

UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

**FILED**

SEP - 8 2011

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

National Association of )  
Manufacturers )  
1331 Pennsylvania Avenue )  
Suite 600 )  
Washington, D.C. 20004-1790 )

Plaintiff, )

v. )

National Labor Relations Board )  
and )  
Mark Pearce, in his official capacity )  
as Chairman of the National Labor )  
Relations Board )  
and )  
Craig Becker, in his official capacity )  
as member of the National Labor )  
Relations Board )  
and )  
Brian Hayes, in his official capacity )  
as member of the National Labor )  
Relations Board )  
and )  
Lafe Solomon, in his official capacity )  
as General Counsel of the National )  
Labor Relations Board )  
1099 14<sup>th</sup> St. N.W. )  
Washington, D.C. 20570-0001 )

Defendants )

Case No.:

Judge:

Case: 1:11-cv-01629

Assigned To : Jackson, Amy Berman

Assign. Date : 9/8/2011

Description: Admin. Agency Review

## COMPLAINT

### PRELIMINARY STATEMENT

1. This action is brought by the National Association of Manufacturers (“NAM”) to declare unlawful and set aside the National Labor Relations Board’s (“Board”) promulgation of a Final Rule entitled “Notification of Employee Rights Under the National Labor Relations Act” issued by the Board on August 30, 2011, 76 Fed. Reg. 54006, requiring employers subject to the jurisdiction of the National Labor Relations Act (“NLRA”) to post notices informing their employees of certain rights under the NLRA (the “Rule”). The Board’s promulgation of the Rule is in excess of the Board’s statutory jurisdiction, authority, limitations and rights.

### PARTIES

2. Plaintiff, the NAM, is the preeminent manufacturing association in the United States, as well as the nation’s largest industrial trade association, representing small and large manufacturers in every industrial sector in all 50 states.

3. The NAM, as well as most of the 12,000 manufacturing companies represented by the NAM, are employers covered under Section 2(2) of the NLRA, 29 U.S.C. § 152(2). The NAM and the majority of its members are directly affected by the Rule issued by the Board challenged in this action.

4. Defendant Board is an independent agency of the United States. Congress has authorized the Board pursuant to the NLRA to conduct representation elections and investigate and adjudicate unfair labor practice charges.

5. Congress also has granted the Board the authority, under Section 6 of the NLRA, to make “such rules and regulations as may be necessary to carry out the provisions” of the NLRA. 29 U.S.C. § 156.

6. Defendant Mark Pearce is Chairman of Defendant Board. He is sued in his official capacity pursuant to 5 U.S.C. § 703.

7. Defendant Craig Becker is a member of Defendant Board. He is sued in his official capacity pursuant to 5 U.S.C. § 703.

8. Defendant Brian Hayes is a member of Defendant Board. He is sued in his official capacity pursuant to 5 U.S.C. § 703.

9. Defendant Lafe Solomon is General Counsel of Defendant Board. He is sued in his official capacity pursuant to 5 U.S.C. § 703.

#### **JURISDICTION AND VENUE**

10. The Court has Federal Question jurisdiction in this action pursuant to 28 U.S.C. § 1331 (1993) because this action arises under the provisions of the NLRA, 29 U.S.C. § 141 *et seq.*, including, but not limited to, the Board's rulemaking authority under Section 6 thereof, and the rules and regulations promulgated thereunder, including 29 C.F.R. Part 104.

11. This Court has jurisdiction to review a final agency action by the Board under the Administrative Procedure Act, 5 U.S.C. §§ 701-706, 5 U.S.C. § 703 and 28 U.S.C. §§ 1331 and 1337.

12. Venue is proper in this district under 28 U.S.C. § 1391(e) because the Board is an agency of the United States, its headquarters are located in the District of Columbia, and a substantial part of the acts and omissions giving rise to the claims in this action, including issuance of the challenged Rule, occurred or failed to occur at the Board's headquarters. The NAM's principal office is also located in the District of Columbia.

13. The Court is authorized to award declaratory and injunctive relief under the Administrative Procedure Act, 5 U.S.C. §§ 701-706 and the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202.

### **FACTS**

14. Pursuant to its authority to promulgate rules and regulations as may be necessary to carry out the provisions of the NLRA, the Board published a Notice of Proposed Rulemaking in the Federal Register on December 22, 2010. 75 Fed. Reg. 80410.

15. After considering public comments on the proposed rule, the Board issued the Rule on August 30, 2011. The Rule was published in the Federal Register on August 30, 2011, at 76 Fed. Reg. 54006 (2011). The Rule is to be codified at 29 C.F.R. Part 104. A copy of the Rule is attached hereto and incorporated by reference.

16. The Rule constitutes a final agency action.

17. The effective date of the Rule is November 14, 2011.

### **FIRST CAUSE OF ACTION**

18. The NAM realleges and incorporates by reference the allegations in paragraphs 1-17 as if fully rewritten herein.

19. In both the Notice of Proposed Rulemaking and the Final Rule, the Board cites Section 6 of the NLRA as authority to promulgate and issue the Rule.

20. Section 6 authorizes the Board to promulgate “rules and regulations as may be necessary to carry out the provisions of this Act.” 29 U.S.C. § 156.

21. Section 104.20(a) of the Rule provides in pertinent part that “[a]ll employers subject to the NLRA must post notices to employees, in conspicuous places, informing them of their NLRA rights, together with Board contact information and information containing basic

enforcement procedures, in the language set forth in the Appendix to Subpart A of this Part.” (“Notice”). The Rule also provides for electronic posting of the Notice. The Appendix to Subpart A of 29 C.F.R. Part 104 of the Rule sets forth the text of the Notice.

22. Neither Section 6 nor any other sections of the NLRA contain any provisions expressly granting the Board the authority to promulgate and issue a specific rule requiring employers to post a notification of employee rights under the NLRA. The Rule, therefore, has been promulgated in excess of the Board’s statutory authority under the NLRA.

23. The Rule must therefore be held unlawful and set aside under the Administrative Procedure Act, 5 U.S.C. § 706(2)(C).

24. Unless implementation of the Rule is enjoined, the NAM, its members and all other employers subject to the Board’s jurisdiction will suffer immediate, irreparable harm for which no adequate remedy at law exists.

25. Enjoining the Rule is in the public interest and presents no harm to the Board.

### **SECOND CAUSE OF ACTION**

26. The NAM realleges and incorporates by reference the allegations in paragraphs 1-25 as if fully rewritten herein.

27. The Board’s authority to administer the provisions of the NLRA is triggered when a representation petition is filed pursuant to Section 9(c)(1), 29 U.S.C. § 159(c)(1) or an unfair labor practice charge is filed pursuant to Section 10(b) 29, U.S.C. § 160(b).

28. Neither Section 6 nor any other section of the NLRA contains any specific provision granting the Board the authority to assert jurisdiction over any employer absent the filing of a representation petition or unfair labor practice charge.

29. Neither Section 6 nor any other section of the NLRA grants the Board the authority to require an employer to post any notice in the absence of the filing of a representation petition under Section 9(c)(1) of the NLRA or an unfair labor practice charge under Section 10(b) of the NLRA against such employer. The Rule, therefore, has been promulgated in excess of the Board's statutory authority under the NLRA.

30. The Rule must therefore be held unlawful and set aside under the Administrative Procedure Act, 5 U.S.C. § 706(2)(C).

31. Unless implementation of the Rule is enjoined, the NAM, its members and all other employers subject to the Board's jurisdiction will suffer immediate, irreparable harm for which no adequate remedy at law exists.

32. Enjoining the Rule is in the public interest and presents no harm to the Board.

### **THIRD CAUSE OF ACTION**

33. Plaintiff realleges and incorporates by reference the allegations in paragraphs 1-32 as if fully rewritten herein.

34. Section 104.210 of the Rule states in pertinent part that “[f]ailure by [employers] to post the employee notice may be found to interfere with, restrain, or coerce employees in the exercise of their rights guaranteed by NLRA § 7, 29 U.S.C. 157, in violation of NLRA § 8(a)(1), 29 U.S.C. 158(a)(1).” Section 104.210 of the Rule further provides that “the Board will determine whether an employer is in compliance [with the Rule] when a person files an unfair labor practice charge alleging that the employer has failed to post the employee notice required [under Subpart B of the Rule].”

35. Section 104.210 of the Rule purports to create a new unfair labor practice where an employer covered under the NLRA fails to post a Notice.

36. The Board has no authority under Section 6 or any other provision of the NLRA to create and promulgate a new unfair labor practice where an employer covered under the NLRA fails to post a Notice. The Rule, therefore, has been promulgated in excess of the Board's statutory authority under the NLRA.

37. The Rule must therefore be held unlawful and set aside under the Administrative Procedure Act, 5 U.S.C. § 706(2)(C).

38. Unless implementation of the Rule is enjoined, the NAM, its members and all other employers subject to the Board's jurisdiction will suffer immediate, irreparable harm for which no adequate remedy at law exists.

39. Enjoining the Rule is in the public interest and presents no harm to the Board.

#### **FOURTH CAUSE OF ACTION**

40. Plaintiff realleges and incorporates by reference the allegations in paragraphs 1-39 as if fully rewritten herein.

41. Section 102.214(a) of the Rule provides for the tolling of the statute of limitations for unfair labor practice charges. Section 102.214(a) provides in pertinent part that "[w]hen an employee files an unfair labor practice charge the Board may find it appropriate to excuse the employee from the requirement that charges be filed within six (6) months after the occurrence of the allegedly unlawful conduct if the employer has failed to post the required employee notice unless the employee has received actual or constructive notice that the conduct complained of is unlawful."

42. Section 10(b) of the NLRA, 29 U.S.C. § 160(b), however, provides in pertinent part that "[n]o complaint shall issue based upon any unfair labor practice charge occurring more than six (6) months prior to the filing of the charge with the Board and service of a copy thereof

upon a person against whom such charge is made unless the person aggrieved thereby was prevented from filing such charge by reason of service in the armed forces, in which event the six (6) month period shall be computed from the day of his discharge.”

43. The tolling of the statute of limitations as provided for in Section 104.214(a) of the Rule is not limited to charges filed where the aggrieved person was prevented from filing such charge by reason of service in the armed forces.

44. Section 102.214(a) purports to toll the six (6) month statute of limitations for filing an unfair labor practice charge set forth in Section 10(b) of the NLRA, 29 U.S.C. 160(b) where an employer covered by the NLRA fails to post a Notice.

45. The Board has no authority under Section 6 or any other provision of the NLRA to promulgate and issue a Rule tolling the statute of limitations for filing an unfair labor practice charge. The Rule, therefore, has been promulgated in excess of the Board’s statutory authority under the NLRA.

46. The promulgation and issuance of Section 104.214(a) of the Rule also violates Section 10(b) of the NLRA, 29 U.S.C. § 160(b).

47. The Rule must therefore be held unlawful and set aside under the Administrative Procedure Act, 5 U.S.C. § 706(2)(C).

48. Unless implementation of the Rule is enjoined, the NAM, its members and all other employers subject to the Board’s jurisdiction will suffer immediate, irreparable harm for which no adequate remedy at law exists.

49. Enjoining the Rule is in the public interest and presents no harm to the Board.



### PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court enter judgment against Defendant:

A. Declaring that the Board exceeded its authority under Section 6 of the NLRA to require employers to post a Notice.

B. Declaring that the Board exceeded its authority under Section 9(c)(1) of the NLRA by requiring employers who the Board has not found to have committed an unfair labor practice or with respect to whom a representation petition has not been filed to post a Notice.

C. Declaring that the Board violated Section 10(b) of the NLRA by providing for the tolling of the statute of limitations for filing an unfair labor practice charge pursuant to Section 102.214(a) of the Rule.

D. Declaring that the Board has no authority under Section 6 or any other provision of the NLRA to require employers to post electronic Notice.

E. Declaring that under the Administrative Procedure Act the Rule is null and void *ab initio* and in its entirety.

F. Preliminarily and permanently enjoining the Board from implementation, enforcement and application of the Rule.

G. Awarding Plaintiff its attorney's fees and costs of this litigation.

H. Granting such other and further relief as this Court deems just and appropriate.

Respectfully submitted,

s/Peter N. Kirsanow

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Maynard A. Buck (0022423)

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*Counsel for the National Association of  
Manufacturers*

CIVIL COVER SHEET

11-1629  
ABT

JS-44  
(Rev. 2/11 DC)

**I (a) PLAINTIFFS**  
National Association of Manufacturers

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES) 11001

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
 Peter N. Kiranow (0034196) Gregory Jacob (D.C. Bar # 474639)  
 Maynard A. Buck (0022423) William Mossi (D.C. Bar # 445265)  
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 Benesch Friedlander Coplan & Aronoff LLP Washington, DC 20006  
 200 Public Square, Ste 2300 (202) 282-5769  
 Cleveland, OH 44114-2378  
 Tel: 216-363-4500

**DEFENDANTS**  
National Labor Relations Board, Mark Pearce, Craig Becker, Brian Hayes, and Lafe Solomon

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

Case: 1:11-cv-01629  
Assigned To : Jackson, Amy Berman  
Assign. Date : 9/8/2011  
Description: Admin. Agency Review

**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) **FOR DIVERSITY CASES ONLY!**

	PTF	DFT		PTF	DFT
Citizen of this State	<input type="radio"/> 1	<input 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 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

**IV. CASE ASSIGNMENT AND NATURE OF SUIT**

(Place a 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"/> <b>A. Antitrust</b></p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> <b>B. Personal Injury/Malpractice</b></p> <p><input type="checkbox"/> 310 Airplane  <input type="checkbox"/> 315 Airplane Product Liability  <input type="checkbox"/> 320 Assault, Libel &amp; 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"/> 368 Asbestos Product Liability</p>	<p><input checked="" type="radio"/> <b>C. Administrative Agency Review</b></p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><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))</p> <p><b>Other Statutes</b>  <input type="checkbox"/> 891 Agricultural Acts  <input type="checkbox"/> 892 Economic Stabilization Act  <input type="checkbox"/> 893 Environmental Matters  <input type="checkbox"/> 894 Energy Allocation Act  <input checked="" type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b></p> <p>Any nature of suit from any category may be selected for this category of case assignment.                  *(If Antitrust, then A governs)*</p>
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**E. General Civil (Other)** OR  **F. Pro Se General Civil**

<p><b>Real Property</b>  <input type="checkbox"/> 210 Land Condemnation  <input type="checkbox"/> 220 Foreclosure  <input type="checkbox"/> 230 Rent, Lease &amp; 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><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</p>	<p><b>Bankruptcy</b>  <input type="checkbox"/> 422 Appeal 28 USC 158  <input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><b>Prisoner Petitions</b>  <input type="checkbox"/> 535 Death Penalty  <input type="checkbox"/> 540 Mandamus &amp; Other  <input type="checkbox"/> 550 Civil Rights  <input type="checkbox"/> 555 Prison Condition</p> <p><b>Property Rights</b>  <input type="checkbox"/> 820 Copyrights  <input type="checkbox"/> 830 Patent  <input type="checkbox"/> 840 Trademark</p> <p><b>Federal Tax Suits</b>  <input type="checkbox"/> 870 Taxes (US plaintiff or defendant)  <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>	<p><b>Forfeiture/Penalty</b>  <input type="checkbox"/> 610 Agriculture  <input type="checkbox"/> 620 Other Food &amp; Drug  <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881  <input type="checkbox"/> 630 Liquor Laws  <input type="checkbox"/> 640 RR &amp; Truck  <input type="checkbox"/> 650 Airline Regs  <input type="checkbox"/> 660 Occupational Safety/Health  <input type="checkbox"/> 690 Other</p> <p><b>Other Statutes</b>  <input type="checkbox"/> 400 State Reapportionment  <input type="checkbox"/> 430 Banks &amp; Banking  <input type="checkbox"/> 450 Commerce/ICC Rates/etc.  <input type="checkbox"/> 460 Deportation</p>	<p><input type="checkbox"/> 462 Naturalization Application  <input type="checkbox"/> 465 Other Immigration Actions  <input type="checkbox"/> 470 Racketeer Influenced &amp; Corrupt Organizations  <input type="checkbox"/> 480 Consumer Credit  <input type="checkbox"/> 490 Cable/Satellite TV  <input type="checkbox"/> 810 Selective Service  <input type="checkbox"/> 850 Securities/Commodities/Exchange  <input type="checkbox"/> 875 Customer Challenge 12 USC 3410  <input type="checkbox"/> 900 Appeal of fee determination under equal access to Justice  <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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NO NLRB (6)

<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <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"/> <b>H. Employment Discrimination</b>  <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"/> <b>I. FOIA/PRIVACY ACT</b>  <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"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 American w/Disabilities-Employment <input type="checkbox"/> 446 Americans w/Disabilities-Other	<input type="radio"/> <b>M. Contract</b>  <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"/> <b>N. Three-Judge Court</b>  <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

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE).** Seeking declaratory and injunctive relief under the Administrative Procedure Act, 5 U.S.C. 701-706, and Declaratory Judgment Act, 28 USC 2201-2202.

**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 instruction)      YES       NO       If yes, please complete related case form.

**DATE** September 8, 2011      **SIGNATURE OF ATTORNEY OF RECORD** William D. Moore

**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 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. 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 cover sheet. 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 is resident of Washington, D.C.; 88888 if plaintiff is resident of the United States but not of Washington, D.C., 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 case.
- VI. CAUSE OF ACTION: Cite the US Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASES, 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.

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