

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

Oneida Nation,

Plaintiff

v.

Case No. 16-CV-1217

Village of Hobart, Wisconsin,

Defendant.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff Oneida Nation (“Nation”), by and through its undersigned counsel, states and alleges as follows:

NATURE OF THE ACTION

1. The Nation brings this action for declaratory, permanent and preliminary injunctive relief under 28 U.S.C. §2201 and Fed. Rul. Civ. Proc. 65 against the Village of Hobart, Wisconsin (“Village” or “Hobart”) for a declaration of the parties’ legal rights with regard to Hobart’s assertion of authority to regulate the Nation and its officials with respect to activities occurring on trust land within the Nation’s Reservation. Specifically, the Nation seeks a declaration that the Nation, its officials, and its trust lands are not subject to the Hobart Special Event Ordinance, ch. 250, and an injunction against attempts by Hobart to impose its ordinance on these trust lands and enforce the provisions of its ordinance against the Nation, its officials,

and employees.

2. The Court has jurisdiction over this action under 28 U.S.C. §§1331 and 1362. The Nation maintains a government-to-government relationship with the United States and has a governing body duly recognized by the Secretary of the Interior. 81 Fed. Reg. No. 86, at 26829 (“Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin”)), May 4, 2016. The Nation asserts claims arising under the Constitution, laws and treaties of the United States, including but not limited to Art. I, §8, cl. 3, Art. II, §2, cl. 2, and Art. VI of the United States Constitution; the Treaty with the Oneidas, February 3, 1838, 7 Stat. 566; the Indian Reorganization Act of 1934, 25 U.S.C. §461 *et seq.*; and the federal common law.

VENUE

3. Venue is proper in this district under 28 U.S.C. §1391(b) inasmuch as the Nation’s trust lands and the Village of Hobart are located within the district and the events giving rise to the claims made by the Nation occurred within the district.

PARTIES

4. Plaintiff Nation is a successor in interest to the Oneida Nation recognized by the United States in the Treaty of Fort Stanwix, Oct. 22, 1784, 7 stat. 15, the Treaty of Fort Harmar, Jan. 9, 1789, 7 Stat. 33, and the Treaty of Canandaigua, Nov. 11, 1794, 7 Stat. 44. The Nation has continuously since 1794 received or been entitled to receive annuity payments under the Treaty of Canandaigua. The Nation is organized pursuant to a constitution adopted under the Indian Reorganization Act of 1934, 25 U.S.C. §476, and approved by the Secretary of the Interior on December 31, 1936. The Nation’s principal government offices are located at N7210 Seminary Road, Oneida, Wisconsin 54155.

5. Defendant Village of Hobart is an incorporated municipality in Brown County, State of Wisconsin. Its principal offices are located at 2990 South Pine Tree Road, Oneida, Wisconsin 54155.

ALLEGATIONS COMMON TO ALL CLAIMS

6. On February 3, 1838, the United States executed a treaty with the First Christian and Orchard Parties of the Oneidas to set aside a tract of recently ceded Menominee territory for the Oneidas. 7 stat. 566. Under Article 2 of the treaty, the reserved tract was “to be held as other Indian lands are held...” containing approximately 65,400 acres (“Oneida Reservation”). *Id.* The First Christian and Orchard Parties are now organized as the Oneida Nation pursuant to the Indian Reorganization Act.

7. On June 18, 1934, Congress enacted the Indian Reorganization Act (the “IRA”), which, among other things, authorizes the Secretary of the Interior to take lands into trust for tribes. 48 stat. 984, codified as amended at 25U.S.C. §461, *et seq.* As authorized by the IRA and in accordance with governing regulations, the Nation from time to time since 1934 applied for certain lands to be placed into trust by the United States for the benefit of the Nation. 25 C.F.R. Part 151.

8. Specifically, the Nation applied for and in 1996 and 1995, respectively, parcels HB-1355 and HB-1355-1, as identified in Brown County tax records, were placed into trust by the United States for the Nation. These trust parcels are identified herein as the Nation’s Apple Orchard.

9. Specifically, the Nation applied for and in 2006, the following parcels, as identified as Brown County tax records, were placed into trust by the United States for the Nation: 6H-765-2-

1; 6H-765-2; 6H-765-1; 6H-765-1-1; HB-753; HB-753-2; HB-746; HB-745; HB-746-3. These parcels are identified herein as the Cultural Heritage Site.

10. In 2015, citing an ordinance repealed and replaced in 2016, the Hobart Chief of Police advised employees of the Nation that the Nation was obliged to apply for a special event ordinance for the 2015 Big Apple Fest. By letter dated September 3, 2015, Chairwoman Danforth of the Nation advised the Hobart President that the Nation would not apply for such a permit. The 2015 Big Apple Fest took place with no further objection and no interference from Hobart.

11. On March 1, 2016, the Village of Hobart adopted Ordinance No. 03-2016, its Special Event Permit Ordinance. Ch. 250, Village of Hobart Municipal Code. The ordinance purports to apply to all private and public land located within the Village. Further, the ordinance purports to require “any person, firm, partnership association, corporation, company, governmental entity, or organization of any kind” to obtain a permit from the Village, setting conditions for the conduct of any event where fifty (50) or more persons might gather on any such land. Further, the ordinance purports to impose upon any person or entity subject to the ordinance penalties in an amount up to \$10,000.00 per violation and, by reference to §1-3 of the Village code and upon failure to pay the penalty, imprisonment for up to 90 days, for each violation of the ordinance.

12. The Nation has publicly announced that the 2016 Big Apple Fest will take place between the hours of 10 a.m. to 4 p.m. on September 17, 2016. Big Apple Fest activities take place at the Nation’s Apple Orchard and the Cultural Heritage Site, both of which are held in trust by the United States for the Nation are located on State Highway 54.

13. Transportation between the two sites for the event is offered by the Nation. Traffic

on Highway 54 for the event is detoured onto a county road, in accordance with permits obtained by the Nation from the Wisconsin Department of Transportation and Brown County.

14. All activities at the 2016 Big Apple Fest, the seventh such annual event conducted by the Nation, are subject to the Nation's immediate control and supervision in the person of the Nation's Special Event Coordinator. It is not a money-making enterprise but is a family oriented event that is free and open to the public. Activities include a farmer's market, a petting zoo, an apple pie contest, art programs for children, hay-rides, tours of historic Oneida log homes, food vendors, and apple picking.

15. All activities are governed by laws of the Nation and all vendors are subject to permitting (which requires, among other things, the maintenance of liability insurance) and inspection by the Nation.

16. Security and traffic management for the Big Apple Fest are provided by officers of the Oneida Security Department and the Oneida Police Department, twelve (12) from the former department and three (3) from the latter department. Officers from the Oneida Police Department are independently authorized to enforce state law on the Reservation and are also cross-deputized by Brown County to enforce state criminal law. In addition, three (3) nurses in the employ of the Nation will be present and staff a first aid station.

17. On August 18, 2016, the Hobart Chief of Police emailed the Nation's Special Event Coordinator to advise that the Nation is obliged to obtain a permit under Hobart's Special Event Permit Ordinance.

18. On September 2, 2016, Counsel for Hobart wrote the Nation's Special Event Coordinator to advise that the Nation must apply for a permit under Hobart's Special Event

Permit Ordinance no later than 4 p.m., Friday, September 9, 2016, for the Big Apple Fest.

Counsel for Hobart further advised that, in the event the Nation failed to do so, the Nation and “all responsible officials” will be prosecuted for violation of the ordinance, as authorized under §1-3; this provision, in turn, authorizes fines up to \$10,000.00 per offense and imprisonment for up to ninety (90) days for failure to pay the fines.

FIRST CLAIM FOR RELIEF

(Federal pre-emption)

19. The Nation repeats and incorporates by reference herein the allegations in paragraphs 1 through 18.

20. Under federal common law and rules governing construction of Indian statutes, including the IRA, federal law pre-empts the application of state and local law and regulation to recognized tribes and their trust property located within Indian country, 18 U.S.C. §1151.

21. Federal regulation of the Nation’s trust lands is comprehensive and pervasive and precludes state and local regulation by virtue of the Supremacy Clause of the United States Constitution. U.S. Const., Art. VI, §2.

22. Hobart’s attempt to regulate activity on and the use and enjoyment of the Nation’s trust lands through its Special Event Permit Ordinance is pre-empted by the pervasive and comprehensive federal regulation of the Nation’s trust lands.

SECOND CLAIM FOR RELIEF

(Infringement of tribal self-government)

23. The Nation repeats and incorporates by reference herein the allegations in paragraphs 1 through 18.

24. The Nation holds inherent powers of self-government, including the authority to manage and regulate the Oneida Reservation and the Nation's trust lands.

25. Another of the Nation's inherent powers of self-government is immunity from local and state regulation as an entity and efforts to prosecute the Nation, its elected officials, and its employees for alleged violations of state and local laws when acting in accordance with tribal authority.

26. The Nation's interest in regulating its trust lands, including the conduct of special events thereon, far outweighs any interest the Village has in regulating the Nation's trust lands for the same purpose.

27. The Nation comprehensively manages and regulates the conduct of special events on its trust lands in general, and the annual Big Apple Fest in particular, leaving no opportunity for the interstitial exercise of any local or state authority in that regard.

28. It is overriding federal policy and law to protect the Nation in the exercise of its inherent powers of self-government, including regulation of its trust lands for purposes of special events and immunity of the Nation, its officials, and employees in the exercise thereof.

29. Hobart's attempt to impose its Special Event Permit Ordinance on the trust lands and thereby regulate 2016 Apple Fest violates the Nation's inherent powers of self-government and is, therefore, pre-empted by federal law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Oneida Nation respectfully prays for the following relief:

1. A declaration that the Nation, its officials, and its trust lands are immune from Hobart's Special Event Permit Ordinance and that Hobart lacks authority to enforce the

ordinance against the Nation, its officials, and employees;

2. A permanent injunction against Hobart's attempt to impose its Special Event Permit Ordinance on the Nation's trust lands and any effort by Hobart and its officials to enforce the ordinance as to the Nation, its officials, and its employees;

3. A preliminary injunction against any attempts by Hobart and its officials to impose its Special Event Permit Ordinance on the Nation, its official, and its employees in relation to the conduct of the 2016 Apple Fest on the Nation's trust lands;

4. Attorneys' fees and costs of the action; and

5. All relief available, at law or in equity to enforce the rights of the Tribe as alleged in this Complaint, and such other and further relief, both special and general, at law or in equity as the Court may deem just and proper.

s/Arlinda F. Locklear
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(920) 869-4327

Dated: September 9, 2016

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

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.

JON W. SANFILIPPO
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

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.)

Place an "X" in the appropriate box (required): Green Bay Division Milwaukee Division

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)

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	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <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 PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <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 IMMIGRATION <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 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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"/> 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
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 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	PRISONER PETITIONS Habeas Corpus: <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 Other: <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

I.(c). Plaintiff's Attorneys:

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(920) 869-4327

VI. Cause of Action – Brief Description

Action for declaratory and injunctive relief in response to defendant's unlawful application of village ordinance to Plaintiff.

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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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.