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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JOSE MONTANEZ, on behalf of himself  
and all others similarly situated,

Plaintiff(s),

v.

CHECKR, INC.,

Defendant.

Case No. 3:19-cv-7776

**CLASS ACTION COMPLAINT**

**DEMAND FOR JURY TRIAL**

**FAIR CREDIT REPORTING ACT**

**PRELIMINARY STATEMENT**

1  
2           1.       Plaintiff Jose Montanez served twenty-two years in prison for a murder that he  
3 did not commit, before his conviction was overturned on appeal and he was formally granted a  
4 certificate of innocence by the Cook County, Illinois criminal courts.

5           2.       When Plaintiff applied to be an Uber driver in September of 2018, nearly two  
6 years after he was formally declared to be innocent, Defendant Checkr, Inc. (“Checkr” or  
7 “Defendant”) sold a background report about him which inaccurately reported that he had plead  
8 guilty to murder and that the disposition of the case was a conviction.

9           3.       Over 2,500 individuals nationwide have been formally exonerated of criminal  
10 convictions since 1989. Like Mr. Montanez, many of these individuals continue to be haunted  
11 by their wrongful convictions as they move on with their lives and seek employment, because  
12 Defendant continues to improperly report records of convictions on background reports for  
13 employment purposes, despite the fact that publicly available court records clearly demonstrate  
14 their innocence.

15           4.       Plaintiff now individually and on behalf of all others similarly situated, files this  
16 Class Action Complaint against Checkr under the Fair Credit Reporting Act, 15 U.S.C. §§ 1681  
17 *et seq.*, brought on behalf of others affected by Checkr’s procedures for reporting records of  
18 convictions even after such convictions have been overturned and the persons who are the  
19 subjects of the reports have been declared innocent.

20                           **JURISDICTION AND VENUE**

21           5.       Jurisdiction of this Court arises under 15 U.S.C. § 1681p and 28 U.S.C. § 1331.

22           6.       Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b). Pursuant to  
23 L.R. 3-2(c)-(d), this case should be assigned to the San Francisco Division of this Court because  
24 a substantial part of the events or omissions which gave rise to the lawsuit occurred in San  
25 Francisco County.

26                           **PARTIES**

27           7.       Plaintiff Jose Montanez is an adult individual who resides in Chicago, Illinois.  
28

1           8. Defendant Checkr is a consumer reporting agency that regularly conducts  
2 business in the State of California and which has a principal place of business in San Francisco,  
3 California.

4                                   **FACTUAL ALLEGATIONS**

5                                   *Checkr's Operations as a Consumer Reporting Agency*

6           9. The Fair Credit Reporting Act ("FCRA") regulates the use of "consumer reports"  
7 for employment purposes, commonly called "background reports."

8           10. Among other things, Checkr sells consumer reports to employers who wish to  
9 screen job applicants.

10          11. Checkr is a "consumer reporting agency" ("CRA") as defined by the FCRA, and  
11 its reports are "consumer reports."

12          12. The FCRA requires CRAs such as Checkr to follow reasonable procedures to  
13 assure the maximum possible accuracy of the information included on consumer reports. 15  
14 U.S.C. § 1681e(b).

15          13. The FCRA further prohibits CRAs from reporting adverse criminal record  
16 information, other than a record of a conviction, that antedates the report by more than seven  
17 years. 15 U.S.C. § 1681c(a)(5).

18          14. Some of the consumer reports Checkr sells to employers contain information  
19 regarding a job applicant's criminal arrest and conviction history.

20          15. CRAs such as Checkr deal in volume and use standardized procedures to gather  
21 information and place it on reports about individuals. They do not "reinvent the wheel" by using  
22 unique practices with respect to each different report.

23          16. Checkr routinely, and as a matter of policy and practice, intentionally, recklessly,  
24 and willfully includes records of criminal convictions despite being aware that the conviction has  
25 been vacated, dismissed, or otherwise overturned and the individual declared legally innocent

26          17. Checkr's practices cause substantial harm to consumers who have been legally  
27 exonerated by prejudicing their employers and prospective employers with misleading and  
28 adverse criminal record information.

*Exonerated Individuals*

18. According to data maintained by the National Registry of Exonerations, over 2,500 individuals have been declared legally innocent of prior convictions since 1989, including Plaintiff. See <http://www.law.umich.edu/special/exoneration/Pages/mission.aspx>

19. Furthermore, there are over forty (40) organizations across the country actively working to identify and assist individuals who were subject to false convictions.

*The Experience of Plaintiff Jose Montanez*

20. Plaintiff was charged with murder and attempted armed robbery in connection with an incident which occurred in July of 1993.

21. Plaintiff maintained that he had no connection to the event and was innocent of all charges. He plead not guilty and the case went to trial.

22. Plaintiff was nonetheless found guilty in the Circuit Court of Cook County, Illinois on October 21, 1994.

23. He appealed the conviction from prison, and twenty-two years later, on July 20, 2016, the conviction was vacated and all charges against him were dismissed.

24. On November 2, 2016, the court ordered that he “is innocent of the offenses charged” and issued a formal Certificate of Innocence.

25. Plaintiff was released from prison and he began trying to rebuild his life, including seeking employment.

26. On or about September 25, 2018, Plaintiff applied to work as an Uber driver.

27. In connection with his application, Plaintiff consented to a background check.

28. On or about September 25, 2018, Checkr prepared and sold to Uber a consumer report about Plaintiff.

29. Checkr reported to Uber that the “Plea” associated with the 1993 murder charge was “Guilty” and that the “Disposition” of the case was “Convicted.”

30. This reporting was inaccurate, because Plaintiff never pleaded guilty, and because the true disposition was the dismissal of all charges and that Plaintiff was declared innocent.

1           31. Checkr was well aware of the true disposition of the case, because it included in  
2 the “sentencing notes” on the face of the report that the conviction had been vacated and that the  
3 “FINAL ORDER” in the case was “ALL COUNTS-NOLLE PROSSED.”

4           32. Checkr’s continuing inclusion of this wrongful conviction on its report about  
5 Plaintiff was inaccurate and materially misleading.

6           33. The true final disposition of the 1993 charges as shown in the public record was  
7 the dismissal of all charges.

8           34. The 1993 charges antedated the report by twenty-five years and were subject to  
9 the mandatory exclusion set forth in FCRA section 1681c(a)(5).

10           35. Plaintiff was shocked and distressed by the appearance of the misleading and  
11 outdated information on the Checkr report – he believed that the wrongful conviction was behind  
12 him and that he had cleared his name.

13           36. On October 1, 2018, Uber sent Plaintiff a copy of the September 25, 2018 Checkr  
14 report and “[t]he specific records that may disqualify you” from driving for Uber are:”

- 15                   • CHARGE: MURDER (DISPOSITION: CONVICTED) 03/03/1995
- 16                   • CHARGE: MURDER (DISPOSITION: CONVICTED) 03/03/1995
- 17                   • CHARGE: MURDER (DISPOSITION: CONVICTED) 03/03/1995

18           37. As a result of Checkr’s conduct, Plaintiff suffered damages, including without  
19 limitation and by example only: loss of employment opportunity, damage to reputation,  
20 embarrassment, humiliation, and other emotional and mental distress.

### 21                   **CLASS ACTION ALLEGATIONS**

22           38. Plaintiff brings this action on behalf of the following Classes of consumers:

- 23                   (a) All natural persons residing within the United States and its  
24 Territories who, beginning two (2) years prior to the filing of  
25 this Complaint and continuing through the conclusion of this  
26 action, were the subject of a consumer report prepared by  
27 Defendant which included one or more items of criminal record  
28 information, for which Defendant identified the “Disposition” as  
“Conviction” and simultaneously included additional  
information on the report demonstrating that the conviction had  
been reversed, set aside, vacated, dismissed, nolle prossed, or  
otherwise overturned.

1 (b) All natural persons residing within the United States and its  
2 Territories who, beginning two (2) years prior to the conclusion  
3 of this action, were the subject of a consumer report prepared by  
4 Defendant which included one or more items of criminal record  
5 information, for which Defendant identified the “Disposition” as  
6 “Conviction,” but who at the time of the report had been  
7 determined to be legally innocent of the reported charge.

8 (c) All natural persons residing within the United States and its  
9 Territories who, beginning two (2) years prior to the filing of  
10 this Complaint and continuing through the conclusion of this  
11 action, were the subject of a consumer report prepared by  
12 Defendant which included one or more items of criminal record  
13 information which included any adverse information with a date  
14 more than seven years prior to the date of the report, for which  
15 Defendant identified the “Disposition” as “Conviction” and  
16 simultaneously included additional information on the report  
17 demonstrating that the conviction had been reversed, set aside,  
18 vacated, dismissed, nolle prossed, or otherwise overturned.

19 (d) All natural persons residing within the United States and its  
20 Territories who, beginning two (2) years prior to the filing of  
21 this Complaint and continuing through the conclusion of this  
22 action, were the subject of a consumer report prepared by  
23 Defendant which included one or more items of criminal record  
24 information which included any adverse information with a date  
25 more than seven years prior to the date of the report, for which  
26 Defendant identified the “Disposition” as “Conviction” but who  
27 at the time of the report had been determined to be legally  
28 innocent of the reported charge.

39. The Classes are so numerous that joinder of all members is impracticable. Although the precise number of Class members is known only to Defendant, Plaintiff avers upon information and belief that the Classes minimally number in the hundreds.

40. There are questions of law and fact common to the Classes that predominate over any questions affecting only individual Class members. The principal questions concern whether the Defendant willfully and/or negligently violated the FCRA by failing to follow reasonable procedures to assure the maximum possible accuracy of the information contained in consumers’ files with respect criminal convictions which have been reversed, set aside, vacated, dismissed, or otherwise overturned, or where the subject of the report has been determined to be legally innocent.

41. Plaintiff's claims are typical of the claims of the Classes, which all arise from the same operative facts and are based on the same legal theories.

42. Plaintiff will fairly and adequately protect the interests of the Classes. Plaintiff is committed to vigorously litigating this matter. Further, Plaintiff has secured counsel who are very experienced in handling consumer class actions. Neither Plaintiff nor his counsel has any interests which might cause them not to vigorously pursue this claim.

43. This action should be maintained as a class action because the prosecution of separate actions by individual members of the Classes would create a risk of inconsistent or varying adjudications with respect to individual members which would establish incompatible standards of conduct for the parties opposing the Classes, as well as a risk of adjudications with respect to individual members which would as a practical matter be dispositive of the interests of other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

44. Whether Defendant violated the FCRA can be easily determined by Defendant's policies and a ministerial inspection of Defendant's business records.

45. A class action is a superior method for the fair and efficient adjudication of this controversy. Management of the Classes' claims is likely to present significantly fewer difficulties than those presented in many individual claims. The identities of the Class members may be derived from Defendant's records.

## **CLAIMS**

### **FIRST CAUSE OF ACTION – VIOLATION OF FCRA § 1681e(b) (CLASS)**

46. Plaintiff incorporates all paragraphs as though the same were set forth at length herein.

47. Pursuant to section 1681n and 1681o of the FCRA, Defendant is liable for willfully and negligently failing to follow reasonable procedures to assure maximum possible accuracy of the consumer reports that is sold, in violation of 15 U.S.C. § 1681e(b).

WHEREFORE, Plaintiff respectfully prays that an order be entered certifying the proposed Classes under Rule 23 of the Federal Rules of Civil Procedure and appointing Plaintiff

1 and his counsel to represent the Classes; that judgment be entered for Plaintiff and the Classes  
 2 against Defendant for statutory, actual, and punitive damages for violation of 15 U.S.C.  
 3 §1681e(b), pursuant to 15 U.S.C. §§ 1681n and 1681o; that the Court award costs and reasonable  
 4 attorney's fees, pursuant to 15 U.S.C. §§ 1681n and 1681o; and that the Court grant such other  
 5 and further relief as may be just and proper.

6 **SECOND CAUSE OF ACTION – VIOLATION OF FCRA § 1681c(a)(5) (CLASS)**

7 48. Plaintiff incorporates the foregoing paragraphs as though the same were set forth  
 8 at length herein.

9 49. Pursuant to sections 1681n and 1681o of the FCRA, Defendant is liable for  
 10 negligently and willfully making a consumer report containing adverse criminal record  
 11 information other than a record of a conviction which antedated the report by more than seven  
 12 years, in violation of FCRA section 1681c(a)(5).

13 WHEREFORE, Plaintiff respectfully prays that an order be entered certifying the  
 14 proposed Class under Rule 23 of the Federal Rules of Civil Procedure and appointing Plaintiff  
 15 and his counsel to represent the Class; that judgment be entered for Plaintiff and the Class against  
 16 Defendant for statutory, actual, and punitive 15 U.S.C. §§ 1681n and 1681o; that the Court award  
 17 costs and reasonable attorney's fees pursuant to 15 U.S.C. §§ 1681n and 1681(o); that the Court  
 18 award such other and further relief as may be necessary, just, and proper.

19 **THIRD CAUSE OF ACTION – VIOLATION OF FCRA § 1681e(a)**

20 50. Plaintiff incorporates the foregoing paragraphs as though the same were set forth  
 21 at length herein.

22 51. Pursuant to 1681n and 1681o of the FCRA, Defendant is liable for negligently  
 23 and willfully failing to maintain reasonable procedures designed to avoid violations of Section  
 24 1681c of the FCRA.

25 52. WHEREFORE, Plaintiff respectfully prays that an order be entered certifying  
 26 the proposed Class under Rule 23 of the Federal Rules of Civil Procedure and appointing  
 27 Plaintiff and his counsel to represent the Class; that judgment be entered for Plaintiff and the  
 28 Class against Defendant for statutory, actual, and punitive 15 U.S.C. §§ 1681n and 1681o; that



the Court award costs and reasonable attorney's fees pursuant to 15 U.S.C. §§ 1681n and 1681(o); that the Court award such other and further relief as may be necessary, just, and proper

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, on behalf of himself, the Classes, and/or the general public, prays for judgment against Defendant as follows:

- An order certifying this action as a Plaintiff class action under Rule 23 of the Federal Rules of Civil Procedure as set forth herein;
- For an award of statutory and/or actual damages under the FCRA;
- For punitive and exemplary damages; and as to counts for which they are available under the applicable law in such amount as the Court deems just and proper;
- For reasonable attorneys' fees and costs of investigation and litigation under;
- For costs of lawsuit, pre-judgment, and post-judgment interest; and
- Such other and further relief as the Court may deem necessary or appropriate.

Dated: November 26, 2019

Respectfully submitted,

**DUCKWORTH & PETERS, LLP**

/s/ Erika A. Heath

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*Attorneys for Plaintiff and the Proposed Classes*

**JURY TRIAL DEMAND**

Plaintiff demands trial by jury on all issues.

Dated: November 26, 2019

**DUCKWORTH & PETERS, LLP**

By: /s/ Erika Heath  
Erika A. Heath  
Attorney for Plaintiff and the Proposed Classes

CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
Jose Montanez

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

**(c)** Attorneys *(Firm Name, Address, and Telephone Number)*  
Erika A. Heath (SBN 304683)  
DUCKWORTH & PETERS, LLP  
369 Pine Street, Suite 410, San Francisco, CA 94104 (Telephone: (415) 433-0333)

**DEFENDANTS**  
Checkr, Inc.

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)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<div>110 Insurance</div> <div>120 Marine</div> <div>130 Miller Act</div> <div>140 Negotiable Instrument</div> <div>150 Recovery of Overpayment Of Veteran's Benefits</div> <div>151 Medicare Act</div> <div>152 Recovery of Defaulted Student Loans (Excludes Veterans)</div> <div>153 Recovery of Overpayment of Veteran's Benefits</div> <div>160 Stockholders' Suits</div> <div>190 Other Contract</div> <div>195 Contract Product Liability</div> <div>196 Franchise</div> <div>REAL PROPERTY</div> <div>210 Land Condemnation</div> <div>220 Foreclosure</div> <div>230 Rent Lease &amp; Ejectment</div> <div>240 Torts to Land</div> <div>245 Tort Product Liability</div> <div>290 All Other Real Property</div>	<div><b>PERSONAL INJURY</b></div> <div>310 Airplane</div> <div>315 Airplane Product Liability</div> <div>320 Assault, Libel &amp; Slander</div> <div>330 Federal Employers' Liability</div> <div>340 Marine</div> <div>345 Marine Product Liability</div> <div>350 Motor Vehicle</div> <div>355 Motor Vehicle Product Liability</div> <div>360 Other Personal Injury</div> <div>362 Personal Injury -Medical Malpractice</div> <div><b>CIVIL RIGHTS</b></div> <div>440 Other Civil Rights</div> <div>441 Voting</div> <div>442 Employment</div> <div>443 Housing/ Accommodations</div> <div>445 Amer. w/Disabilities--Employment</div> <div>446 Amer. w/Disabilities--Other</div> <div>448 Education</div> <div><b>PERSONAL INJURY</b></div> <div>365 Personal Injury -- Product Liability</div> <div>367 Health Care/ Pharmaceutical Personal Injury Product Liability</div> <div>368 Asbestos Personal Injury Product Liability</div> <div><b>PERSONAL PROPERTY</b></div> <div>370 Other Fraud</div> <div>371 Truth in Lending</div> <div>380 Other Personal Property Damage</div> <div>385 Property Damage Product Liability</div> <div><b>PRISONER PETITIONS</b></div> <div><b>HABEAS CORPUS</b></div> <div>463 Alien Detainee</div> <div>510 Motions to Vacate Sentence</div> <div>530 General</div> <div>535 Death Penalty</div> <div><b>OTHER</b></div> <div>540 Mandamus &amp; Other</div> <div>550 Civil Rights</div> <div>555 Prison Condition</div> <div>560 Civil Detainee-- Conditions of Confinement</div>	<div>625 Drug Related Seizure of Property 21 USC § 881</div> <div>690 Other</div> <div><b>LABOR</b></div> <div>710 Fair Labor Standards Act</div> <div>720 Labor/Management Relations</div> <div>740 Railway Labor Act</div> <div>751 Family and Medical Leave Act</div> <div>790 Other Labor Litigation</div> <div>791 Employee Retirement Income Security Act</div> <div><b>IMMIGRATION</b></div> <div>462 Naturalization Application</div> <div>465 Other Immigration Actions</div>	<div>422 Appeal 28 USC § 158</div> <div>423 Withdrawal 28 USC § 157</div> <div><b>PROPERTY RIGHTS</b></div> <div>820 Copyrights</div> <div>830 Patent</div> <div>835 Patent--Abbreviated New Drug Application</div> <div>840 Trademark</div> <div><b>SOCIAL SECURITY</b></div> <div>861 HIA (1395ff)</div> <div>862 Black Lung (923)</div> <div>863 DIWC/DIWW (405(g))</div> <div>864 SSID Title XVI</div> <div>865 RSI (405(g))</div> <div><b>FEDERAL TAX SUITS</b></div> <div>870 Taxes (U.S. Plaintiff or Defendant)</div> <div>871 IRS--Third Party 26 USC § 7609</div>	<div>375 False Claims Act</div> <div>376 Qui Tam (31 USC § 3729(a))</div> <div>400 State Reapportionment</div> <div>410 Antitrust</div> <div>430 Banks and Banking</div> <div>450 Commerce</div> <div>460 Deportation</div> <div>470 Racketeer Influenced &amp; Corrupt Organizations</div> <div>480 Consumer Credit</div> <div>485 Telephone Consumer Protection Act</div> <div>490 Cable/Sat TV</div> <div>850 Securities/Commodities/ Exchange</div> <div><input checked="" type="checkbox"/> 890 Other Statutory Actions</div> <div>891 Agricultural Acts</div> <div>893 Environmental Matters</div> <div>895 Freedom of Information Act</div> <div>896 Arbitration</div> <div>899 Administrative Procedure Act/Review or Appeal of Agency Decision</div> <div>950 Constitutionality of State Statutes</div>

**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):*  
15 U.S.C. §§ 1681 et seq., as amended  
Brief description of cause:  
ViolationS of the Fair Credit Reporting Act

**VII. REQUESTED IN COMPLAINT:**

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

**DEMAND \$**

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

**VIII. RELATED CASE(S), IF ANY** *(See instructions):*

JUDGE

DOCKET NUMBER

**IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)**

*(Place an "X" in One Box Only)*    ☒ SAN FRANCISCO/OAKLAND    ☐ SAN JOSE    ☐ EUREKA-MCKINLEYVILLE

DATE    11/26/2019

SIGNATURE OF ATTORNEY OF RECORD    /s/ Erika Heath

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

**Authority For Civil Cover Sheet.** The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate 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 Federal Rule of Civil Procedure 8(a), 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.
    - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
    - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
    - (3) Federal question. This refers to suits under 28 USC § 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.
    - (4) Diversity of citizenship. This refers to suits under 28 USC § 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-CAND 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 clerk(s) 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 six boxes.
    - (1) Original Proceedings. Cases originating in the United States district courts.
    - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
    - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
    - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
    - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
    - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
    - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no 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 Federal Rule of Civil Procedure 23. 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-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
  - IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.