

# UNITED STATES DISTRICT COURT

Western District of Washington

DANIEL FOWLER

Case Number: \_\_\_\_\_

Plaintiff

## DECLARATION AND APPLICATION TO PROCEED IN FORMA PAUPERIS AND WRITTEN CONSENT FOR PAYMENT OF COSTS

vs. SAN JUAN COUNTY, a municipal subdivision

SHERIFF RONALD KREBS, in his individual and official capacity, and DEPUTY RAYMOND HARVEY, in his individual and official capacity.

Defendant(s)

### DECLARATION AND APPLICATION TO PROCEED IN FORMA PAUPERIS

I (print your name) Daniel Fowler declare I am the plaintiff in this case; I believe I am entitled to relief; and I am unable to pay the costs of this proceeding or give security therefor. The nature of my action is *briefly* stated as follows: I was arrested and subjected to police brutality inside my residence. There was no warrant or probable cause. The arresting officer broke my dominant shoulder.

In support of this application, I answer *all* of the following questions:

1. Are you presently employed?

Yes Total amount of net monthly salary (take home pay) \$ 850.00

Name and address of employer Self. I do odd jobs and help people recycle cars

No Date of last employment \_\_\_\_\_ Total amount of last net monthly salary \$ \_\_\_\_\_

2. If married, is your spouse presently employed?  Not married

Yes Total amount of spouse's net monthly salary (take home pay) \$ \_\_\_\_\_

Name and address of employer \_\_\_\_\_

No Date of spouse's last employment \_\_\_\_\_ Total amount of last net monthly salary \$ \_\_\_\_\_

3. For the past twelve months, list the amount of money you and/or your spouse have received from any of the following sources.

a. Business, profession or other self-employment	\$ <u>18,000.00</u>
b. Income from rent, interest or dividends	\$ <u>0.00</u>
c. Pensions, annuities or life insurance payments	\$ <u>0.00</u>
d. Disability, unemployment, workers compensation or public assistance	\$ <u>0.00</u>
e. Gifts or inheritances	\$ <u>0.00</u>
f. Money received from child support or alimony	\$ <u>0.00</u>
g. Describe any other source of income _____	\$ <u>0.00</u>

4. List the amount for each of the following for you and/or your spouse:

Cash on hand \$ 50.00      Checking Account \$ 4.00      Savings Account \$ 0.00

5. Do you and/or your spouse own or have any interest in any real estate, stocks, bonds, notes, retirement plans, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? If Yes, describe the property and state its approximate value:

Yes      I own a 1975 model year truck approx value 2,500. I own a Nissan Truck (2012) but I still owe 18,000 but it's value is approximately 15,000. I also own a motorcycle on which I am still making payments.      \$

6. Are any persons dependent upon you or your spouse for support? If Yes, state their relationship to you or your spouse, and indicate how much is contributed toward their support each month. (Do not include names of minor children.)

Yes            \$

No

7. Describe the types of monthly expenses you incur, such as housing, transportation, utilities, loan payments, or other regular monthly expenses and the amount spent each month.

400 in Rent, 400 in food, 200 in transportation, 100 on utilities. Payments of 146 for my motorcycle and Truck Payments of 479      \$ 1,725.00

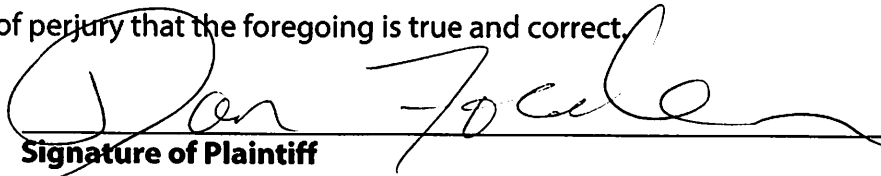
8. Provide any other information that will help explain why you cannot pay court fees and costs.

I am a manual laborer. I have been for my whole life. I cannot pay for expenses because I have lost strenght and mobility in my dominant arm which was injured by Defendants. I recently lost my housing and for a while I had to sleep in my truck. I am now bunking with a friend who is giving me reduced rent. I chip in when I can. I cannot pay for required medical services.

I declare under penalty of perjury that the foregoing is true and correct.

2/13/19

Executed on: (Date)

  
Signature of Plaintiff

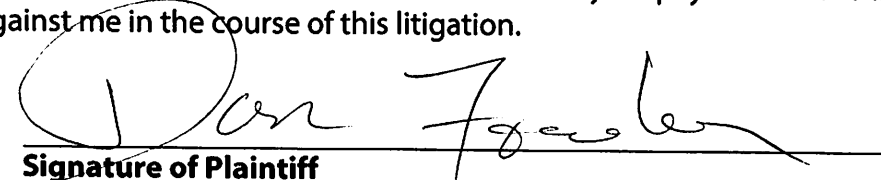
**WRITTEN CONSENT FOR PAYMENT OF COSTS UNDER LOCAL RULE CR3(c)**

I, (print your name) Daniel Fowler

hereby consent that any recovery in damages that I may receive in the above-captioned cause may be reduced, if so directed by the court, in such an amount as is necessary for payment of the unpaid fees and costs which are taxed against me in the course of this litigation.

2/13/19

Executed on: (Date)

  
Signature of Plaintiff

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
NICHOLAS POWER  
nickedpower@gmail.com  
Law Office of Nicholas Power  
540 Guard St. Suite 150  
Friday Harbor, WA 98250  
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

DANIEL FOWLER,

Plaintiff,

v.

SAN JUAN COUNTY, a municipal  
subdivision of the State of Washington,  
RONALD KREBS, individually and in  
his official capacity as Sheriff of San  
Juan County; and, RAYMOND  
HARVEY, individually and in his  
official capacity as deputy sheriff of San  
Juan County.

Defendants.

NO.

**COMPLAINT FOR DAMAGES  
AND DEMAND FOR JURY**

**I. INTRODUCTION**

1.1 This is a civil action brought by Daniel Fowler, who was arrested without probable cause or warrant from within his home and who during the arrest suffered grievous and irreparable bodily injury because of the excessive force authorized and employed by Defendants during his unlawful arrest.



1           2.2 Defendant SAN JUAN COUNTY, is a municipal subdivision of the  
2 State of Washington.

3           2.3 Defendant RONALD KREBS, who was at all pertinent times serving  
4 in his capacity as the elected sheriff of Defendant SAN JUAN COUNTY, is being  
5 sued in his individual capacity and his official capacity.  
6

7           2.4 Defendant, RAYMOND HARVEY, who was at all pertinent times a  
8 deputy of San Juan County Sheriff's Office acting as a lawfully commissioned law  
9 enforcement office, is being sued in his individual capacity, personal capacity and  
10 official capacity.

11           2.5 Defendant RONALD KREBS and RAYMOND HARVEY were  
12 acting under "color of law," and the statutes, customs, ordinances, and usage of the  
13 State of Washington, San Juan County, and the San Juan County Sheriff's Office.  
14





1           4.7 Mr. Fowler attempted to shut the door so that the Officers would wait  
2 on the small porch outside the residence while he went to retrieve the documents  
3 he wanted to show them.

4           4.8 Before the door shut completely, Deputy Harvey placed his foot in the  
5 door preventing the door from closing.

6           4.9 Deputy Harvey then pushed the door forcing it open and proceeded to  
7 enter Mr. Fowler's residence.

8           4.10 At no time did Mr. Fowler invite the officers into his residence or  
9 otherwise manifest any consent to their entry into his residence.

10           4.11 Neither of the minors consented to the deputies' entry into the  
11 residence.

12           4.12 No other persons besides Mr. Fowler, Deputy Harvey, Deputy  
13 Holland, and the two minors were present at the residence.

14           4.13 Inside the entryway, the officers forcibly took hold of Mr. Fowler's  
15 arms and forced him to the floor.

16           4.14 The Deputies struck Mr. Fowler's head against the wall and floor as  
17 they forced him down, breaking Mr. Fowler's glasses that were on his face.

18           4.15 Mr. Fowler heard a "pop" in his shoulder as Deputy Harvey forced his  
19 arm up towards his shoulder blade as he was being forced to the floor.  
20  
21  
22  
23



1           4.16 Mr. Fowler's daughter, C.F., witnessed the altercation in the residence  
2 and proceeded to become extremely upset and agitated at the sight of her father  
3 being forced to the floor by the deputies.

4           4.17 C.F. was crying and pleading with the officers to stop assaulting her  
5 father.  
6

7           4.18 At no time was Mr. Fowler permitted to retrieve the paperwork that  
8 Mr. Fowler had told the officers would dispel their confusion as to whether or not  
9 he was in violation of any no contact order.

10           4.19 Deputy Harvey and Holland, with their knees on the small of Mr.  
11 Fowler's back proceeded to place handcuffs on Mr. Fowler.  
12

13           4.20 Deputy Harvey and Holland then removed Mr. Fowler from his  
14 residence and put him in the back of a departmental patrol vehicle.

15           4.21 Mr. Fowler then was driven several miles to the Orcas Island sheriff's  
16 substation.

17           4.22 At no time was Mr. Fowler informed of his rights pursuant to  
18 *Miranda v. Arizona*, 384 US 436 (1966), or its progeny.  
19

20           4.23 The deputies did not have a warrant for the arrest of Mr. Fowler.

21           4.24 The deputies did not have a warrant for the entry or search of Mr.  
22 Fowler's residence.

23           4.25 The deputies did not have probable cause to arrest Mr. Fowler.  
24

1           4.26 There were no exigent circumstances that would authorize an arrest of  
2 Mr. Fowler in his residence absent a warrant.

3           4.27 Some time after arrival at the substation, the officers evidently  
4 realized that they did not have probable cause for the arrest of Mr. Fowler.  
5

6           4.28 Deputy Holland then drove Mr. Fowler back to Mr. Fowler's  
7 residence and released him.

8           4.29 Mr. Fowler was not given a citation, processed through booking, or  
9 taken before a judicial officer.

10           4.30 No arrest report, probable cause affidavit, search warrant, application  
11 for a search warrant, arrest warrant, application for arrest warrant or report on the  
12 use of force were produced by defendants.  
13

14           4.31 The policies of San Juan County Sheriff's department concerning  
15 arrest, search, seizure, applications for warrants are deficient and do not comply  
16 with accepted practice or constitutional law.

17           4.32 It has been the practice and custom of San Juan County Deputies and  
18 Sheriff to ignore the written and unwritten policies of San Juan County that were  
19 promulgated to ensure the constitutionality of arrests, search, seizure and use of  
20 force.  
21

1 4.33 San Juan County and Sheriff Krebs have failed to train, institute  
2 policies, supervise, discipline and screen deputies so that their arrests, searches,  
3 and use of force conforms to constitutional standards.

4 4.34 San Juan County and Sheriff Krebs have failed to train, institute  
5 policies, supervise, discipline and screen employees.  
6

7 4.35 It is true that previously, Ms. Dennis was referenced as a protected  
8 party in a no contact order entered in a criminal case where Mr. Fowler was the  
9 defendant in a misdemeanor matter in San Juan County District Court.

10 4.36 Ms. Dennis, however, had moved the Court on December 21, 2015 to  
11 dissolve the protective order so that she could be with Mr. Fowler  
12

13 4.37 On February 24<sup>th</sup> 2016, the District Court terminated the no contact  
14 order and Ms. Dennis and Mr. Fowler were free to associate with each other.

15 4.38 Moreover, during the evening March 1, 2016 -- exactly one week  
16 prior to the night of the altercation between Mr. Fowler and Deputies Harvey and  
17 Holland -- Deputy Harvey approached Mr. Fowler and Ms. Dennis after he saw  
18 them together parked on a roadway.

19 4.39 According to the police report generated about that stop and his  
20 subsequent investigation, Deputy Harvey wrote:  
21

22 I was aware that there was a DV Protection Order that had been in  
23 place listing DENNIS as the petitioner and FOWLER as the  
24 respondent. I questioned them about that order. DENNIS stated that

1 she did not know the status of the order. FOWER claimed that the  
2 order had been quashed on 02/24/16.

3 I requested dispatch to check the order and see if it was still active.  
4 Dispatch confirmed the order was still in place and FOWLER was  
still restrained from contacting DENNIS.

5 \* \* \* \* \*

6 FOWLER exited the vehicle on request. He retrieved some  
7 paperwork from the vehicle and handed it to me. It was a court  
8 document. The document suggested that the DV No Contact order  
had been terminated. Dispatch was unable to find any such document.

9 On 03/04/16 I looked into the confusion regarding the protection  
10 order. I found that Fowler's district court no contact order had been  
11 terminated. This was consistent with the paperwork Fowler had  
12 provided from District Court. However I found that there was still an  
active protection order through Superior Court listing DENNIS as the  
petitioner and FOWLER as the respondent.

13 I left a voicemail for FOWLER advising him of what I had learned.  
14 On 03/5/16 he called and left a derogatory voice mail stating that the  
15 protection order had been dropped and that the sheriff's department  
16 needed to do its homework. He continued by saying that "he was tired  
of the fucking bullshit that has gone on with this deal." The audio  
recording has been added to the case file.

17 On 03/7/16 while investigating case # 16-001221, it was discovered  
18 that an [sic] modification had been imposed on the order. The order  
19 had been filed, but the computer records had not been updated. The  
20 modified order allows Fowler to have social contact with DENNIS. It  
prevents him from committing any criminal acts against Dennis. Due  
to the new information found, no criminal actions have occurred.

21  
22 4.40 On March 4, 2016, Deputy Harvey left a message on Mr. Fowler's  
23 voice mail and stated that while the District Court protective order was no longer  
24

1 in force, a Superior Court Order was in effect to restrain Mr. Fowler from being  
2 with Ms. Dennis.

3 4.41 It was not true that on March 4, 2016 either a District Court order or a  
4 Superior Court Order was in effect to restrain Mr. Fowler from being with Ms.  
5 Dennis.  
6

7 4.42 The next day, Mr. Fowler called Deputy Harvey and left him a voice  
8 mail message in response. Mr. Fowler said:

9 Hey Raymond [Harvey] I got your message and once again the  
10 Sheriff's department is flapping their upper lip when they don't know  
11 what the hell they are talking about. That Superior Court one has also  
12 been quashed too so do your homework and figure it out man because  
13 I am tired of the fucking bullshit that has gone on with this deal. Got  
14 me? Thank you.

15 4.43 Mr. Fowler's voicemail to Deputy Fowler, in fact, correctly  
16 communicated the state of affairs that there were no orders which prohibited him  
17 from being in contact with his girlfriend, Ms. Dennis.

18 4.44 Ms. Dennis had not complained to the Sheriff's department that Mr.  
19 Fowler was bothering her or otherwise committing any criminal act.

20 4.45 There were simply no indicia of probable cause that would allow  
21 Deputies Harvey and Holland to forcibly enter Mr. Fowler's home without his  
22 consent on the afternoon of March 7, 2016 and place him under arrest or conduct a  
23 search of Mr. Fowler's person or premises.

1           4.46 What actually occurred on the afternoon of March 7, 2016 was  
2 nothing short of “pay back” by Deputy Harvey for being shown up and told that  
3 he was incorrect in his understanding of the legalities of Mr. Fowler’s conduct  
4 with respect to Ms. Dennis.

5           4.47 To this day, Mr. Fowler is still in extreme pain from the shoulder  
6 injury he received when the Deputies Harvey and Holland assaulted him.

7           4.48 On March 22, 2016, Mr. Fowler went to his local clinic, Orcas Island  
8 Family Medicine and saw Dr. David Lee Russell for treatment for his shoulder.

9           4.49 Mr. Fowler described to Dr. Russell that his shoulder had been injured  
10 on March 7 in an altercation with the Sheriff’s Department.

11           4.50 Dr. Russell reported a reduced range of motion in Mr. Fowler’s left  
12 shoulder that was secondary to pain, that he had trouble reaching overhead or out  
13 to the side and that there was a grinding sensation in the movement of the  
14 shoulder. Dr. Russell then referred Mr. Fowler to University of Washington’s  
15 Harborview Hospital in Seattle for further care.

16           4.51 On April 18, 2016, Mr. Fowler saw the University of Washington’s  
17 Department of Orthopaedics Sports Medicine Shoulder and Elbow Service. The  
18 clinic’s chart describes Mr. Folwer’s shoulder condition as follows:  
19  
20  
21

22           The pain has been present for about 40 days. The pain started after  
23 he had an event where police officers twisted his arm up behind his  
24 back, and he felt a pop. He had onset of pain since that time, which

1 is located laterally and radiates down the arm. The patient had the  
2 left clavicle fracture to the affected side but no other injuries. For the  
3 affected side, the patient had no prior shoulder joint surgeries. The  
4 patient has not tried physical therapy and has had zero corticosteroid  
5 injections. The pain has not been worsening but has been stable.  
6 Sleep is affected negatively due to the pain. The patient is here to  
7 discuss treatments for the affected shoulder.

8 4.52 The shoulder specialist at the University of Washington ordered  
9 imaging and after review of the images advised Mr. Fowler that if the shoulder did  
10 not heal on its own surgical repair would be necessary.

11 4.53 A medical history taken at the clinic reflects that Mr. Fowler  
12 described his pain as a “7” on a scale of 1 to 10.

13 4.54 Mr. Fowler has been in physical pain constantly and suffering from  
14 the injuries he suffered during the assault on the afternoon of March 7, 2016.

15 4.55 Mr. Fowler has suffered emotional distress from his injuries and from  
16 the trauma of the assault that occurred on the afternoon of March 7, 2016.

17 4.56 Mr. Fowler’s daughter, C.F (who at the time was a minor but has  
18 since reached the age of majority) suffers from emotional distress from witnessing  
19 her father brutalized, injured, cuffed and taken away by Sheriff’s deputies on the  
20 afternoon of March 7, 2016.

21 4.57 In addition to pain and suffering, Mr. Fowler has suffered economic  
22 damages from the effects of the assault that took place on March 7, 2016  
23

1 including past medical costs, expected future medical costs, lost earnings, lost  
2 future earnings, increased household expenses, and lost opportunities.

3 4.58 Mr. Fowler is a man of modest means and has earned his living  
4 throughout his life performing strenuous manual labor.

5 4.59 Mr. Fowler is a mechanic by trade and had worked his entire adult life  
6 repairing automobiles and other machinery. In addition Mr. Fowler had a  
7 business removing cars from Orcas Island and transporting them to recycling  
8 facilities on the mainland. Mr. Fowler also made money by felling trees, and  
9 cutting and delivering firewood to people on Orcas Island.

10 4.60 Mr. Fowler's dominant arm is his left arm.

11 4.61 It was Mr. Fowler's left shoulder was injured in the altercation with  
12 Deputies Harvey and Holland.

13 4.62 Mr. Fowler is unable to effectively work at his professions given the  
14 injury to his shoulder.

15 4.63 Deputy Harvey currently supplies firewood to residents of Orcas  
16 Island.









1           8.3 As a result of Defendants' violations, Plaintiffs suffered and will  
2 continue to suffer damages to be proven at trial.

3           8.4 Defendant Harvey's conduct also subjects him to punitive damages in  
4 an amount to be proven at trial  
5

6  
7                                   **IX. FIFTH CAUSE OF ACTION**  
8                                   **OUTRAGE (SAN JUAN COUNTY, KREBS AND HARVEY)**

9           9.1 Plaintiff hereby restates and incorporates by reference all paragraphs  
10 of this Complaint as if fully set forth herein.

11           9.2 Defendants recklessly, unlawfully, and without probable cause,  
12 violently arrested Mr. Fowler in his residence, in front of his minor child, without  
13 a warrant and without probable cause that is extreme and outrageous.

14           9.3 Defendants intended to cause, or were in reckless disregard of the  
15 probability that their conduct would cause, severe emotional distress to Plaintiff.  
16

17           9.4 Said actions were undertaken with malice, willfulness, and with  
18 reckless indifference to the rights of the Plaintiff.

19           9.5 Defendant's actions resulted in severe emotional distress and anguish  
20 to Plaintiff.

21           9.6 The acts and/or omissions of including the policies, customs, and/or  
22 actual practices described above, were the legal and proximate cause of Mr.  
23

1 Fowler's wrongful arrest and physical and mental suffering caused by excessive  
2 force, causing Mr. Fowler to sustain injuries as described herein.

3 9.7 As a result of Defendants' violations, Plaintiffs suffered and will  
4 continue to suffer damages to be proven at trial.

5  
6 9.8 Deputy Harvey's conduct also subjects him to punitive damages in an  
7 amount to be proven at trial.

8  
9 **X. SIXTH CAUSE OF ACTION**

10 **VIOLATION OF CONSTITUTIONAL RIGHTS (SAN JUAN COUNTY,**  
11 **KREBS AND HARVEY)**  
12 **(42 U.S.C. § 1983 *et seq.* and 4<sup>th</sup> Amendment violations)**

13 10.1 Plaintiff hereby restates and incorporates by reference all paragraphs  
14 of this Complaint as if fully set forth herein.

15 10.2 Defendant San Juan County had in force and effect policies,  
16 regulations or practices which if followed would likely result in the violation of  
17 the constitutional rights of Plaintiffs and others.

18 10.3 Defendant Sand Juan County failed to properly train its officers on  
19 matters of probable cause for arrest, procedures for arrest and use of force with  
20 such deliberate indifference that it violated the constitutional rights of Plaintiffs.

21 10.4 Defendant San Juan County, through its Sheriff, who had full policy  
22 making authority on behalf of the San Juan County Sheriff's Department in  
23

1 matters related to operation of Sheriff's Office ratified and approved the  
2 unconstitutional conduct of Deputy Harvey.

3 10.5 Deputy Harvey's conduct was a direct violation of Plaintiffs' 4<sup>th</sup>  
4 Amendment rights and other constitutional rights for which the San Juan County  
5 was aware of, ratified and approved and for which San Juan County is liable.  
6

7 10.6 As a proximate result of Defendant's violations of Plaintiffs'  
8 constitutional rights, they have and will continue to suffer damages in the amount  
9 to be proven at trial.  
10

11  
12 **XI. SEVENTH CAUSE OF ACTION**  
13 **ASSAULT (HARVEY)**

14 11.1 Plaintiff hereby restates and incorporates by reference all paragraphs  
15 of this Complaint as if fully set forth herein.

16 11.2 The acts of Deputy Harvey were intended to cause Mr. Folwer to be  
17 apprehensive of imminently harmful or offensive contact.  
18

19 11.3 Mr. Fowler did in fact experience apprehension that harmful or  
20 offensive contact would occur.

21 11.4 As a proximate result of Defendant's apprehension he has suffered  
22 and will continue to suffer damages in the amount to be proven at trial.  
23

1           11.5 Defendant Harvey's conduct also subjects him to punitive damages in  
2 an amount to be proven at trial  
3

4  
5                                   **XII. EIGHTH CAUSE OF ACTION**  
6                                   **BATTERY (HARVEY)**

7           12.1 Plaintiff hereby restates and incorporates by reference all paragraphs  
8 of this Complaint as if fully set forth herein.

9           12.2 The acts of Deputy Harvey were intended to cause and did cause a  
10 wrongful harmful or offensive touching of the person of Mr. Fowler.

11           12.3 As a proximate result of the wrongful, harmful and offensive touching  
12 Mr. Fowler has suffered and will continue to suffer damages in the amount to be  
13 proven at trial.  
14

15           12.4 Defendant Harvey's conduct also subjects him to punitive damages in  
16 an amount to be proven at trial  
17

18                                   **XIII. NINTH CAUSE OF ACTION**  
19                                   **FALSE IMPRISONMENT (HARVEY)**

20           13.1 Plaintiff hereby restates and incorporates by reference all paragraphs  
21 of this Complaint as if fully set forth herein.

22           13.2 Deputy Harvey intentionally, knowingly and without authority  
23 restrained the person of Mr. Fowler.

1           13.3 As a proximate result of the knowing, wrongful, harmful and restraint  
2 Mr. Fowler has suffered and will continue to suffer damages in the amount to be  
3 proven at trial.

4           13.4 Defendant Harvey's conduct also subjects him to punitive damages in  
5 an amount to be proven at trial  
6

7  
8  
9                                   **XIV. DAMAGES AND PRAYER FOR RELIEF**

10           14.1 As a proximate result of Defendant's conduct, Plaintiff suffered  
11 damages in the form of economic losses, non-economic loss, personal injuries,  
12 emotional distress, embarrassment, loss of reputation, loss of enjoyment of life  
13 and humiliation, in an amount presently unknown and to be made more certain at  
14 the time of trial, as well as incurring attorney fees and other losses.  
15

16           14.2 WHEREFORE, plaintiff prays for damages as aforesaid, together with  
17 other equitable relief, costs of this action and reasonable attorneys' fees,  
18 prejudgment interest on any lost wages or liquidated sums, punitive damages and  
19 any other relief as this Court deems equitable and just.  
20

21       ///  
22

23       ///  
24



**XV. JURY DEMAND**

15.1 Plaintiff is entitled to and hereby demands trial by a jury.

DATED Thursday, February 14, 2019.

The Law Office of Nicholas Power

s/ Nicholas Power

---

Nicholas Power, WSBA #45974  
Attorney for Plaintiff

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

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

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (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, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes sub-sections like PERSONAL INJURY, PERSONAL PROPERTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS.

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):

Brief description of cause:

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 SIGNATURE OF ATTORNEY OF RECORD

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.



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:





Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: