


UNITED STATES DISTRICT COURT

for the
Western District of Kentucky 

SUZETTE BOLE)	
Plaintiff)	
v.)	Civil Action No.
OLDHAM COUNTY BOARD OF EDUCATION)	
Defendant)	

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: OLDHAM COUNTY BOARD OF EDUCATION

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 01/26/2024

/s/ Robert L. Thompson
Signature of the attorney or unrepresented party

Robert L. Thompson
Printed name
10529 Timberwood Circle, Unit B
Louisville, KY 40223

Address

Robert@RThompsonLegal.com
E-mail address

502--366-2121
Telephone number

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

SUZETTE BOLE

Plaintiff(s)

v.

OLDHAM COUNTY BOARD OF EDUCATION

Defendant(s)

Civil Action No. 3:24-CV-51-RGJ

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) OLDHAM COUNTY BOARD OF EDUCATION
6165 W, KY-146
Crestwood, KY 40014

A lawsuit has been filed against you.

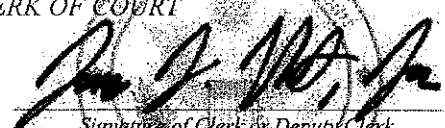
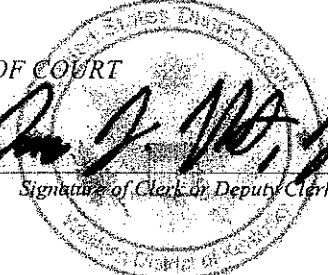
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Robert L. Thompson
THOMPSON LEGAL LLC
10529 Timberwood Circle, Unit B, Louisville, Kentucky 40223
P: 502-366-2121
Robert@RThompsonLegal.com


If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 01/26/2024

CLERK OF COURT


Signature of Clerk or Deputy Clerk


UNITED STATES DISTRICT COURT

for the
Eastern District of Kentucky 

SUZETTE BOLE)	
Plaintiff)	
v.)	Civil Action No.
OLDHAM COUNTY BOARD OF EDUCATION)	
Defendant)	

WAIVER OF THE SERVICE OF SUMMONS

To: OLDHAM COUNTY BOARD OF EDUCATION
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 01/26/2024, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party

OLDHAM COUNTY BOARD OF EDUCATION
Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons


Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

UNITED STATES DISTRICT COURT

for the
Eastern District of Kentucky 

SUZETTE BOLE)	
Plaintiff)	
v.)	Civil Action No.
OLDHAM COUNTY BOARD OF EDUCATION)	
Defendant)	

WAIVER OF THE SERVICE OF SUMMONS

To: OLDHAM COUNTY BOARD OF EDUCATION
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 01/26/2024, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party

OLDHAM COUNTY BOARD OF EDUCATION
Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION**

SUZETTE BOLE
3203 Hillcreek Court
Prospect, KY 40059

Plaintiff,

v.

**OLDHAM COUNTY BOARD OF
EDUCATION**
6165 W, KY-146
Crestwood, KY 40014

Defendant.

: Civil Action No.: _____

:

: Judge: _____

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**COMPLAINT FOR DECLARATORY,
MONETARY, AND INJUNCTIVE RELIEF**

Plaintiff Suzette Bole states the following for her claims against Defendant Oldham County Board of Education:

INTRODUCTION

1. This is an action under 42 U.S.C. 1983 and 1988 to remedy the Oldham County Board of Education's deprivation of Ms. Bole's right to access and petition her government so that she could freely express her opinions as to matters of public concern. Defendant restrains speech that criticizes its Board members and their actions. Ms. Bole is a private citizen and a mother who has interests in the policies and practices of the Board and who desired to speak publicly about the Board's practices. In blatant disregard for Ms. Bole's First and Fourteenth Amendment rights, Defendant silenced Ms. Bole's viewpoints citing a non-existent policy to justify its decision.

PARTIES

2. Plaintiff Suzette Bole (“Ms. Bole”) is a resident of Oldham County, Kentucky, and she is a parent and taxpayer in Oldham County.

3. Defendant Oldham County Board of Education (“Board”) is a school board located in Oldham County, Kentucky. Defendant is a “person” capable of being sued under 42 U.S.C. § 1983, and its agents acted under the color of law.

JURISDICTION AND VENUE

4. Jurisdiction is proper in this Court because this Action is brought under 42 U.S.C. § 1983 and 42 U.S.C. § 1988.

5. Venue is proper in this Court because the events complained of occurred in Oldham County, Kentucky.

BACKGROUND FACTS

6. The Board holds public meetings that are required to remain open to the public under the Kentucky Open Meetings Act.

7. The Board is comprised of five members.

8. Suzanne Hudley (“Hudley”) is the Board’s chairperson, and she is the presiding officer of the Board’s meetings.

9. Like most boards, the Defendant Board has a period of public participation where the community may address the Board.

10. The Board has a public participation policy (“Policy”) to enforce restrictions during the public forum. (Exhibit A)

11. According to the Policy, each regular meeting shall include a public comment period of at least fifteen minutes.

12. At the beginning of each public participation section of the Board's meetings, the Board recites the public participation policy in Exhibit A.

13. The Policy is facially vague.

14. The Policy states that "[t]he chairperson may rule on the relevance of the topic to the Board's agenda." (Exhibit A)

15. Nonetheless, the Policy also states, "[t]he Board will not take official action on non-agenda issues introduced by the public in the meeting at which they are first introduced." (Exhibit A)

16. Thus, the Board allows the public to speak about some off-agenda items but not others.

17. This Policy fails to inform concerned citizens what speech is permitted at a meeting.

18. Ms. Bole signed up to speak at the April 24, 2023, meeting.

19. Ms. Bole intended to read a note that her daughter wrote in support of a teacher at Goshen Elementary School Defendant was terminating.

20. Ms. Bole also intended to speak negatively about the Board concerning this termination.

21. Ms. Bole generally wanted to speak negatively about the Board and its members.

22. Ms. Bole also wanted to speak about the Board's processes.

23. As soon as Ms. Bole began to speak, Ms. Hudley interrupted her and refused to allow her to speak.¹

24. Hudley claimed that the public's comments about personnel should occur in "private and not in a public forum."

25. Hudley explained that the Board did not allow members of the public to speak about personnel.

26. However, the Policy is completely silent on comments regarding personnel.

27. In fact, the Policy has no content restrictions.

28. The Board allowed members of the public to speak about district personnel in previous meetings.

29. In fact, a member of the public even addressed personnel by name in previous meetings and the Board did nothing to silence this speech.

30. The Board regularly allowed speakers to speak about topics that were not on the agenda and that it had no governance over.

31. The Board did not reference any public participation policy regarding personnel during its previous meetings.

32. The Board fabricated a non-existent policy to silence Ms. Bole because it did not want to hear what she had to say about a controversial termination.

¹ A video of the meeting is available at <https://www.youtube.com/watch?v=cM8vcemamVdQ>. Ms. Bole's comments begin at 1:37.

CLAIMS FOR RELIEF

COUNT I

42 U.S.C. § 1983 - VIOLATION OF FIRST AMENDMENT

33. Ms. Bole restates and incorporates all previous paragraphs.

34. Critical speech, including speech that criticizes Board members personally, is protected speech under the First Amendment of the United States Constitution.

35. The Board's public participation section of its meeting constitutes a limited public forum.

36. Because the Board has created a public forum, the public has a First Amendment right to free speech during public participation.

37. Although a public body can apply *some* content-neutral time, place, and manner restrictions on speech, a public body cannot discriminate against viewpoints, enforce vague restrictions, or apply overly-broad restrictions that silence protected speech.

38. Prohibiting an individual from discussing the termination of an employee is content-based discrimination because it prohibits subject matter.

39. Ms. Bole intended to speak in support of a teacher Defendant was terminating.

40. Ms. Bole also wanted to speak negatively about the Board concerning this termination process,

41. Ms. Bole requested to speak about grievances concerning matters of great public concern.

42. The Board here unlawfully banned Ms. Bole from speaking because of her viewpoints.

43. The Board intentionally restrained Ms. Bole's speech because the Board was hostile to critical viewpoints and criticisms.

44. The Board silenced Ms. Bole based on a non-existent rule stating that the Board did not allow members of the public to speak about personnel.

45. Yet, the Policy is completely silent on comments regarding personnel.

46. The Board had allowed speech on personnel in the past.

47. The Boards Policy and non-exist rules leaves concerned citizens no possible way of knowing what speech will be allowed at a meeting.

48. Ms. Bole did not engage in fighting words or the incitement of violence.

49. Ms. Bole's criticisms and viewpoints are protected under the First Amendment.

50. Defendant's actions and prior restraints are viewpoint based and violate the First Amendment.

51. The Board violated Ms. Bole's First Amendment rights and unlawfully restrained critical speech.

52. Ms. Bole is entitled to damages, injunctive relief, declaratory judgment, costs, and attorney fees.

COUNT II

FIRST AMENDMENT - VAGUENESS

53. Ms. Bole restates and incorporates all previous paragraphs.

54. A time, place, and manner policy is void for vagueness if it fails to provide a person of ordinary intelligence fair notice of what is prohibited or is so standardless that it authorizes or encourages seriously discriminatory enforcement.

55. The Board's policies are so vague that no reasonable objective person could determine what speech was allowed.

56. The public participation Policy is facially vague and is applied in a discriminatory manner.

57. The Policy states that "[t]he chairperson may rule on the relevance of the topic to the Board's agenda." (Exhibit A)

58. Yet the Policy also states, "[t]he Board will not take official action on non-agenda issues introduced by the public in the meeting at which they are first introduced." (Exhibit A)

59. The Policy is silent on speech relating to personnel.

60. To silence Ms. Bole's speech, the Board fabricated a non-existent rule during the April 24, 2023, Board meeting.

61. The Board silenced Ms. Bole based on a non-existent rule stating that the Board did not allow members of the public to speak about personnel.

62. The Policy has a chilling effect on speech.

63. Ms. Bole is entitled to damages, injunctive relief, a declaratory judgment, costs, and attorney fees.

COUNT III

VIOLATION OF FOURTEENTH AMENDMENT RIGHTS – EQUAL PROTECTION

64. Ms. Bole restates and incorporates all previous paragraphs.

65. The Board applied its public participation rules differently to Ms. Bole than other members of the audience.

66. The Board allowed others to speak on the same topics that Ms. Bole wanted to discuss, and they were not silenced.

67. Defendant arbitrarily and intentionally treated Ms. Bole differently from others who were similarly situated.

68. Ms. Bole was similarly situated in all relevant aspects as the individuals who were allowed to speak.

69. There is no rational basis for Defendant's difference in treatment.

70. Ms. Bole is entitled to damages, injunctive relief, a declaratory judgment, costs, and attorney fees.

WHEREFORE, Ms. Bole respectfully requests that this Court find for her and awards her the following relief:

- a. A declaration that the Defendant's actions constitute a violation of Ms. Bole's First and Fourteenth Amendment rights;
- b. Compensatory damages;
- c. Nominal damages;
- d. Injunctive relief precluding the Defendant from restraining Ms. Bole's speech;
- e. Order monetary damages for violations of Plaintiffs' civil rights;
- f. An award of reasonable attorney fees pursuant to 42 USC § 1988;
- g. Litigation costs and expenses; and
- h. Any other actual damages or equitable relief the Court deems fit under the circumstances.

Respectfully Submitted,

/s/ Matthew Miller-Novak

Matthew Miller-Novak (OH: 91402/ KY: 98681)

BARRON, PECK, BENNIE, &

SCHLEMMER, CO. LPA

3074 Madison Road,

Cincinnati, OH 45209

P: 513-721-1350

F: 513-721-2301

MMN@BPBSLaw.com

/s/ Robert L. Thompson

Robert L. Thompson (OH: 98126/ KY: 98791)

THOMPSON LEGAL LLC

10529 Timberwood Circle, Unit B

Louisville, KY 40223

P: 502-366-2121

F: 502-438-9999

Robert@RthompsonLegal.com

Attorneys for Plaintiff

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.)

I. (a) PLAINTIFFS

SUZETTE BOLE

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Robert Thompson, Thompson Legal LLC, 10529
Timberwood Cir, Unit B, Louisville, KY 40223,
502-366-2121

DEFENDANTS

OLDHAM COUNTY BOARD OF EDUCATION

County of Residence of First Listed Defendant Oldham
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF 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)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <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 |

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

Click here for: Nature of Suit Code Descriptions.

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 (Excludes 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 <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical 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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 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)) UNEMPLOYMENT <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <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 (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

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 Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

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

42 U.S.C. § 1983-1988

Brief description of cause:
First Amendment**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

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

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Jan 25, 2024

SIGNATURE OF ATTORNEY OF RECORD

/s/ Robert L. Thompson

FOR OFFICE USE ONLY

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.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.
- IV. **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 that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- 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.
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. Section 1407.
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 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 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.