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Beverly Hills, California

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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

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11 JANET DICKINSON, Individually and as
Personal Representative of the Estate of
12 MICHAEL DICKINSON, Decedent, and as
Guardian ad Litem, on behalf of SHANE
13 DICKINSON, a minor, and SHANNON
DICKINSON, a minor,

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Plaintiffs,

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v.

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17 UNITED STATES OF AMERICA; MDR
PRODUCTIONS, INC., a Delaware
Corporation; MOJAVE DESERT RACING,
18 INC., a Delaware Corporation; BRETT M.
SLOPPY,

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Defendants.

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JURY DEMAND

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Plaintiffs hereby demand a trial by jury for all non-Federal Tort Claims Act claims.

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26 COMES NOW Janet Dickinson, individually and as successor-in-interest to Michael
Dickinson, deceased, and as guardian ad litem on behalf of Shane Dickinson, the minor son of said
27 decedent, and Shannon Dickinson, the minor daughter of said decedent, for causes of action against
28 defendants, and each of them, and herein alleges, based on information and belief:

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1 **JURISDICTION & VENUE**

2 1. This action is brought pursuant to the Federal Tort Claims Act (FTCA), 28 U.S.C. §§
3 1346(b), 2671 *et seq.*, against the United States of America, which vests exclusive subject matter
4 jurisdiction of Federal Tort Claims litigation in the Federal District Court.

5 2. As to those claims asserted herein against the defendants Mojave Desert Racing, Inc.,
6 MDR Productions, Inc., and Brett M. Sloppy the Federal District Court has supplemental jurisdiction
7 pursuant to 28 U.S.C. §1367(a).

8 3. Venue is proper in the Southern District of California pursuant to 28 U.S.C. §§
9 1391(b)(1) and/or 1391(b)(2), as well as 28 U.S.C. § 1391(e)(1), because the United States is a
10 defendant and defendant Brett M. Sloppy resides in the Southern District of California.

11 **NATURE OF THE ACTION**

12 4. This is a wrongful death and personal injury action arising out of the injury to and
13 death of Michael Dickinson, on or about August 14, 2010 in Lucerne Valley, California in the off-
14 highway vehicle open area known as Johnson Valley, on land owned, controlled, operated, supervised,
15 managed, secured, patrolled, and maintained by the United States Department of the Interior, Bureau
16 of Land Management ("BLM"). Mr. Dickinson was a spectator during an off-road race involving
17 motor vehicles called "The California 200." Defendants Mojave Desert Racing, Inc. and MDR
18 Productions, Inc. sponsored and conducted the race. During the race, a 2000 Ford Ranger pick-up
19 truck owned, modified, and operated by defendant Brett M. Sloppy traveled into a group of spectators,
20 resulting in eight fatalities and more than a dozen injuries. Mr. Dickinson was one of the fatalities.

21 **PARTIES**

22 5. Plaintiff Janet Dickinson is a competent adult and the surviving spouse of Michael
23 Dickinson, deceased. Mr. Dickinson is also survived by his son, plaintiff Shane Dickinson, a minor,
24 and his daughter, plaintiff Shannon Dickinson, a minor. Plaintiff Janet Dickinson brings this action
25 individually and as the successor-in-interest to Michael Dickinson and as guardian ad litem of their
26 minor son, Shane Dickinson, and their minor daughter, Shannon Dickinson.

27 6. At all relevant times, the defendant, the United States of America, acted through its
28 agency, the United States Department of the Interior, Bureau of Land Management.

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1 7. At all relevant times, the defendant, Mojave Desert Racing, Inc. (“MDR”), was and is a
2 corporation, association, partnership, joint venture, and/or sole proprietorship organized and existing
3 under the laws of the State of California and authorized to do and doing business within the State of
4 California, including in the County of San Diego.

5 8. At all relevant times, the defendant, MDR Productions, Inc. (“MDR Productions”) was
6 and is a corporation, association, partnership, joint venture, and/or sole proprietorship organized and
7 existing under the laws of the State of California and authorized to do and doing business within the
8 State of California, including in the County of San Diego.

9 9. At all relevant times, the defendant, Brett M. Sloppy (“SLOPPY”) was and is an
10 individual residing in the Southern District of California, County of San Diego . Plaintiff is informed
11 and believes, and herein alleges that defendant SLOPPY was, at all times herein relevant, the driver,
12 operator, controller, and owner of a 2000 Ford Ranger on or about August 14, 2010 participating as a
13 contestant in The California 200.

14 10. At all times herein mentioned, defendants, and each of them, and their aggregates,
15 corporates, associates, and partners, and each of them, were the agent, servant, employee, assignee,
16 permissive user, successor in interest or joint venturer of each other, and were acting within the time,
17 purpose, course and scope of such relationship.

18 11. At all times herein mentioned, defendants, and each of them, and their aggregates,
19 corporates, associates, and partners, and each of them, were the agent, servant, employee, assignee,
20 permissive user, successor in interest or joint venturer of each other, and were acting within the time,
21 purpose, course and scope of such agency or permission; and all acts or omissions alleged herein of
22 each such defendant were authorized, adopted, approved, or ratified by each of the other defendants.

23 **STATUTORY BASIS OF LIABILITY AGAINST**
24 **THE UNITED STATES OF AMERICA**

25 12. This case is brought against the United States of America pursuant to 28 U.S.C. § 2671
26 *et seq.*, commonly referred to as the “Federal Tort Claims Act”. Liability of the United States is
27 predicated specifically on 28 U.S.C. §§ 1346(b)(1) and 2674 because the personal injuries, wrongful
28 death, and resulting damages that form the basis of this complaint, were proximately caused by the

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1 negligence, wrongful acts and/or omissions of employees of the United States of America through its
2 agency, the United States Department of the Interior, Bureau of Land Management. These employees
3 were acting within the course and scope of their office or employment, under circumstances where the
4 United States of America, if a private person, would be liable to the Plaintiff in the same manner and
5 to the same extent as a private individual under the laws of the State of California

6 13. Pursuant to 28 U.S.C. § 2675, this claim was presented to the appropriate agency of
7 Defendant, the United States of America, namely the United States Department of the Interior, Bureau
8 of Land Management (“BLM”) on January 31, 2011, for the claims of Plaintiffs Janet Dickinson,
9 Shane Dickinson, and Shannon Dickinson. Said Defendant failed to respond and, thus, on July 31,
10 2011, the claims were denied by operation of law.

11 **FIRST CAUSE OF ACTION – NEGLIGENCE**
12 **(Against Defendant, United States of America)**

13 14. Plaintiffs incorporate by reference each and every prior and subsequent allegation as
14 though fully set forth herein.

15 15. Defendant, the United States of America, was negligent in its conduct leading up to and
16 during the off-road race that led to the death of Michael Dickinson by failing to follow mandatory
17 procedures to ensure the safety of those involved before and during The California 200 race and, in
18 fact, said Defendant was grossly negligent and enhanced the risk of injury and death to spectators of
19 the California 200 race, such as Michael Dickinson, as set forth below.

20 16. The United States, through its agency, BLM admitted to said negligence in a report
21 which was made public on or about November 19, 2010, and which is attached as Exhibit A to this
22 Complaint. That negligence occurred with respect to the Special Recreational Permit process,
23 including the application process, undertaken by BLM on the one hand, and MDR and/or MDR
24 Productions (“permittee”) on the other hand, to issue a Permit to allow The California 200, as well as
25 in BLM’s oversight, administration, management and control of The California 200 and the land upon
26 which it occurred, and otherwise, as set forth below.

27 17. The United States, through its agency, BLM, failed in its mandatory duty to ensure
28 spectator safety at The California 200. Pursuant to BLM policy, spectator areas must be marked-out

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1 by the permittee on the ground using temporary fencing during all events. Spectator rules, code of
2 conduct, and risk information must be posted on large signs at access roads during an event weekend.
3 Spectators are not allowed in the pits. This was not done. Had BLM done so, it would have
4 withdrawn the Permit and/or cancelled the event due to its inadequacies as set forth in this Cause of
5 Action and otherwise.

6 18. The United States, through its agency, BLM, admits it failed in its mandatory duty to
7 follow standard procedures for monitoring and supervising The California 200.

8 19. The United States, through its agency, BLM, admits it failed in its mandatory duty to
9 conduct pre-application consultation, as there was no pre-race consultation with the permittee and
10 event applicants are required to meet with a Field Office Recreation Planner before submitting an
11 application. This did not occur.

12 20. The United States, through its agency, BLM, admits it failed in its mandatory duty to
13 use a non-expired version of the permit form as an expired version of the permit form was used.

14 21. The United States, through its agency, BLM, admits it failed in its mandatory duty to
15 follow application filing requirements, when it accepted the application for the Permit late, as the
16 effective application was received two months (60 days) before the event and applications must be
17 received no later than 180 days prior to the proposed use, unless waived by the authorized officer.

18 22. The United States, through its agency, BLM, admits it failed in its mandatory duty to
19 collect the required total estimated fees in advance of any authorized use and instead only collected
20 the minimum fees (\$95) prior to The California 200.

21 23. The United States, through its agency, BLM, admits it failed in its mandatory duty to
22 conduct cost recovery, which is necessary to make sure that adequate resources are available to ensure
23 public safety. BLM admits Cost recovery has not been implemented for any Special Recreational
24 Permit in the field office. Cost recovery is mandatory for all administrative work that involves 50 or
25 more staff hours to complete. Over 50 hours of staff time may be necessary to properly conduct the
26 pre-race, during-event, and post-race administration of large off-highway vehicle ("OHV") races.

27 24. The United States, through its agency, BLM, admits it failed in its mandatory duty to
28 include terms required by BLM mandatory policy with the Permit, such as specific requirements for

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1 spectator setbacks from the areas race vehicles would be traversing, signs advising of safe spectator
2 viewing areas and safe spectator viewing distances away from areas race vehicles would be traversing,
3 and crowd control and crowd management activities at known spectator viewing areas such as the area
4 where the subject incident occurred.

5 25. The United States, through its agency, BLM, admits it failed in its mandatory duty to
6 include specific and adequate special stipulations for spectator safety in the Permit. Instead, there
7 were none of the specific requirements in the stipulations and in the operating plan for spectator
8 setbacks, for signs to be posted advising of safe spectator distances, for all race participants to attend
9 the pre-event briefing, and for event staff to specifically manage crowds at known spectator viewing
10 areas for The California 200 such as the area where the subject incident occurred.

11 26. The United States, through its agency, BLM, admits it failed in its mandatory duty to
12 require a permittee operating plan. A detailed operating plan provides a mechanism for the agency to
13 review exactly how a permittee proposes to manage and staff an event, provides an opportunity to
14 modify and correct a plan if it is not adequate, and provides a mechanism to establish race-specific
15 operating and emergency procedures that can be tied to performance requirements and Permit
16 stipulations. This was not done for The California 200 Permit.

17 27. The United States, through its agency, BLM, admits it failed in its mandatory duty to
18 conduct pre-race course monitoring as required by Permit stipulations. A law enforcement ranger
19 visited a portion of the race course prior to the event, yet there was no direct communication between
20 recreation and law enforcement staff about the event and the law enforcement ranger did not conduct
21 required monitoring specific to the event and mandated by the Permit stipulations, nor did the law
22 enforcement ranger report back to the recreation staff with any observations regarding The California
23 200 as he was required to do. Despite this, the law enforcement ranger departed the area in
24 contravention of BLM requirements.

25 28. The United States, through its agency, BLM, admits it failed in its mandatory duty to
26 monitor the event with adequate staff, as no staff were present during the race. Only one law
27 enforcement ranger was present on the day of the race, and only for a limited time, and that law
28 enforcement ranger observed violations of mandatory duties by BLM yet failed to intervene. The law

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1 enforcement ranger thus did not conduct the monitoring mandated by BLM procedures and Permit
2 stipulations.

3 29. The United States, through its agency, BLM, admits it failed in its mandatory duty to
4 conduct post-race monitoring and evaluation of OHV races conducted in prior years, as a performance
5 evaluation is required of all commercial and competitive permittees. Instead, in prior OHV races BLM
6 staff had relied on law enforcement on routine patrol to notice if course flagging had been pulled, or
7 on reports from other race organizers if trash had not been collected.

8 30. The United States, through its agency, BLM, failed in its mandatory duty to deny the
9 permit application based on the failure of the permittee to comply with BLM requirements as set forth
10 above and otherwise.

11 31. The United States, through its agency, BLM, failed in its mandatory duty to review the
12 application packet with the permittee before the event, which requires scrutiny of the operating, safety,
13 and communications plans, as well as the terms and stipulations. Had BLM done so, it would have
14 denied the application, withdrawn the Permit, and/or cancelled the event due to the inadequacies as set
15 forth above and otherwise.

16 32. The United States, through its agency, BLM, failed in its mandatory duty to utilize the
17 checklist from the BLM-California's Special Recreation Permit (SRP) Information Booklet, used to
18 ensure all components of permit administration are completed and all documentation is included in the
19 SRP file. Had BLM done so, it would have denied the permit application, withdrawn the Permit,
20 and/or cancelled the event due to the inadequacies as set forth above and otherwise.

21 33. The United States, through its agency, BLM, failed in its mandatory duty to monitor
22 the subject event for compliance with the terms and stipulations of the Permit. Had BLM done so, it
23 would have withdrawn the Permit and/or cancelled the event due to the inadequacies as set forth
24 above and otherwise.

25 34. The United States, through its agency, BLM, failed in its mandatory duty to conduct a
26 drivers' safety meeting before the event before every event. Drivers not in attendance are to be
27 disqualified from participating in the event. Had BLM done so, it would have withdrawn the Permit
28 and/or cancelled the event due to the inadequacies as set forth above and otherwise.

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1 35. The United States, through its agency, BLM, failed in its mandatory duty to advise
2 state and local law enforcement of the upcoming event and require the permittee to submit
3 communication and safety plans that include advising the local sheriff, fire, and emergency medical
4 service of the event. Had BLM done so, it would have withdrawn the Permit and/or cancelled the
5 event due to its inadequacies as set forth above and otherwise.

6 36. The United States, through its agency, BLM, failed in its mandatory duty to strictly
7 oversee the Special Recreation Permit (SRP) program and to deny permit applications that do not meet
8 the program's standards. Had BLM performed the required oversight, it would have denied the
9 application, withdrawn the Permit, and/or cancelled the event due to the inadequacies as set forth
10 above and otherwise.

11 37. The defendant, the United States of America, through its agency, BLM, was negligent
12 in issuing the Permit for use of the land on which The California 200 took place, because BLM knew
13 or had reason to know that there was a dangerous condition on the land that existed prior to the subject
14 event that would make the land unsafe for members of the public attending The California 200
15 because they could easily be struck by OHVs during the race, which thereby required that BLM not
16 issue the Permit, yet BLM issued the Permit nonetheless.

17 38. The defendant, the United States of America, through its agency, BLM, is liable even
18 though BLM permitted use of the land by the permittee because BLM retained control of parts of the
19 land to be used by the permittee, as evident by BLM's negligent discharge of its mandatory duties to
20 oversee, supervise, and control the event as described above and otherwise.

21 39. As a direct and proximate result of the aforesaid conduct and other tortious acts and
22 omissions of the defendant, the United States of America, The California 200 race occurred as set
23 forth above, even though it should not have, and Michael Dickinson consequently suffered severe
24 injuries when he was struck by a vehicle participating in The California 200 race on August 14, 2010,
25 and ultimately died as a result.

26 40. As a direct and proximate result of the aforesaid conduct and other tortious acts and
27 omissions of the defendant, the United States of America, and the resulting death of Michael
28 Dickinson, plaintiffs have each suffered and continue to suffer non-economic losses, including but not

1 limited to: loss of the decedent's love, companionship, comfort, care, assistance, protection, affection,
2 society, moral support, training and guidance, in an amount according to proof at trial.

3 41. As a direct and proximate result of the aforesaid conduct and other tortious acts and
4 omissions of the defendant, the United States of America, and the resulting death of Michael
5 Dickinson, plaintiffs have each suffered and continue to suffer economic losses, including: loss of
6 income, loss of support, loss of services, loss of gifts, and loss of other economic benefits, in an
7 amount according to proof at trial.

8 42. As a direct and proximate result of the conduct and other tortious acts and omissions of
9 the defendant, the United States of America, the decedent's property was lost, damaged or destroyed,
10 causing economic loss in an amount according to proof at trial.

11 **SECOND CAUSE OF ACTION – NEGLIGENCE**
12 **(Against MDR, MDR Productions, and SLOPPY)**

13 43. Plaintiffs incorporate by reference each and every prior and subsequent allegation as
14 though fully set forth herein.

15 44. At all relevant times, defendants, and each of them, had a duty to use ordinary care
16 with respect to the off-road race.

17 45. On or about August 14, 2010, defendants MDR, and MDR Productions, and each of
18 them, so negligently, carelessly, and recklessly owned, controlled, planned, applied for, authorized,
19 reviewed, promoted, sponsored, produced, managed, supervised, directed, patrolled, inspected,
20 secured, conducted, contracted, permitted, monitored, maintained, prepared, enforced and/or entrusted
21 the race so as to directly and proximately cause the incident involved herein.

22 46. At all relevant times, defendant SLOPPY carelessly, recklessly, and negligently owned,
23 controlled, operated, designed, manufactured, constructed, fabricated, modified, repaired, managed
24 and maintained the motor vehicle involved herein and carelessly, negligently and recklessly applied
25 for, prepared for, entered into and participated in The California 200.

26 47. As a direct and proximate result of the aforesaid conduct of defendants, and each of
27 them, plaintiffs suffered, and continue to suffer, loss of society, companionship, comfort, protection,
28 care, love, affection, training and guidance, services, moral support, and all other damages under

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1 applicable wrongful death and survival statutes.

2 48. As a further direct and proximate result of the conduct of defendants, and each of them,
3 plaintiffs incurred expenses for funeral, burial, and other costs pertaining to Mr. Dickinson's death in
4 an amount to be ascertained at trial.

5 49. As a further direct and proximate result of the conduct of defendants, and each of them,
6 plaintiffs experienced, and continue to experience economic loss, including but not limited to loss of
7 financial support, loss of services, loss of gifts, and other economic benefits, the value of which will
8 be proven at the time of trial.

9 50. As a further direct and proximate result of the conduct of defendants, and each of them,
10 plaintiff's decedent's personal property was lost, damaged or destroyed, the value of which will be
11 proven at the time of trial.

12 **THIRD CAUSE OF ACTION – STRICT LIABILITY**
13 **(Against MDR, MDR Productions, and SLOPPY)**

14 51. Plaintiffs incorporate by reference each and every prior and subsequent allegation as
15 though fully set forth herein.

16 52. At all relevant times, the location of the off-road race, the track/path of the race, the
17 race itself and the foreseeable spectator viewing areas were unreasonably dangerous and ultra-
18 hazardous justifying the imposition of strict liability against defendants, and each of them.

19 53. At all relevant times, defendants, and each of them, defendants were in some manner
20 responsible for the race track path in that, among other things, they owned, controlled, planned,
21 applied for, authorized, reviewed, promoted, sponsored, produced, managed, supervised, directed,
22 patrolled, inspected, secured, conducted, contracted permitted, monitored maintained, prepared,
23 enforced, and/or entrusted the event in the location and use of the path at the located involved herein
24 so as to legally cause the injuries and damages herein alleged.

25 54. As a direct and proximate result of the aforesaid conduct of defendants, and each of
26 them, plaintiffs suffered, and continue to suffer, loss of society, companionship, comfort, protection,
27 care, love, affection, training and guidance, services, moral support, and all other damages under
28 applicable wrongful death and survival statutes.

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1 55. As a further direct and proximate result of the conduct of defendants, and each of
2 them, plaintiffs incurred expenses for funeral, burial, and other costs pertaining to Mr. Dickinson's
3 death in an amount to be ascertained at trial.

4 56. As a further direct and proximate result of the conduct of defendants, and each of them,
5 plaintiffs experienced, and continue to experience economic loss, including but not limited to loss of
6 financial support, loss of services, loss of gifts, and other economic benefits, the value of which will
7 be proven at the time of trial.

8 57. As a further direct and proximate result of the conduct of defendants, and each of them,
9 plaintiffs' decedent's personal property was lost, damaged or destroyed, the value of which will be
10 proven at the time of trial.

11 **PRAYER FOR RELIEF**

12 WHEREFORE plaintiffs pray for judgment against defendants, and each of them, on all causes
13 of action as follows:

- 14 1. For general damages according to proof;
- 15 2. For special damages according to proof;
- 16 3. For personal property damages according to proof;
- 17 4. For pre-judgment and post-judgment interest as allowed by law;
- 18 5. For costs of suit incurred herein; and
- 19 6. For such other and further relief as this Court may deem just and proper.

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DATED: September 14, 2011

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DEMAND FOR JURY TRIAL
(As to non-FTCA claims)

Plaintiffs hereby demand a trial by jury for all non-Federal Tort Claims Act claims.

DATED: September 14, 2011

KIESEL BOUCHER LARSON LLP

By: s/Paul R. Kiesel

PAUL R. KIESEL

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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.)

<p>I. (a) PLAINTIFFS Janet Dickinson; Shane Dickinson; and Shannon Dickinson</p> <p>(b) County of Residence of First Listed Plaintiff <u>San Diego</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Kiesel Boucher Larson LLP, 8648 Wilshire Blvd., Beverly Hills, CA 90211-2910, (310) 854-4444</p>	<p>DEFENDANTS United States of America; MDR Productions, Inc.; Mojave Desert Racing, Inc.; and Brett M. Sloppy</p> <p>County of Residence of First Listed Defendant <u>Not Applicable.</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. NOTE: Defendant Brett M. Sloppy resides in the Southern District</p> <p>Attorneys (If Known) '11CV2129 LAB RBB</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES(Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black;">Citizen of This State</td> <td style="border-bottom: 1px solid black;">PTF <input type="checkbox"/> 1</td> <td style="border-bottom: 1px solid black;">DEF <input type="checkbox"/> 1</td> <td style="border-bottom: 1px solid black;">Incorporated or Principal Place of Business In This State</td> <td style="border-bottom: 1px solid black;">PTF <input type="checkbox"/> 4</td> <td style="border-bottom: 1px solid black;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Citizen of Another State</td> <td style="border-bottom: 1px solid black;"><input type="checkbox"/> 2</td> <td style="border-bottom: 1px solid black;"><input type="checkbox"/> 2</td> <td style="border-bottom: 1px solid black;">Incorporated and Principal Place of Business In Another State</td> <td style="border-bottom: 1px solid black;"><input type="checkbox"/> 5</td> <td style="border-bottom: 1px solid black;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Citizen or Subject of a Foreign Country</td> <td style="border-bottom: 1px solid black;"><input type="checkbox"/> 3</td> <td style="border-bottom: 1px solid black;"><input type="checkbox"/> 3</td> <td style="border-bottom: 1px solid black;">Foreign Nation</td> <td style="border-bottom: 1px solid black;"><input type="checkbox"/> 6</td> <td style="border-bottom: 1px solid black;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input 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
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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)

<p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input checked="" type="checkbox"/> 360 Other Personal Injury</p>	<p>PERSONAL INJURY</p> <p><input type="checkbox"/> 362 Personal Injury - Med. Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>TOPIC AREA</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs.</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p>
<p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p>	<p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p>
			<p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus - Alien Detainee</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>
			<p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p>
			<p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p>
			<p>FEDERAL TAXES</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>
			<p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>

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):
28 U.S.C. §§ 1346(b), 2671 et seq.

Brief description of cause:
Wrongful death - vehicle struck decedent at race on BLM land

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$ _____

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

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

JUDGE _____ DOCKET NUMBER _____

DATE: 09/14/2011

SIGNATURE OF ATTORNEY OF RECORD: s/Paul R. Kiesel

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____