ramirez is fluent in English and was willing and able to serve
15
16 all customers, regardless of language or ethnicity. Because of Ms. Bloomfield's
17
18 request, however, Ms. Ramirez did not receive an equal number of cold calls as
19
20 the other sales agents in the Yakima office.

21 13. All of the agents to whom Ms. Bloomfield instructed that the non-
22
23 Hispanic customers be sent were not Hispanic. Accordingly, Ms. Bloomfield
24
25 segregated Ms. Ramirez's customers by national origin and refused to allow
26
27 Ms. Ramirez to serve any non-Hispanic customers.

28 14. During the time that Ms. Ramirez worked at Sterling, Ms.
29
30 Bloomfield directed to other sales people a substantial number of telephone
31
32 calls that would have resulted in sales to Ms. Ramirez if she would have
33
34 received an equal number of referrals of Caucasian clients. Ms. Ramirez
35

1 received a smaller number of referrals because the only group who Ms.
2 Bloomfield referred to her were Hispanic clients.
3

4 15. Ms. Bloomfield's treatment damaged Ms. Ramirez by reducing the
5 amount of commission she made because of the fewer referrals she received.
6
7 Ms. Bloomfield's treatment of Ms. Ramirez was on the basis of race and
8
9 national origin.
10

11 16. On September 9, 2006, Ms. Ramirez complained to Ms. Broth
12 about the treatment she was receiving in Yakima from Ms. Bloomfield. Ms.
13 Broth said that she could see that there had been some "cherry picking" of
14
15 customers and that she would fix the situation by demoting Ms. Bloomfield.
16
17

18 17. When Ms. Bloomfield learned that she would be demoted, she said
19 that she would quit instead of being demoted. In response to Ms. Bloomfield's
20 threat to quit, Ms. Broth publicly asked Ms. Ramirez if that is what she wanted.
21
22 She put Ms. Ramirez in the unreasonable position in which it appeared as
23
24 though Ms. Ramirez was making the decision about whether Ms. Bloomfield
25
26 was staying.
27
28

29 18. During a telephone conversation on September 7, 2007, with
30 managers and sales people of Sterling present, Ms. Broth asked Ms. Ramirez to
31 talk about the discriminatory incident with Mr. Bloomfield. Ms. Ramirez
32
33 thought the request was inappropriate and out of context with the meeting.
34
35

1 19. Ms. Ramirez quit employment at Olympic on September 11, 2006,
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3 because she could not tolerate the tense, stressful environment in the office in
4 which she worked.
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6 20. Ms. Bloomfield's and Ms. Broth's treatment of Ms. Ramirez led to
7
8 her constructive discharge. As a direct and proximate result of the segregation
9
10 of Ms. Ramirez's duties because of her ethnicity and the constructive discharge,
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12 Ms. Ramirez has suffered lost commissions, and bonuses in the amount of
13
14 \$18,100 or in such greater amount as will be prove at trial, lost benefits, and
15 damages for emotional distress.
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17 21. All of Ms. Bloomfield's conduct and Ms. Broth's conduct in
18
19 dealing with Ms. Ramirez was in the direct scope and course of their
20
21 employment for Olympic. Their conduct had a tangible effect on Ms.
22 Ramirez's job.
23

24 **V. 42 U.S.C. § 2000e-2(a)(1)**
25

26 22. Ms. Ramirez is a member of a national origin minority group.
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28 Olympic is an employer pursuant to 42 U.S.C. 2000e. Olympic discriminated
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30 against Ms. Ramirez in terms of her working conditions by and through Ms.
31 Bloomfield and Ms. Broth treating Ms. Ramirez differently because of her
32
33 national origin. Ms. Bloomfield's and Ms. Broth's treatment of Ms. Ramirez
34
35 was severe and pervasive and altered the terms of her working conditions.

1 Their treatment of Ms. Ramirez was intolerable. As a direct result of the
2 discrimination, Ms. Ramirez terminated her employment and was
3 constructively discharged in violation of 42 U.S.C. § 2000e-2(a)(1).
4
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6 23. Olympic's agent, Ms. Bloomfield, in the course and scope of her
7 employment, segregated clients and prevented Ms. Ramirez from serving non-
8 Hispanic clients. This deprived Ms. Ramirez of the opportunity to serve non-
9 Hispanic clients on the basis of her national origin. As a result, it violated 42
10 U.S.C. § e-2(a)(2).
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14 24. Olympic acted with reckless or intentional disregard of Ms.
15 Ramirez's federally protected civil rights in violation of 42 U.S.C. § 1981a. As
16 a result, Olympic is liable for punitive damages in an amount to be proven at
17 the time of trial.
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22 25. Ms. Ramirez has suffered special damages, including lost
23 commissions, bonuses and benefits, damages for emotional distress, cost and
24 attorney fees for violation of 42 U.S.C. § 2000e-2(a)(1) in an amount to be
25 proven at the time of trial.
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31 VI. 42 U.S.C. § 2000e-3 (a)

32 26. Ms. Ramirez was an employee of Olympic under 42 U.S.C. §
33 2000e when she complained to Olympic about Ms. Bloomfield's discriminatory
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1 treatment of her in August, 2004 Olympic was an employer under 42 U.S.C. §
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3 2000e-3(a). Ms. Ramirez was opposing a practice prohibited by 42 U.S.C. §
4 2000e-1 and 2 when she complained to Olympic. Olympic, by and through
5
6 Ms. Broth, discriminated against Ms. Ramirez for the complaints that she made
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8 against Olympic in violation of 42 U.S.C. § 2000e-3(a).

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10 27. Olympic acted with reckless or intentional disregard of Ms.
11 Ramirez' federally protected civil rights in violation of 42 U.S.C. § 1981a when
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13 it publicized Ms. Ramirez's complaints in an inappropriate manner. As a result,
14
15 Olympic is liable for punitive damages in an amount to be proven at the time of
16
17 trial.

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19 28. Ms. Ramirez has suffered special damages, including lost
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21 commissions, bonuses, benefits, damages for emotional distress, cost and
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23 attorney's fees for violation of 42 U.S.C. § 2000e-3(a) in an amount to be
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25 proven at the time of trial.

26 27 28 **VII. RCW 49.60.180(3)**

29 29. Olympic was an employer for purposes of RCW 49.60.180.
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31 Olympic discriminated against Ms. Ramirez in terms of her working conditions
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33 by and through Ms. Bloomfield and Ms. Broth, treating her differently because
34
35 of her national origin. Ms. Bloomfield's and Ms. Broth's severe and pervasive

1 treatment of Ms. Ramirez on the basis of national origin created a hostile work
2 environment for Ms. Ramirez. Furthermore, Olympic, through Ms. Bloomfield
3 and Ms. Broth, discriminated against Ms. Ramirez and the terms and conditions
4 of her employment in violation of RCW 49.60.180 (3) by constructively
5 discharging her on the basis of national origin. Olympic is liable for Ms.
6 Bloomfield's and Ms. Broth's conduct.
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11 30. Olympic's agent Ms. Bloomfield, in the course and scope of her
12 employment, segregated clients and prevented Ms. Ramirez from serving non-
13 Hispanic clients. This deprived Ms. Ramirez of the opportunity to serve non-
14 Hispanic clients on the basis of her national origin in violation of RCW
15 49.60.180(3).
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20 31. As a direct result of the discrimination, Ms. Ramirez has suffered
21 special damages, including lost commissions, bonuses and benefits, emotional
22 distress, costs and attorney's fees in an amount to be proven at the time of trial.
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28 **VIII. RCW 49.60.210(1)**

29 32. Olympic as an employer under RCW 49.60.210. Ms Ramirez
30 complained to Olympic about Ms. Bloomfield's discrimination against her on
31 the basis of race and national origin. Ms. Ramirez's complaints were protected
32 by RCW 49.60.210(1). As a direct result of Ms. Ramirez's complaint about Ms.
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1 Bloomfield, Ms. Broth subjected her to the harassment and embarrassment of
2 making her complaints public, without any basis for doing so. Olympic is liable
3 for Ms. Broth's conduct.
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6 33. As a direct result of the retaliation, Ms. Ramirez has suffered
7 special damages, including lost commissions, bonuses and benefits, emotional
8 distress, costs and attorney's fees in an amount to be proven at the time of trial.
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11 12 13 **IX. DEMAND FOR JURY** 14

15 34. Ms. Ramirez demands a jury trial pursuant to Fed. R. Civ. P. 38.
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17 WHEREFORE, Ms. Ramirez prays for relief against Olympic Health
18 Management Systems, Inc., as follows:
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20 1. For damages pursuant to 42 U.S.C. § 2000e-5 and 42 U.S.C. §
21 1981a against Olympic for lost commissions and bonuses in the amount of
22 \$18,100 or such other amount as will be proven at trial, for lost benefits,
23 emotional distress, punitive damages, income tax effect, attorney's fees and
24 costs because of the discrimination, retaliation and constructive discharge
25 against Ms. Ramirez and her termination on the basis of national origin.
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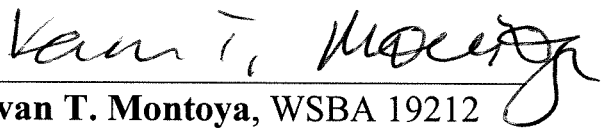
28 2. For damages under RCW 49.60.030(2) against Olympic for lost
29 commissions and bonuses in the amount of \$18,100 or such other amount as
30 will be proven at trial, for lost benefits, emotional distress, income tax effect,
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1 attorney's fees and costs because of Olympic's violation of RCW 49.60.180(3)
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3 and RCW 49.60.210(1) on the basis of Ms. Ramirez's national origin.
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6 3. For such other and further relief as the court may deem just and
7
8 equitable.
9

10
11 Dated this 26th day of June, 2007.
12

13 VELIKANJE, MOORE & SHORE, P.S.
14 Attorneys for Plaintiff
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19 **Kevan T. Montoya**, WSBA 19212
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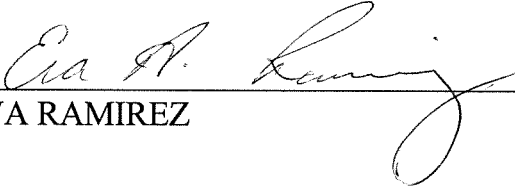
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VERIFICATION

I hereby certify under the penalty of perjury of the laws of the United States of America that the following is true and correct:

That I am the plaintiff above-named; that I have read the foregoing Complaint for Damages and Demand for Jury Trial, know the contents thereof, and believe the same to be true.

Dated this 26th day of June, 2007.



EVA RAMIREZ

CIVIL COVER SHEET

CV-07-3044-EFS

he 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 a civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>(a) PLAINTIFFS Eva A. Ramirez</p> <p>(b) County of Residence of First Listed Plaintiff <u>Yakima</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Velikanje, Moore & Shore, P.S. 405 East Lincoln Yakima, WA 98901</p>	<p>DEFENDANTS Olympic Health Management Systems, Inc.</p> <p>County of Residence of First Listed Defendant <u>Whatcom</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>I. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:33%;">PTF <input checked="" type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business In This State</td> <td style="width:33%;">PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input checked="" type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF <input checked="" type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4										
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6										

V. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

7. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 2000e-2 and 42 U.S.C. § 2000e-3

7I. CAUSE OF ACTION
 Brief description of cause:
Discrimination and retaliation in violation of Title VII

7II. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ **JURY DEMAND:** ☒ Yes ☐ No

7III. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 6/26/07 SIGNATURE OF ATTORNEY OF RECORD Kenan. Moore

RECEIPT # _____ 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:

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.C.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; 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 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 clerks 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 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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 dollar amount (in thousands of dollars) 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.