

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

NICOLE SOLAS,

Plaintiff,

Civil Action No.:

v.

UNIVERSITY OF RHODE ISLAND and
MARC B. PARLANGE in his official
capacity,

Defendants.

COMPLAINT

Plaintiff Nicole Solas (“Solas” or “Plaintiff”) hereby files this Complaint against Defendant University of Rhode Island (“URI”) and Defendant Marc B. Parlange (“Parlange”), (collectively “Defendants”), and alleges as follows:

INTRODUCTION

1. Plaintiff Nicole Solas brings this civil rights action pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983 (“Section 1983”), seeking declaratory, permanent injunctive, and monetary relief to redress and prevent deprivation under color of state law of Plaintiff’s rights, privileges, and immunities against compelled speech and association under the First and Fourteenth Amendments to the United States Constitution. Specifically, URI, acting as a state actor and under color of

state law, has imposed a hiring preference for union members for an employment position with URI, and discriminated against Plaintiff, who is not a union member, in its hiring practices based on Plaintiff's status as a non-union member.

2. In *Janus v. AFSCME*, 585 U.S. 878 (2018), the United States Supreme Court upheld the principle that freedom of speech entails freedom of association and “[f]orced associations that burden protected speech are impermissible.” *Id.* at 892 (citing *Pacific Gas & Elec. Co. v. Pub. Utils. Comm’n of Cal.*, 475 U.S. 1, 12 (1986)). After *Janus*, it is unconstitutional for public-sector unions and state employers to collect/deduct union dues or fees from public employees without their affirmative consent and knowing waiver of their First Amendment rights, *id.* at 929-30, and they cannot grant special benefits to public employees to the detriment of non-members, *see Carbonell v. Lopez-Figueroa*, 749 F. Supp.3d 266, 289 (D. P.R. 2024).

3. Plaintiff sought employment as a Higher Education Administrative Assistant (“HEAA”) with Defendant URI, was denied employment with URI, and was informed that members of ESP-URI/NEARI (the “Union”) received “preferential consideration,” and that URI would only consider nonmembers if an ESP-URI/NEARI member could not fill the position.

4. Defendants maintain and enforce U R I policies, including a policy of preferential treatment in hiring toward NEARI members, to the detriment

of non-NEARI members and a policy requiring that bargaining unit employees be full-fledged members of NEARI as a condition of employment.

5. Defendants have violated and are violating Plaintiff's First Amendment rights, as applied against the state through the Fourteenth Amendment. Defendants do so by requiring Plaintiff to be a member of NEARI and by consequently requiring the deduction and collection of money from Plaintiff's wages without her voluntary, intelligent and knowing consent, as a condition of prospective and future employment, thereby conferring employment benefits and opportunities based on union membership in violation of Plaintiff's First Amendment rights.

8. Plaintiff brings this civil rights action pursuant to 42 U.S.C. § 1983, seeking: (a) a judgment declaring that the policy of requiring union membership as a condition of consideration for employment from those who do not wish to associate with the Union and who do not consent to union membership is unconstitutional and unenforceable; (b) a judgment declaring that the policy of deducting union dues, as a condition of employment, without the employees' affirmative consent and knowing waiver of First Amendment rights is unconstitutional and unenforceable; (c) a judgment declaring that the policy of requiring employees in the bargaining unit to be members of NEARI as a condition of employment is unconstitutional and unenforceable under the First Amendment;

(d) injunctive relief against any form of compulsory membership requirement as a condition of employment; (e) nominal damages for the violation of Plaintiff's First and Fourteenth Amendment rights; and (f) reasonable attorneys' fees and costs, pursuant to 42 U.S.C. § 1988, 28 U.S.C. § 1920, and Federal Rule of Civil Procedure 54(d).

PARTIES, JURISDICTION, AND VENUE

9. Plaintiff is a resident of South Kingstown, Rhode Island.

10. Defendant URI is a public land-grant research university with its main campus located in Kingston, Rhode Island.

11. Defendant URI does business as a public land-grant university in Kingston, Rhode Island.

12. Defendant Marc B. Parlange is sued in his official capacity as President of the URI, which is a public university system with multiple campuses. His business address is Green Hall, 35 Campus Avenue, Kingston, Rhode Island. As URI president, Defendant Parlange is responsible for URI policies that provide preferential hiring for university positions for union members and require union membership.

14. This Court has subject matter jurisdiction because this action arises under the Federal Civil Rights Act of 1871, 42 U.S.C. § 1983, and seeks to redress the deprivation, under color of state law, of rights, privileges and immunities

secured to Plaintiffs and all class members by the Constitution of the United States, particularly the First and Fourteenth Amendments.

15. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

16. This action is an actual controversy in which Plaintiff seeks a declaration of her rights under the Constitution of the United States. Pursuant to 28 U.S.C. §§ 2201–2202, this Court may declare Plaintiff’s rights and grant further necessary and proper relief based thereon, including injunctive relief pursuant to Federal Rule of Civil Procedure 65.

17. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the claims arise in this judicial district and Defendants operate and do business in this judicial district.

FACTUAL ALLEGATIONS

18. Plaintiff repeats, realleges and reiterates all prior paragraphs as if set forth fully herein.

19. Plaintiff brings this civil rights action pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983 (“Section 1983”) seeking declaratory, permanent injunctive, and monetary relief to redress and prevent deprivation under color of state law of Plaintiffs’ rights, privileges, and immunities against compelled speech and association under the First and Fourteenth Amendments to the United States

Constitution. Specifically, URI, acting as a state actor and under color of state law, imposes preferential hiring practices that favor union members over non-union applicants, thus requiring Plaintiff to become and remain a member of a labor organization as a condition of prospective employment, despite Plaintiff's objections to union membership.

20. On or about November 7, 2024, Plaintiff submitted an application to URI for a position as a Higher Education Administrative Assistant ("HEAA"), advertised as *Posting Number CS01998 Job Title HIGHER EDUCATION ADMINISTRATIVE ASSISTANT I (17 HRS.) Position Number 10058*. See Exhibit 1.

21. Plaintiff was not offered an interview or hired for the HEAA position.

22. Plaintiff was and is highly qualified to perform all duties of the position of HEAA.

23. Plaintiff meets or exceeds all the "Required Qualifications" listed in the HEAA job posting.

24. URI's job posting for the HEAA position states the following policy ("the Policy"): *This position is covered by ESP-URI/NEARI. Members of this union will receive preferential consideration. If the position is not filled by a current union member, we will then consider other applicants for the position*. Exhibit 2.

25. Plaintiff is not a Union member and has no desire to join the Union or associate with it.

26. On information and belief, Defendants applied the Policy to Plaintiff's application, and declined to interview Plaintiff, offer her the position, or take any steps to consider her for the position based on the Policy.

27. On March 26, 2025, Plaintiff, through counsel, directed correspondence to URI stating that the Policy unlawfully favors union members over nonmembers in employment decisions and violates the First Amendment, and that government employers may not provide preferential treatment to union members at the expense of nonmembers, particularly in hiring practices. Exhibit 3.

28. By way of the same correspondence dated March 26, 2025, Plaintiff, through counsel, requested any and all information regarding specifics of the Policy, how exactly it operates, and whether / how it was applied to Posting Number CS01998 Job Title HIGHER EDUCATION ADMINISTRATIVE ASSISTANT I (17 HRS.) / Position Number 10058.

29. To date, URI has not provided any response to Plaintiff's inquiry, through counsel, dated March 26, 2025.

FIRST CAUSE OF ACTION
(Compelled Association).

30. Plaintiff repeats, realleges, and reiterates all prior paragraphs as if set forth fully herein.

31. The First and Fourteenth Amendments to the United States Constitution guarantee Plaintiff's freedoms of speech, association, self-organization, assembly, petition, belief, thought, and conscience.

32. Defendants' Policy favors union membership for employment benefits and opportunities and therefore infringes on Plaintiff's exercise of First Amendment freedoms, and violates the U.S. Constitution because to enjoy this government preference, the Policy compels Plaintiff, as a condition of prospective employment to associate with a union against Plaintiff's will.

33. Defendants' continued enforcement of the membership preference violates Plaintiff's First Amendment rights to free speech and association, as secured against state infringement by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

34. Under 42 U.S.C. § 1983, Plaintiff is entitled to have the enforcement of the hiring preference declared unconstitutional because it constitutes compelled association in government hiring decisions in contravention of Plaintiff's First Amendment rights.

35. There is no compelling state interest justifying the requirement that individuals become or remain members of a private labor organization or submit to the internal rules of such organization after exercising their First Amendment freedoms not to associate with the organization.

36. To the extent there is any compelling state interest in the requirement that individuals become or remain members of a private labor organization, or submit to the internal rules of such organization after exercising their First Amendment freedoms not to associate with the organization, such interests could be achieved through means significantly less restrictive of Plaintiff's constitutional rights.

37. Plaintiff is suffering the irreparable harm and injury inherent in a violation of First Amendment rights, for which there is no adequate remedy at law, as a result of being subjected to Defendants' compulsory union membership policy and continued maintenance of membership requirement without their consent.

SECOND CAUSE OF ACTION
(Compelled Speech)

38. Plaintiff repeats, realleges, and reiterates all prior paragraphs as if set forth fully herein.

39. Defendants' compulsory union membership and compulsory union dues policies prohibit Plaintiff from exercising her First Amendment rights under the First Amendment to not subsidize a labor union and its speech.

40. Defendants have violated, and continue to violate, Plaintiff's First Amendment rights by requiring her to be a member of the Union and to subsidize it as a condition of employment in order to enjoy the preference for Union members under the Policy.

41. Defendants' maintenance and enforcement of their compulsory union membership and compulsory union dues policies deprives Plaintiff of her First Amendment rights to free speech and association, as secured against infringement by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Declaratory Judgment: (i) Enter a declaratory judgment that Defendants are violating Plaintiff's First Amendment rights as secured against State infringement by the Fourteenth Amendment and 42 U.S.C. § 1983, by requiring union membership from individuals who do not wish to associate with the Union and who do not consent to such Union membership; (ii) Enter a declaratory judgment that Defendants are violating Plaintiff's First Amendment rights as secured against State infringement by the Fourteenth Amendment and 42 U.S.C. § 1983, by requiring individuals to join the Union and pay Union dues to receive the Policy's hiring preference; (iii) Enter a declaratory judgment that the Policy is unconstitutional under the First Amendment, as secured against State infringement by the Fourteenth Amendment and 42 U.S.C. § 1983, insofar as it authorizes Defendants to compel Plaintiff to maintain union membership as a condition of employment, and unenforceable against Plaintiff; and (iv) Enter a

declaratory judgment that the compulsory union dues policy put in place by Defendants is unconstitutional under the First Amendment, as secured against State infringement by the Fourteenth Amendment and 42 U.S.C. § 1983, insofar as it authorizes Defendants to compel Plaintiff to subsidize a labor union as a condition of prospective employment, and unenforceable against Plaintiff.

B. Injunctive Relief: (i) Permanently enjoin Defendants, along with their officers, agents, servants, employees, attorneys, and any other person or entity in active concert or participation with them, from maintaining and enforcing compulsory union membership and compulsory union dues policies, including union hiring preferences.

C. Damages: Enter a judgment awarding nominal damages to Plaintiff.

D. Costs and Attorneys' Fees: Award Plaintiff costs and reasonable attorneys' fees pursuant to the Civil Rights Attorneys' Fees Award Act of 1976, 42 U.S.C. § 1988.

E. Other Relief: (i) Require Defendants to provide Plaintiff with written notice that the compulsory union membership and union dues policies are unconstitutional, a breach of contract, and are unenforceable, and that they can exercise their First Amendment right to refrain from union membership and subsidization without their consent, at any time; and (ii) grant such other and further relief as the Court may deem just, proper, and equitable.

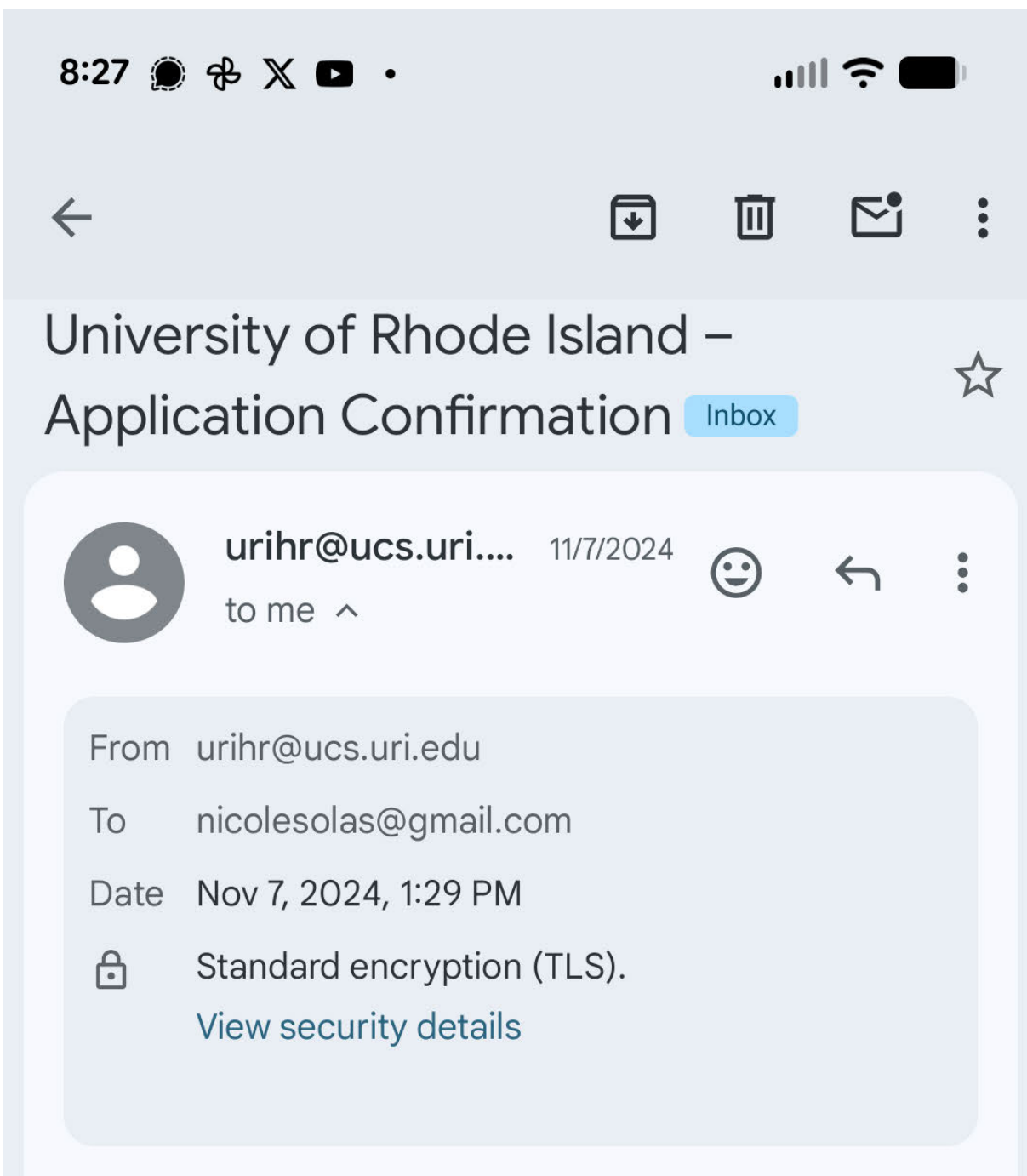
Dated: November 20, 2025



Kevin C. McCaffrey, Esq.
76 Riverside Ave.
Westport, CT 06880
T: 917.282.4181
kmccaffrey@cetllp.com

Attorney for Plaintiff Nicole Solas

Exhibit 1



Dear Nicole Solas,

Thank you for submitting your application for HIGHER EDUCATION ADMINISTRATIVE ASSISTANT I (17 HRS.), in Center Career Experiential EduCS01998 10058. We received your materials 11/07/2024 01:29 PM

Your application confirmation number is CN000239848.

Thank you for your interest in employment at the University of Rhode Island.

University of Rhode Island
Office of Human Resource Administration
[80 Lower College Road](#)

← Reply

→ Forward



99+



Exhibit 2

HIGHER EDUCATION ADMINISTRATIVE ASSISTANT I (17 HRS.)

Posting Details

Position Information

Posting Number	CS01998
Job Title	HIGHER EDUCATION ADMINISTRATIVE ASSISTANT I (17 HRS.)
Position Number	10058
FTE	
FLSA	
Pay Rate	\$20.59 - \$22.25
Salary Range	
Pay Grade Level	GRADE 312
Position Type	Classified Civil Service Staff
Union	ESP-URI/NEARI (Educational Support Professionals)
Status	Limited, Part-time, Calendar Year
Restriction or Limitation Reason	Funding
End Date of Restriction or Limitation	Limited to 06/30/2025 due to funding with anticipation of extension.

Department Information

Department	Center Career Experiential Edu
Contact(s)	Jenna Visinho Specialist, Talent Acquisition Office of Human Resource Administration 80 Lower College Road Kingston, RI 02881
Contact Phone/Extension	401-874-2317
Contact Email	jvisinho@uri.edu
Physical Demands	
Campus Location	Kingston
Building(s)	Roosevelt Hall
Grant Funded	
Extension Contingent on Funding Date	
Extension Contingency Notes	

Duties and Responsibilities	ILLUSTRATIVE EXAMPLES OF WORK PERFORMED: Within a college/university system, to perform routine administrative support functions in an academic department utilizing college enterprise software systems with common business applications and a wide variety of office equipment and computer software applications including word processing, spreadsheets and other contemporary office programs and equipment. To generate involved statistical statements, reports, legal documents, letters and other materials, utilizing the appropriate office software application, the college's enterprise software system or from paper copy. To create and manipulate queries within the college's enterprise software system such as class rosters, academic transcripts, faculty load reports, and other items. To make classroom reservations utilizing the college's event management system. To convey basic pertinent information to faculty, staff, students and visitors as it relates to a wide range of policies and procedures of the college. To process student add/drop course requests. To coordinate office schedules for work study students within an academic department. To enter hours worked for the biweekly work study student payroll for the academic department. To maintain electronic and/or paper records for the academic department. To answer in-person, telephone or email inquiries for the academic department and respond appropriately. To convey information to students regarding course offerings, courses of study, and academic policies and services. To schedule faculty advising appointments for students as well as other events for the academic department chair and faculty. To maintain and requisition department supplies utilizing the college's enterprise software system in compliance with college and state purchasing protocols. To perform routine maintenance of office machinery and equipment. To do related work as required.
Required Qualifications	REQUIRED QUALIFICATIONS FOR APPOINTMENT: KNOWLEDGE, SKILLS AND CAPACITIES: The ability to integrate information from one type of application package to another; the ability to generate accurate and concise written reports; a working knowledge of general office practices, business arithmetic and business English; a familiarity with spreadsheets, databases, word processing and other computer software; the ability to establish and maintain effective working relationships with superiors, the college/university departments, and other state and private agencies and organizations and employees; the ability to understand and carry out complex oral and written instructions; a working knowledge of higher education policies and procedures as well as general office practices; and related capacities and abilities. EDUCATION AND EXPERIENCE: Education: Such as may have been gained through: graduation from a senior high school supplemented with training in computer information systems; and Experience: Such as may have been gained through: employment in performing general office tasks of a complex nature in an academic setting, including the use of enterprise software systems with common business applications, word processing, spreadsheets, and other contemporary office software; Or, any combination of education and experience that shall be substantially equivalent to the above education and experience.
Preferred Qualifications	
Environmental Conditions	This position is not substantially exposed to adverse environmental conditions.
Work Hours	8:30 AM TO 3:00 PM – Tuesday 8:30 AM to 2:30 PM – Wednesday & Thursday Days Off: Sunday, Monday, Friday, Saturday 17 HRS / NO BENEFITS
Posting Date	11/02/2024
Closing Date	11/11/2024
Special Instructions to Applicants	If you are a lateral transfer (the same title as this posting) within ESP-URI/NEARI, please contact Jenna Visinho in Human Resources at 874-2317 or jvisinho@uri.edu prior to applying for this position. The name of a contact person will be provided for all lateral transfers to schedule an informational meeting prior to the application deadline date. If you are still interested in the position after the informational meeting, you must still apply on-line and submit the required documents prior to the application deadline date. This position is covered by ESP-URI/NEARI. Members of this union will receive preferential consideration. If the position is not filled by a current union member, we will then consider other

Quicklink for Posting

<https://jobs.uri.edu/postings/14256>

Applicant Documents

Required Documents

1. Resume
2. Cover Letter/Letter of Application

Optional Documents

Supplemental Questions

Required fields are indicated with an asterisk (*).

1. * Have you graduated from a senior high school or possess a GED?
 - Yes
 - No
2. * Have you gained experience through employment in performing general office tasks of a complex nature in an ACADEMIC SETTING including enterprise software systems with common business applications ,word processing, spreadsheets and other office software?
 - Yes
 - No
3. * Are you currently a State employee within Union ESP-URI/NEARI?
 - Yes - I understand that if I am a lateral transfer and the senior most bidder, I must accept this position. Please contact Karen Healey in HR with questions about this at (401)874-5267.
 - No

Exhibit 3

From: McCaffrey, Kevin <KMcCaffrey@cetllp.com>
Sent: Wednesday, March 26, 2025 12:39 PM
To: avboss@uri.edu <avboss@uri.edu>
Cc: Jonathan Riches <jriches@goldwaterinstitute.org>; Kamron Kompani <kkompani@goldwaterinstitute.org>; McCaffrey, Kevin <KMcCaffrey@cetllp.com>
Subject: Nicole Solas / Position Number 10058 / Request for Information

Dear Ms. Boss:

Please be advised that the undersigned has been retained as counsel on behalf of Nicole Solas in connection with the above-referenced matter. Ms. Solas was recently denied a position as a Higher Education Administrative Assistant, despite being qualified to perform all duties of said position. Kindly allow this correspondence to serve as initial inquiry regarding specifics of the University of Rhode Island's hiring process and procedures as relates to this position, which was advertised as: *Posting Number CS01998 Job Title HIGHER EDUCATION ADMINISTRATIVE ASSISTANT I (17 HRS.) Position Number 10058.*

In particular, I would note that the job posting states that:

This position is covered by ESP-URI/NEARI. Members of this union will receive preferential consideration. If the position is not filled by a current union member, we will then consider other applicants for the position.

I write to express concern that the University of Rhode Island (“URI”) is unlawfully giving preference to union members in its hiring process, in violation of the U.S. Constitution. The Supreme Court has made clear that the government cannot impose penalties or withhold benefits based on group membership if doing so makes that membership less attractive. *See Rumsfeld v. Forum for Academic and Institutional Rights, Inc.*, 547 U.S. 47, 69 (2006).

In *Janus v. AFSCME, Council 31*, the Court held that public employers cannot condition employment on the payment of union dues. *See Janus v. AFSCME, Council 31*, 585 U.S. 878, 930 (2018). The Court further noted that “it is questionable whether the Constitution would permit a public-sector employer to adopt a collective-bargaining agreement that discriminates against nonmembers.” *Id.* at 899.

Federal appellate courts have likewise affirmed that conditioning public employment on union membership violates employees’ First Amendment rights. *See State Employee Bargaining Agent Coalition v. Rowland*, 718 F.3d 126, 133 (2d Cir. 2013) (“Conditioning public employment on union membership, no less than on political association, inhibits protected association and interferes with government employees’ freedom to associate.”); *Mulhall v. UNITE HERE Local 355*, 618 F.3d 1279, 1287 (11th Cir. 2010) (“The First Amendment clearly guarantees the right to join a union,’ [and] it ‘presupposes a freedom not to associate’ with a union.”).

Despite this clear precedent, URI has stated in Position Number 10058 that “Members of [ESP-URI/NEARI] will receive preferential treatment.” Such policy unlawfully favors union members over nonmembers in employment decisions and violates the First Amendment. Government employers may not provide preferential treatment to union members at the expense of nonmembers, particularly in hiring practices.

In light of the above, I would request any and all information regarding specifics of the above-noted policy preference, how exactly it operates, and whether / how it was applied to Posting Number CS01998 Job Title HIGHER EDUCATION ADMINISTRATIVE ASSISTANT I (17 HRS.) / Position Number 10058. Finally, I would request the courtesy of a response within thirty (30) days.

Should you have any questions, please do not hesitate to contact the undersigned at any time. I thank you in advance for your anticipated cooperation.

Best regards,

Kevin C. McCaffrey

Attorney-at-Law

Direct: 917-282-4181 | kmccaffrey@cetllp.com

76 Riverside Ave., Westport, CT 06880

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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.)

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 ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 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 | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 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
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 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 _____

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 cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.