

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

YVETTE L. JACKSON)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 19-1030
)	
EAST SAINT LOUIS BOARD OF EDUCATION)	
DISTRICT 189,)	
)	
ARTHUR R. CULVER)	
)	
)	Honorable Judge
)	Jury Demand
Defendants.)	

COMPLAINT

Introduction

1. The Plaintiff Yvette Jackson (Plaintiff) sues East Saint Louis Board of Education District 189 for sexual harassment, retaliation under Title VII, and racial discrimination ,sex and retaliation under 42 USC §1981and for acts under the Illinois Gender Violence Act, 740 ILCS 82/5.

2. The Plaintiff sues Arthur R. Culver (also described as Defendant Culver and or Superintendent) for sexual harassment, retaliation under 42 USC §1981 and the Illinois Gender Violence Act, 740 ILCS 82/5.

Exhaustion of Administrative Proceedings

3. The Plaintiff has satisfied all conditions precedent to the filing of her lawsuit. The EEOC issued plaintiff right to sue on July 2, 2019 attached. (Exhibit 1).

Jurisdiction and Venue

4. This Court has jurisdiction under §706(f)(3) of Title VII of the civil Rights Act of 1964, as amended 42 U.S.C. §2000e-5(f)(3), under §1331 and §1343 of the Judicial Code 28 U.S.C.

§1313 and §1343 and has supplemental jurisdiction under Section 1367 of the Judicial Code 28 U.S.C. §1367.

5. Acts and omissions occurred in the Southern District of Illinois, venue is proper by Section 1391(b) of the Judicial Code [28 U.S.C. §1391(b)].

Facts

6. On or about December 14, 1998 Plaintiff began working for Defendant District 189 as Director of Material Management.

7. Before and after 2018 Plaintiff suffered unwelcome sexual advances from District Superintendent Defendant Culver.

8. On or about April 1, 2018 Defendant Culver showed Plaintiff, over Plaintiffs' objection and attempt to halt Defendant Culvers' actions, a pornographic video involving two men and one women. The video depicted a District male employee in the threesome.

9. Defendant Culver disclosed to Plaintiff, over Plaintiffs' objection, that "if I had a threesome, it would be a one dick two pussy threesome".

10. The following day, on or about April 2, 2018, Plaintiff complained to Purchasing Supervisor about Defendant Culver's behavior.

11. Immediately after reporting Defendant Culver's behavior, Plaintiff was excluded from regular meetings, and ostracized as persona non grata at the instruction of Defendant Culver.

12. At the very next personnel committee meeting Defendant Culver changed the agenda to include eliminating Plaintiff's job. Prior to Plaintiffs' report of harassment there was no plans for eliminating Plaintiffs' position.

13. Board members stated that Defendant had grown angry with Plaintiff for some unknown reasons.

14. Board members and staff were confused by Defendant Culvers actions because Plaintiff had been an integral employee that Defendant Culver relied on and consulted daily.

15. The Board however, made no attempt to curtail Defendant Culvers actions.

16. The Board adopted and codified Defendant Culvers actions.

17. In February of 2017 Defendant Culver visited Plaintiffs' office to view security video footage. Defendant Culver closed Plaintiffs' door, went around Plaintiffs' desk, sat atop Plaintiffs' desk and opened his legs positioning his crotch directly in Plaintiffs' face. Plaintiff suffered a subsequent panic attack and during the year of 2017 had to exercise medical leave to deal with her anxiety, stress and high blood pressure issues due to Defendant Culvers repeated unwelcomed advances.

18. In 2017 Defendant Culver visited Plaintiffs' office regarding a female security officer that had recently totaled a School District Security automobile. Defendant Culver told Plaintiff that he did not think he could wake up for her. Suggesting that he could not achieve an erection for the officer due to her appearance. Plaintiff nervously responded by changing the subject.

19. In conference room B after watching video images of some school incident, Board President Kinnis Williams asked Plaintiff a question and after Plaintiff responded Williams initiated a fist bump with Plaintiff. At the same table, Defendant Culver fist bumped Plaintiffs' upper thigh. Plaintiff jumped and Williams noticed and asked Plaintiff what happen. Plaintiff embarrassingly tried to move to the next question. Williams and Defendant Culver competed for Alpha Male status in the presence of Plaintiff.

20. In March of 2018 Defendant Culver followed Plaintiff to her office. Looking at Plaintiffs' backside Defendant Culver asked Plaintiff if she was losing weight on purpose? Plaintiff stated no she was losing weight due to stress she was suffering on the job. Defendant

Culver stated “ you don’t want to lose too much from the wrong places.” Referring to Plaintiffs’ gluteus maximus and thighs. Plaintiff was embarrassed and rushed to sit down in her office to avoid further harassment.

21. Thereafter, on the morning after a Civil Rights Organization’s Function, Defendant Culver described to Plaintiff in painstaking detail how a lady described a sexual fantasy she envisioned with Defendant Culver which included how the female wanted to sit on top of Defendant Culver and gyrate side to side back and forth and up and down.

22. Following a football game, Defendant Culver was propositioned by (according Defendant Culver) a Board Member. The Female Board Member encouraged Defendant Culver to situate himself behind her as a quarterback would behind the center on offense in football. Defendant Culver states the Board Member insisted he “get up in there”. Defendant Culver then began to demonstrate the sexual gestures of the Board Member illustrating how the Board member positioned herself on a fence and straddled it as if the Board Member was riding a horse. As in all the prior occurrences, Plaintiff attempted to change the subject and remind Defendant Superintendent Culver of the inappropriate nature of his actions. Defendant Culver was undeterred by Plaintiffs’ attempt and completed the story in graphic detail.

Count I-Sexual Harassment

23. The Plaintiff re-alleges paragraphs 1-22 here as if fully stated herein.

Title VII

24. At all times when defendant employed the Plaintiff, The East St. Louis Board of Education District 189 was an “employer” within the definition of §701(b) of the Title VII of the Civil Rights Act of 1964 [42 U.S.C. §2000 e(b)].

25. At all times when the Plaintiff was employed by The East St. Louis Board of Education District 189, Plaintiff was an “employee” within the definition of Section 701(f) of Title VII of the Civil Rights Act of 1964 [42 U.S.C. §2000e(f)].

Sexual harassment

26. The East St. Louis Board of Education District 189 through its agent and by its action and or omissions discriminated against the Plaintiff based upon her sex and condition of her employment.

Damages

27. As a proximate result of this discrimination, the Plaintiff suffered damages including but not limited to, loss wages, loss employment benefits, pain and suffering, loss of self-esteem, loss of enjoyment of life, and emotional distress.

28. Defendant The East St. Louis Board of Education District 189 (Defendant “BOE”) discriminated against the Plaintiff with malice or reckless indifference to the Plaintiffs federally protected rights.

29. To deter future malice or reckless indifference to the federally protected rights of employees by the Defendant “BOE” and other employers and to punish the Defendant “BOE” for their malice or reckless indifference to the Plaintiffs’ federally protected rights, exemplary damages are appropriate.

Wherefore, the Plaintiff prays that the Court:

- I.** Order the Defendant “BOE” to post appropriate notices regarding their legal duties to refrain from discriminating against employees based upon sex;
- II.** Court enjoin Defendant “BOE” from continuing to discriminate employees because of sex;
- III.** Defendant “BOE” reinstated Plaintiff to her position or comparable position, or alternatively, pay for such position for a reasonable time thereafter;

- IV. Court order Defendant “BOE” pay prejudgment interest at the prevailing rate on the award of back pay, loss employment benefits and other compensation loss to the Plaintiff because of the Defendants discrimination against her based upon her sex;
- V. Order the Defendant “BOE” to compensate the Plaintiff for damages which she suffered resulting from the Defendant “BOE” discriminating against her because of her sex, including, but not limited to, humiliation, embarrassment, insult, loss of enjoyment of life, feelings of worthlessness, loss of self-esteem and emotional distress;
- VI. Order Defendant “BOE” to pay punitive damages;
- VII. Order the Defendant “BOE” to pay attorney’s fees, expert witness fees, expenses and costs of the lawsuit and of any prior administrative action and,
- VIII. Order the Defendant “BOE” to pay or provide other relief as this Court deems just and appropriate.

Count II Retaliation

30. The Plaintiff incorporates by references paragraphs 1-29 as if fully asserted herein.

31. The Defendants by their acts and or omissions, retaliated against the Plaintiff for opposing sexual and racial harassment in the terms and conditions of his employment violating the Title VII of the Civil Rights Act of 1964 and or for participating in a Charge of Discrimination before the EEOC.

32. As a proximate result of this retaliation, the Plaintiff suffered damages.

33. The Defendants retaliated against the Plaintiff with malice or reckless indifference to her federally protected rights.

34. Deterring future malice or reckless indifference to the federally protected rights of employees by the Defendants and other employers and to punish the Defendant for their malice or reckless indifference to the federally protected rights of the Plaintiff, exemplary damages are appropriate against the Defendants.

Damages

35. As a proximate result of this discrimination, the Plaintiff suffered damages including but not limited to, loss wages, loss employment benefits, pain and suffering, loss of self-esteem, loss of enjoyment of life, and emotional distress.

36. Defendant The East St. Louis Board of Education District 189 (Defendant “BOE”) discriminated against the Plaintiff with malice or reckless indifference to the Plaintiffs federally protected rights.

37. To deter future malice or reckless indifference to the federally protected rights of employees by the Defendant “BOE” and other employers and to punish the Defendant “BOE” for their malice or reckless indifference to the Plaintiffs’ federally protected rights, exemplary damages are appropriate.

Wherefore, the Plaintiff prays that the Court:

- I.** Order the Defendant “BOE” to post appropriate notices regarding their legal duties to refrain from discriminating against employees based upon sex;
- II.** Court enjoin Defendant “BOE” from continuing to discriminate employees because of sex;
- III.** Defendant “BOE” reinstated Plaintiff to her position or comparable position, or alternatively, pay for such position for a reasonable time thereafter;
- IV.** Court order Defendant “BOE” pay prejudgment interest at the prevailing rate on the award of back pay, loss employment benefits and other compensation loss to the Plaintiff because of the Defendants discrimination against her based upon her sex;
- V.** Order the Defendant “BOE” to compensate the Plaintiff for damages which she suffered resulting from the Defendant “BOE” discriminating against her because of her sex, including, but not limited to, humiliation, embarrassment, insult, loss of enjoyment of life, worthlessness, loss of self-esteem and emotional distress;
- VI.** Order Defendant “BOE” to pay punitive damages;

VII. Order the Defendant “BOE” to pay attorney’s fees, expert witness fees, expenses and costs of the lawsuit and of any prior administrative action and,

VIII. Order the Defendant “BOE” to pay or provide other relief as this Court deems just and appropriate.

Count III Termination

38. The Plaintiff incorporates paragraphs 1-37 by reference as if fully stated herein.

39. Defendant “BOE” through its agents and by the actions and or omission constructively discharged the Plaintiff based upon her sex and in retaliation to her protesting Defendant Culver’s harassment relating to the terms and conditions of her employment, violating Title VII of the Civil Rights Act of 1964 and/or for participating in a Charge of Discrimination before the EEOC.

Damages

40. As a proximate result of this discrimination, the Plaintiff suffered damages including but not limited to, loss wages, loss employment benefits, pain and suffering, loss of self-esteem, loss of enjoyment of life, and emotional distress.

41. Defendant The East St. Louis Board of Education District 189 (Defendant “BOE”) discriminated against the Plaintiff with malice or reckless indifference to the Plaintiffs federally protected rights.

42. To deter future malice or reckless indifference to the federally protected rights of employees by the Defendant “BOE” and other employers and to punish the Defendant “BOE” for their malice or reckless indifference to the Plaintiffs’ federally protected rights, exemplary damages are appropriate.

Wherefore, the Plaintiff prays that the Court:

I. Order the Defendant “BOE” to post appropriate notices regarding their legal duties to refrain from discriminating against employees based upon sex;

- II. Court enjoin Defendant “BOE” from continuing to discriminate employees because of sex;
- III. Defendant “BOE” reinstated Plaintiff to her position or comparable position, or alternatively, pay for such position for a reasonable time thereafter;
- IV. Court order Defendant “BOE” pay prejudgment interest at the prevailing rate on the award of back pay, loss employment benefits and other compensation loss to the Plaintiff because of the Defendants discrimination against her based upon her sex;
- V. Order the Defendant “BOE” to compensate the Plaintiff for damages which she suffered resulting from the Defendant “BOE” discriminating against her because of her sex, including, but not limited to, humiliation, embarrassment, insult, loss of enjoyment of life, worthlessness, loss of self-esteem and emotional distress;
- VI. Order Defendant “BOE” to pay punitive damages;
- VII. Order the Defendant “BOE” to pay attorney’s fees, expert witness fees, expenses and costs of the lawsuit and of any prior administrative action and,
- VIII. Order the Defendant “BOE” to pay or provide other relief as this Court deems just and appropriate.

Count IV-Illinois Gender Violence Act

- 43. The Plaintiff re-alleges paragraphs 1-42 as if fully asserted herein.
- 44. Defendant “BOE” through its employees committed acts against the Plaintiff violating the Illinois Gender Violence Act.
- 45. Aside from Defendant “BOE”, other defendants committed acts against the Plaintiff violating the Illinois Gender Violence Act.
- 46. Said Defendants is Defendant Culver.
- 47. The Defendant’s acts of violence or physical aggression were committed, at least in part, based upon the plaintiffs’ sex.
- 48. The Defendants subjected the Plaintiff to physical intrusions or invasions of a sexual nature.

49. The Defendants subjected the Plaintiff to gender related violence as defined in §5 of the Gender Violence Act, 740 ILCS 82/5.

Wherefore, the Plaintiff prays that this Court enter judgment favoring the Plaintiff and against the Defendants for:

- I) An amount to fully of justly compensate her for the damages he suffered,
- II) Exemplary damages,
- II) Reasonable attorney's fees and costs and expenses of this action, and
- IV) Such other relief as this Court deems just and appropriate.

COUNT V Section 1981 claims against all defendants

50. The Plaintiff incorporates by reference the averments in 1-49 as if fully asserted herein.

51. Defendant "BOE" through its agents and by the actions and/or omission discriminated against Plaintiff based upon her race in the terms and conditions of her employment, violating Title VII of the Civil Rights Act of 1964 and or for participating in a complaint against Defendant Culvers unwelcome sexual advances.

52. Defendant "BOE" employees racially harassed Plaintiff.

53. Defendant Culver racially harassed Plaintiff.

54. Defendants retaliated against Plaintiff after Plaintiff contacted a District manager.

55. Defendants ultimately terminated Plaintiff after she complained about the harassment suffered.

Damages

56. As a proximate result of this discrimination, the Plaintiff suffered damages including but not limited to, loss wages, loss employment benefits, pain and suffering, loss of self-esteem, loss of enjoyment of life, and emotional distress.

57. Defendant The East St. Louis Board of Education District 189 (Defendant “BOE”) discriminated against the Plaintiff with malice or reckless indifference to the Plaintiffs federally protected rights.

58. To deter future malice or reckless indifference to the federally protected rights of employees by the Defendant “BOE” and other employers and to punish the Defendant “BOE” for their malice or reckless indifference to the Plaintiffs’ federally protected rights, exemplary damages are appropriate.

Wherefore, the Plaintiff prays that the Court:

- I.** Order the Defendant “BOE” to post appropriate notices regarding their legal duties to refrain from discriminating against employees based upon sex;
- II.** Court enjoin Defendant “BOE” from continuing to discriminate employees because of sex and race;
- III.** Defendant “BOE” reinstated Plaintiff to her position or comparable position, or alternatively, pay for such position for a reasonable time thereafter;
- IV.** Court order Defendant “BOE” pay prejudgment interest at the prevailing rate on the award of back pay, loss employment benefits and other compensation loss to the Plaintiff because of the Defendants discrimination against her based upon her sex and race;
- V.** Order the Defendant “BOE” to compensate the Plaintiff for damages which she suffered resulting from the Defendant “BOE” discriminating against her because of her sex, including, but not limited to, humiliation, embarrassment, insult, loss of enjoyment of life, worthlessness, loss of self-esteem and emotional distress;
- VI.** Order Defendant “BOE” to pay punitive damages;
- VII.** Order the Defendant “BOE” to pay attorney’s fees, expert witness fees, expenses and costs of the lawsuit and of any prior administrative action and,
- VIII.** Order the Defendant “BOE” to pay or provide other relief as this Court deems just and appropriate.

Respectfully submitted,

/s/Larry S. Fields

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Attorney for Plaintiff

JS 44 -Modified by ILSD 4/2019

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

Yvette L. Jackson

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

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

Fields and Associates LLC
401 South 18th Street, Suite 425
St. Louis, MO. 63103-314-241-3535

DEFENDANTS

East St. Louis Board of Education District 189
Arthur R. Culver

County of Residence of First Listed Defendant St. Clair County
(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

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

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

Brief description of cause:

VII. ADDITIONAL INFORMATION:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \$1,000,000.00 plus Is a jury demanded by any party? **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
9-23-19

SIGNATURE OF ATTORNEY OF RECORD
/s/Larry S. Fields

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____