

MOENCH LAW, LLC

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Attorney for Plaintiff,

Michael Kopie

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MICHAEL KOPIE, an individual,

Plaintiff,

vs.

**INTERNATIONAL FEDERATION OF
PROFESSIONAL AND TECHNICAL
ENGINEERS, AFL-CIO, LOCAL 195**, an
incorporated employees' labor organization,

**NEW JERSEY DEPARTMENT OF
TRANSPORTATION**, a government agency.

PHIL MURPHY, in his official capacity as
Governor of New Jersey,

GURBIR GREWAL, in his official capacity as
Attorney General of New Jersey,

**JOEL M. WEISBLATT, PAUL
BOUDREAU, PAULA B. VOOS, JOHN
BONANNI, DAVID JONES, AND
PASQUALE V. PAPERIO**, in their official
capacities as members of the New Jersey Public
Employment Relations Commission

Defendants.

Case No.:

COMPLAINT

Plaintiff, Michael Kopie, by and through undersigned counsel, by way of Complaint against Defendants International Federation of Professional and Technical Engineers, AFL-CIO, Local 195, New Jersey Department of Transportation, Phil Murphy, in his official capacity as

Governor of New Jersey, Gurbir Grewal, in his official capacity as Attorney General for New Jersey, and Joel M. Weisblatt, Paul Boudreau, Paula B. Voos, John Bonanni, David Jones, and Pasquale V. Papero in their official capacities as members of the New Jersey Public Employment Relations Commission, alleges as follows:

BACKGROUND AND NATURE OF THE ACTION

1. Plaintiff is a public employee of defendant New Jersey Department of Transportation.
2. Defendant International Federation of Professional and Technical Engineers, AFL-CIO, Local 195 (IFPE), is a labor union and the authorized employee representative of Plaintiff under the auspices of New Jersey's Employer-Employee Relations Act, N.J.S.A. §§ 34:13A-1 to 34:13A-43.
3. Defendant New Jersey Department of Transportation (NJDOT) is a state agency and public employer.
3. In Janus v. AFSCME Council 31, 585 U.S. ____ (2018), the Supreme Court held:

States and public-sector unions may no longer extract agency fees from nonconsenting employees. Under Illinois law, if a public-sector collective-bargaining agreement includes an agency-fee provision and the union certifies to the employer the amount of the fee, that amount is automatically deducted from the nonmember's wages. §315/6(e). No form of employee consent is required. This procedure violates the First Amendment and cannot continue. Neither an agency fee nor any other payment to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay. By agreeing to pay, nonmembers are waiving their First Amendment rights, and such a waiver cannot be presumed.

Janus, slip opinion at 48.

4. On May 18, 2018, likely in anticipation of Janus, New Jersey passed the "Workplace Democracy Enhancement Act," ("WDEA") which amended N.J.S.A. § 52:14-15.9e to state:

Whenever any person holding employment, whose compensation is paid by this State or by any county, municipality, board of education or authority in this

State, or by any board, body, agency or commission thereof shall indicate in writing, . . . to the proper disbursing officer his desire to have any deductions made from his compensation, for the purpose of paying the employee's dues to a bona fide employee organization, designated by the employee in such request, and of which said employee is a member, such disbursing officer shall make such deduction from the compensation of such person and such disbursing officer shall transmit the sum so deducted to the employee organization designated by the employee in such request.

Employees who have authorized the payroll deduction of fees to employee organizations may revoke such authorization by providing written notice to their public employer during the 10 days following each anniversary date of their employment. Within five days of receipt of notice from an employee of revocation of authorization for the payroll deduction of fees, the public employer shall provide notice to the employee organization of an employee's revocation of such authorization. An employee's notice of revocation of authorization for the payroll deduction of employee organization fees shall be effective on the 30th day after the anniversary date of employment.

Id.

5. The WDEA, however, left in place a portion of the statute which said that the collective bargaining agreement between the employer and the union could set the date for termination of dues deductions. N.J.S.A. § 52:14-15.9e:

Such collectively negotiated agreement may include a provision that existing written authorizations for payment of dues to an employee organization other than the duly certified majority representative be terminated. Such collectively negotiated agreement may also include a provision specifying the effective date of a termination in deductions as of the July 1 next succeeding the date on which notice of withdrawal is filed by an employee with the public employer's disbursing officer.

Id.

6. Plaintiff attempted to resign from IFEP on or around May 21, 2019.

7. The WDEA and other parts of N.J.S.A. § 52:14-15.9e unconstitutionally interfere with public employees' First Amendment right to resign from and end financial support to a union at any time.

JURISDICTION AND VENUE

8. The Court has subject matter jurisdiction under 28 U.S.C. § 1331, and 28 U.S.C. § 1343.

9. Venue is appropriate in this jurisdiction because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district. 28 U.S.C. § 1391(b)(2).

10. There are two possible appropriate Vicinages. Under Local Civil Rule 40.1(c)(2), the first is Camden Vicinage since there is a potentially related case, Smith v. New Jersey Education Association, Case No. 1:18-cv-10381-RMB-AMD. Smith is a putative class action wherein the proposed class representatives are all school teachers and the union defendants are the New Jersey Education Association and three of its subunits. But, various state officials charged with the enforcement of the Workplace Democracy Enhancement Act are named as defendants, and the fourth proposed class is:

all public employees in New Jersey who have resigned or who might resign their union membership, or who have revoked or might revoke their consent to the payroll deduction of union fees, yet remain subject to payroll deductions even after they have resigned their membership or revoked their affirmative consent to payroll deductions.

Id. at Docket Entry 43, p. 3.

Plaintiff resides in Camden County and it is his place of employment where many of the actions that gave rise to this suit took place.

11. The second potential Vicinage is Trenton. Defendant IFPE is in southern Middlesex County, and state official defendants' offices are in Mercer County within the Vicinage. See Local Civil Rule 40.1.

PARTIES

12. Plaintiff Michael Kopie resides in Camden County and is employed in the electrical division of Defendant NJDOT. He is in a bargaining unit represented by Defendant IFPE.

13. Defendant IFPE is located in Middlesex County.

14. Defendant NJDOT is located in Mercer County.

15. Defendant Phil Murphy, acting in his official capacity as Governor of New Jersey, has his office in Trenton.

16. Defendant Gurbir Grewal, acting in his official capacity as Attorney General of New Jersey, has his office in Trenton.

17. Defendants Joel M. Weisblatt, Paul Boudreau, Paula Voos, John Bonanni, David Jones, and Pasquale V. Papero, acting in their official capacities as members of the New Jersey Public Employment Relations Commission, have their main office in Trenton.

FACTS

18. The Plaintiff is a member of the defendant IFPE.

19. Upon information and belief, prior to Janus, Plaintiff signed a dues authorization card, but has not signed a waiver post-Janus.

20. On or about May 21, 2019, Plaintiff attempted to revoke any authorization for his employer, NJDOT, to withhold dues or fees from his paycheck for IFPE by sending a deduction cancellation card via interoffice mail, as well as notifying his employer via email. See a copy of this correspondence attached as Exhibit A to this Complaint.

21. After his attempted revocation, Plaintiff was told by Defendant NJDOT that they had received his deduction cancellation card via email. See a copy the May 30, 2019 email correspondence, attached as Exhibit B to this Complaint.

22. Plaintiff continues to have dues removed from his paycheck.

CAUSES OF ACTION

COUNT I - Plaintiff Has a Constitutional Right to Resign at Any Time

23. Plaintiff incorporates paragraph 1 through 22 as though fully set forth herein.

24. Plaintiff is suing the defendants under 42 U.S.C. § 1983, Civil action for deprivation of

rights, and under 28 U.S.C. § 2201, the Declaratory Judgment Act. More specifically, Plaintiff seeks a declaration that, under Janus and/or any other relevant case law, he is entitled to the right to resign from the Defendant union at any time and cease any accrual of financial support to the Defendant union immediately upon resigning.

COUNT II - Plaintiff Does Not Forgo His Constitutional Rights Unless He Waives These

25. Plaintiff incorporates paragraphs 1 through 25 as though fully set forth herein.

26. Plaintiff is suing the defendants under 42 U.S.C. § 1983, Civil action for deprivation of rights, and under 28 U.S.C. § 2201, the Declaratory Judgment Act. More specifically, Plaintiff seeks a declaration that, pursuant to Janus, union dues or agency fees cannot be collected without a clear and knowing waiver from an employee wherein they acknowledge that they are giving up First Amendment rights, and do so freely. This waiver must post date Janus.

27. Further, to the extent that it has not been clearly established by case law, Plaintiff cannot have waived his constitutional right to resign from a union at any time, and thereby cease accrual of financial support to the union Defendant immediately upon his resignation.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff hereby requests that this court:

- a. Enjoin defendants IFPE and NJDOT from collecting any dues or fees from Plaintiff if he has not consented to such collection through a clear and informed waiver of his First Amendment rights under Janus;
- b. A refund of any dues or fees paid to IFPE since he revoked his authorization;
- c. Declare that there is a constitutional right of employees to resign from a union at any time;
- d. Declare that the N.J.S.A. § 52:14-15.9e restricting resignation and/or the revocation

of any dues or fees withholding authorization, is void and unenforceable and that the right to resign and cease financial supporting the Defendant union can be exercised at any time;

e. Enjoin the Defendant state officials from enforcing N.J.S.A. § 52:14-15.9e and any other state law that interferes with a public employee's right to resign at any time;

f. Award Plaintiff his attorney fees pursuant to 42 U.S.C. § 1988, along with costs; and

g. Grant all other relief that the Court deems just, proper, and equitable.

Patrick J. Wright, Esq.*
Mackinac Center Legal Foundation
140 W. Main Street
Midland, MI 48642
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wright@mackinac.org

* *pro hac vice* application pending

June 6, 2019

By: /s/ Matthew C. Moench
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Counsel for Plaintiff
Michael Kopie

Exhibit A

~~From: Kopie, Michael <Michael.Kopie@dot.nj.gov>~~

Cc: Canulli, Marybeth <Marybeth.Canulli@dot.nj.gov>; Pass, Tina <Tina.Pass@dot.nj.gov>; Taylor, Michelle <Michelle.Taylor@dot.nj.gov>; Davis, Jalen S <Jalen.Davis@dot.nj.gov>; Hughes, Joanne <Joanne.Hughes@dot.nj.gov>; Nelson, Janice <Janice.Nelson@dot.nj.gov>

Subject: FW: Deduction cancellation

Mike,

By copy of this email, I am forwarding your attached card to the payroll unit, who processes the deduction cancellations.

Thanks,

Aaron

From: Kopie, Michael

Sent: Tuesday, May 21, 2019 10:37 AM

To: Van Horn, Aaron <Aaron.VanHorn@dot.nj.gov>

Subject: Deduction cancellation

Aaron,

I've attached my deduction cancellation card to this e-mail. I will be sending the signed hard copy via interoffice mail this week. Thank you.

Mike

DEDUCTION CANCELLATION AUTHORIZATION			LAST	FIRST	MI
	PAYROLL NUMBER	SOCIAL SECURITY NUMBER	EMPLOYEE NAME		
	<p>EMPLOYEES AUTHORIZATION TO CANCEL DEDUCTIONS</p> <p>I HEREBY AUTHORIZE THE STATE OF NEW JERSEY TO CANCEL THE DEDUCTIONS FROM MY PAY, EFFECTIVE THE NEXT PAY PERIOD*, AS INDICATED (CHECK ONLY ONE BOX PER FORM)</p> <p><input type="checkbox"/> HEALTH & ACCIDENT INSURANCE</p> <p><input type="checkbox"/> CREDIT UNION DEDUCTION CODE _____</p> <p><input type="checkbox"/> EMPLOYEE ORGANIZATION DUES CODE _____</p> <p>*EFFECTIVE THE FIRST FULL PAY PERIOD BEGINNING AFTER JULY 1.</p> <p style="text-align: right;">EMPLOYEE SIGNATURE: _____ DATE: _____</p>				
DD F-18697 (REV. 8/18)	PAYROLL CLERK SIGNATURE: _____			DATE: _____	

NJ DEPT. OF THE TREASURY—OMB PAYROLL

Exhibit B

From: Kopie, Michael
Sent: Friday, May 31, 2019 3:17 PM
To: Pass, Tina
Cc: Van Horn, Aaron
Subject: RE: Deduction cancellation

Tracking:	Recipient	Delivery
	Pass, Tina	Delivered: 5/31/2019 3:17 PM
	Van Horn, Aaron	Delivered: 5/31/2019 3:17 PM

Aaron,

I sent the hard copy version of my deduction cancellation to you via interoffice mail. Have you received it yet? Can you please send that on to Tina Pass?

From: Pass, Tina <Tina.Pass@dot.nj.gov>
Sent: Thursday, May 30, 2019 2:37 PM
To: Kopie, Michael <Michael.Kopie@dot.nj.gov>
Subject: RE: Deduction cancellation

All I received was the one through e-mail. I haven't received the hard copy as of yet.

Tina C. Pass
Human Resources/Payroll

From: Kopie, Michael
Sent: Thursday, May 30, 2019 2:31 PM
To: Pass, Tina <Tina.Pass@dot.nj.gov>
Cc: Stuhltrager, Kim <Kim.Stuhltrager@dot.nj.gov>; Chandler, Stephanie <Stephanie.Chandler@dot.nj.gov>
Subject: RE: Deduction cancellation

Tina,

I sent the original copy of the union cancellation card through Official Interoffice Mail to Aaron VanHorn in HR on May 21. It was sent via Cherry Hill HQ. It should have arrived in Trenton by now.

From: Pass, Tina <Tina.Pass@dot.nj.gov>
Sent: Thursday, May 30, 2019 2:15 PM
To: Kopie, Michael <Michael.Kopie@dot.nj.gov>
Cc: Stuhltrager, Kim <Kim.Stuhltrager@dot.nj.gov>; Chandler, Stephanie <Stephanie.Chandler@dot.nj.gov>
Subject: RE: Deduction cancellation

We received your union cancellation card. However you did not sign or date it.

Tina C. Pass
Human Resources/Payroll

JS 44 (Rev. 06/17)

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

Michael Kopie

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

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

Moench Law, LLC, 1303 Roger Avenue, Bridgewater, NJ 08807

DEFENDANTS

International Federation of Professional and Technical Engineers, AFL-CIO, Local 195

County of Residence of First Listed Defendant Middlesex
(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 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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark 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))	<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 <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 checked="" type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<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	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			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		

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, 42 U.S.C. 2201

Brief description of cause:
Plaintiff's First Amendment rights are violated by N.J.S.A. 52:14-15.9e as established in Janus v. AFSCME

VII. REQUESTED IN COMPLAINT:

- CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
- DEMAND \$ undetermined
- CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Renee Bumb, U.S.D.J.

DOCKET NUMBER 18-cv-10381

DATE
6/6/2019

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. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. 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.