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4  
5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 DAVID HAM, CYNTHIA HAM-SANCHEZ  
8 and their marital community, and MICHAEL  
HAM,

9 Plaintiffs,

10 vs.

11 CITY OF SPOKANE,

12 Defendant.

NO.

COMPLAINT FOR INJUNCTIVE  
AND DECLARATORY RELIEF AND  
MONETARY DAMAGES

JURY TRIAL DEMANDED

13 Plaintiffs David Ham, Cynthia Ham, and Michael Ham (“Plaintiffs”), allege as follows:

14 **I. INTRODUCTION**

15 Plaintiffs are a married couple and their adult son, all of whom were homeless in  
16 Spokane, WA in 2018. From approximately November 24 through December 09, 2018,  
17 Plaintiffs lived in tents in front of Spokane City Hall as part of “Camp Hope”. Camp Hope was,  
18 in part, a protest of the City of Spokane’s lack of shelter space for the homeless; however, it was  
19 also a result of homeless individuals having no other place to go. On December 09, 2018,  
20 Defendant, City of Spokane (“Spokane” or “City”) cleared all of the tents used as housing by  
21 residents of Camp Hope, throwing away all tents and the personal possessions they contained  
into a garbage truck. The City made no attempt to retain items of value, to store the property, or

1 in any way preserve the property. The residents of Camp Hope, who attempted to retrieve their  
2 belongings after the City began to clear the encampment, were threatened with arrest.

3 The Defendant's seizure and destruction of Plaintiffs' property, was an illegal taking of  
4 private property. The City failed to maintain the property of the Plaintiffs, and failed to give the  
5 Plaintiffs the opportunity to retrieve their property. The practice and conduct of the City in  
6 disposing of Plaintiffs' personal property—when there was a less intrusive means available—  
7 was an unreasonable seizure, and violated the Plaintiffs' constitutional rights guaranteed by the  
8 Fourth and Fourteenth Amendments to the U.S. Constitution. The Plaintiffs have each suffered  
9 loss due to the City's illegal taking and destruction of their property.

10 The practice and conduct of the City in threatening to arrest Plaintiffs simply for existing  
11 —when they had no other place to go—violated the Plaintiffs' constitutional rights to be free  
12 from cruel and unusual punishment as guaranteed by the Eighth and Fourteenth Amendments to  
13 the U.S. Constitution.

14 Plaintiffs seek equitable relief and damages pursuant to 42 U.S.C. §1983.

## 15 **II. PARTIES**

16 1. Plaintiff, David Ham, is resident of Spokane, WA and was homeless during the  
17 period of time relevant to this action. He is married to Plaintiff Cynthia Ham-Sanchez and is the  
18 father of Plaintiff Michael Ham.

19 2. Plaintiff Cynthia Ham-Sanchez is a resident of Spokane, WA, and was homeless  
20 during the period of time relevant to this action. She is married to Plaintiff David Ham and the  
21 mother of Plaintiff Michael Ham.



1           10.    The City of Spokane failed to make appropriate accommodations for the homeless  
2 population.

3           11.    On December 1, 2018, the City opened a “Warming Center” at 527 South Cannon  
4 Street (Cannon street warming center).

5           12.    The Cannon street warming center was for Adult men and women, no pets or  
6 children were permitted.

7           13.    The Cannon Street warming center was operable from 7:00 p.m. until 7:00 a.m.  
8 and had a capacity of forty (40) people.

9           14.    On December 8, 2018, the City opened a second warming center at Salem  
10 Lutheran Church (Salem Warming Center).

11           15.    The Salem Warming Center was for adult men and women.

12           16.    The Salem Warming Center was operable from 9:00 p.m. until 7:00 a.m. and had  
13 a capacity of sixty (60) people.

14           17.    The warming centers were not homeless shelters.

15           18.    The warming sites did not provide any place to stay, or to store personal  
16 possessions during the day.

17           19.    The majority of the shelters within the City that were operating at this time were  
18 not open 24 hours per day.

19           20.    Homeless shelters are a type of homeless service agency that provide temporary  
20 residence for homeless individuals and families. Shelters exist to provide residents with safety  
21 and protection from exposure to the weather, while simultaneously reducing the environmental  
impact on the community.

1 21. The House of Charities 24/7 Homeless Shelter that closed in the summer of 2018,  
2 was an example of a “Homeless Shelter”

3 22. A warming center is a short-term emergency shelter that operates when  
4 temperatures, or a combination of precipitation, wind-chill, wind and temperature, become  
5 dangerously inclement.

6 23. Their paramount purpose is the prevention of death and injury from exposure to  
7 the elements. Therefore, the temporary warming centers did not qualify as shelters under the  
8 code.

9 24. Even in the event that the warming centers met the definition of a shelter under  
10 the statute, there were no warming shelters open at the time that Plaintiffs’ property was seized  
11 and destroyed by the Defendant.

12 25. The inability of a homeless individual to stay at the warming centers during the  
13 day, or leave their personal possessions at the warming centers, prevent them from being defined  
14 as “homeless shelters.”

15 26. It is difficult for a homeless person to move the entirety of their personal  
16 possessions from one place to another during the day.

17 27. Significant snowfall and the frigid temperatures (which trigger the opening of  
18 warming centers) further complicate movement during a Spokane winter.

19 **B. The City Harassed People Who Attempted to Camp.**

20 28. Spokane Municipal code criminalizes, “camping” anywhere within the city limits.  
21 SPOKANE, WA., CODE § 12.02.1002 (A), (B) (2018) states:

A. “Camp” or “camping” shall mean residing on or using public property for living accommodation purposes, as exemplified by remaining for prolonged or repetitious periods of time not associated with ordinary use of such public property with one’s

1 personal possessions (including but not limited to clothing,  
2 sleeping bags, bedrolls, blankets, sheets, cots, tarpaulins,  
3 hammocks, luggage, backpacks, kitchen utensils, cookware, or  
4 similar material), sleeping or making preparations to sleep, storing  
5 personal belongings as above defined, regularly cooking or  
6 consuming meals. This ordinance will not be enforced if there is  
7 no available shelter space for the individual/s engaging in  
8 otherwise prohibited camping conduct.

9 B. "Public property" shall mean any property including but not  
10 limited to parks, riverbanks, waterways, conservation areas, natural  
11 areas, rights of way, easements, buildings, bridges, or other land or  
12 physical structures owned or managed by the City or other  
13 governmental agency.

14 SPOKANE, WA., CODE § 12.02.1002 (A), (B) (2018).

15 29. SPOKANE, WA., CODE § 12.02.1010 (2018) Unauthorized Camping on Public  
16 Property – Violation states:

17 A. No person may camp in or upon any public property including,  
18 but not limited to, conservation lands and natural areas abutting the  
19 Spokane River and its tributaries unless specifically authorized by  
20 declaration of the Mayor in emergency circumstances.

21 B. A violation of this section is a misdemeanor.

A. Unless otherwise subject to custodial arrest under RCW  
10.31.100, individuals subject to enforcement under this section  
shall be cited and released rather than being booked into jail.

D. With the exception of those who do not meet the criteria for  
acceptance into community court, individuals subject to  
enforcement under this chapter shall be directed to community  
court by officer referral.

SPOKANE, WA., CODE § 12.02.1010 (2018).

30. Defendant has a policy of enforcing SPOKANE, WA., CODE § 12.02.1002 (2018)  
(the "Ordinance") broadly.

31. This Ordinance, defines camping as, "residing on or using public property for  
living accommodation purposes by remaining for prolonged or repetitious periods of time not  
associated with ordinary use of such public property with one's personal possessions." SPOKANE,  
WA., CODE § 12.02.1002 (A) (2018).

1 32. This amounts to a ban on sleeping, lying down, or sitting—basic necessities of life.

2 **C. Effect of Enforcement.**

3 33. Plaintiffs David Ham, Cynthia Ham-Sanchez, and Michael Ham were forced to  
4 live outside during the relevant months of November and December.

5 34. On or about November 20, 2018, Plaintiffs lived at a homeless encampment  
6 located adjacent to the Spokane City Hall at 808 W. Spokane Falls Blvd, Spokane, WA and  
7 continued to live there through December 09, 2018.

8 35. The encampment, collectively known as, “Camp Hope” was located in front of  
9 Spokane City Hall in protest of policies by the City of Spokane that negatively affect the  
10 homeless population.

11 36. Mr. David Ham’s tent and all of his personal belongings were located within the  
12 Camp Hope encampment.

13 37. Ms. Cynthia Sanchez-Ham’s tent and all of her personal belongings were located  
14 within the Camp Hope encampment.

15 38. Mr. Michael Ham’s tent and all of his personal belongings were located within the  
16 Camp Hope encampment.

17 39. On November 24, 2018, the City posted a notice to remove property on Plaintiffs’  
18 tents.

19 40. This notice stated that the property owner had a right to request a pre-deprivation  
20 hearing, and that all items of obvious value would be stored.

21 41. On December 06, 2018, the City posted the same notice to remove property on the  
tents.

42. The notice required that all items be removed by December 08, 2018.

1 43. On December 06, 2018, Mr. Ham's wife and adult son were both hospitalized  
2 with health issues.

3 44. The posting of these notices stating that the City intended to clear away Camp  
4 Hope were a proximate cause of these health concerns.

5 45. As a result, Plaintiff David Ham became responsible for all three of the family  
6 tents left at Camp Hope, and the personal possessions left within.

7 46. On December 06, 2018, Plaintiffs Cynthia Sanchez-Ham and Michael Ham both  
8 instructed Plaintiff David Ham to care for their tent and personal possessions while they were  
9 hospitalized.

10 47. On December 07, 2018, the City held a series of pre-deprivation hearings.

11 48. The City of Spokane police officer tasked with clearing the encampment, Captain  
12 Singley, was the hearing officer.

13 49. Captain Singley upheld the decision to continue with removal in every case.

14 50. On December 08, 2018, many members of the community, including a member of  
15 the city council, arrived at Camp Hope to express their support for the individuals who were part  
16 of the encampment.

17 51. No action was taken by Defendant to remove any property from Camp Hope  
18 when the 48-hour time period stated in the notices expired on December 08, 2018.

19 52. On the morning of December 09, 2018, at approximately 9:00 am, Plaintiff David  
20 Ham went to get breakfast.

21 53. Approximately 90 minutes later, when Plaintiff David Ham returned from  
breakfast, his tent and all his belonging had been taken.

54. The tents and all personal property of Plaintiffs Cynthia Ham-Sanchez and

1 Michael Ham also had been taken.

2 55. The City used a prison work crew to take the Plaintiffs' possessions and throw  
3 them into a garbage truck.

4 56. Neither, SPOKANE, WA., CODE § 12.02.1002 (2018) or SPOKANE, WA., CODE §  
5 12.02.1010 (2018), authorize the seizure or removal of property from encampments, or anywhere  
6 else.

7 57. The Notice to Remove Property the City uses, states items of obvious value, that  
8 clearly identify the owner, will be stored for safekeeping by the Spokane Police Department  
9 Property/Evidence Facility.

10 58. The City destroyed all property that it seized.

11 59. The City does not have any policy, procedure, or resources devoted to the storage  
12 of any property seized from homeless encampments.

13 60. SPOKANE, WA., CODE § 12.02.1002 (2018), specifically states the City will not  
14 enforce the ordinance if there is no available shelter space for the individual/s engaging in  
15 otherwise prohibited camping conduct.

16 61. SPOKANE, WA., CODE § 12.02.1002 (2018), does not define "Shelter Space".

17 62. Threats of citation or convictions under these "Ordinances" for camping in public  
18 can have a detrimental effect on an individual's health and his or her ability to find, and continue  
19 employment, procure and maintain housing, and receive government benefits.

20 63. Defendant's actions pose a health risk to the homeless populations of Spokane as  
21 the constant need to avoid citations or court referrals under these ordinances prevent individuals  
from sleeping.

64. Sleep is a physical necessity for people to function properly.

1           65.    Lack of sleep causes disruptions in cognitive function and exacerbates a myriad of  
2 physical and mental health problems.

3           66.    Homeless individuals typically cannot afford to pay the fines associated with  
4 these ordinances.

5           67.    These individuals often do not have a permanent address of telephone, especially  
6 when there is no homeless shelter available in the community to provide them.

7           68.    This makes it difficult for them to receive communications from the court, such as  
8 Notices to Appear.

9           69.    Homeless people often lack reliable transportation.

10          70.    If a homeless person fails to appear, they will receive additional penalties.

11          71.    SPOKANE, WA., CODE § 12.02.1010 (D) (2018) states, “With the exception of  
12 those who do not meet the criteria for acceptance into community court, individuals subject to  
13 enforcement under this chapter shall be directed to community court by officer referral.”

14          72.    The Community Court in the City of Spokane is limited to arrests that are made in  
15 a particular geographic area of the City that is only a fraction of the whole City.

16          73.    If homeless defendants are not eligible for a referral to Community Court, they  
17 may be subject to additional penalties and incarcerations, which only worsen the situation.

18          74.    Incarceration is disruptive and expensive, and periods of incarceration interrupt  
19 employment and social security benefits.

20          75.    Homeless individuals must disclose criminal convictions, even for misdemeanors,  
21 on applications for public housing.

          76.    These convictions become a matter of public record.

          77.    As a result, these convictions may cause them to lose the opportunity to obtain

1 permanent public, and private housing.

2 78. Individuals may lose an opportunity for housing if they are incarcerated.

3 79. Incarceration also interferes with Social Security benefits, which may not be  
4 received during periods of incarceration.

5 80. Individuals must also disclose criminal convictions when they apply for  
6 employment.

7 81. Even misdemeanor charges may reduce the chance that an employer will hire an  
8 applicant.

9 82. Missing work due to required court appearances, and periods of incarceration,  
10 may also lead to loss of employment and income.

11 83. Defendant's policy, custom, and practice of issuing citations to, arresting, and  
12 harassing homeless individuals such as the Plaintiffs under these Ordinances have the effect of  
13 criminalizing homelessness.

14 84. These measures do not accomplish any significant or legitimate public policy  
15 goals. Instead, they perpetuate the cycle of homelessness by decreasing opportunities for  
16 homeless individuals to find housing, gainful employment, and the ability to take care of their  
17 health needs.

18 85. The criminalization of homelessness deprives homeless individuals of their right  
19 to basic existence even if there is no arrest. The mere threat of arrest, whether written, verbal, or  
20 implied, by an authorized agent of the City, has the effect of punishing the homeless individual  
21 for their status.

**D. Availability of Shelter**

86. At the time of day that the Plaintiffs' property was seized, there was no available

1 shelter beds.

2 87. While there were a number of warming centers that had just opened up during the  
3 preceding week, they were closed on the morning of December 09, 2019, at 9:00 am.

4 88. 42 U.S. Code § 11302, defines a “Homeless Individual” to include one who lacks  
5 a fixed, regular and adequate nighttime residence, or one who resides in a shelter, transitional  
6 housing, or a place not ordinarily used for sleeping accommodations.

7 89. The available shelter space in Spokane does not allow the property to be stored  
8 during the day.

## 9 V. CAUSES OF ACTION

### 10 First Cause of Action 11 Violation of 42.U.S.C. 1983 (Fourth and Fourteenth Amendments)

12 90. Plaintiffs reassert and re-allege the allegations set forth above.

13 91. Forces beyond Plaintiffs’ control, such as unemployment, poverty and the failure  
14 of Defendant to provide alternatives, including but not limited to, those which may be mandated  
15 by law, have compelled Plaintiffs and other similarly situated homeless people to live, eat, sleep  
16 and store their few personal belongings in public.

17 92. Plaintiffs have a protected property interest in their personal belongings.

18 93. Defendant has failed to provide Plaintiffs with procedural due process.  
19 Specifically, Defendant’s pre-deprivation hearing is a sham that had no possibility of allowing  
20 Plaintiffs to remain on the property, or to store their belongings there.

21 94. Further, Defendant’s post-deprivation procedures are inadequate because the  
Defendant’s practices are to destroy any seized property and Defendant has no place to store  
seized belongings.

1 95. Under color of state law, the Defendant has a custom and practice of failing to  
2 timely provide for post-deprivation due process, including a meaningful and adequate hearing  
3 capable of restoring the Plaintiffs' property, in violation of the Due Process Clause of the  
4 Fourteenth Amendment to the United States Constitution.

5 96. Defendant's above-described customs, policies, practices and conduct of  
6 confiscating and destroying Plaintiffs' personal property without warrant, probable cause, due  
7 process, exigent circumstances, and when there are less obtrusive and destructive alternatives  
8 available, violated the Plaintiffs' well established rights under the Fourth Amendment to the  
9 United States Constitution, as incorporated in, and applied to the States through the Fourteenth  
10 Amendment.

11 **Second Cause of Action**  
12 **Violation of 42.U.S.C. 1983 (Eighth and Fourteenth Amendments)**

13 97. Plaintiffs reassert and re-allege the allegations set forth above.

14 98. Poverty, skyrocketing Spokane area rents, health issues, and the City's failure to  
15 provide adequate public safety and shelter space forced the Plaintiffs and other homeless  
16 individuals to sleep in public places in Spokane.

17 99. SPOKANE, WA., CODE § 12.02.1002(A) (2018) states, " This ordinance will not  
18 be enforced if there is no available shelter space for the individual/s engaging in otherwise  
19 prohibited camping conduct."

20 100. From November 23 until December 06, 2018, there was inadequate shelter space  
21 to house any of the Plaintiffs.

101. The notice that was placed on tents at Camp Hope on December 06, 2018, stating  
that all tents and property at Camp Hope were subject to removal after 48 hours caused extreme  
mental anguish for Plaintiffs Cynthia Sanchez-Ham and Michael Ham, resulting in, or

1 contributing to their hospitalization later that day.

2 102. At approximately 10 am Sunday, December 09, 2018, when Plaintiffs' personal  
3 property were seized and destroyed by Defendant, no shelter space of any kind was available to  
4 Plaintiff David Ham.

5 103. Plaintiffs were homeless and had no way to comply with SPOKANE, WA., CODE §  
6 12.02.1010 (2018) because they had to sleep outdoors. Plaintiffs were threatened with arrest  
7 under this Ordinance, which makes it a misdemeanor to camp within the city of Spokane.  
8 Defendant's actions that penalized Plaintiffs for their homeless status constituted cruel and  
9 unusual punishment and violated the Plaintiffs' well-established rights under the Eighth  
10 Amendment to the United States Constitution as incorporated in, and applied to the states  
11 through the Fourteenth Amendment.

12 **Third Cause of Action**  
13 **Conversion**

14 104. Plaintiff reassert and re-allege the allegations set forth above.

15 105. Plaintiffs were at all relevant times the owners of personal property confiscated  
16 and destroyed by Defendant as alleged above. Plaintiffs remain entitled to the possession of their  
17 personal property.

18 106. Defendant intentionally exercised control or dominion over Plaintiffs' property  
19 that seriously interfered with Plaintiffs' right of possession. Specifically, Defendant confiscated  
20 Plaintiffs' property and thereby caused Plaintiffs to be deprived of their possession, appropriated  
21 the property, and destroyed the property.

107. The personal property confiscated and destroyed by Defendant included tents,  
blankets, clothing, personal items, prescription medications, and documents, all of which were  
particularly valuable to Plaintiffs because the belongings amounted to most, if not all of the

1 relatively few possessions that Plaintiffs owned.

2 108. Plaintiffs made a Claim for Damages with the City of Spokane on February 26,  
3 2019. Those claims were denied.

4 **VI. RELIEF REQUESTED**

5 Plaintiffs request the following relief:

6 a. To issue a declaratory judgment that Defendant's practices and conduct alleged  
7 herein were, or are, in violation of Plaintiffs' rights under the United States Constitution;

8 b. To award Plaintiffs' compensatory and punitive damages from Defendant in  
9 amounts to be determined at trial, plus interest from the date of the judgment on their First Claim  
10 for Relief;

11 c. To award Plaintiffs' compensatory and punitive damages from Defendant in  
12 amounts to be determined at trial, plus interest from the date of the judgment on their Second  
13 Claim from Relief;

14 d. To award Plaintiffs' compensatory and punitive damages from Defendant in  
15 amounts to be determined at trial, plus interest from the date of the judgment on their Third  
16 Claim from Relief;

17 e. To award Plaintiffs their costs and attorney fees pursuant to 42 USC § 1988; and

18 f. To grant such other relief as is just and appropriate.

19 Respectfully submitted this 11<sup>th</sup> day of July 2019.

20 NORTHWEST JUSTICE PROJECT

21 /s/ E. Jose Trejo

E. Jose Trejo, WSBA # 28694

[JoseT@nwjustice.org](mailto:JoseT@nwjustice.org)

Attorney for Plaintiffs

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

UNITED STATES DISTRICT COURT
for the
Eastern District of Washington

DAVID HAM, CYNTHIA SANCHEZ-HAM and their
marital community, and MICHAEL HAM

Plaintiff(s)

v.

CITY OF SPOKANE

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CITY OF SPOKANE
808 W. Spokane Falls Blvd.
Spokane, WA 99201

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:

E. JOSE TREJO
Northwest Justice Project
1702 W. Broadway Ave
Spokane, WA 99201
(509) 324-9128 phone
(509) 324-0065 fax
joset@nwjustice.org

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.

CLERK OF COURT

Date

SEAN F. McAVOY, Clerk

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, 4 Diversity

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 and business location.

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.

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, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing... 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. 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.