

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ERIN SMITH *
c/o Goodwin Weber PLLC
267 Kentlands Blvd #250
Gaithersburg, MD 20878¹ *

& *

ERIN SMITH, PERSONAL *
REPRESENTATIVE OF THE ESTATE OF JEFFREY SMITH
c/o Goodwin Weber PLLC
267 Kentlands Blvd #250
Gaithersburg, MD 20878
Plaintiff *

v. * Case No.
DR. DAVID KAUFMAN *
411 East Capitol St., SE
Washington, DC 20003 *

& *

JOHN DOE *
Address Unknown *

Defendant(s)

COMPLAINT

COME NOW the Plaintiffs, Erin Smith (individually, as surviving spouse of Jeffrey Smith); and Erin Smith, Personal Representative of the Estate of Jeffrey Smith; by and through GOODWIN WEBER PLLC, and undersigned counsel David P. Weber, CFE, and Brian Mahany, and file this Complaint against David Kaufman and John Doe. As grounds therefore, Plaintiffs state as follows:

1. Plaintiff Erin Smith is a resident of the Commonwealth of Virginia residing in Fairfax County.

¹ Plaintiff is the widow of a Washington, DC Police Officer who died as a proximate cause of the Capitol Insurrection. Her address is not provided for her personal safety.

2. Plaintiff Erin Smith was appointed as the Personal Representative of Jeffrey Smith in the Circuit Court of Fairfax County (Case Number 2021-0000214).

3. Defendant Dr. David Kaufman is a resident of the District of Columbia.

4. Defendant John Doe is currently unidentified. It is believed that his identity will be ascertained through discovery and further investigation.

5. Jurisdiction is founded on 28 USC §1332, as there is complete diversity between all parties.

6. Venue is proper in this Court as this lawsuit pertains to a cause of action that arose in Washington, DC.

7. On or about January 6, 2021, Jeffrey Smith was employed as a Police Officer by the Metropolitan Police Department. Due to the circumstances surrounding the planned Trump election event, MPD assigned Officer Smith to the Civil Disturbance Unit. Specifically, Officer Smith was part of the larger contingent of MPD and other federal law enforcement that was tasked with responding to the Capitol Insurrection.

8. On January 6, 2021 at around 5:00 pm., Officer Smith was working at the United States Capitol. Officer Smith together with fellow MPD officers re-took the Capitol from the insurrectionists, pushing the insurrectionists out of the US Capitol.

9. At that time and place, Kaufman was part of the insurrectionist mob inside the US Capitol and was being escorted out of the building by MPD officers. Co-Defendant John Doe handed a cane or crowbar (or similar object) to Kaufman. Kaufman, in turn, violently swung the cane and struck Officer Smith in the face/head. Officer Smith was in a particularly vulnerable situation because his face shield was up (leaving his face and eyes exposed). It appears that Kaufman and John Doe specifically and maliciously targeted Officer Smith because his visor was in

the upright position, making him vulnerable to this brutal and vicious attack.

10. At all times relevant hereto, Erin Smith was married to Jeffrey Smith.

11. Officer Smith died on January 15, 2021. The cause of death was severe depression and brain injury proximately caused by concussion Officer Smith received by the assault of January 6, 2021 by Kaufman and John Doe. An estate has been opened in the Circuit Court for Fairfax County, FI-2021-0000214.

12. At the time of her death, Erin Smith was dependent on Officer Smith for support.

13. Erin Smith, as the surviving widow, is the primary beneficiary of the Estate of Jeffrey Smith.

14. That Officer Smith would have been able to maintain a civil cause of action against Kaufman and recover damages had he lived.

15. The actions of the Defendants in carrying out the assault were intentional wanton, malicious, depraved, and were made with a black heart.

COUNT I

ASSAULT & BATTERY

16. All facts and allegations contained hereinabove are incorporated herein by reference.

17. The physical contact initiated by Kaufman constituted an intentional and unlawful, harmful or offensive, touching or use of deadly force upon the physical person of Officer Smith.

18. As a result of this intentional and unlawful battery, Officer Smith sustained physical pain, injury and illness. Specifically, Officer Smith suffered severe and permanent injuries to his head (concussion), and neck; he suffered great pain and mental anguish and mental distress; and he was otherwise damaged.

19. As a direct result of the unlawful assault and battery, Officer Smith came under the

care of medical doctors; he lost time from his normal duties, employment and activities, all to his financial detriment.

20. As a direct result of the unlawful assault by the Defendant, Officer Smith died on January 15, 2021.

21. In accordance with DC Code §12-101, et. seq, Erin Smith (as personal representative of Officer Smith's estate) is entitled to bring this action.

WHEREFORE, plaintiff Erin Smith, Personal Representative of the Estate of Jeffrey Smith, brings this action and demands judgment against Defendant David Kaufman in the sum of Two Million (\$2,000,000.00) Dollars, plus punitive damages in the amount of Five Million (\$5,000,000.00) Dollars, plus costs and interest.

COUNT II

WRONGFUL DEATH

22. That all facts and allegations contained hereinabove without being fully repeated herein.

23. This claim is being brought by Erin Smith as the surviving widow of Jeffrey Smith.

24. As a direct and proximate result of the intentional assault by Defendants that, in turn, caused Officer Smith's death, Erin Smith sustained pecuniary loss, mental anguish, emotional pain and suffering, loss of society, loss of companionship, loss of comfort of protection, loss of marital care, loss of filial care, loss of attention, loss of advice, loss of counsel, loss of training, loss of guidance and loss of consortium.

25. Pursuant to the Declaration of Jonathan Arden, MD, the former Chief Medical Examiner of the District of Columbia, attached hereto as Exhibit A, the direct and proximate cause of Officer Smith's death is post-concussive syndrome. The effects of post-concussive syndrome, in

turn, includes health maladies such as severe depression and suicide. In other words, but for the concussion of Officer Smith at the hands of these Defendants, Officer Smith would be alive today. He was killed in the line of duty by the Defendants.

26. This Complaint is timely filed within two (2) years after the death of Jeffrey Smith.

27. In accordance with DC Code §16-2701, et. seq, Erin Smith (as personal representative of Officer Smith's estate) is entitled to bring this action.

WHEREFORE, plaintiff Erin Smith, surviving widow of Jeffrey Smith, brings this action and demands judgment against Defendant David Kaufman in the amount of Two Million (\$2,000,000.00) Dollars in compensatory damages, plus punitive damages in the amount of Five Million (\$5,000,000.00) Dollars, plus costs and interest.

COUNT III

AIDING AND ABETTING

28. That all facts and allegations contained hereinabove without being fully repeated herein.

29. John Doe was part of the insurrectionist mob inside the US Capitol and was being escorted out of the building by MPD officers.

30. Co-Defendant John Doe handed a cane, crowbar (or similar object) to Kaufman. Kaufman, in turn, violently swung the cane and struck Officer Smith in the face/head. Officer Smith was in a particularly vulnerable situation because his face shield was up (leaving his face and eyes exposed).

31. John Doe possessed actual knowledge of the wrongful intentions of Kaufman. Indeed, there could be no other reason to supply Kaufman with a weapon other than to use it as a cudgel against MPD Officers, like Officer Smith, as the police officers were escorting the mob out

of the Capitol building.

32. John Doe directly aided, abetted and encouraged Kaufman's wrongful and tortious conduct, and knowingly supplied substantial assistance, aid and encouragement in the commission of such conduct.

33. As a result of this intentional and unlawful battery, Officer Smith sustained physical pain, injury and illness. Specifically, Officer Smith suffered severe and permanent injuries to his head (concussion), and neck; he suffered great pain and mental anguish and mental distress; and he was otherwise damaged. Pursuant to the Declaration of Jonathan Arden, MD, the former Chief Medical Examiner of the District of Columbia, attached hereto as Exhibit A, the direct and proximate cause of Officer Smith's death is post-concussive syndrome. The effects of post-concussive syndrome, in turn, includes health maladies such as severe depression and suicide. In other words, but for the concussion of Officer Smith at the hands of the defendants, Officer Smith would be alive today. He was killed in the line of duty by these defendants.

34. As a direct result of the unlawful assault and battery, Officer Smith came under the care of medical doctors; he lost time from his normal duties, employment and activities, all to his financial detriment.

35. As a direct result of the unlawful assault, Officer Smith died on January 15, 2021.

36. As a direct and proximate result of the intentional assault which was aided by Defendant Joe Doe and which, in turn, caused Smith's death, Erin Smith sustained pecuniary loss, mental anguish, emotional pain and suffering, loss of society, loss of companionship, loss of comfort of protection, loss of marital care, loss of filial care, loss of attention, loss of advice, loss of counsel, loss of training, loss of guidance and loss of consortium.

WHEREFORE, plaintiff Erin Smith, both individually as surviving widow of Jeffrey Smith,

and as Personal Representative, brings this action against Defendant John Doe and demands judgment in the amount of Two Million (\$2,000,000.00) Dollars in compensatory damages, plus punitive damages in the amount of Five Million (\$5,000,000.00) Dollars, plus costs and interest.

/s/ David P. Weber
DAVID P. WEBER, CFE, #468260
Brian Mahany, Of Counsel, *pro hac vice* to be filed

Counsel for Plaintiff
GOODWIN WEBER PLLC
267 Kentlands Blvd, Suite 250
Gaithersburg, MD 20878
(301) 850-7600
david.weber@goodwinweberlaw.com

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues raised herein.

/s/ David P. Weber
DAVID P. WEBER

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Police and Firefighters' Retirement and Relief Board

In the matter of:

*D.C. Metropolitan Police Department
Case No. PD21-1045*

ERIN SMITH
Petitioner

Survivor Annuitant

DECLARATION OF DR. JONATHAN L. ARDEN

COMES NOW your Affiant, Jonathan L. Arden, and states upon his personal knowledge, information and belief:

1. I am over the age of 18 and I am competent to testify on the matters contained herein.
2. I am a licensed medical doctor and have practiced in the field of forensic pathology for over 35 years. I am the former Chief Medical Examiner of the District of Columbia. A copy of my CV is attached hereto.
3. I was retained to render an expert opinion on the manner and cause of death of Jeffrey L. Smith.
4. In connection with this matter, I have reviewed the following:
 - a) The Report of Investigation, and the Report of Autopsy with diagrams (signed March 18, 2021) for Jeffrey Louis Smith, from the Virginia Office of the Chief Medical Examiner.
 - b) Certificate of Analysis (i.e., Toxicology Report) for Jeffrey Smith from the Virginia Department of Forensic Sciences, dated 2/10 2021.
 - c) Autopsy photographs.
 - d) Autopsy radiograph.
 - e) Certificate of Death, dated 1/19/2021.
 - e) The Forensic Medical Report of Dr. Patrick J. Sheehan, dated July 12, 2021.

- f) The US Park Police crash report.
- g) Police and Fire Clinic records for Jeffrey Smith.
- h) Video of the event when Officer Smith was injured, with screen-capture images.

5. I hold the following opinions to a reasonable degree of medical certainty:

- a) I agree with the Medical Examiner's opinion that the direct cause of Jeffrey Smith's death was a single tight contact gunshot wound to the head that resulted in a mortal brain injury.
- b) I agree with Dr. Sheehan's opinion that trauma of January 6, 2021 led to depression which, in turn caused Jeffrey Smith's death. There is a direct cause and effect relationship between the line of duty work trauma on January 6, 2021 and Jeffrey Smith's death on January 15, 2021.
- c) The social history reports from Erin Smith, together with the decedent's friends and family, strongly support Dr. Sheehan's finding that Jeffrey Smith's suicide was caused by the events of January 6, 2021. The report contains detailed information as to the traumatic events of January 6, 2021 (as Jeffrey Smith described them to others). Jeffrey Smith had no prior history of depression, mental health issues or mental health treatment. There is no evidence of any other intervening or superseding trauma (between January 6, 2021 and January 15, 2021) that could have led to the suicide. What is particularly compelling in this case is that there was a dramatic change in Jeffrey Smith's mood and behavior after the January 6, 2021 riots. In my experience as a forensic pathologist, it is not uncommon to see a suicide in an individual with no prior history of mental health issues which is brought on by an acute trigger (like a death, domestic issue or other physical trauma). As detailed by Dr. Sheehan, there is

hard and reliable evidence that Jeffrey Smith changed after the physical and emotional trauma he experience on January 6, 2021 as he became withdrawn and upset. These facts, together with the timing of the suicide (nine days after the trauma) strongly supports causality.

- d) The video of the event demonstrates that Officer Smith was struck in the face and head while his face shield was up. In the *Injury or Illness Report* that he filed, Officer Smith reported pain in his “neck and face,” corroborating that he was struck in the face. As a direct result if being struck in the face and head, Officer Smith was stunned and fell. The loss of consciousness resulting from the blow indicates that he suffered a concussion. The symptoms that he manifested after being injured in the riot and leading up to his suicide, including anxiety and depression, represented post-concussion syndrome. Therefore, his mood changes were the direct result of the head trauma he suffered in the riot on January 6, 2021.
- e) The acute, precipitating event that caused the death of Officer Smith was his occupational exposure to the traumatic events (including sustaining a concussion with post-concussive syndrome) that he suffered on January 6, 2021, in connection with his duties as a Metropolitan Police Officer of the District of Columbia.

I DO SOLEMNLY SWEAR OR AFFIRM THAT THE FOREGOING IS TRUE THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.



JONATHAN L. ARDEN, M.D.

DATE: 8/13/2021

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

<p>I. (a) PLAINTIFFS Erin Smith, C/O Goodwin Weber PLLC 267 Kentlands Blvd., Suite 250 Gaithersburg, MD 20878</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>Fairfax</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p>DEFENDANTS David Kaufman</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>Washington DC</u> (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>																								
<p>(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) David P. Weber Goodwin Weber PLLC 267 Kentlands Blvd., Suite 250 Gaithersburg, MD 20878</p>	<p>ATTORNEYS (IF KNOWN)</p>																								
<p>II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 2 U.S. Government Defendant <input checked="" type="radio"/> 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) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border: none;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input checked="" type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input checked="" type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input checked="" type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input checked="" type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" 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 <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u> <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))</p> <p><u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
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E. General Civil (Other) OR **F. Pro Se General Civil**

<p><u>Real Property</u> <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</p> <p><u>Personal Property</u> <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</p>	<p><u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)</p>	<p><u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application</p>	<p><input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>
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<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <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"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

VII. REQUESTED IN COMPLAINT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ 7,000,000	JURY DEMAND: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form
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DATE: _____	SIGNATURE OF ATTORNEY OF RECORD _____ /s/ David P. Weber
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET 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 services 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.