

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2017 MAR 17 PM 12:43

CLERK

BY [Signature]
DEPUTY CLERK

COURTHOUSE NEWS SERVICE,)
 Plaintiff)
)
 v.)
)
 PATRICIA GABEL, in her official capacity)
 as the Chief Administrator of the Supreme)
 Court of the State of Vermont, LAURIE)
 CANTY, in her official capacity as Clerk)
 of Court for Addison, Bennington, and)
 Rutland Counties; KATHLEEN PEARL,)
 in her official capacity as Clerk of Court for)
 Caledonia, Essex, and Washington Counties,)
 CHRISTINE BROCK, in her official capacity)
 as Clerk of Court for Chittenden County,)
 GAYE PAQUETTE, in her official capacity)
 as Clerk of Court for Franklin, Grand Isle,)
 and Orleans Counties; KATHLEEN HOBART,)
 in her official capacity as Clerk of Court for)
 Lamoille County; and ANNE DAMONE, in)
 her official capacity as Clerk of Court for)
 Orange, Windham, and Windsor Counties,)
 Defendants)

Docket No. 2:17-cv-43

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

Plaintiff Courthouse News Service ("CNS"), by and through the undersigned attorneys, alleges the following in support of its Complaint for Injunctive and Declaratory Relief:

Introduction

1. The First Amendment of the U.S. Constitution provides the press and the public with a presumptive right to access judicial proceedings and documents in civil cases, including newly-filed civil complaints, which are the cornerstone of every case, and docket records, which provide the public and press with the information needed to exercise their First Amendment right

of access. While the First Amendment right of access may be limited in certain, narrow circumstances, the presumption is one of unfettered access upon filing.

2. Courts across the country have recognized that the presumption of access attaches to judicial documents, including civil complaints and docket records, upon receipt of those documents by a court, and that delays in access are the functional equivalent of access denials. When a complaint is withheld, it “leaves the public unaware that a claim has been leveled and that state power has been invoked – and public resources spent – in an effort to resolve the dispute.” *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132, 141 (2d Cir. 2016). Similarly, docket records “provide a kind of index to judicial proceedings and documents and thereby endow the public and press with the capacity to exercise their rights guaranteed by the First Amendment.” *Hartford Courant Co. v. Pellegrino*, 380 F.3d 83, 93 (2d Cir. 2004).

3. Vermont state law flips the constitutionally mandated presumption of access on its head. Vermont Rule of Civil Procedure Rule 77(e) and Vermont Rule for Public Access to Court Records § 6(b)(25) (collectively, the “Confidentiality Rules”) prohibit court clerks from disclosing “any records” relating to most new civil actions, including docket information, complaints, and other case initiating documents, until at least one defendant has been served or has received “actual notice” of the action and the deadline for serving other defendants has passed or until the action has been “finally disposed of.” The result is that most new Vermont civil suits – including complaints and case-initiating documents as well as docket and other case records – are withheld from public view for weeks or months after they are filed.

4. Defendants, the Chief Administrator of the Supreme Court of the State of Vermont, and state and county clerks responsible for the administration of court records in Vermont, are tasked with implementing the laws challenged in this action. By following

Vermont law and prohibiting the press and public's timely access to records of new civil actions, Defendants are acting under color of state law and depriving CNS, other press entities, and the general public from the right of access to judicial documents guaranteed by the First Amendment.

5. By this action, CNS asks this Court to declare Vermont's Confidentiality Rules unconstitutional and to grant preliminary and permanent injunctive relief prohibiting Defendants, as well as any employees or others acting at their behest, from restricting public access to records about newly-filed civil actions, including complaints and docket information, pursuant to the Confidentiality Rules, as required by the Constitution.

Jurisdiction and Venue

6. CNS' claims arise under the First and Fourteenth Amendments to the United States Constitution and the Civil Rights Act, Title 42 U.S.C. § 1983, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. § 1331, because these are federal questions, and 28 U.S.C. § 1343, because these are civil rights claims.

7. Defendants are subject to personal jurisdiction in this Court as of the time of filing because, upon information and belief, Defendants are individuals who reside in Vermont.

8. Venue is proper in the District of Vermont pursuant to 28 U.S.C. § 1391(b), because a substantial part of the events giving rise to the Complaint occurred in this District, all Defendants act in their official capacities in this District, and, upon information and belief, all Defendants reside in this District, and this District is also where their primary place of employment is located.

Parties

9. CNS is a California corporation with its principal place of business in Pasadena, California. CNS is a news wire service, similar to other news wire services such as the Associated Press, except that CNS specializes in reporting about civil lawsuits from the date of filing through the appellate level in state and federal courts throughout the United States. CNS' comprehensive and timely coverage of civil litigation through its print, website, and e-mail publications has made it a go-to source of information about the nation's civil courts.

10. Defendant Patricia Gabel is sued in her official capacity as Chief Administrator of the Supreme Court of the State of Vermont. The Chief Administrator is responsible for, among other things, oversight of the administrative infrastructure of the Judiciary, including trial court and appellate court administration. Acting in her official capacity, Defendant, as well as those acting under her direction and supervision, is directly involved with and responsible for the withholding of access to newly-filed complaints that the media and public experience as a result of the Vermont Confidentiality Rules. Defendant's actions and the resulting delay and denial in access take place under color of Vermont law and constitute state action within the meaning of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. On information and belief, Defendant resides and is employed in the State and District of Vermont.

11. CNS also names as defendants the Superior Court Clerks for the fourteen counties of Vermont. Vermont Superior Courts are the trial court that hears the majority of civil actions (excluding matrimonial and probate matters) in Vermont state courts. Accordingly, Superior Court Clerks are responsible for, among other things, the administration of civil court records and the provision of public access to those records.

12. Defendant Laurie Canty is sued in her official capacity as the Superior Court Clerk for the following counties: Addison, Bennington, and Rutland. Acting in her official capacity, Defendant, as well as those acting under her direction and supervision, is directly involved with and responsible for the delays and denials of access to newly-filed complaints that CNS encounters. Defendant's actions and the resulting delay and denial in access alleged in the Complaint take place under color of state law, specifically, Vermont Rule of Civil Procedure 77(e) and Vermont Rules for Public Access to Court Records § 6(b)(25), and constitute state action within the meaning of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. On information and belief, Defendant resides and is employed in the State and District of Vermont.

13. Defendant Kathleen Pearl is sued in her official capacity as the Superior Court Clerk for the following counties: Caledonia, Essex, and Washington. Acting in her official capacity, Defendant, as well as those acting under her direction and supervision, is directly involved with and responsible for the delays and denials of access to newly-filed complaints that CNS encounters. Defendant's actions and the resulting delay and denial in access, as alleged in the Complaint, take place under color of state law, specifically, Vermont Rule of Civil Procedure 77(e) and Vermont Rules for Public Access to Court Records § 6(b)(25), and constitute state action within the meaning of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. On information and belief, Defendant resides and is employed in the State and District of Vermont.

14. Defendant Christine Brock is sued in her official capacity as the Superior Court Clerk for Chittenden County. Acting in her official capacity, Defendant, as well as those acting under her direction and supervision, is directly involved with and responsible for the delays and

denials of access to newly-filed complaints that CNS encounters. Defendant's actions and the resulting delay and denial in access, as alleged in the Complaint, take place under color of state law, specifically, Vermont Rule of Civil Procedure 77(e) and Vermont Rules for Public Access to Court Records § 6(b)(25), and constitute state action within the meaning of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. On information and belief, Defendant resides and is employed in the State and District of Vermont.

15. Defendant Gaye Paquette is sued in his official capacity as the Superior Court Clerk for the following counties: Franklin, Grand Isle, and Orleans. Acting in her official capacity, Defendant, as well as those acting under her direction and supervision, is directly involved with and responsible for the delays and denials of access to newly-filed complaints that CNS encounters. Defendant's actions and the resulting delay and denial in access, as alleged in the Complaint, take place under color of state law, specifically, Vermont Rule of Civil Procedure 77(e) and Vermont Rules for Public Access to Court Records § 6(b)(25), and constitute state action within the meaning of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. On information and belief, Defendant resides and is employed in the State and District of Vermont.

16. Defendant Kathleen Hobart is sued in her official capacity as the Superior Court Clerk for Lamoille County. Acting in her official capacity, Defendant, as well as those acting under her direction and supervision, is directly involved with and responsible for the delays and denials of access to newly-filed complaints that CNS encounters. Defendant's actions and the resulting delay and denial in access, as alleged in the Complaint, take place under color of state law, specifically, Vermont Rule of Civil Procedure 77(e) and Vermont Rules for Public Access to Court Records § 6(b)(25), and constitute state action within the meaning of the Fourteenth

Amendment to the United States Constitution and 42 U.S.C. § 1983. On information and belief, Defendant resides and is employed in the State and District of Vermont.

17. Defendant Anne Damone is sued in her official capacity as the Superior Court Clerk for the following counties: Orange, Windham, and Windsor. Acting in her official capacity, Defendant, as well as those acting under her direction and supervision, is directly involved with and responsible for the delays and denials of access to newly-filed complaints that CNS encounters. Defendant's actions and the resulting delay and denial in access, as alleged in the Complaint, take place under color of state law, specifically, Vermont Rule of Civil Procedure 77(e) and Vermont Rules for Public Access to Court Records § 6(b)(25), and constitute state action within the meaning of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. On information and belief, Defendant resides and is employed in the State and District of Vermont.

18. CNS seeks injunctive and declaratory relief against Defendants, who are named in their official capacities, as well as their agents, assistants, successors, employees, and all persons acting in concert or cooperation with them or at their direction or under their control.

Factual Allegations

A. A Tradition Of Access To Records In Newly-Filed Civil Cases.

19. A new complaint serves as the opening bell in a legal contest, and, in recognition of the media's role in informing interested persons about new court cases, it has been a longstanding tradition for courts to provide the press and public with access to new civil complaints, irrespective of whether defendants have been served. The same holds true for other civil case-initiating documents, civil docket records, and other records filed in newly-filed civil actions.

20. With respect to complaints, in three recent cases brought by CNS, federal courts in California, New York, and Texas have issued injunctions precluding court clerks from enforcing policies that withheld new complaints from public and press review for even a short time following the clerks' receipt of those complaints for filing. *Courthouse News Serv. v. Planet*, 2016 WL 4157210 *12 (C.D. Cal. May 26, 2016); *Courthouse News Serv. v. Tingling*, Civil Action No. 1:16-cv-08742-ER Preliminary Injunction Hearing & Order Reporter's Transcript (S.D.N.Y. Dec. 16, 2016); *Courthouse News Serv. v. Jackson*, 2009 WL 2163609, at *4 (S.D. Tex. July 20, 2009).

B. CNS Publications and Subscribers.

21. CNS is a nationwide news service, which began in 1990 out of a belief that great swaths of news about civil litigation went unreported because the traditional news media failed to cover much of the important business of the courts. CNS now employs more than 300 people, most of them reporters, covering courts in all 50 states in the United States.

22. CNS offers a variety of publications. One category is its "New Litigation Reports," which contain original, staff-written summaries of significant new civil complaints. New Litigation Reports focus on general jurisdiction civil complaints against business institutions, public entities, prominent individuals, or other civil actions of interest to CNS' subscribers. They do not cover criminal or family law matters, nor do they include residential foreclosures or probate filings.

23. To prepare New Litigation Reports, CNS reporters have traditionally visited their assigned courts near the end of the day, so that they can review all the complaints filed that day to determine which ones are newsworthy. Given the nature of the New Litigation Reports, any delay in the ability of a reporter to obtain and review newly-filed complaints necessarily creates

a delay in CNS' ability to inform subscribers and other interested persons of the factual and legal allegations in those complaints.

24. Among CNS' other publications are its two print newsletters and an electronic "Daily Brief," which covers published, nationwide appellate rulings, including all U.S. Supreme Court and federal circuit decisions, as well as significant rulings from a growing number of federal district courts, including the District of Vermont.

25. In addition, CNS publishes a freely-available website featuring news reports and commentary, which is read by roughly one million readers each month. The website functions much like a print daily newspaper, featuring staff-written articles from throughout the nation that are posted and rotate on and off the page on a 24-hour news cycle.

26. CNS has been credited as the original source of reporting on a topic by a wide range of publications, including the *ABA Journal*, ABC News, *The Atlantic*, *Austin American Statesman*, Black Christian News Network, *California Bar Journal*, CBS News, The Daily Beast, *The Christian Science Monitor*, *The Dallas Morning News*, Forbes, Fox News, *The Guardian*, The Hill, *Houston Chronicle*, The Huffington Post, *Long Island Press*, *Los Angeles Times*, *Mother Jones*, NBC News, *New York Daily News*, *New York Magazine*, *The New York Times*, NPR, *The Orange County Register*, Politico, *The Telegraph* (UK), *Rolling Stone*, *San Antonio Express-News*, Slate, *Salt Lake City Tribune*, *The Washington Times*, *Women's Health Policy Report*, *U.S. News and World Report*, *USA Today*, *The Wall Street Journal*, *The Washington Post*, UPI, and others. In addition, U.S., Canadian, and New Zealand radio shows have interviewed CNS reporters.

27. CNS has approximately 2,000 subscribers nationwide, including more than 100 in New England. A substantial set of news and entertainment outlets are CNS subscribers,

including but not limited to *The Atlanta Journal Constitution*, *The Boston Globe*, *Buzzfeed*, *The Dallas Morning News*, *Detroit Free Press*, Fox Entertainment Group, *Houston Chronicle*, *Los Angeles Times*, *The Salt Lake Tribune*, *San Antonio Express News*, *San Jose Mercury News*, *The Wall Street Journal*, Warner Bros., and many TV stations. The Washington-based Center for Public Integrity also subscribes.

28. Among academic institutions, subscribers to CNS' new litigation reports include Boston College Law School, Boston University, Case Western Reserve University, Harvard Law School, Loyola Law School, MIT School of Management, UC Hastings College of Law, and UCLA School of Law, among others.

C. Vermont's Confidentiality Rules.

29. Civil suits in Vermont may be commenced one of two ways: (1) by filing a complaint and serving the defendant within 60 days of filing; or (2) by serving the complaint and filing it within 20 days of service. Vt. R. Civ. P. 3.

30. While Rule for Public Access § 6(a) articulates Vermont's policy as providing "access to all case records," § 6(b) goes on to limit that policy by providing: "The public shall not have access to . . . (25) Records filed or generated in connection with the filing of a civil action prior to service or disposition as provided in Rule 77(e) of the Vermont Rules of Civil Procedure." Rule for Public Access § 6(b).

31. Vermont Rule of Civil Procedure 77(e) states:

(e) Confidentiality of Records. The clerk shall not disclose the filing of an action or release any records, proceedings, or minutes pertaining to it unless: (i) the action has been finally disposed of; or (ii) at least one defendant has actual notice of the pendency of the action by service or otherwise, and the time for service upon any defendants without notice, including any extension of that time ordered by the court, has expired. . . .

32. On information and belief, the state courts of Vermont are the only courts in the nation that prohibit public and press access to documents pertaining to newly-filed civil actions until after defendants are served or notified of the suit.

33. The only docket information about a newly-filed complaint or other case initiating document that is made public prior to service upon defendant is the date and county of filing and plaintiff's attorney's name; not even the names of the parties are made public.

D. Denial Of Timely Access Caused By The Confidentiality Rules.

34. During the weeks of February 7 and 20, 2017, CNS's Northwest Bureau Chief Adam Angione reviewed the publicly available civil complaints filed in the month of October 2016 in all fourteen Counties in Vermont. Of the 441 complaints filed that month, only 105 (24%) were made public on the day of filing.

35. Upon information and belief, the complaints made public on the day of filing were those in which the plaintiff had elected to serve the complaint on all defendants prior to filing. *See* Vt. R. Civ. P. 3.

36. Based on a recent survey of filings made in October 2016, the average delay in public access appears to be around 41 days, and, as of February 2017 – four months later – 92 of the cases filed in October 2016 remained confidential.

37. In conversations with various county clerks' office employees, CNS was provided with different and sometimes conflicting information about when or whether complaints should be made public, *e.g.*, upon affirmative indication that all defendants had received actual notice (*i.e.*, proof of completed service), upon the expiration of the service deadline, or even upon expiration of the answer deadline. The presumed reason for the rule was the concern that an individual not learn of a suit against him from third parties before he is served.

38. Because the vast majority of the filed complaints are presumptively deemed confidential and disclosure of those complaints are often delayed for weeks, if not months, CNS does not maintain a reporter in Vermont.

E. Harm Caused By Vermont's Confidentiality Rules.

39. The delays caused by Vermont's Confidentiality Rules are so extreme that they offset the incentives for CNS to regularly cover Vermont state court actions. By the time the public has access to the records needed to report on Vermont state court actions, the news is often stale.

40. Newsworthy information is more likely to arrive through plaintiffs who provide filed pleadings to favorable news outlets. This gives plaintiffs the power to manipulate the news and control which outlets report on their filed, active litigations, as the Confidentiality Rules prevent other news outlets from accessing the underlying judicial records at the courthouse.

41. This has happened in at least two recent, noteworthy examples. The first example is *Stopford v. Milton Town School Dist.*, Docket No. 826-8-15, Chittenden County, in which the family of a deceased high school football player sued his former school district, alleging that his suicide was prompted by hazing from his teammates. This case, filed on August 27, 2015, did not become public for more than a month after filing. Meanwhile, a local newspaper, *The Milton Independent*, published a story on the case on September 2, 2015, presumably because it received a copy of the filing from plaintiffs or their attorney. Even the story in *The Milton Independent* noted that the case – despite having been filed – had not yet been made public.

42. The second example is *State of Vermont vs. Volkswagen Aktiengesellschaft*, Docket No. 536-9-16 Wncv., in which the Vermont Attorney General sued Volkswagen, on behalf of consumers, alleging violations of emissions standards. The case was filed in

Chittenden County on September 6, 2016, but withheld from public view until October 19, 2016 – 41 days later. Meanwhile, one of CNS’ largest law firm subscribers contacted CNS to ask about the case, and why CNS had not reported on it.

COUNT ONE
Violation of U.S. Const. Amend. I and 42 U.S.C. § 1983

43. CNS incorporates the allegations of Paragraph 1-42 herein.

44. Defendants’ actions under color of state law including, without limitation, their enforcement of Vermont Rule of Civil Procedure 77(e) and Vermont Rules for Public Access to Court Records § 6 by withholding press and public access to all “records, proceedings, or minutes pertaining to” the filing of a new civil action including, but not limited to, new civil complaints, other civil case initiating documents, and docket records, until at least one defendant has been served or has actual notice of the action and the time for service on any other defendants has expired, have deprived and continue to deprive CNS and the general public of the right of access to judicial records secured by the First Amendment to the U.S. Constitution, as applied to the states under the Fourteenth Amendment.

45. The First Amendment provides a presumptive right of access to civil court records, including complaints, *Bernstein v. Bernstein, Litowitz Berger & Grossman LLP*, 814 F.3d 132, 140-41 (2d Cir. 2016), and docket records, *Hartford Courant v. Pellegrino*, 380 F.3d 83, 96 (2d Cir. 2004). That presumption is of prompt public access and applies whenever a right to access is found. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 126 (2d Cir 2010).

46. The delays caused by Defendants’ actions are unconstitutional as a matter of law, unless Defendants can satisfy their burden to show that the rules and policies causing these delays are justified by an “overriding interest,” “essential to preserve higher values,” and

“narrowly tailored to serve that interest.” *New York Civil Libs. Union v. New York City Transit Auth.*, 684 F.3d 286, 304 (2d Cir. 2012).

47. Vermont has not identified any compelling or overriding interest sufficient to overcome the public’s and CNS’ presumptive right of access to all new complaints under the First Amendment.

48. CNS has no adequate and speedy remedy at law to prevent or redress Defendants’ unconstitutional actions.

49. Unless Vermont’s Rules of Confidentiality are deemed unconstitutional, CNS will suffer irreparable harm, including the diminution in value of CNS’ reports and loss of goodwill, as a result of Defendants’ violation of its First Amendment rights. CNS therefore requires injunctive relief, both preliminary and permanent, to prevent further deprivation of its First Amendment rights and those of the general public.

Claims for Relief

50. Wherefore, CNS respectfully seeks the following relief:

- a) A declaration that Vermont Rule of Civil Procedure 77(e) and Vermont Rules for Public Access to Court Records § 6(b)(25) are unconstitutional both facially and as applied, and are invalid and unenforceable;
- b) A permanent injunction barring Defendants and their agents from enforcing or otherwise implementing Vermont Rule of Civil Procedure 77(e) and Vermont Rules for Public Access to Court Records § 6(b)(25);
- c) Preliminary injunctive relief barring Defendants and their agents from enforcing or otherwise implementing any aspect of Vermont Rule of Civil

Procedure Rule 77(e) and Vermont Rule for Public Access to Court
Records § 6(b)(25);

- d) An order requiring Defendants and their agents to provide prompt public access to all newly-filed complaints;
- e) An order awarding attorney's fees and costs, including pursuant to 42 U.S.C. §§ 1983, 1988; and
- f) Any other relief the Court deems just and proper.

Dated: Burlington, Vermont
March 17, 2017



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For Plaintiff

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.)

(a) PLAINTIFFS Courtthouse News Service
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number) Robert B. Hemley, Esq., Gravel & Shea PC, 76 St. Paul Street, 7th Floor, P.O. Box 369, Burlington, VT 05402-0369; (802) 658-0220 hemley@gravelshea.com
DEFENDANTS Patricia Gabel, Laurie Canty, Kathleen Pearl, Christine Brock, Gaye Paquette, and Kathleen Hobart in their official capacities as Clerks of Court
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

I. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
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
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

V. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
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
TORTS
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
FORFEITURE/PENALTY
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
BANKRUPTCY
422 Appeal 28 USC 158
423 Withdrawal 28 USC 157
PROPERTY RIGHTS
820 Copyrights
830 Patent
840 Trademark
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
OTHER STATUTES
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
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

VI. 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

VII. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §§ 1331 and 1343
Brief description of cause:

VIII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

IX. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 3/17/2017 SIGNATURE OF ATTORNEY OF RECORD Robert B. Hemley

RECEIPT # 4106001 AMOUNT 400.00 APPLYING IFP JUDGE 1012 MAG. JUDGE 3m. 16.100 2:17-cv-42