

LOUIS A. ZAYAS, ESQ. (LZ-1881)
GINARTE O'DWYER GONZALEZ
GALLARDO & WINOGRAD LLP
400 Market Street
Newark, N.J. 07105
Counsel for the Plaintiff
(973) 854-8400
File No: 231965

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GLENN GRIFFIN,	)	Case No.:
	)	
Plaintiff,	)	
vs.	)	COMPLAINT
	)	
TOWNSHIP OF CLARK;	)	
DENIS E. CONNELL, CHIEF OF POLICE	)	
Defendant.	)	
	)	

The Plaintiff GLENN GRIFFIN, by and through his attorney, LOUIS A. ZAYAS of GINARTE O'DWYER GONZALEZ GALLARDO & WINOGRAD LLP, alleges the following upon information and belief:

INTRODUCTION

1. This is a civil rights action brought by the Plaintiff for declaratory, injunctive relief, monetary and punitive damages to redress the deprivation of civil rights afforded to the Plaintiff under 42 U.S.C. §1983, and New Jersey Law Against Discrimination codified under N.J.S.A., 10:5-1 et seq;

PARTIES

2. Plaintiff Glenn Griffin ("Officer Griffin"), is a citizen of the State of New Jersey and resident of Toms River, County of Ocean. At all relevant times as alleged in the Complaint, Officer Griffin was and still is employed as a police officer by the Township of Clark.

3. Defendant Township of Clark is a municipality organized by virtue of New Jersey law and pursuant to that law, is to be known and distinguished by the name "Clark." Defendant Clark is sued to affect the full declaratory, injunctive, compensatory damages demanded by the Plaintiff.

4. Defendant Chief Denis E. Connell ("Chief Connell"), was and still is the Chief of Police for the Township of Clark at all relevant times as alleged in the complaint herein. Defendant Chief Connell is sued in his official and individual capacity for purposes of effecting the full the declaratory, injunctive, compensatory and punitive damages demanded by the Plaintiff.

JURISDICTION

5. The jurisdiction of this Court is invoked by Plaintiff pursuant to 28 U.S.C. §§1331 and 1343, which confers original jurisdiction upon the Court on the ground that the instant action arises under the First and Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. Plaintiff also invokes this Court's pendent jurisdiction with respect to Plaintiff's claims based on New Jersey's common law causes of action.

6. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b), in as much as the Township of Clark can be found in the District of New Jersey, and the cause of action occurred in the County of Union.

FACTS

7. Officer Griffin was and still is a police officer with the Township of Clark and in that capacity had a permanent employment position subject to civil service protection. As a police officer so employed, Officer Griffin had performed his duties and responsibilities in a satisfactory manner.

8. By reason of Officer Griffin's civil service status, Officer Griffin possessed a property interest in his public employment, which he could not suffer any damage, deprivation or reputational injury without first being accorded due process of law.

9. Officer Griffin was elected President of the Police Benevolent Association. During his tenure, Office Griffin was responsible for overseeing and managing the day to day union activities on behalf of his fellow police officers.

10. Officer Griffin has endured a lengthy and acrimonious relationship with Chief Connell because of his personal dislike of Officer Griffin. On or about May 6, 2008, Officer Griffin received notification by Captain Kevin White that he was the subject of an Internal Affairs investigation regarding his "suspicious activity on Clark PBA American Express Card." (See Exhibit 1). The clear and unambiguous purpose of the Internal Affairs investigation was to investigate and determine whether Officer Griffin intentionally and unlawfully received membership award points onto his own personal American Express Card through the use of the PBA American Express Card.

11. Officer Griffin did not intentionally or knowingly misuse or convert PBA benefits for his own personal gain or use.

12. After initiating the Internal Affairs investigation, however, the Defendants failed to conduct any meaningful investigation into the alleged wrongdoing. Instead, Defendant

Chief Connell used the so-called Internal Affairs investigation as a vehicle to disparage, slander or otherwise damage Officer Griffin's good reputation in the law enforcement community.

13. Additionally, Chief Connell's Internal Affairs investigation was initiated in violation of New Jersey Attorney General Guidelines insofar that the Defendants failed to provide, among other things, Officer Griffin's with notice of disciplinary charges, an opportunity to be heard, or a fair hearing.

14. Despite the lack of any credible evidence to believe that any crime was committed, Chief Connell commenced an Internal Affairs investigation for the purpose to deprive Officer Griffin of his due process and liberty interest. While Chief Connell had the means to conduct a meaningful investigation, he nonetheless made no effort to ascertain the truth of the allegations or disregarded plainly exculpatory evidence.

15. In violation of Attorney General Guidelines, on September 30, 2008 Chief Connell published, and allowed to be circulated within the police department, a highly confidential and slanderous Internal Affairs report sustaining the aforementioned complaint. In the aforementioned Internal Affairs report, Captain Connell wrote that the allegations were in fact "sustained," thus creating the impression in the police department and in the law enforcement community that Officer Griffin had in fact violated the law. Chief Connell further wrote that the Union County Prosecutor's Office could not file a criminal complaint because the statute of limitation has lapsed. (See Exhibit 2). As a result of Chief Connell's baseless and unauthorized publication of defamatory statements Officer Griffin's property interest has damaged and his professional reputation unfairly tarnished.

16. Because Officer Griffin was not afforded a hearing, Chief Connell's Internal Affairs report will now comprise Officer Griffin's personnel file portraying in him in a false and

unfavorable light. Officer Griffin's professional reputation and continual effectiveness as a law enforcement officer will be forever damaged so long as Chief Connell's Internal Affairs report remains unchallenged and part of his personnel file.

17. As a result of Chief Connell's failure to provide Officer Griffin with notice and opportunity to be heard or present evidence to dispute any allegation of wrongdoing, as required under the Attorney General Guidelines, Officer Griffin's personnel file contains false and libelous material. As a result, Chief Connell has caused loss of employment opportunities within and outside the police department and in law enforcement.

18. Chief Connell's defamatory remarks have caused Officer Griffin to suffer professional and personal embarrassment. Officer Griffin's employment opportunities outside of the Clark Police Department have been unduly diminished or destroyed.

19. As a result of the defamatory remarks being made part of his personnel file, Officer Griffin will be compelled to further publish said defamatory remarks to prosecutors and defense attorneys in criminal prosecutions in accordance with Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 450 U.S. 150 (1972), thereby causing him extreme public humiliation and embarrassment as well as substantial damage to his professional reputation and credibility as a police officer in criminal prosecutions.

20. Accordingly, Officer Griffin's opportunities for advancement within and outside the Clark Police Department have been diminished if not destroyed as a result of Chief Connell's slanderous remarks inserted in his personnel file and unlawfully publicized throughout the police department. Since Chief Connell's unauthorized disclosures were not limited to the police department, the slanderous remarks have also tainted his reputation in the community.

21. In response to Chief Connell's letter, Officer Griffin served, through his

attorney, a notice of claim upon the Township of Clark and Chief Connell, pursuant to Title 59, alleging defamation and other common torts. The purpose of said notice of claim was to alert the Defendants of his intent to seek judicial redress in a court of law.

22. As a result of Officer Griffin's notice of claim, Chief Connell began to harass, embarrass, ostracize and otherwise retaliate against Officer Griffin in the police department, including depriving him of favorable work assignments, details and benefits normally confer upon a police officer of his rank and experience.

I.
FIRST COUNT
§1983 Individual & Supervisory Liability
CHIEF CONNELL

23. All of the allegations in each of the foregoing paragraphs are incorporated by reference as if fully set forth herein.

24. As Officer Griffin's supervisor and the police department's policy maker, Defendant Chief Connell's infringed upon Officer Griffin's right to due process of law and liberty in his property interest as reflected in his public employment with the Township of Clark protected under the Fourteenth Amendment to the United States Constitution.

25. As Officer Griffin's supervisor and the police department's policy maker, Chief Connell violated Officer Griffin's right to access the courts and petition the government for redress of grievance as a result of Officer Griffin's having served upon the Defendants his Notice of Claim regarding his intention to file a civil action seeking relief from the aforementioned violations of his due process and liberty interests protected under the First Amendment to the United States Constitution.

26. As a direct and proximate cause of the aforementioned, Plaintiff Officer Griffin

was deprived of his constitutional rights secured by the First and Fourteenth Amendments to the United States Constitution. As a result of the foregoing, Plaintiff Officer Griffin has suffered, and continues to suffer, damages in an amount to be determined by a jury. Because of Defendant Chief Connell's willful and malicious conduct, Plaintiff Officer Griffin seeks punitive damages in Chief Connell's individual capacity in an amount to be determined by a jury.

II.

SECOND COUNT
§ 1983 MUNICIPAL LIABILITY
TOWNSHIP OF CLARK

All of the allegations in each of the foregoing paragraphs are incorporated by reference as if fully set forth herein.

27. Township of Clark and individual Defendant and others, acting pursuant to municipal policy, custom, usage and/or practice, subjected the Plaintiffs to the deprivation of the following rights, privileges and immunities secured by the Constitution and the laws of the United States:

(a) Township of Clark and individual Defendant deprived the Plaintiff of his right to substantive and procedural due process of law and liberty under the Fourteenth Amendment to the United States Constitution as alleged herein .

(b) Township of Clark violated the Plaintiff's right of access to the courts and to petition the government for redress of grievances protected by the First Amendment to the United States Constitution.

28. At all times relevant as alleged in this Complaint, individual Defendants were acting pursuant to that policy, practice, custom, and usage of the Township of Clark and its Police Department.

29. Pursuant to official policy or custom and practice, Township of Clark intentionally, knowingly, or with deliberate indifference to the rights of the Plaintiffs failed to train, instruct, supervise, control and/or discipline, on a continuing basis, Defendant Chief Connell and other officials, known and unknown, in the performance of their duties

30. As a result of the foregoing, the Plaintiff has been made to suffer great anxiety, humiliation, embarrassment and other related injuries; that the Plaintiff has suffered and will continue to suffer in an amount to be determined by a jury.

III.

THIRD COUNT **DEFAMATION**

31. The Plaintiff repeats and realleges the allegations set forth above as if more fully set forth herein.

32. On September 30, 2008, Chief Connell caused to be published within the law enforcement community a confidential and privileged Internal Affairs report sustaining allegations that Officer Griffin had misused or improperly converted PBA benefits. In that same confidential report, Chief Connell stated that Officer Griffin would have been criminally charged by the Union County Prosecutor's Office but for the lapse of the statute of limitation.

33. Defendant Chief Connell's defamatory statements were intentionally published to others in order to portray Officer Griffins as having committed crimes involving theft and embezzlement, among other related acts of official misconduct. As such, Chief Connell's statements are defamatory per se.

34. Alternatively, as a result of the false and defamatory statements caused to be

widely published and circulated by Chief Connell, Officer Griffin has injured in his good name, reputation, and credit and have been brought to public disgrace and infamy amongst their neighbors, community, professional colleagues and peers.

35. Chief Connell knew that the defamatory statements were false or acted in reckless disregard of whether they were true. The defamatory statements were made primarily for the purpose of embarrassing, humiliating, and disparaging Officer Griffin.

36. As a result of the foregoing, Plaintiff Officer Griffin has suffered, and continues to suffer, damages in an amount to be determined by a jury. Because of Defendant Chief Connell's willful and malicious conduct, Plaintiff Officer Griffin seeks punitive damages in Chief Connell's individual capacity in an amount to be determined by a jury.

COUNT FOUR
STATE CONSTITUTIONAL TORT
§ 1. Natural and Unalienable Rights

37. Plaintiff repeat each and every allegation as though the same were recited herein at length.

38. Township of Clark, by and through its elected officials, has deprived Plaintiff of his constitutional right to pursue and obtain happiness and acquire, possess, and protect his property interests in his civil service employment afforded under Section 1 of the Constitution of the State of New Jersey.

39. As a direct and proximate result of defendant's actions, plaintiff suffered economic and emotional damages in an amount to be determined by a jury.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully demands judgment be entered in their favor

and against the Defendants as follows:

1. That Plaintiff recover from Chief Connell in his individual capacity, compensatory damages, exemplary and punitive damages, attorney's fees, and such other monetary relief as requested herein or may be deemed appropriate in an amount to be determined by a jury.

5. That Plaintiff recovers from the Defendant Township of Clark compensatory damages, exemplary, attorney's fees, and such other monetary relief as requested herein or may be deemed appropriate in an amount to be determined by a jury.

6. And that the Court grant such other and further relief as it deems just and proper.

By: /s/ LOUIS A. ZAYAS

LOUIS A. ZAYAS, Esq. (LZ-1881)

JURY TRIAL DEMANDED

Plaintiff requests a trial by jury on all issues so triable.

DATED: September 12, 2009

GINARTE O'DWYER GONZALEZ
GALLARDO & WINOGRAD LLP

/s/LOUIS A. ZAYAS

By: _____
LOUIS A. ZAYAS, ESQ.
400 Market Street
Newark, N.J. 07105
Counsel for the Plaintiff

Exhibit A



H.Q.: (732) 388-3434
FAX: (732) 388-5376

CLARK POLICE DEPARTMENT

315 WESTFIELD AVENUE, CLARK, NEW JERSEY 07066

Internal Affairs Complaint Notification

To: Ptlm. Glenn Griffin

Badge #: 123

You are hereby notified that an internal affairs complaint has been made against you. This complaint involves an allegation of:
Suspicious activity on Clark PBA American Express Card.

You will be contacted by the investigator when you will be needed for an interview.

Signature: Captain Kevin White
Date: 5/6/08

Exhibit B

Sincoe & Monteiro, PC Fax: 973-344-0321

Mar 4 2009 03:52pm P001/003



DENIS E. CONNELL
CHIEF OF POLICE

CLARK POLICE DEPARTMENT

H.Q. (732) 388-3434
OPP. (732) 388-3495
FAX. (732) 388-5376

September 30, 2008

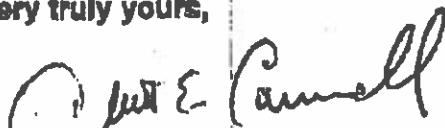
P.O. Glenn Griffin
318 Westfield Avenue
Clark, NJ 07066

Dear Officer Griffin:

Earlier this year, an Internal Affairs complaint against you was filed with the Department by officers of the Clark PBA. It was alleged that during your term as PBA President, credit points accrued to the PBA American Express card were transferred to your personal account and subsequently redeemed for items of value. An Internal Affairs investigation was conducted by Captain Kevin White of the Clark Police Department with the assistance and oversight of the Union County Prosecutor's office.

This letter is to inform you that the investigation has concluded and the allegation is sustained. As the statute of limitations for any criminal charges has expired, none will be filed. At the recommendation of the Prosecutor's Office, this matter is being returned to Local #125 for appropriate administrative action.

Very truly yours,


Denis E. Connell, Chief of Police

DEC/sp

UNITED STATES DISTRICT COURT

District of New Jersey

Glenn Griffin

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

V.

Township of Clark, Denis E. Connell,
Chief of Police

TO: (Name and address of Defendant)

Township of Clark, Denis E. Connell,
Chief of Police
430 Westfield Avenue
Clark, NJ 07066

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Ginarte, O'Dwyer, Gonzalez Gallardo & Winograd, LLP.
Louis A. Zayas, Esq.
400 Market Street
Newark, NJ 07105
Counsel for Plaintiff

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER <i>(PRINT)</i>	TITLE

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☐ Other (specify):

STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

JS 44 (Rev. 12/07, NJ 5/08)

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS(b) County of Residence of First Listed Plaintiff Ocean County

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Louis A. Zayas, Esq
Ginarte, O'Dwyer, Gonzalez, Gallard & Winograd LLP
400 Market Street
Newark, NJ 07105

DEFENDANTSCounty of Residence of First Listed Defendant Union County

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF ☐ 1 | DEF ☐ 1 | Incorporated or Principal Place of Business In This State | PTF ☐ 4 | DEF ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 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 CIVIL RIGHTS ☐ 441 Voting ☒ 442 Employment ☐ 443 Housing/Accommodations ☐ 444 Welfare ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 440 Other Civil Rights	PERSONAL INJURY ☐ 362 Personal Injury - Med. Malpractice ☐ 365 Personal Injury - Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs. ☐ 660 Occupational Safety/Health ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 463 Habeas Corpus - Alien Detainee ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 IIIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities/Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Information Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	☐ 362 Personal Injury - Med. Malpractice ☐ 365 Personal Injury - Product Liability ☐ 368 Asbestos Personal Injury Product Liability	☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs. ☐ 660 Occupational Safety/Health ☐ 690 Other	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark	

V. ORIGIN

(Place an "X" in One Box Only)

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

§1983 civil rights violation of due process of law

Brief description of cause:

Plaintiff was defamed by Chief of Police

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:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

9/22/09

DATE

SIGNATURE OF ATTORNEY OF RECORD

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. Provide a brief explanation of why the cases are related.

Date and Attorney Signature. Date and sign the civil cover sheet.