

COMPLAINT

PARTIES

5. Defendant DAVID SHERMAN was, at all times relevant herein, a Detective in the North Adams Police Department.
6. Defendant CITY OF NORTH ADAMS is a municipal corporation located within Berkshire County, the Commonwealth of Massachusetts and the United States of America with principal offices at 10 Main Street, North Adams, Massachusetts.
7. Defendants KELLY, CLEMENT, MERANTI, and SHERMAN are being sued individually and in their official capacities.
8. At all times pertinent hereto, Defendants KELLY, CLEMENT, MERANTI, and SHERMAN were acting under color of state law.
9. At all times pertinent hereto, Defendants KELLY, CLEMENT, MERANTI, and SHERMAN were engaged in a joint venture.

JURISDICTION AND VENUE

10. This action arises under the Fourth and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983, and 20 U.S.C. § 1681.
11. This Court has jurisdiction of this claim under, and by virtue of, 28 U.S.C. §§ 1331 (federal question) and 1343 (civil rights).
12. This action is properly brought in the Western Division of the United States District Court for the District of Massachusetts under 28 U.S.C. §§1391 (b)(1) and (2) because the events at issue in the case arose and transpired in the Western Division of the District of Massachusetts.

FACTS

A. Unlawful Entry, False Arrest, and Excessive Force Incident

13. On Tuesday, April 6, 2021, Victoria R. Guntlow (“the Decedent”) lived by herself at 15 Ballou Street in North Adams; this single-family home sat at the end of a cul-de-sac adjacent to a wooded area.
14. At the time, the Decedent was fifty-nine years old, stood 5’2” tall, and weighed approximately 120 pounds.
15. The Decedent’s house was in close proximity to one location of a recent homicide and another location where a two-family home was destroyed by a fire.
16. The homicide was particularly upsetting to the Decedent and caused her to fear for her safety.
17. On April 6, 2021, North Adams police officers and other emergency personnel responded to an incident in the vicinity of the Decedent’s residence.
18. The sight of cruisers and emergency vehicles caused the Decedent to worry about the possibility of another violent incident and whether she might be in danger.
19. The Decedent called the North Adams Police Department (NAPD) in an attempt to obtain information as to what was happening in her neighborhood.
20. The NAPD dispatcher declined to provide the Decedent with any pertinent information.
21. The Decedent proceeded to make additional calls to the NAPD by dialing 9-1-1 and the Department’s non-emergency line.
22. At no point during any of these calls did the Decedent transmit any information which she knew or had any reason to know was false.

23. During a single 9-1-1 call lasting less than one minute, the Decedent did not communicate at all.
24. At approximately 4:24 pm, the dispatcher advised the Decedent that officers were enroute to her and that if she did not answer the door, the officers would forcibly enter her residence.
25. The Decedent made it clear to the dispatcher that the police were not welcome in her home.
26. The dispatcher communicated this information to Defendants KELLY, CLEMENT, MERANTI, and SHERMAN.
27. At approximately 4:27 pm, Defendants KELLY, CLEMENT, MERANTI, and SHERMAN arrived at 15 Ballou Street.
28. Defendants KELLY, CLEMENT, MERANTI, and SHERMAN knocked on the two exterior doors of 15 Ballou Street.
29. The Decedent did not answer.
30. Defendant SHERMAN subsequently kicked in the front door and Defendants KELLY, CLEMENT, and MERANTI followed him into the residence.
31. This entry into 15 Ballou was unlawful; Defendants did not have a warrant, the Decedent's permission to enter, or an emergency that would have justified their entry.
32. Inside the residence, Defendant KELLY approached the stairs and yelled for the Decedent.
33. When the Decedent responded, it became clear that she was upstairs.

34. Instead of waiting for the Decedent to come downstairs, Defendants KELLY and SHERMAN walked up the stairs.
35. When she saw the officers, the Decedent advised them that she needed a minute and started to walk towards her bedroom.
36. At this point, Defendants KELLY and SHERMAN grabbed the Decedent and threw her to the ground.
37. This use of force against the Decedent was unjustified.
38. As a result of the unjustified use of force by Defendants KELLY and SHERMAN, the Decedent suffered a fracture of her right humerus.
39. This injury caused the Decedent intense pain.
40. Defendants KELLY and SHERMAN exacerbated the pain suffered by the Decedent by securing her into handcuffs behind her back.
41. The Decedent's arrest was unlawful; Defendants did not have probable cause to believe she had committed a criminal offense.
42. During the booking process, the Decedent complained of right shoulder pain and she was taken by ambulance for medical attention.

B. Malicious Prosecution and Abuse of Process

43. Following Plaintiff's arrest, Defendant MERANTI drafted a police report that served as the basis for an application for a criminal complaint against the Decedent for the crimes of making a false report to a public safety dispatcher in violation of G.L. c. 269, § 14B and disturbing the peace in violation of G.L. c. 272, § 53.

44. Upon information and belief, Defendant MERANTI filed this complaint application with the full knowledge and support of Defendants KELLY, CLEMENT, and SHERMAN.
45. Defendants MERANTI, KELLY, CLEMENT, and SHERMAN did not have probable cause to believe the Decedent committed the crimes for which they sought charges.
46. Defendants MERANTI, KELLY, CLEMENT, and SHERMAN pursued criminal charges against the Decedent for the ulterior or illegitimate purpose of protecting themselves from liability for the injuries they caused the Decedent.
47. The filing of this application for a criminal complaint resulted in damage to the Decedent.
48. On June 3, 2021, the Decedent appeared remotely for a hearing before a clerk Magistrate of the North Adams District Court.
49. After this hearing, the clerk found no probable cause to believe the Decedent committed a criminal offense and declined to issue a complaint.

C. The Death of the Decedent

50. The physical injury the Decedent suffered on April 6, 2021, continued to cause her considerable pain and discomfort during the summer of 2021.
51. To alleviate the throbbing in her right shoulder, the Decedent began taking warm water baths in a makeshift tub in her backyard.
52. On August 18, 2021, the Decedent drowned in this bathtub while treating the injury caused by Defendants KELLY and SHERMAN.

53. On January 25, 2022, Plaintiff PAULINE GUNTLOW was appointed the Personal Representative of the Decedent's Estate.

D. Policies and Customs of the City of North Adams that Caused the Individual Defendants' Misconduct

54. The City of North Adams has allowed policies or customs to develop within its police department that have caused North Adams police officers to believe they can violate the Constitution with impunity. These policies or customs were the moving force behind the misconduct that resulted in the violation of the Decedent's constitutional rights.
55. Prior to April 6, 2021, the City of North Adams had a policy or custom of deliberate indifference to the rights of civilians by failing to adequately supervise and discipline its police officers.
56. Defendants KELLY, CLEMENT, MERANTI, and SHERMAN were emboldened by their understanding that the NAPD would not reprimand or discipline them for violating the constitutional rights of citizens like the Decedent.
57. On December 23, 2016, Defendant SHERMAN and three other NAPD officers attempted to justify their use of excessive force by falsely charging a North Adams resident named Ronald Thomas with operating a motor vehicle under the influence of alcohol, disorderly conduct, and disturbing the peace. *See Commonwealth v. Thomas*, Dkt. No. 1628CR001204 (N. Berkshire Dist. Ct.).
58. Following his acquittal on all charges, Thomas filed a lawsuit alleging civil rights violations on the part of Defendant SHERMAN, the City of North Adams, and others. *See Thomas v. Sherman*, 19-cv-30167-KAR.

59. On April 12, 2017, Defendant SHERMAN was present when a fellow NAPD officer named Benjamin Austin used unnecessary and excessive force to seriously injure a disabled man named Joseph Poplaski. *See Poplaski v. Austin*, 19-cv-30107.
60. After an independent special investigator found Austin failed to comply with an NAPD prohibiting the use of unnecessary force, Austin was permitted to transfer to another police department rather than suffer the consequences of disciplinary action.
61. Prior to April 6, 2021, the City of North Adams, its policymakers, and supervisory personnel at the NAPD were aware of other complaints and claims alleging use of excessive force and other civil rights violations on the part of North Adams Police Officers, but on information and belief, such allegations did not result in substantive investigation into such incidents, discipline of officers, remedial training or other preventative strategies to stem excessive force and other civil rights violations against persons in North Adams.

COUNT I – VIOLATION OF 42 U.S.C. § 1983 – UNLAWFUL ENTRY
(Individual Defendants)

62. Plaintiff re-alleges paragraphs 1 through 61 and incorporates them herein by reference.
63. The aforesaid actions and conduct by Defendants KELLY, CLEMENT, MERANTI, and SHERMAN violated the Decedent's right to be free from an unreasonable warrantless intrusion into her home as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.
64. As a result of the above-described violation of rights, the Decedent suffered great pain of mind and body and was otherwise damaged.

COUNT II – VIOLATION OF 42 U.S.C. § 1983 - FALSE ARREST
(Individual Defendants)

65. Plaintiff re-alleges paragraphs 1 through 61 and incorporates them herein by reference.
66. The aforesaid actions and conduct by Defendants KELLY, CLEMENT, MERANTI, and SHERMAN violated the Decedent's right to be free from an unreasonable seizure as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.
67. As a result of the above-described violation of rights, the Decedent suffered great pain of mind and body and was otherwise damaged.

COUNT III – VIOLATION OF 42 U.S.C. § 1983 – EXCESSIVE FORCE
(Defendants KELLY and SHERMAN)

68. Plaintiff re-alleges paragraphs 1 through 61 and incorporates them herein by reference.
69. The aforesaid actions and conduct by Defendants KELLY and SHERMAN violated the Decedent's right to be free from unreasonable and excessive force and summary punishment as guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.
70. As a result of the above-described violation of rights, the Decedent suffered great pain of mind and body and was otherwise damaged.

COUNT IV – VIOLATION OF 42 U.S.C. § 1983 – MALICIOUS PROSECUTION
(Individual Defendants)

71. Plaintiff re-alleges paragraphs 1 through 61 and incorporates them herein by reference.

72. The aforesaid actions and conduct by Defendants KELLY, CLEMENT, MERANTI, and SHERMAN violated the Decedent's right to be free from malicious prosecution as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.
73. As a result of the above-described violation of rights, the Decedent suffered great pain of mind and body and was otherwise damaged.

COUNT V – TRESPASS
(Individual Defendants)

74. Plaintiff re-alleges paragraphs 1 through 61 and incorporates them herein by reference.
75. The aforesaid actions and conduct by Defendants KELLY, CLEMENT, MERANTI, and SHERMAN violated the Decedent's right of exclusive possession of her property and constituted trespassing as defined under the common law of the Commonwealth of Massachusetts.
76. As a direct and proximate cause of the above-described violation of rights, the Decedent suffered great pain of mind and body and was otherwise damaged.

COUNT VI – FALSE ARREST AND IMPRISONMENT
(Individual Defendants)

77. Plaintiff re-alleges paragraphs 1 through 61 and incorporates them herein by reference.
78. The above-described actions of Defendants KELLY, CLEMENT, MERANTI, and SHERMAN constituted a false arrest and imprisonment as defined under the common law of the Commonwealth of Massachusetts.

79. As a direct and proximate cause of the above-described violation of rights, the Decedent suffered great pain of mind and body and was otherwise damaged.

COUNT VII – ASSAULT AND BATTERY
(Defendants KELLY and SHERMAN)

80. Plaintiff re-alleges paragraphs 1 through 61 and incorporates them herein by reference.
81. The above-described actions of Defendants KELLY and SHERMAN constituted an assault and battery as defined under the common law of the Commonwealth of Massachusetts.
82. As a direct and proximate cause of the above-described violation of rights, the Decedent suffered great pain of mind and body and was otherwise damaged.

COUNT VIII – MALICIOUS PROSECUTION
(Individual Defendants)

83. Plaintiff re-alleges paragraphs 1 through 61 and incorporates them herein by reference.
84. The above-described actions of Defendants KELLY, CLEMENT, MERANTI, and SHERMAN KELLY and SHERMAN constituted malicious prosecution as defined under the common law of the Commonwealth of Massachusetts.
85. As a direct and proximate cause of the above-described violation of rights, the Decedent suffered great pain of mind and body and was otherwise damaged.

COUNT IX – ABUSE OF PROCESS
(Individual Defendants)

86. Plaintiff re-alleges paragraphs 1 through 61 and incorporates them herein by reference.

87. The above-described actions of Defendants KELLY, CLEMENT, MERANTI, and SHERMAN constituted abuse of process as defined under the common law of the Commonwealth of Massachusetts.

88. As a direct and proximate cause of the above-described violation of rights, the Decedent suffered great pain of mind and body and was otherwise damaged.

**COUNT X – VIOLATION OF 42 U.S.C. § 1983 – FAILURE TO DISCIPLINE
AND TRAIN**
(Defendant City of North Adams)

89. Plaintiff re-alleges paragraphs 1 through 61 and incorporates them herein by reference.

90. Defendant City of North Adams allowed the policies and customs described above to exist within its police department.

91. These policies and customs of the City of North Adams allowed Defendants KELLY, CLEMENT, MERANTI, and SHERMAN to believe that they could commit misconduct against Plaintiff with impunity.

92. The policies and customs of Defendant City of North Adams were the moving force behind the actions that resulted in the violations of the Decedent's civil rights.

93. As a direct and proximate cause of the above-described violation of rights, the Decedent suffered great pain of mind and body and was otherwise damaged.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment against Defendants jointly and severally on all counts of this complaint and:

- a) Award compensatory damages;
- b) Award punitive damages;
- c) Award interest and costs of this action to Plaintiff;
- d) Award attorneys' fees to Plaintiff; and
- e) Award such other relief which this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all issues so triable.

PLAINTIFF

By: /s/ Luke Ryan

Luke Ryan

BBO No. 664999

Sasson, Turnbull, Ryan & Hoose

100 Main Street, 3rd floor

Northampton, MA 01060

(413) 586-4800

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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

Pauline Guntlow in her capacity as Personal
Representative of the Estate of Victoria Guntlow

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

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

Luke Ryan; Sasson, Turnbull, Ryan & Hoose; 100 Main
Street, 3rd Floor, Northampton, MA 01060; 586-4800

DEFENDANTS

Preston Kelly, Dana Clement, Matthew Meranti, David
Sherman and City of North Adams

County of Residence of First Listed Defendant Berkshire
(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 | ☐ 1 | ☒ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☒ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 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
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 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 USC sec. 1983

Brief description of cause:
Excessive force / false arrest

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$
\$600,000.00

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

5/3/2022

/s/ Luke Ryan

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.