

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**DONNA VEEDER, STACY VEEDER and
BRENDAN VEEDER,**

Plaintiffs,

**COMPLAINT IN A
CIVIL ACTION**

-against-

**STEVEN NUTTING, Individually and in his
Official Capacity as an Investigator for the
New York State Police, "JOHN DOE1,"
"JOHN DOE2," "JOHN DOE3," "JOHN DOE4,"
"JOHN DOE4," "JOHN DOE5," and "JOHN DOE6,"
(the names being fictitious but intended to represent
one or more employees of the New York State Police)
Individually and their Official Capacities as Employees
Of the New York State Police,**

**JURY TRIAL
DEMANDED**

1:10-cv-665

(GLS/DRH)

Defendants.

Plaintiffs by and through their attorney, Keith F. Schockmel, complaining of defendants, allege:

PRELIMINARY STATEMENT

1. This is a civil action for damages, punitive damages, attorney's fees and costs to redress the deprivation of plaintiffs' constitutional and statutory rights by the defendants acting under color of state law. Plaintiffs also seek damages against defendants for violations of New York State law and constitution.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. §1983 and jurisdiction of the Court is invoked under 28 U.S.C. §§1331 and 1343. Plaintiffs further invoke the

supplemental jurisdiction of this Court pursuant to 28 U.S.C. §1367 and the pendent jurisdiction of this Court to hear and decide claims under state law.

3. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

VENUE

4. Pursuant to 28 U.S.C. §1391, venue properly lies in the United States District Court for the Northern District of New York, as this is the district where, upon information and belief, all the parties reside and where the events complained of occurred.

PARTIES

5. Plaintiff Donna Veeder is a resident of the State of New York and County of Albany, New York. She is the widow of Garry Veeder, who was a civilian employee of the New York State Police at the time of his death on or about May 23, 2008.

6. Plaintiff Stacy Veeder is a resident of the State of New York and County of Albany, New York. She is the daughter of Donna and Garry Veeder.

7. Plaintiff Brendan Veeder is a resident of the State of New York and County of Albany, New York. He is the son of Donna and Garry Veeder.

8. Defendant Steven Nutting is, and was at all times relevant to this action, an employee of the New York State Police holding the title of Investigator.

9. Defendant John Doe1 is, and was at all times relevant to this action, an employee of the New York State Police.

10. Defendant John Doe2 is, and was at all times relevant to this action, an employee of the New York State Police.

11. Defendant John Doe3 is, and was at all times relevant to this action, an employee of the New York State Police.

12. Defendant John Doe4 is, and was at all times relevant to this action, an employee of the New York State Police.

13. Defendant John Doe5 is, and was at all times relevant to this action, an employee of the New York State Police.

14. Defendant John Doe6 is, and was at all times relevant to this action, an employee of the New York State Police.

FACTS

15. On or about May 23, 2008 Garry Veeder, a civilian employee of the New York State Police, committed suicide in a detached outbuilding of the home he shared with plaintiffs Donna, Stacy and Brendan Veeder, his wife and children.

16. Plaintiff Donna Veeder discovered him in the outbuilding, the Albany County Sheriff's Department was called and they and Emergency Medical Technicians (EMTs) responded.

17. There was never any suggestion that Garry Veeder's death was anything but a suicide, and it was treated as such by all law enforcement personnel at all times.

18. Plaintiffs were assisted by EMTs in telephoning relatives and friends, as well as attempting to provide them comfort.

19. Plaintiff Donna Veeder was in her home, which was not in the building where the suicide occurred, when she noticed a notebook with a sticky-note on the outside addressed to plaintiff's and her husband's attorney.

20. Inside the notebook were documents for the attorney, as well as sealed envelopes addressed to each plaintiff, as well as Donna Veeder's brother and his wife.

21. At about this time plaintiff Donna Veeder became peripherally aware that all members of the Sheriff's Department, as well as all the EMTs, had suddenly left the premises.

22. Plaintiff Donna Veeder carried the notebook upstairs in her home to place it on a table so that the family could read the letters addressed to them when they became able.

23. As Donna Veeder began to walk into another room she was startled by the presence of an unknown man following her.

24. This man was wearing no uniform, and Donna Veeder stated to him, "Who are you and what are you doing in my house?"

25. In response the man handed her a card identifying him as defendant Steven Nutting.

26. Donna Veeder asked Investigator Nutting why he was there, however, he refused to explain.

27. Defendant Nutting ordered Donna Veeder to turn over the notebook containing the letters to plaintiffs and her attorney to him, stating that it was "evidence."

28. Donna replied that the notebook was her property, and the letters inside were addressed to her as well as other family members.

29. Defendant Nutter stated, "I can do anything I want, lady, this is a crime scene until I say otherwise."

30. Donna asked if she could at least read her husband's note addressed to her in defendant Nutting's presence before he took it, however defendant Nutting refused to allow her to do so.

31. Defendant Nutting would not even permit Donna Veeder to open the envelope.

32. At this point Donna Veeder became aware that other defendants were conducting a room by room search of her house.

33. No plaintiff had invited any defendant into their home, and no plaintiff granted any defendant permission to conduct any search.

34. During this period of time two defendants began following plaintiff Stacy Veeder, following her into plaintiff Brendan Veeder's bedroom, where she was sending an e-mail to her boyfriend to ask him to come over.

35. As Stacy was on the computer one of these defendants advised her that the computer was "evidence," and inquired if her father had left her note on the computer.

36. In an attempt to get away from this defendant, Stacy left her brother's room and went to her own bedroom.

37. The defendant followed Stacy into her bedroom.

38. Stacy, who was dressed in nothing but a nightgown, continued to try to get away from the defendants following her from room to room, however they continued to follow her.

39. The defendants directed Stacy that she had to leave the house with them, and one of them forced her into an unmarked police automobile.

40. Stacy attempted to exit the automobile, however the defendant held the door shut, preventing her from leaving.

41. By this time, some of plaintiffs' friends had begun to arrive.

42. One of them could see Stacy being held in the police car by a defendant and approached the vehicle to see if she could help Stacy, however the defendant holding Stacy ordered her away from the car.

43. During this period plaintiff Brendan, who was a minor at the time, and quite distraught over the death of his father, was being interrogated by two of the defendants while his mother was in another room.

44. Although Brendan Veeder clearly indicated that he did not wish to speak to the defendants, the two defendants continued with the interrogation, until they were they were informed by a friend of Donna Veeder that they were being watched interrogating a minor without the presence of a parent.

45. Plaintiff Donna Veeder telephoned her and her husband's attorney—to whom some of the material in the notebook was addressed—for advice with regard to defendant Nutting's demand that the notebook and letters addressed to plaintiffs be given to him. The attorney advised her that she was not to surrender the material, then spoke with defendant Nutting on the phone.

46. Upon information and belief, the attorney advised defendant Nutting that he did not have permission to take the notebook and letters, that that the material therein was privileged and confidential.

47. Donna Veeder heard defendant Nutting state into the telephone, "I can do anything I want, this is a crime scene unless I say otherwise." He then hung up the phone.

48. As Donna's older daughter lived on an Army base, with a husband on active duty who couldn't be reached from the base, it was necessary that the Red Cross be utilized to notify her daughter and son-in-law of Donna's husband's death.

49. At a visiting friend's request defendant Nutting telephoned the Red Cross and apprised them that Donna Veeder's husband had committed suicide.

50. Another attorney from her and her husband's law firm called Donna and again directed her not to give the notebook and letters to defendant Nutting.

51. Donna told him that defendant Nutting was insistent that he was going to take the notebook, and the attorney asked to speak with him on the phone.

52. Upon information and belief, this attorney also advised defendant Nutting that he could not take the notebook.

53. Donna Veeder heard defendant Nutting tell the attorney that he could do anything he wants.

54. By this point, a friend had had arrived, and also advised defendant Nutting that she questioned whether he had the right to take Donna Veeder's notebook.

55. Again, defendant Nutting stated he could do "anything I want," and the notebook was "evidence unless I say otherwise."

56. Defendant Nutting then ordered all plaintiffs to get dressed and leave their house.

57. A friend of plaintiff Donna Veeder, observing that plaintiffs Stacy and Donna Veeder appeared to be physically unwell and in need of medical attention, inquired what had become of the EMTs.

58. Defendant Nutting responded that he had directed them and the Albany County Sheriff's Department members to leave.

59. As Stacy Veeder went upstairs to get dressed, she was followed into the bathroom by a (male) defendant.

60. Stacy succeeded in shutting the bathroom door, with the defendant outside of it, whereupon he proceeded to bang on the door and tell her to come out.

61. Stacy Veeder then went into her bedroom to get dressed, and the same defendant attempted to follow her into the room, but she was able to shut the door to give herself privacy.

62. As plaintiffs were being forced by defendant to leave their home defendant Nutting took the notebook and the letters away from Donna Veeder.

63. Donna Veeder stated to him that he was taking the property from her against her wishes, and against legal advice.

64. As plaintiffs were being ordered to leave their home by defendants plaintiff Donna Veeder asked if they had a search warrant to search their home, and was told defendants did not have a warrant, nevertheless plaintiffs were forced to leave.

65. Plaintiffs then went to the home of a friend.

66. Later that day plaintiff Donna Veeder had an appointment with a physician, who diagnosed her with dangerously elevated blood pressure requiring immediate attention.

67. When plaintiffs returned from the physician, plaintiff Donna Veeder's brother telephoned from Atlanta Georgia stating he had just read an article on the internet describing the contents of the notes which defendant Nutting had taken from plaintiffs.

68. Additionally, the local television news stations reported on the contents of the notes taken from plaintiffs.

69. When plaintiffs returned to their home they discovered that defendants had conducted a thorough search of the home and taken a briefcase belonging to plaintiff Donna Veeder.

70. At no time was a warrant to search the property of plaintiffs issued.

71. No exigent circumstances existed preventing defendants from applying for a warrant to search the property of plaintiffs.

72. At no time was a warrant to seize the property of plaintiffs issued.

73. No exigent circumstances existed preventing defendants from applying for a warrant to seize the property of plaintiffs.

74. At no time was a warrant to seize or arrest plaintiff Stacy Veeder issued.

75. No exigent circumstances existed preventing defendants from applying for a warrant to seize or arrest plaintiff Stacy Veeder.

COUNT I

76. The aforementioned acts of defendants in seizing plaintiffs Donna Veeder, Stacy Veeder and Brendan Veeder and forcibly removing them from their home were accomplished under color of state law, and constituted a deprivation of property without

due process in violation of plaintiffs' constitutional rights as guaranteed in the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, as well as the Constitution of the State of New York and the laws of the United States of America and the State of New York.

77. As a result of said acts, plaintiffs have suffered the deprivation of plaintiff's constitutional rights, monetary loss, mental and emotional pain and trauma, fear, apprehension, depression, anxiety, loss of enjoyment of life and deprivation of liberty and property.

COUNT II

78. The aforementioned acts of defendants in seizing plaintiffs Donna Veeder, Stacy Veeder and Brendan Veeder and forcibly removing them from their home were accomplished under color of state law, and constituted a deprivation of liberty without due process in violation of plaintiffs' constitutional rights as guaranteed in the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, as well as the Constitution of the State of New York and the laws of the United States of America and the State of New York.

79. As a result of said acts, plaintiffs have suffered the deprivation of plaintiff's constitutional rights, monetary loss, mental and emotional pain and trauma, fear, apprehension, depression, anxiety, loss of enjoyment of life and deprivation of liberty and property.

COUNT III

80. The aforementioned acts of defendants in seizing the personal possessions of plaintiffs Donna Veeder, Stacy Veeder and Brendan Veeder and forcibly removing

them from their home were accomplished under color of state law, and constituted a deprivation of property without due process in violation of plaintiffs' constitutional rights as guaranteed in the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, as well as the Constitution of the State of New York and the laws of the United States of America and the State of New York.

81. As a result of said acts, plaintiffs have suffered the deprivation of plaintiff's constitutional rights, monetary loss, mental and emotional pain and trauma, fear, apprehension, depression, anxiety, loss of enjoyment of life and deprivation of liberty and property.

COUNT IV

82. The aforementioned acts of defendants in forcibly removing plaintiffs Donna Veeder, Stacy Veeder and Brendan Veeder and from their home in order to effectuate a search thereof were accomplished under color of state law, and constituted a deprivation of property without due process in violation of plaintiffs' constitutional rights as guaranteed in the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, as well as the Constitution of the State of New York and the laws of the United States of America and the State of New York.

83. As a result of said acts, plaintiffs have suffered the deprivation of plaintiff's constitutional rights, monetary loss, mental and emotional pain and trauma, fear, apprehension, depression, anxiety, loss of enjoyment of life and deprivation of liberty and property.

COUNT V

84. The aforementioned acts of defendants in seizing plaintiff Stacy Veeder and forcibly confining her to a car were accomplished under color of state law, and constituted a false arrest and deprivation of liberty without due process in violation of plaintiff's constitutional rights as guaranteed in the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, as well as the Constitution of the State of New York and the laws of the United States of America and the State of New York.

85. As a result of said acts, plaintiffs have suffered the deprivation of plaintiff's constitutional rights, monetary loss, mental and emotional pain and trauma, fear, apprehension, depression, anxiety, loss of enjoyment of life and deprivation of liberty and property.

COUNT VI

86. The aforementioned acts of defendants were so outrageous and egregious as to shock the contemporary conscience and were accomplished under color of state law, constituting a denial of substantive due process in violation of plaintiffs' constitutional rights under the United States Constitution, as well as the Constitution of the State of New York and the laws of the United States of America and the State of New York.

87. As a result of said acts, plaintiffs have suffered the deprivation of plaintiff's constitutional rights, monetary loss, mental and emotional pain and trauma, fear, apprehension, depression, anxiety, loss of enjoyment of life and deprivation of liberty and property.

JURY DEMAND

88. Plaintiffs demand a trial by jury of all issues in this action.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully request that this Court:

(A) Assume jurisdiction of this action pursuant to the laws of the United States of America, including, *inter alia*, 28 U.S.C. § § 1331, 1343 and 1367 and 42 U.S.C. § 1983;

(B) Declare that defendants have violated plaintiff's rights as secured by the Constitutions and laws of the United States of America and the State of New York;

(C) Award a money judgment against each defendant herein upon each cause of action in the amount of one million dollars (\$1,000,000.00) as compensatory damages;

(D) Award a money judgment against each defendant for punitive damages;

(E) Retain jurisdiction over this action until defendants have fully complied with the judgments and orders of this Court:

(F) Award the costs of this action against defendants, including reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable law; and

(G) Grant such other, further and different relief to plaintiffs as to this Court may seem just and proper.

DATED: June 8, 2010

/S/
KEITH F. SCHOCKMEL
Bar Roll Number: 501730
Attorney for Plaintiffs
4 Atrium Drive, Suite 290
Albany, New York 12205
(518) 435-9360

JS 44 (Rev. 12/07)

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
 DONNA VEEDER, STACY VEEDER and
 BRENDAN VEEDER

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
 KEITH F. SCHOCKMEL
 4 Atrium Drive, Suite 290, Albany, New York 12205
 (518) 435-9360

DEFENDANTS
 STEVEN NUTTING, et al.

County of Residence of First Listed Defendant Albany
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE 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)

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
<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	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	<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 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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<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 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 checked="" 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	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	

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

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):
42 U.S.C. section 1983

Brief description of cause:
Action for seizure of property and persons without due process

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 1,000,000.00

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

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

JUDGE _____ DOCKET NUMBER _____

DATE 06/08/2010 SIGNATURE OF ATTORNEY OF RECORD Keith F. Schockmel

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT \$350.00 APPLYING IFP _____ JUDGE Sharpe MAG. JUDGE Homer

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.