

JURISDICTION AND VENUE

5. This court has subject matter jurisdiction pursuant to 28 U.S.C. sec. 1331 for claims arising under federal law, i.e. § 2000e-3.
6. Venue is vested in this Court, since Defendant is a Department of Defense facility.
7. This Court has jurisdiction over this action pursuant to Title VII of the Civil Rights Act of 1964 (Title VII) and 42 U.S.C. § 2000(e) *et seq.*

FACTS

8. In August of 2007, Dr. DeSoto started working for Uniformed Services University of the Health Sciences (“USUHS”).
9. From August 2007 to April 2010, Dr. DeSoto worked at USUHS as an Associate Professor.
10. USUHS is part of the Department of Defense.
11. On October 10, 2009, Dr. DeSoto placed on Tenure Track by Dr. Padden, letter placed in Dr. DeSoto’s file in regard to his tenure.
12. On December 1, 2009, Col. Schoneboom, Associate Dean for Academic Affairs, stopped Dr. DeSoto’s class and told him to leave.
13. Col. Schoneboom proceeded to slander Dr. DeSoto in front of students telling them that the lecture was inappropriate.
14. On December 2, 2009, Col. Schoneboom slanders Dr. DeSoto to faculty to other faculty members to cover his own misconduct.
15. On December 3, 2009, students notified Dr. DeSoto of lectures Col. Schoneboom was aware of with inappropriate graphics shown by other professors.

16. Senior VP of USUHS was notified of pornography on Col. Schoneboom's government computer.
17. On December 4, 2009, Col. Schoneboom turned over his government computer to UIS.
18. The hard drive was cleaned of pornography.
19. Col. Schoneboom was given a new computer by UIS management.
20. On December 6, 2009, Col. Schoneboom gained access to Dr. Desoto's blackboard page to alter it and embarrass him.
21. On December 17, 2010, Dr. DeSoto filed an EEO complaint for Religious Discrimination and Harassment.
22. On January 11, 2010, Dr. DeSoto received a voice mail with a death threat over his discrimination complaint.
23. On January 11, 2010, Dr. DeSoto met with Dale Smith and informed him of the death threat and records in Human Resources being altered.
24. On February 5, 2010, USUHS Grievance Committee found Col. Schoneboom guilty of misconduct.
25. No further action was taken against Col. Schoneboom.
26. On February 25, 2010, Dr. Charles Rice concurred with the findings of Grievance Committee, still no further action taken against Col. Schoneboom.
27. On March 1, 2010, Dr. DeSoto informs Mrs. Burke, EEO Counselor, of the concurrence and added to his EEO complaint the claim that no disciplinary action was taken against Col. Schoneboom.
28. On March 15, 2010, Dr. DeSoto heard from EEO on his complaint.

29. On March 19, 2010, Dr. DeSoto received a letter of Expiration of Appointment stating his last day of employment at USUHS will be June 30, 2010.
30. On June 29, 2009, Dr. DeSoto received and signed a Performance Evaluation covering June 1, 2008- May 31, 2009 with outstanding marks in all areas of concern.
31. Dr. DeSoto on several occasions heard the statement of “he smells like a dirty Mexican Jew.”
32. Dr. DeSoto was called a “filthy Jew” in public by Col. Schoneboom.
33. Other employees made religious disparaging remarks against the plaintiff.
34. Neither Col. Schoneboom nor anyone else at Department of Defense made any attempt to stop the treatment against the plaintiff.
31. Col. Schoneboom is not of the Jewish faith.
32. In 2009 after close family members funeral Col. Schoneboom asked why the plaintiff was wearing a beard.
33. Dr. DeSoto replied that the beard is a religious practice.
34. Col. Schoneboom stated in response “I do not care about primitive religious superstition; you look like an animal.”
35. On January 2, 2010, Dr. DeSoto notified Adasue Hinshaw, Dean of Graduate School of Nursing, of his concerns about faculty calling a student “Nigger.”
36. On March 2, 2010, Dr. DeSoto was informed that USUHS is going to pretend they did not know he is Jewish.
37. On March 11, 2010, Dr. DeSoto wore a Yarmulke, a religious head covering, to a faculty meeting.
38. William Bester, Col. Schoneboom and Adasue Henshaw attended the meeting.

39. On March 15, 2010, William Bester, Acting President, stopped Dr. DeSoto in the quad asking why he is wearing a beard.
40. On March 16, 2010, Dr. DeSoto sent an e-mail replying to Bester's question explaining his religious practice.
41. Bester reply's stating he did not know DeSoto was Jewish.
42. Bester's statement was false because Bester knew of plaintiff's faith.
43. On April 2010, Dr. DeSoto's vehicle was vandalized with a swastika and "Die Jude" spray painted on the passenger side door, (Exhibit A).
44. The fuel had also been tampered with.
45. On March 24, 2010, Dr. DeSoto was informed that USUHS is going to drop they did not know he is Jewish strategy and delay the investigation.
46. Col. Schoneboom frequently refers to a "Mexican odor" when Dr. DeSoto is around and to stop eating so many tacos.
47. Dr. DeSoto does not eat tacos because they are not kosher.
48. Plaintiff filed his formal complaint on December 17, 2009.
49. More then 180 days have passed since his filing.
50. The non-renewal of the plaintiff's contract was a foreseeable event of retaliation.
51. The non-renewal of the contract is reasonably related to the aforementioned defendant's actions.

COUNT I

HOSTILE WORK ENVIROMENT BASED ON RELIGIOUS DISCRIMINATION

Plaintiff hereby adopts and incorporates all aforesaid paragraphs as if herein and states:

52. Pursuant to Title VII of the Civil Right Act of 1964 (Title VII), it is an unlawful employment practice for an employer to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment because of such individual's religion.
53. The Defendant is vicariously liable for the behavior of Plaintiff's supervisor, Col. Schoneboom.
54. The Defendant is also liable in that failed to exercise reasonable care to prevent and correct promptly any harassing behavior.
55. Plaintiff attempted to prevent the harassment from reoccurring by complaining to The Department of Defense about it.
56. The actions of The Department of Defense, by and through its agents, servants and employees constituted unlawful harassment.
57. Religion was the motivating factor that The Department of Defense treated the Plaintiff in the matter it did.
58. Religion was a motivating factor that The Department of Defense treated the Plaintiff in the matter it did.
59. The Department of Defense, by and through its employees, including but not limited to Col. Schoneboom and others, created and perpetuated a hostile work environment for Plaintiff on the basis of his religion.
60. Said hostile environment included the aforementioned activities against Plaintiff.
61. The harassment was objectively and subjectively sufficiently severe enough to alter the terms and conditions of employment.

62. As a direct result of The Department of Defense's actions and omissions, Plaintiff suffered monetary and non-monetary damages.

63. Plaintiff has also suffered anguish, anxiety, fear, helplessness, shock, humiliation, insult, embarrassment, depression and other damages as a direct result of The Department of Defense's acts and omissions.

Wherefore, Plaintiff demands in the first cause of action, judgment against Defendant in the amount of \$ 2,000,000.00.

COUNT II
HOSTILE WORK ENVIRONMENT BASED ON RETALIATION

Plaintiff hereby adopts and incorporates all aforesaid paragraphs as if herein and states:

64. Pursuant to Title VII of the Civil Right Act of 1964 (Title VII), it is an unlawful employment practice for an employer to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment because of such individual's religion.

65. The Defendant is vicariously liable for the behavior of Plaintiff's supervisor, Col. Schoneboom.

66. The Defendant is also liable in that failed to exercise reasonable care to prevent and correct promptly any harassing behavior.

67. Plaintiff attempted to prevent the harassment from reoccurring by complaining to The Department of Defense about it.

68. The actions of The Department of Defense, by and through its agents, servants and employees constituted unlawful harassment.

69. The EEO activity was the motivating factor that the company treated the Plaintiff in the matter it did.

70. The EEO activity was a motivating factor that the company treated the Plaintiff in the matter it did.

71. The Department of Defense, by and through its employees, including but not limited to Col. Schoneboom and others created and perpetuated a hostile work environment for Plaintiff on the basis of his EEO activity. Said hostile environment included the aforementioned activities against Plaintiff.

72. The harassment was objectively and subjectively sufficiently severe enough to alter the terms and conditions of employment.

73. As a direct result of The Department of Defense's actions and omissions, Plaintiff suffered monetary and non-monetary damages.

74. Plaintiff has also suffered anguish, anxiety, fear, helplessness, shock, humiliation, insult, embarrassment, depression and other damages as a direct result of The Department of Defense's acts and omissions.

Wherefore, Plaintiff demands in the second cause of action, judgment against Defendant in the amount of \$ 2,000,000.00.

Count III
Retaliation in Violation of Title VII of the Civil Rights Act of 1964

Plaintiff adopts and incorporates by reference all of the allegations set forth in the previous paragraphs as if the same were fully set forth herein.

75. Defendant's aforementioned actions would dissuade an individual from participating or filing an EEO claim of discrimination

76. Plaintiff participated in EEO activity.

77. The aforesaid discriminatory treatment by Defendant toward Plaintiff caused tangible harm to Plaintiff in that they affected the terms, conditions and privileges of his employment.

78. Other similarly situated employees who have not engaged in protected activity were not subject to the same conditions of employment as Plaintiff.

79. Plaintiff's supervisors had knowledge of Plaintiff's prior protected activity.

80. A causal connection exists between aforementioned Defendant's actions in and Plaintiff's prior protected activity.

81. Defendant's aforementioned conduct and statements reflect directly on a retaliatory attitude toward Plaintiff.

82. Defendant's aforementioned conduct and statements reflect directly on the contested employment decision.

83. Defendant's actions constituted a violation of Title VII of the Civil Rights Act of 1964, and 42 U.S.C. § 2000(e) *et seq.*

84. Defendant's aforementioned actions caused damages to the Plaintiff.

85. In addition to the above, Plaintiff also suffered anguish, anxiety, fear, helplessness, shock, humiliation, insult, embarrassment, loss of self-esteem, and other damages.

Wherefore, Plaintiff demands in the third cause of action, judgment against Defendant in the amount of \$ 2,000,000.00.

Count IV
Discrimination Based on Religion in Violation of Title VII of the Civil Rights Act of
1964

Plaintiff adopts and incorporates by reference all of the allegations set forth in the previous paragraphs as if the same were fully set forth herein.

86. Defendant's actions in not renewing the contract were based on his religion.

87. The aforesaid discriminatory treatment by Defendant toward Plaintiff caused tangible harm to Plaintiff in that they affected the terms, conditions and privileges of his employment.

88. A causal connection exists between Defendant's actions in failing to renew the contract and the Plaintiff's religion.

89. Defendant's actions constituted a violation of Title VII of the Civil Rights Act of 1964, and 42 U.S.C. § 2000(e) *et seq.*

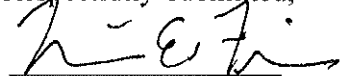
90. Defendant's aforementioned actions caused damages to the Plaintiff.

91. In addition to the above, Plaintiff also suffered anguish, anxiety, fear, helplessness, shock, humiliation, insult, embarrassment, loss of self-esteem, and other damages.

Wherefore, Plaintiff demands in the fourth cause of action, judgment against Defendant in the amount of \$ 2,000,000.00.

WHEREFORE, Plaintiff prays that she be awarded the following relief: (a) a declaratory judgment that the conduct engaged in by Defendant, jointly and severally, was a violation of Plaintiff's legal rights; (b) an injunction enjoining Defendant from engaging in such conduct in the future; (c) that Defendant pay an award of statutory compensatory damages (pecuniary and non-pecuniary) up to the maximum amount permitted by statute; (d) that Defendant to pay reasonable attorneys' fees and costs of this litigation; (g) that Plaintiff be restored to his position; (h) back pay; (i) front pay; and (h) such other relief as the Court may deem just and appropriate.

Respectfully Submitted,



Morris E. Fischer, Esq.

MD Bar # 26286

1400 Spring Street

Suite 350

Silver Spring, MD 20910

(301)328-7631 phone

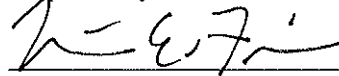
(301)328-7638 fax

Attorney for the Plaintiff

JURY DEMANDED

Plaintiff through counsel, requests a trial by jury on all of the above claims.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M. E. Fischer', is written over a horizontal line.

Morris E. Fischer, Esq.

MD Bar # 26286

1400 Spring Street

Suite 350

Silver Spring, MD 20910

(301)328-7631 phone

(301)328-7638 fax

Attorney for the Plaintiff

JS 44 (Rev. 11/04)

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Joseph DeSoto, M.D. PhD (b) County of Residence of First Listed Plaintiff <u>Berkley County</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) Morris E. Fischer, Esq.; 1400 Spring Street, Suite 300; Silver Spring, MD 20910; (301) 328-7631 phone; (301) 328-7638 fax	DEFENDANTS United States Department of Defense County of Residence of First Listed Defendant <u>Montgomery County</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 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) (For Diversity Cases Only) <table style="width: 100%;"> <tr> <td style="width: 33%;">Citizen of This State</td> <td style="width: 33%;">PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1</td> <td style="width: 33%;">Incorporated or Principal Place of Business In This State</td> <td style="width: 33%;">PTF <input type="checkbox"/> 4 DEF <input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input checked="" type="checkbox"/> 2 DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td>PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input checked="" type="checkbox"/> 4	Citizen of Another State	PTF <input checked="" type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input checked="" type="checkbox"/> 4										
Citizen of Another State	PTF <input checked="" type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6										

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT <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 (Excl. 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	TORTS 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 PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 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	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <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"/> 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	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <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 type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition

V. ORIGIN (Place an "X" in One Box Only)							
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>Title VII and Civil Rights Act of 1964</u> Brief description of cause: <u>Employment discrimination on the basis of religion</u>
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ <u>2,000,000.00</u>	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____ DOCKET NUMBER _____
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DATE 11/10/2010	SIGNATURE OF ATTORNEY OF RECORD 
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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.C.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; 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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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 dollar amount (in thousands of dollars) 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.