

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

CHIREDA COTMAN)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: <u>3:19cv545</u>
)	
JASON KAMRAS,)	
Serve: 301 North Ninth Street)	
Richmond, VA 23219)	
)	
and)	
)	
CITY OF RICHMOND SCHOOL BOARD)	
d/ b/ a RICHMOND PUBLIC SCHOOLS)	
Serve: Dawn Page, Chair)	
City of Richmond School Board)	
301 North 9 th Street)	
Richmond, VA 23219)	
)	
Defendants.)	

COMPLAINT

Plaintiff Chireda Cotman (“Cotman” or “Plaintiff”), by counsel, states as follows for her Complaint against defendants Jason Kamras (“Kamras”), who is sued in his individual and official capacities, and the City of Richmond School Board d/ b/ a Richmond Public Schools (“RPS” or the “School System”).

NATURE OF ACTION

1. This is an action for defamation, malicious prosecution, and violations of due process rights under the Fifth and Fourteenth Amendments to the U.S. Constitution which arises out of an alleged cheating scandal at George Washington Carver Elementary School (“Carver”) in Richmond, Virginia. In a nutshell, after the Virginia Department of Education (“VDOE”) issued a report about alleged irregularities in the Standards of

Learning (“SOL”) tests conducted at Carver in May 2018, these defendants, in whole and in part, without ever conducting their own investigation into the claims by the VDOE or the alleged testing irregularities, without ever talking to the alleged perpetrators of the alleged testing irregularities, upon knowing that numerous people raised questions about the veracity of the allegations made by the VDOE, and even after learning that many of the key allegations made by the VDOE rested only on hearsay, made numerous unfounded public statements which falsely called Cotman a cheater, falsely accused her of participating in a “systemic effort” to cheat at Carver, and falsely blamed her for the academic stain that now exists at Carver. Kamras even went so far as to continually push for the revocation of Cotman’s teaching license, even after it became abundantly clear that the School System could not prove she did anything that justified such a revocation. As such, as explained herein, this conduct violates state and federal law, and Cotman now files this lawsuit to hold the defendants liable for their unlawful actions.

PARTIES

2. Cotman is an individual resident of Charles City, Virginia. At all relevant times herein up until August 2018, Cotman was employed by the School System.

3. Defendant Kamras, upon information and belief, is an individual who resides in Virginia. At all relevant times herein, Kamras has been the Superintendent of the School System. He is sued in both his official and his individual capacities.

4. Defendant City of Richmond School Board operates, controls, and is otherwise legally responsible for the School System. It is a corporate entity with authority to sue and be sued under Virginia law. *See* Va. Code § 22.1-71. It is also a person within the contemplation of 42. U.S.C. § 1983.

JURISDICTION AND VENUE

5. Jurisdiction is conferred on this Court by 28 U.S.C. § 1331. Pendent and supplemental jurisdiction of the common law counts (Counts II and III) is conferred pursuant to 28 U.S.C. § 1367.

6. Venue is proper in this district and division pursuant to 28 U.S.C. § 1391, as this is the district and division where a substantial part of the events or omissions giving rise to the claims occurred.

FACTUAL BACKGROUND

7. Up until the time of her forced resignation in August 2018, Cotman worked for the School System as a Reading Specialist. At the time of her forced resignation in August 2018, Cotman had worked at Carver for 7 years.

8. In the Spring of 2018 (May 2018), Cotman assisted in SOL testing at Carver as a floating proctor.

9. Soon thereafter, on or about June 1, 2018, personnel from the (“VDOE”) came to Carver and began interviewing students, teachers, and administrators about the May 2018 testing. They interviewed Cotman on June 1, 2018.

10. Almost two months later, on July 30, 2018, the VDOE published a report about SOL testing at Carver, titled “Report on George Washington Carver Elementary School, Richmond Publish Schools, 2018 Standards of Learning Test Investigation, July 30, 2018” (the “Report”). In brief, the Report purported to identify and summarize various testing irregularities that allegedly occurred at Carver during the Spring 2018 SOL testing sessions at Carver.

11. Notably, the Report relied heavily on what it called “change data” – that is, computer data showing the students, during their tests, apparently changed their test

answers from an *incorrect* response to a *correct* response or *no* response at a suspiciously high rate – to demonstrate and prove testing irregularities at Carver. The Report placed a key emphasis on this data and stated in various places in it that this change data “raised significant concerns about the integrity of these tests when combined with other information collective during their investigation.”

12. Elsewhere in the Report, however, the VDOE purported to provide a summary of certain statements that students had allegedly made about the recent SOL testing during their interviews with VDOE personnel. Relevant here, on page 11, the Report stated that students had said the following about Cotman:

- “Ms. Cotman and Ms. Lacy were going around to check. They were checking work for everybody.”
- “Ms. Cotman would check your work. If I got it right, she said go to the next one.”

The Report, however, specifically noted that *none* of these alleged statements could be correlated to any specific change data.

13. The Report also said that various anonymous sources had reported that a small group of staff members, often referred to as the “inner circle,” received benefits and privileges from the then-principal of Carver.

14. On the same day that the VDOE issued its Report, Kamras met with local reporters to comment on it. He began the meeting by reading a prepared statement about the Report in which he essentially vouched in full for the Report. In relevant part, Kamras’ statement said:

The report is deeply troubling. It presents *abundant evidence* of what amounts to *cheating by a small group of adults* on the SOL examinations *for the past several years at Carver*. To be clear: our students did nothing wrong; they merely followed the instructions of the adults responsible for them.

Cheating is unacceptable. Full stop. Above all else, my administration will be one of integrity – which, as one of my favorite elementary teachers so aptly put it, means doing the right thing even when no one is looking. We ask this of our students; the least we can do is model it ourselves.

To safeguard the integrity of our testing processes across the division, I have asked Dr. Tracy Epp, our Chief Academic Officer, to convene a working group of teachers and principals to provide recommendations about both policy and practice in time for the Spring 2019 SOL testing.

What most disturbs me about *what occurred at Carver* is that it effectively robbed our young people of the opportunity to demonstrate their learning free from suspicion. In doing so, it helped perpetuate pernicious stereotypes about what children from low-income families and children of color can achieve.

To be blunt: too many people thought, “How could Carver, which serves nearly 100% low-income students and students of color, have such high scores? There must be something going on.” With those suspicions now confirmed, corrosive biases about our students, as well as the inequities that flow from them, have the potential to become even more ingrained in our city.

We can’t let that happen.

To the entire City of Richmond, I want to say this as clearly as I possibly can: High achievement at every one of our high-poverty schools is unequivocally possible. I’ve seen it with my own students when I taught in a high-poverty neighborhood in Washington DC, and I’ve seen it in countless classrooms across the country – including Richmond.

At the same time, I am the first to admit that high-performing, high-poverty classrooms are the exception, not the rule, in RPS. We have a moral obligation to change that – and we will.

I’m under no illusion that doing so will be easy. It’s going to require us to confront biases and stereotypes head-on; to provide more and better support to our students and teachers alike; to be bold and innovative; to fiercely advocate for more resources; and to be unrelenting in the face of challenges ahead.

Every one of our students, from every single neighborhood and every single family, has the capacity for greatness. It is our collective responsibility to create the conditions that will allow that greatness to shine. And that is exactly what we will do.

<https://www.facebook.com/CBS6News/videos/kamras-on-carver-sol-cheating->

[scandal/10155879566312426/](#) (emphasis added).

15. Kamras then fielded questions from reporters. As an initial question, Kamras was asked whether he believed the “cheating” was done “intentionally” or was the product of “mistakes” or not following protocol. *Id.* He responded: “Based on the evidence in the report, ***I don’t see any other conclusion than it was intentional.***” (emphasis added). He was also asked about who were the perpetrators of the cheating. He referred to the Report and said: “It lists the ***individuals who were involved.***” *Id.* (emphasis added). Further, after acknowledging that it was not likely that Carver would be accredited by the VDOE for the upcoming year, he was asked “Who do you blame? [for this]” He said: “***I blame the individuals who misguided our students.***” *Id.* (emphasis added).

16. On that same day, Kamras published a statement on the School System’s website which largely echoed verbatim the statement set forth in paragraph 15 above. It ***remains*** on the School System’s website as of the filing of this suit and can be found at <https://www.rvaschools.net/site/default.aspx?PageType=3&DomainID=4&ModuleInstanceID=71&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=20794&PageID=1>

17. Two days later, on August 1, 2018, Kamras held a public meeting at Carver with parents, students, reporters, and citizens. Before starting the meeting, Kamras stood outside the school and gave a public press conference. In front of microphones and cameras, he said “I want to reiterate that what happened at Carver is unconscionable. The ***adults who orchestrated this systemic cheating*** violated a sacred trust with our students and our families. Though I can’t comment on specific personnel actions, I want to assure the public that the individuals involved will be held accountable. To be direct: pending Board approval, I can confirm that no one who participated in the cheating scandal will be

employed by RPS when the new school year begins. Moreover, pending State approval, I can confirm that *none of these individuals will hold a teaching or administrative license in the Commonwealth.*” <https://wtnr.com/2018/08/01/superintendent-carver-cheating-scandal-was-breach-of-trust/> (emphasis added). His message was clear – he had already decided that the persons in the Report were guilty as charged and needed to be expelled from RPS.

18. Once inside, Kamras began the meeting by reiterating these exact same comments – again stating things such as “*The adults who orchestrated this cheating* violated a sacred trust” and that the persons who were involved in the scandal would be terminated and that RPS would seek to revoke their teaching licenses.

19. Even so, at the meeting, many parents raised questions about the validity of the Report, especially the accuracy and validity of the students’ various comments. Notably, many parents spoke up about the facts that (i) some of the students have IEP’s, (ii) no one gave the students’ parents any advance notice about the student interviews or sought their consent; (iii) the VDOE personnel who interviewed the students had no prior connections with the students and were intimidating; (iv) the students were confused by the VDOE personnel; and (v) the parents did not get an opportunity to participate in the interviews of their own children.

20. One speaker also stood up and disputed that the claim in the Report that the PTA president had been trying to assist students opt out of additional SOL testing.

21. Kamras, however, did not accept these concerns. Instead, he affirmatively vouched for the veracity of the students’ comments in the Report. He said, for example, said “multiple students independently, without being prompted, gave the exact same response as to how they were trained to respond in the testing” – which he called corroborating.

22. Kamras further collectively blamed all the individuals in the Report – without trying to differentiate them or determine whether any of the individuals were improperly named in the report – for the stain that now exists at Carver because of the cheating scandal. He said: “the actions of a few adults here were so unconscionable because their actions have now perpetuated the belief that a child from Carver can’t be honor roll.” He blamed all of the named individuals collectively for the “effects” of the Report and the fact that “now there is a cloud” over Carver’s academic integrity.

23. **At no time before he made any of these statements did Kamras, interview, meet with, or talk to: (i) Cotman; or (ii) the students in the Report.**

24. **At no time during Spring SOL testing session (or any at time) did Cotman provide any inappropriate assistance, including any answers to test questions or any hints, to any of the students at Carver. Also, at no time was Cotman part of any “inner circle” that received privileges for manipulating SOL testing.**

25. After Kamras’ public statements about cheating at Carver, he then began the process necessary to fire Cotman and to revoke her teaching license. Given the enormous pressure and strain caused by Kamras’ public comments, including his definitive statement that he would be seeking to terminate anyone involved in the scandal, Cotman felt she had no choice but to resign her employment.

26. Cotman, however, fought to keep her teaching license. She first fought Kamras’ recommendation of licensure revocation before the School Board. At that time, Kamras relied solely on the Report – providing no independent first-person testimony from anyone – and a few innocuous text messages and personnel documents. On the other side, Cotman testified under oath that she had not engaged in any improper conduct and also,

though her attorney, showed that many of the alleged student comments were clearly taken out of context and did not in any way prove that she gave students inappropriate assistance. Despite this, the School Board accepted Kamras' licensure recommendation and voted to revoke Cotman' teaching license.

27. Cotman then appealed and *prevailed* in front of the VDOE's Superintendent's Investigative Panel in her request to have the Virginia Board of Education reject the School Board's licensure recommendation. That did not deter Kamras, however, who continued to push for revocation and pressed for the School System to continue to fight before the entire Virginia Board of Education. He did so, even though the controlling regulations preclude the revocation of a teaching license based solely on hearsay and even though the *only* evidence that the School System presented before the Board was based on hearsay. Finally, after hearing almost two hours of testimony and argument, the Board of Educations voted to reject RPS's revocation recommendation.

28. Since all of this surfaced, the public blame that RPS placed on Cotman for the alleged testing irregularities has caused Cotman to be unable to obtain any further work in the public education field. Additionally, since the time of Kamras' comments, Cotman has suffered substantial mental and emotional distress, public shame in her community, loss of sleep, and frustration about her termination.

**COUNT I:
DUE PROCESS VIOLATION: LIBERTY INTEREST
(AGAINST BOTH DEFENDANTS)**

29. The allegations of paragraphs 1-28 are realleged as if fully set forth herein.

30. Under the Fourteenth Amendment, Cotman has a liberty interest to engage in the commonplace occupations of her life and with respect to her good name, reputation, honor, and integrity.

31. Here, Kamras, as agent of a governmental body and acting under color of state law, violated Cotman's liberty interests by falsely indicating (in paragraphs 14-18 and 22 of the Complaint), in conjunction with forcing Cotman to resign, that Cotman had, among other things, orchestrated systemic cheating at Carver, had intentionally cheated, had caused a "cloud" and a stain upon Carver, and had been responsible for the loss of academic integrity at Carver. Kamras also expressly endorsed the many false statements made about Cotman in the Report when he repeatedly embraced the Report in public and touted the seeming veracity of the students' comments contained therein.

32. These false accusations impugn Cotman's good name, honor, reputation, and integrity, thus causing a stigma to her reputation, and were used directly as the basis to deprive Cotman of her government job.

33. Additionally, the false statements at issue were made public to, among others, local television stations, local newspapers, and those (e.g., parents, citizens, and students) who attended the August 1, 2018 meeting.

34. Further, Kamras' actions are attributable to the School System because his comments were made in his capacity of a de facto policy-maker at RPS and also as the result of a de facto policy by RPS to wage a public relations campaign and affirmatively blame the persons named in the Report as fast as possible (to lessen the lasting effect of the scandal) and *prior* to conducting any investigation into the accuracy or validity of the allegations therein.

35. As a direct result of defendants' actions, in violation of the rights secured to her under Section 1983, Cotman has been caused to suffer the loss of occupational opportunities and the compensation and benefits associated therewith. Additionally,

Cotman has been caused to suffer personal injury, reputational harm, anxiety, emotional distress, personal humiliation and embarrassment as a result of their actions.

36. Further, Kamras' actions constitute gross, wanton, malicious, reckless, and/or intentional violations of Cotman's rights, thus entitling her to punitive damages.

37. Finally, Kamras' negative public comments – including the pervasiveness of such comments and the definitive nature of such comments – irreparably poisoned public perception about Cotman to such a degree that any type of name-clearing hearing or post-deprivation remedy would have been futile or worthless.

**COUNT II -- DEFAMATION
(AGAINST KAMRAS)**

38. The allegations of paragraphs 1-37 are realleged as if fully set forth herein.

39. Cotman has been defamed by the statements of Kamras that are specifically referenced and set forth herein in paragraphs 14-18 and 22 of the Complaint, which statements were published and were made with the intent to defame Cotman.

40. The statements at issue are false and purport to be statements of fact, not statements of opinion. Among other things, Kamras falsely stated that Cotman (i) had orchestrated systemic cheating at Carver, (ii) had intentionally cheated, (iii) had caused a "cloud" and a stain on Carver, and (iv) had been responsible for the loss of academic integrity at Carver. Kamras also expressly endorsed the many false statements made about Cotman in the Report when he repeatedly embraced the Report and touted the seeming veracity of the students' comments contained therein.

41. Moreover, the false statements all involve Kamras' efforts to demean and disparage Cotman and to falsely accuse her of unprofessional occupational activities,

unfitness to perform the duties of her job, and potentially even criminal activity and thus these statements constitute defamation *per se*.

42. As a proximate cause of the Kamras' conduct, Cotman has suffered substantial compensatory damages, including as severe mental and emotional distress, reputational harm, loss of sleep, loss of income, humiliation, embarrassment, loss of time, and other damages.

43. In addition, the statements by Kamras were made intentionally, willfully, and maliciously against Cotman and with utter and conscious disregard of her rights. Importantly, Kamras falsely made Cotman a scapegoat for the alleged testing irregularities at Carver without ever conducting a proper and full investigation into the matter.

44. Finally, no privileges attach to these statements, therefore, and Cotman is also entitled to punitive damages in this matter.

**COUNT III - MALICIOUS PROSECUTION
(AGAINST KAMRAS)**

45. The allegations of paragraphs 1-44 are realleged as if fully set forth herein.

46. Here, Kamras instituted or procured the institution of the license revocation proceeding (which is quasi-criminal in nature) against Cotman; the proceeding ended in a manner not unfavorable to Cotman; the proceeding was without probable cause – which Kamras knew, especially by the time he pressed forward at the Board of Education level of review; and Kamras acted maliciously.

47. As a proximate cause of Kamras's malicious prosecution, Cotman has suffered substantial compensatory damages, including for such things as payment of

attorney's fees to defend her in the proceeding, mental and emotional distress, reputational harm, loss of sleep, humiliation, embarrassment, and loss of time at work.

48. In addition, Kamras' prosecution was made intentionally, recklessly, willfully, and maliciously against Plaintiff and with utter and conscious disregard of her rights. Thus, Plaintiff is also entitled to punitive damages in this matter.

WHEREFORE, Cotman respectfully and specifically requests the following relief against Defendants:

- (a) Compensatory and presumed damages in the amount of one million dollars (\$1,000,000), or some amount as may be determined at trial, to compensate Cotman for all of the damages associated with Kamras' defamation of her and his malicious prosecution of the license revocation proceeding against her;
- (b) Compensatory damages in the amount of one million dollars (\$1,000,000), or some amount as may be determined at trial, to compensate Cotman for all of the reputational damages associated with the defendants' violation of her Constitutional due process rights and liberty interests;
- (c) Punitive damages in the amount of three hundred fifty thousand dollars (\$350,000) dollars;
- (d) Attorney's fees;
- (e) Pre-judgment interest; and
- (f) Associated expenses and costs related to this action and all other such relief as is just and proper.

A TRIAL BY JURY IS DEMANDED.

CHIREDA COTMAN

By: s/ Richard F. Hawkins, III
Virginia Bar Number: 40666
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Counsel for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Chireda Cotman

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

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

Richard F. Hawkins, III, The Hawkins Law Firm, PC, 2222 Monument Ave., Richmond, VA 23220; (804) 308-3040

DEFENDANTS

Jason Kamras, et al.

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

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

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
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 checked="" 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			

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. Section 1983

Brief description of cause:

Section 1983 liberty interest due process claim, together with defamation and malicious prosecution claims

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
2,350,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER 3:19cv543; 3:19cv544

DATE

07/30/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/Richard F. Hawkins, III

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.