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7 Attorneys for Plaintiffs

8  
9 IN THE UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA  
11

12 KAHEKILI SETO, JOSE ALEMAN, )  
STEVEN BAXTER, JAYSON BURK, )  
13 SHAWN CANNON, AARON DUNSING, )  
MICHAEL EASTIN, RICHARD ESTER, )  
14 MELISSA GRIFFITH, ARTHUR HARTY, )  
PAUL HOSKINS, MARIO HOY, JOSE )  
15 IZAGUIRRE, LINDA JIMINEZ, )  
JENNIFER KLINE, DARYL LABARTHE, )  
16 ANDREW LANE, DANIEL LEVIN, )  
JENNIFER LEWIS, MATTHEW )  
17 LINDEMANN, RUDOLFO LOVATO, )  
LANCE MANNER, WILLIAM )  
18 MITCHELL, JOHN NESBITT, CAREY )  
PEHL, ROSS REMUS, TERRY )  
19 RENBERG, MICHAEL REYNOLDS, )  
ANTHONY REYNOSO, MARK )  
20 RICHMOND, BRANDON RILEY, EZRA )  
SALOMON, MARCUS SMITH, NICK )  
21 TAIARIOL, ANDREW THEODORE, )  
JODY TOWERS, JUSTIN WARD, JASON )  
22 WHELEN, and NICK ZANOS, on behalf of )  
23 themselves and all similarly situated )  
individuals, )  
24

25 Plaintiffs, )

26 v. )

27 COUNTY OF SAN JOAQUIN, )

28 Defendant. )

Case No.

**COMPLAINT FOR VIOLATIONS OF THE  
FAIR LABOR STANDARDS ACT**

**COLLECTIVE ACTION - 29 U.S.C. § 216**

**I.**

**INTRODUCTION**

1. This action is brought pursuant to the provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. sections 201, *et seq.*, to recover from Defendant COUNTY OF SAN JOAQUIN (hereinafter “Defendant”) unpaid overtime compensation, interest thereon, liquidated damages, costs of suit, and reasonable attorney’s fees.
2. This action arises from Defendant’s failure to include all statutorily required forms of compensation in the “regular rate” of pay, thereby resulting in the systematic underpayment of overtime compensation to Plaintiffs and all similarly situated individuals.

**II.**

**PARTIES**

3. Plaintiffs KAHEKILI SETO, JOSE ALEMAN, STEVEN BAXTER, JAYSON BURK, SHAWN CANNON, AARON DUNSING, MICHAEL EASTIN, RICHARD ESTER, MELISSA GRIFFITH, ARTHUR HARTY, PAUL HOSKINS, MARIO HOY, JOSE IZAGUIRRE, LINDA JIMINEZ, JENNIFER KLINE, DARYL LABARTHE, ANDREW LANE, DANIEL LEVIN, JENNIFER LEWIS, MATTHEW LINDEMANN, RUDOLFO LOVATO, LANCE MANNER, WILLIAM MITCHELL, JOHN NESBITT, CAREY PEHL, ROSS REMUS, TERRY RENBERG, MICHAEL REYNOLDS, ANTHONY REYNOSO, MARK RICHMOND, BRANDON RILEY, EZRA SALOMON, MARCUS SMITH, NICK TAIARIOL, ANDREW THEODORE, JODY TOWERS, JUSTIN WARD, JASON WHELEN, and NICK ZANOS (“Plaintiffs”) are current or former employees of Defendant employed as sheriff deputy sergeants.
4. Defendant is a political subdivision of the State of California and, at all relevant times hereto, employed Plaintiffs.

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**III.**

**JURISDICTION**

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. section 1331 because the claims alleged herein arise under the FLSA. (*See* 29 U.S.C. §§ 201, *et seq.*).

**IV.**

**COLLECTIVE ACTION ALLEGATIONS**

6. This action is brought by Plaintiffs as a collective action under the provisions of 29 U.S.C. section 216, on behalf of themselves and on behalf of all others similarly situated who work, or have worked, for Defendant at any time over the last three years and were deprived of their complete statutory overtime compensation. Those individuals are similarly situated and constitute a well-defined community of interest in their respective questions of law and fact relevant to this action. Plaintiffs' claims are typical of those of other individuals similarly situated. Plaintiffs will fairly and adequately represent the interests of those similarly situated.

7. There are common questions of law and fact in this action relating to and affecting the rights of each member of the collective group, including whether Defendant failed to fully compensate Plaintiffs and similarly situated individuals for all overtime hours worked by excluding certain remunerations from the "regular rate" of pay used to calculate overtime compensation. The relief sought is common to the entire class.

8. Plaintiffs' claims and the claims of those similarly situated depend on a showing of Defendant's acts and omissions giving rise to Plaintiffs' right to the relief sought herein. There is no conflict between any Plaintiff and other members of the collective group seeking to opt in with respect to this action, or with respect to the claims for relief set forth herein.

9. This action is properly maintained as a collective action in that the prosecution of separate actions by individual members of the collective group would create a risk of adjudications with respect to individual members of the class which may, as a practical matter, be dispositive of the interests of the other members not parties to the adjudications, or may substantially impair or impede their ability to protect their interests.

10. Plaintiffs' lawyers are experienced and capable in the field of FLSA and labor/employment litigation and have successfully represented thousands of claimants in other litigation of this nature.

11. Plaintiffs' counsel, Mastagni Holstedt, APC, will conduct and be responsible for Plaintiffs' case herein. David E. Mastagni, who will be primarily responsible for litigating this matter, has represented thousands of employees pursuing wage and hour claims throughout the State of California, and have recovered millions of dollars on their behalf.

12. This action is appropriate for conditional certification as a collective action because Defendant subjected Plaintiffs, and the class of putative plaintiffs they seeks to represent, to the same uniform practice of excluding certain remunerations from the "regular rate" of pay used to calculate their overtime compensation.

13. This factual nexus is sufficient to justify the Court to exercise its discretion to ensure that accurate and timely notice is given to all similarly situated former and current employees of Defendant so that they may make an informed decision about whether or not to join this action.

**V.**

**FACTUAL ASSERTIONS**

14. Plaintiffs are or were members of the San Joaquin County Sheriff Deputy Sergeant Association ("SDSA").

15. The SDSA is the exclusive bargaining representative of employees in Defendant's Sheriff Sergeants' bargaining unit.

16. The terms and conditions of employment of SDSA members, including but not limited to compensation, are governed by a Memorandum of Understanding ("MOU") between the SDSA and Defendant.

17. Pursuant to the MOU, the total compensation of SDSA members consists of a base salary as well as incentives and other forms of remuneration that compensate them for their regularly scheduled shifts.

- 1 18. For example, pursuant to Section 2.1.1 of the MOU, Defendant provides Plaintiffs who do not  
2 fully utilize employer contributions towards Defendant's cafeteria health insurance plan the  
3 option to receive the excess amounts as taxable income (referred to herein as "Cash-In-Lieu").
- 4 19. At all times relevant hereto, Defendant treated these Cash-In-Lieu payments to Plaintiffs as  
5 wages for the purpose of applicable tax withholdings.
- 6 20. Plaintiffs are informed and believe Defendant provides Cash-In-Lieu payments to other similarly  
7 situated employees and treats such payments in the same manner.
- 8 21. On information and belief, Defendant's health benefits plan is not bona fide for the purposes  
9 of 29 U.S.C. 207(e)(4) and 29 C.F.R. section 778.215.
- 10 22. At all times relevant hereto, Defendant suffered or permitted Plaintiffs to work hours beyond  
11 statutory thresholds, thus triggering Defendant's obligation to pay Plaintiffs overtime  
12 compensation as required by the FLSA.
- 13 23. Pursuant to 29 U.S.C. section 207(e), the "regular rate" upon which all forms of Plaintiffs'  
14 overtime compensation are based must include all remuneration received by Plaintiffs, unless  
15 explicitly excluded.
- 16 24. At all times relevant hereto, Defendant impermissibly excluded certain remuneration from  
17 Plaintiffs' "regular rate" of pay, including but not limited to Cash-In-Lieu, thereby resulting in  
18 the systematic underpayment of overtime compensation to Plaintiffs.
- 19 25. By the same conduct (i.e., the impermissible exclusion of remuneration from the "regular rate"),  
20 Defendant failed to pay Plaintiffs and other similarly situated individuals for cashed out  
21 compensatory time off ("CTO") at the "regular rate" of pay as required by 29 U.S.C. section  
22 207(o)(3)-(4).

23 **FIRST COUNT**

24 **(Fair Labor Standards Act - Failure to Pay All Overtime Compensation Earned)**

- 25 26. Plaintiffs incorporate by reference each and every paragraph above as though set forth fully  
26 herein.
- 27 27. Defendant suffered or permitted Plaintiffs and, on information and belief, other similarly  
28 situated individuals to work hours beyond statutory thresholds, thus triggering Defendant's

1 obligation to pay overtime compensation as required by the FLSA, but failed to include all  
2 required forms of compensation into the “regular rate” of pay used to calculate their overtime  
3 compensation and cash out their CTO.

4 28. By failing to include all required forms of compensation in the “regular rate” of pay used to  
5 calculate overtime compensation and cash out CTO, Defendant failed to compensate Plaintiffs  
6 and other similarly situated individuals at one and one-half times the “regular rate” of pay for  
7 all overtime hours worked as required by the FLSA.

8 29. At all times relevant hereto, Defendant and its agents and representatives were aware of their  
9 obligation to pay Plaintiffs and other similarly situated individuals for all overtime hours  
10 worked at one and one-half times the “regular rate” of pay as required by the FLSA.

11 30. At all times relevant hereto, Defendant and its agents and representatives knew, or should have  
12 known, of their obligation to pay Plaintiffs and other similarly situated individuals overtime  
13 compensation at one and one-half of their “regular rate” of pay for all hours worked in excess  
14 of the applicable thresholds established by section 207 of the FLSA.

15 31. At all times relevant hereto, Defendant’s failure to fully compensate Plaintiffs and other  
16 similarly situated individuals for all overtime hours worked was not in good faith, and was a  
17 willful violation of the FLSA.

18 32. As a result of the foregoing violations of the FLSA as enumerated herein, Plaintiffs seek  
19 damages for three (3) years of unpaid overtime compensation that was earned but not paid, as  
20 well as an equal amount in liquidated damages.

21 33. Plaintiffs also seek reasonable attorney fees and costs pursuant to 29 U.S.C. section 216(b).

22 **PRAYER**

23 WHEREFORE, Plaintiffs pray for judgment as follows:

- 24 1. For recovery of unpaid overtime compensation and interest thereon plus an equal  
25 amount of liquidated damages for Plaintiffs and all other similarly situated individuals  
26 pursuant to 29 U.S.C. section 216(b);
- 27 2. For a determination that Defendant’s conduct was reckless and/or an intentional,  
28 knowing, and willful violation of the FLSA, therefore entitling Plaintiffs and all other

1 similarly situated individuals to recover damages under a three (3) year statute of  
2 limitations;

3 3. For reasonable attorney fees pursuant to 29 U.S.C. section 216(b);

4 4. For costs incurred as a result of this proceeding;

5 5. For injunctive relief ordering the Defendant to cease and desist from engaging in said  
6 unlawful conduct, including but not limited to, revisions to applicable compensation  
7 policies to clearly indicate that the above-referenced remuneration will be included in  
8 the “regular rate” of pay for the purposes of overtime compensation;

9 6. For conditional certification of the collective class as pled;

10 7. For an order to timely notify all potential collective class members of this action;

11 8. For such other and further relief as the court deems just and proper.

12  
13 Respectfully submitted,

14 Dated: September 3, 2020

**MASTAGNI HOLSTEDT, APC**

15  
16 By: /s/ David E. Mastagni

DAVID E. MASTAGNI

17 TASHAYLA D. BILLINGTON

Attorneys for Plaintiff  
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## CIVIL COVER SHEET

Case 2:20-cv-01788-JAM-CKD Document 1-1 Filed 09/03/20 Page 1 of 2

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

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 (Excludes 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	<b>PERSONAL INJURY</b> <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 <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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"/> 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"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <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
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



Case 2:20-cv-01788-JAM-CKD Document 1-1 Filed 09/03/20 Page 2 of 2  
**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.Cv.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; **NOTE: 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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- 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.
- 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 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.