

## INSTRUCTIONS FOR COMPLETING THE CIVIL COVER SHEET – FORM JS-44

### PLAINTIFF, DEFENDANT, and ATTORNEY

#### Plaintiffs and Defendants

- **Names** – Enter the name (last, first, middle initial) of each plaintiff and defendant. If either party is a government agency, use the full name or standard abbreviation. If either party is an official within a government agency, identify first the agency and then the official, including both name and title.
- **County of Residence** – Except for cases in which the U.S. Government is the plaintiff, enter the name of the county where the first listed plaintiff resides at the time the case is filed. If the U.S. Government is the plaintiff, enter the name of the county in which the first listed defendant resides at the time the case is filed. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- **Citizenship and State of Residence** – For diversity of citizenship cases, where parties are citizens of different states, indicate the citizenship and state of residence of each plaintiff and defendant.

**Attorneys** - Enter the attorney of record, including the firm name, mailing address, telephone number, fax number, and e-mail address. If there are several attorneys, list them on an attachment and note “see attachment” in this section of the form. Enter “Pro Se” if you are representing yourself without the assistance of an attorney.

#### CASE INFORMATION

**County Where Claim for Relief Arose** - Select the county in which the action upon which the lawsuit is based occurred.

**In Forma Pauperis** - Indicate whether you are requesting permission to proceed with this case without having to pay filing fees due to poverty.

**Constitutional Challenge to Statute** – Indicate whether the case challenges the constitutionality of a State or Federal statute.

**Basis of Jurisdiction** - Indicate the basis of jurisdiction as set forth in Rule 8(a) of the Federal Rules of Civil Procedure. If there is more than one basis of jurisdiction, precedence is given in the following order:

- **1. United States Plaintiff** - Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- **2. United States Defendant** - Jurisdiction based on cases in which plaintiffs are suing the United States, its officers, or its agencies.
- **3. Federal Question** - Suits filed under on 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.
- **4. Diversity of Citizenship** - Suits filed under 28 U.S.C. 1332, where the parties are citizens of different states. For diversity of citizenship cases, you must provide information on the citizenship and state of residence of the parties. (See “Citizenship and State of Residence” in the Plaintiff, Defendant, and Attorney section of the form.)

**Origin** - Please select from the following origin codes:

- **1. Original Proceedings** - Cases which originate in the United States district courts.
- **2. Removed From State Court** - Cases initiated in state courts and subsequently removed to the United States district courts under 28 U.S.C. 1441. Select this option when the petition for removal is granted. When you select this option, a pop-up window will appear asking you to provide a county selected from the drop down list and a text entry box will allow you to enter the associated case number.
- **3. Remanded from Appellate Court** - Cases remanded to the United States district courts for further actions. Use the date of remand as the filing date.
- **4. Reinstated or Reopened** - Cases reinstated or reopened in the United States district courts. Use the reopening date as the filing date.
- **5. Transferred from Another District** - Cases transferred from another United States district court under 28 U.S.C. 1404(a). Do not complete a new JS-44 form for within district transfers.
- **6. Multidistrict Litigation - Transfer** Cases transferred from the Judicial Panel on Multidistrict Litigation under 28 U.S.C. 1407. When this option is selected, do not select “Transferred from Another District.”
- **8. Multidistrict Litigation – Direct File.** 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.

**Class Action** - For original proceedings and cases removed from state court, indicate the class action status of the case.

**Demand** – Enter the dollar amount demanded or other demand information such as temporary restraining order or preliminary injunction.

**Jury Demand** - Indicate if a jury is demanded either in the complaint or filed as a separate document. Please remember that designating a jury demand on this form alone does not constitute a proper request.

**Statutory Cause of Action** – Provide the Title and Section of the U.S. Code under which you are filing (e.g., 35 U.S.C. 271: Patent Infringement). Do not cite jurisdictional statutes unless the basis of jurisdiction is diversity of citizenship.

**Related Federal Cases** – If there are related cases pending in this district, provide the docket numbers and judges' names for such cases.

## **NATURE OF SUIT**

**Nature of Suit** – Mark the box that best describes the nature of the civil action filed. If more than one nature of suit applies, select the most definitive.

- **Social Security Cases** - If you select a Nature of Suit under “Social Security Appeals,” a pop-up window will ask whether this case seeks to review an application previously decided by the court. Choose either “Yes” or “No” and press the “Continue” button to close the pop-up window. If you answer “Yes” you will be asked to provide the associated case number.