

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

**KELLY D. TITCHENELL,  
Administratrix of the Estate of Diania L.  
Kronk, deceased,**

**No. 2:22-CV-890**

**Plaintiff,**

**v.**

**GREENE COUNTY; and,  
ROBERT J. “JEFF” RHODES,  
individually and as an employee of Greene  
County Emergency Management/911  
Communications Center; and,  
LEON PRICE, individually and as an  
employee of Greene County Emergency  
Management/911 Communications Center,  
Individually and Severally,**

**Jury Trial Demanded**

**Defendant(s).**

**COMPLAINT**

**Introduction**

This action seeks damages from the intentional wrongful acts of a 911 operator under the control of Greene County, who willfully and affirmatively denied the Decedent, Diania L. Kronk, access to 911 emergency medical services. The intentional, willful, and wrongful denial of the county supplied emergency medical services was a proximate cause of the death of the Decedent. Kelly D. Titchenell (hereinafter “Titchenell”), daughter of decedent Diania L. Kronk (hereinafter “Kronk” or “Decedent”), as Administratrix of the Estate of Diania L. Kronk, brings this action on behalf of the Decedent’s estate. Because Defendant Leon Price (hereinafter “Price” or “911 Operator”) refused sending an ambulance to Kronk’s residence as “a waste of resources” and by

refusing to immediately dispatch 911 emergency personnel when Titchenell called and requested emergency services for her mother, his actions were a direct and/or proximate cause of her mother's death. Plaintiff alleges that this 911 operator acted under the color of state law and violated Decedent's fundamental and individual rights under the Fourth and Fourteenth Amendments to the Constitution of the United States by denying Decedent of her property interest in equal access to 911 emergency services on the same basis of any other person. This denial of public emergency services was a direct and/or proximate cause of the death of Kronk. Additionally, Titchenell, who had called Greene County emergency 911 on behalf of her mother, had to watch her mother suffer a slow death because of the denial of these public emergency services. Because the actions of the Defendants were a direct cause of the death of the Decedent, this caused emotional injury to Titchenell, opening Defendants to several State tort actions, in addition to the cause of action for violation of the Decedent's Constitutional Due Process rights.

### **Jurisdiction and Venue**

This Court has jurisdiction over Plaintiff's federal claims under 28 U.S.C. §§ 1331 and 1343. The court has supplemental jurisdiction over Plaintiff's State law claims under 28 U.S.C. § 1367.

Venue in the United States District Court for the Western District of Pennsylvania is proper pursuant to 28 U.S.C. § 1391 based upon the facts that the Plaintiff and all Defendants reside or are located within the bounds of the Western District of Pennsylvania and all relevant transactions, events, and/or occurrences took place in the Western District, Pittsburgh Division, Greene County.

## Parties

1. Plaintiff, Kelly D. Titchenell, is an adult individual and presently resides at 623 Sixth Street, Mather, Greene County, Pennsylvania, within the Western District of Pennsylvania.
2. Plaintiff's decedent, Diania L. Kronk ("Kronk"), was the mother of Plaintiff Titchenell, who, at the time of her death, resided at 623 Sixth Street, Mather, Greene County, Pennsylvania, within the Western District of Pennsylvania.
3. On April 28, 2022, Kelly D. Titchenell was appointed Administratrix of the Estate of Diania L. Kronk, deceased, by the Register of Wills of Greene County, Pennsylvania, at No. 30-22-0092 of 2022.
4. Plaintiff, Kelly D. Titchenell, is the biological daughter, and one of three surviving children of Kronk, *i.e.*, Kelly D. Titchenell (daughter), Robert W. Kronk (son), and Tyler Kronk (son).
5. Defendant, Greene County, is a political subdivision of the Commonwealth of Pennsylvania. Its administrative office address is Greene County Office Building, 3<sup>rd</sup> Floor 93 E. High Street, Waynesburg, Pennsylvania, 15370, within the Western District of Pennsylvania.
6. Defendant Greene County, operates Greene County Emergency Management/911 Communications Center ("Greene 911"), which is part of the Greene County Department of Law and Order, a division of Greene County, and was established as and is currently operated as an emergency/911 call and dispatch center for the benefit of residents of the Greene County.
7. Greene 911 has a place of business at 55 West Greene Street, Waynesburg, Pennsylvania 15370, within the Western District of Pennsylvania.

8. At all relevant times, Defendants, Greene County and Greene 911, acted through its agents and employees.
9. Defendant, Robert J. “Jeff” Rhodes (“Rhodes”), at all relevant times, was the Communications Director for and employed by Greene County, and/or Greene 911 (hereinafter collectively referred to as the “911 Call Center”) and therefore is a state actor. He is sued in his individual capacity.
10. Defendant, Leon Price (“Price”), at all relevant times, was a dispatcher employed by 911 Call Center, and therefore is a state actor. He is sued in his individual capacity.
11. Defendant Greene County, through Greene County Emergency Management/911 Communications Center (“Greene 911”), which is part of the Greene County Department of Law and Order, a division of Greene County, was responsible for the hiring, training and supervision of Price.
12. At all relevant times, Defendants Greene County, Rhodes and Price were state actors and acting under the color of law.

**Facts**

13. On or about July 1, 2020 Titchenell received a text message from her brother upon which Titchenell was informed that her mother, Diania Kronk, was “in a bad way.” Immediately Titchenell got into her car to drive to her mother’s house (which does not have cell service.)
14. While driving to her mother’s house, Titchenell called Greene 911 seeking medical assistance for her 56-year old mother who was jaundiced, incoherent and bleeding from the rectum.

15. Titchenell was bluntly informed by the 911 Operator that no emergency services would be provided to her mother because it would be a “waste of resources.”
16. The 911 Operator (Defendant Price) said this despite the serious nature of the call was made clear by Titchenell’s pleading tone and description of what was seriously wrong with her mother.
17. This unlawful and callous refusal of public emergency medical services by the 911 Operator either intentionally put the Decedent in more risk or demonstrated malicious indifference to the risk that such a refusal of services would create.
18. At the time Titchenell was requesting emergency medial help for her mother, all of the available emergency vehicles and EMT personnel were at the 911 emergency call center waiting deployment to any emergency call.
19. No requested emergency services came that day as a result of Defendant Price’s actions, and as a proximate and/or direct result of the lack of emergency medical care, Diania Kronk died.
20. The Greene 911 operator never notified the local police of the medical emergency at the Plaintiff’s Decedent’s house.
21. Medical intervention by Greene 911 emergency service would have saved the Plaintiff’s Decedent, or at the very least would have ameliorated her suffering and allowed a more dignified passing.
22. Plaintiff’s Decedent was legally entitled to the same access to emergency services any resident or visitor to Greene County would have had.
23. Defendant Price had no authority, by statute or otherwise, to superciliously deny services to Plaintiff’s Decedent either with or without prior notice.

24. The fact that Defendant Price believed that he had this authority shows that Defendant Greene County, through Greene 911 and Rhodes, fostered an environment and/or culture that allowed indifference to human life and/or intentional acts or negligence that lent itself to this kind of improper actions by 911 call operators.
25. All of the Greene 911 emergency services vehicles and paramedics were available, none of them being deployed to any other emergency, and if they had been dispatched Diania Kronk would have survived, or had at the very least a much better chance of survival.
26. The Plaintiff's Decedent was intentionally treated differently from others similarly situated by the Defendants and that there was no rational basis for such treatment.
27. Defendant Rhodes is responsible for training and supervising the 911 operators.
28. The acts of Price and Rhodes, maliciously, intentionally, or with reckless negligence violating the due process rights of the Plaintiff's Decedent, were of the kind and nature that are preventable if the employer selected and retained properly trained and competent employees.
29. The acts of Price and Rhodes, maliciously, intentionally, or with reckless negligence violating the due process rights of the Plaintiff's Decedent, were of the kind and nature that are preventable if the employer formulated, adopted, and enforced adequate rules and policies to ensure the acts of properly trained and competent employees.
30. Defendant Greene County is responsible for the actions of its employees.
31. Defendant Price's actions were such that they shocked the conscience, because of the operator's deliberate indifference to the Decedent and her family's plight.
32. Defendant Price's actions were such that they shocked the conscience because of the 911

operator's intent, gross negligence, and/or arbitrariness in refusing to send help to the Decedent.

33. Defendant Price's actions were such that his intent was to cause harm to the Decedent, or at the very least his intent in denying services was deliberately indifferent to the harm it may or may not have caused to the Decedent.
34. As a direct and proximate result of the negligence, gross negligence, carelessness, recklessness, and conscious disregard exhibited by Defendant Price, as stated above, proximately caused the withholding of emergency medical services which foreseeably contributed to the Decedent's death.
35. As a direct and proximate result of the negligence, gross negligence, carelessness, recklessness, and conscious disregard exhibited by Defendant Price, as stated above, the Decedent suffered a pain, mental anguish, embarrassment, humiliation, degradation, emotional distress, and loss of personal dignity, the loss of capacity for enjoyment of life, and wage loss.
36. Defendants' actions were such that Titchenell and her brothers suffered intense emotional distress, mental anguish, embarrassment, humiliation, and the loss of capacity for enjoyment of life because of the denial of available medical care for the Decedent.
37. Defendants' actions deprived Plaintiff mother's right to life, liberty and bodily integrity under the Fourteenth Amendment to the Constitution.
38. The Plaintiff's Decedent had a constitutional liberty interest in personal bodily integrity that is protected by the Due Process Clause of the Fourteenth Amendment

**Count I**  
**Substantive Due Process 42 U.S.C §1983**  
**(All Defendants)**

39. All prior paragraphs are hereby incorporated herein by reference as if the same were more fully set forth at length herein.
40. As previously set forth, Defendants actions, individually and/or jointly, created a situation, a state-created danger, where it was foreseeable that Kronk would suffer injury and harm up to and including death.
41. The actions of Defendants were intentional and/or constituted willful disregard, gross recklessness and deliberate indifference for Kronk's personal safety, well-being and right to life in derogation of the Due Process and Equal Protection clauses of the Fourteenth Amendment of the United States Constitution.
42. Specifically, the willful and sudden removal of Plaintiffs' access to public emergency services resulted in an unreasonable delay in Kronk receiving medical care that otherwise would not have occurred.
43. Further, Defendants' actions actually resulted in the loss of Kronk's property interest in equal access to emergency services and her life in derogation of the Fourth Amendment of the United States Constitution.
44. The relationship between Defendants and Kronk was such that Defendants had direct knowledge or should have had direct knowledge of the likelihood that Kronk would suffer the harm she did.
45. Defendants conduct, their position and authority as state actors facilitated, enabled and

created a dangerous situation and made Kronk particularly vulnerable to harm as there was essentially no time during the emergency to research let alone contact alternative services to Greene 911 emergency services.

46. Defendants, further, through their deliberate and conscious indifference and utter disregard in the training and monitoring of their agents and employees, fostered and created the atmosphere, custom and practice whereby an individual, namely Kronk, could be denied access to emergency services without prior notice.
47. As a direct and proximate result of willful disregard, intentional, grossly reckless and deliberately indifferent actions and/or failure to act of the Defendants, Kronk was deprived of her right to life and liberty without Due Process and in violation of her Equal Protection rights as guaranteed by the Fourteenth Amendment of the United States Constitution.
48. As a direct and proximate result of willful disregard, intentional, grossly reckless and deliberately indifferent actions and/or failure to act of the Defendants, Kronk's access to emergency services was unreasonably seized in violation of Kronk's rights under the Fourth Amendment of the United States Constitution.
49. As a direct and proximate result of the negligence, gross negligence, carelessness, recklessness, and conscious disregard exhibited by Defendant Price, as stated above, combined and concurring with the acts and omissions of other Defendants, proximately caused the withholding of emergency medical services which foreseeably contributed to the Decedent's death.

WHEREFORE, Plaintiff demands judgment against Defendants for all available damages, including punitive damages, in addition to attorney fees and costs pursuant to 42 U.S.C. §1988.

**Count II**  
**Procedural Due Process 42 U.S.C §1983**  
**(All Defendants)**

50. All prior paragraphs are hereby incorporated herein by reference as if the same were more fully set forth at length herein.
51. Even if Defendants were allowed to remove the right of the Plaintiffs to equal access to emergency services, Plaintiff's Decedent was denied access to emergency services without prior notice, and without any opportunity to oppose the action or defend her position.
52. There is no statute providing that emergency service can be arbitrarily cut off, and there is therefore no legal process or mechanism by which they can be cut off from emergency services.
53. Even if there were such a statute or mechanism, sufficient notice would have to be provided that the emergency services were being cut off to satisfy due process requirements.
54. Plaintiff contends that, at minimum, a written letter would have to be mailed to them to serve as sufficient notice that emergency services have been cut off, and this letter would have to list methods of contesting the stoppage of access to emergency services.
55. This burden on the state to provide this process would be minimal, and avoidance of the proper process as demonstrated by this case can result in loss of life.

WHEREFORE, Plaintiff demands judgment against Defendants for all available damages, including punitive damages, in addition to attorney fees and costs pursuant to 42 U.S.C. §1988.

**Count III**  
**Intentional Infliction of Emotional Distress**  
**(All Defendants)**

56. All prior paragraphs are hereby incorporated herein by reference as if the same were more fully set forth at length herein.
57. As previously stated, Defendant Price's conduct in denying access to emergency services was intentional or recklessly indifferent to Kronk's health and well-being.
58. Defendant Price's conduct in this matter was extreme and outrageous as his job is ensuring people have access to emergency services when they are needed, and he deliberately chose to deny them without due process to a person in their moment of need when the call center had the ability to dispatch an ambulance, paramedics, and/or other aid that would have been reasonably necessary to enhance the chances of Kronk's survival.
59. Additionally, Defendant Price was investigated for manslaughter for his actions that day, demonstrating that the local police considered Defendant Price's actions extreme and outrageous.
60. Plaintiff Titchenell, Kronk's daughter, suffered severe emotional distress as she herself was not able to give significant aid to her mother beyond that 911 call, and was forced to watch her mother die, with the knowledge that the state felt it beneath and "a waste of resources" for them to send aid to her mother.
61. Had Defendant Price dispatched an emergency team to Kronk, this distress would not have occurred as Plaintiff Titchenell would have been reasonably assured that help was on the way and that the situation was now out of her hands.
62. Instead, Plaintiff Titchenell was left with a situation where she was her mother's only hope,

and Plaintiff Titchenell had no reasonable hope of providing sufficient aid to her mother.

63. Plaintiff Titchenell suffers from fibromyalgia, and physically could not move her mother, adding to her emotional distress and profound feeling of helplessness.

WHEREFORE, Plaintiff demands judgment against Defendants for all available damages, including but not limited to fees and costs, and any other such relief this Court deems just and proper.

**Count IV**  
**Wrongful Death**  
**(All Defendants)**

64. All prior paragraphs are hereby incorporated herein by reference as if the same were more fully set forth at length herein.
65. Plaintiff brings this action on behalf of Diania Kronk's estate under and by virtue of the Pennsylvania Judiciary Act 42 Pa.C.S. 8301, known as the Wrongful Death Statute, to recover all damages legally appropriate thereunder.
66. Plaintiff, Titchenell, claims damages for the pecuniary loss suffered by the decedent's survivors by reason of the death of Diania Kronk, deceased as well as for the reimbursement of funeral expenses, and expenses of administration and other expenses incurred in connection therewith.
67. The following persons are entitled to share under this cause of action in the estate of said decedent, Kelly D. Titchenell (daughter), Robert W. Kronk (son), and Tyler Kronk (son).
68. As a result of the death of Diania Kronk, deceased, the survivors, as aforesaid, have been deprived of the companionship, comfort, aid, assistance and society that they would have

received from said Diania Kronk, deceased, for the remainder of her natural life.

69. Plaintiff Titchenell, claims damages for the conscious pain and suffering including mental and physical pain, suffering and inconvenience, loss of life's pleasures and aggravation of pre-existing medical conditions, and expense of otherwise unnecessary hospitalizations undergone by Diania Kronk, up to and including the time of her death, which was caused by the Defendants' breach of duties, negligence, carelessness and intentional recklessness as described herein.

WHEREFORE, Plaintiff demands judgment against Defendants for all available damages, including but not limited to fees, costs, and any other such relief this Court deems just and proper.

**Count V**  
**Survival Action**  
**(All Defendants)**

70. All prior paragraphs are hereby incorporated herein by reference as if the same were more fully set forth at length herein.
71. Plaintiff Titchenell, brings this action on behalf of the Diania Kronk's estate under and by virtue of the Pennsylvania Judiciary Act 42 Pa.C.S. 8302, known as the Survival Statute, to recover all damages legally appropriate thereunder.
72. The following persons are entitled to share under this cause of action in the estate of said decedent, Kelly D. Titchenell (daughter), Robert W. Kronk (son), and Tyler Kronk (son).
73. The plaintiff's decedent, Diania Kronk, did not bring any action during her lifetime, nor has any other action been commenced on behalf of Diania Kronk against the Defendants herein.
74. Plaintiff, Titchenell, claims damages for the conscious pain and suffering including mental

and physical pain, suffering and inconvenience, loss of life's pleasures and aggravation of Plaintiff's Decedent's pre-existing medical conditions, up to and including the time of Decedent's death, which was caused by the Defendants' breach of duties, negligence, carelessness and intentional recklessness as described herein.

75. In causing the aforementioned injuries, the Defendants knew, or should have known, that Diania Kronk would suffer the harms described herein.
76. The conduct of the Defendants was intentional, outrageous, willful and wanton and exhibited a reckless indifference to the health and well-being of Diania Kronk.
77. The conduct of the Defendants was such that an award of punitive damages is justified.

WHEREFORE, Plaintiff demands judgment against Defendants for all available damages, including but not limited to fees, costs, and any other such relief this Court deems just and proper.

JURY TRIAL DEMANDED

Respectfully Submitted,

s/ Lawrence E. Bolind, Jr.  
Lawrence E Bolind, Jr., Esquire  
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Counsel for the Plaintiff:  
KELLY D. TITCHENELL,  
Administratrix of the  
Estate of Diania L. Kronk, deceased,

Dated: June 16, 2022

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

Kelly D. Titchenell, Administratrix of the Estate of Diania Kronk, deceased

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Lawrence E. Bolind, Jr., Esquire 238 Main Street Imperial, PA 15126-1021 724-695-8620

DEFENDANTS

County of Greene, Robert J. "Jeff" Rhodes, and Leon Price

County of Residence of First Listed Defendant Greene (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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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): 42 USC sec. 1983 and 1988. Brief description of cause: Denial of property interests (Due Process and Equal Protection) and state tort laws

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: X Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 06/16/2022 SIGNATURE OF ATTORNEY OF RECORD /s/ Lawrence E. Bolind, Jr.

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44A REVISED June, 2009  
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

**PART A**

This case belongs on the (  Erie  Johnstown  Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.

**PART B** (You are to check ONE of the following)

1.  This case is related to Number \_\_\_\_\_ . Short Caption \_\_\_\_\_
2.  This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

**PART C**

I. CIVIL CATEGORY (Select the applicable category).

1.  Antitrust and Securities Act Cases
2.  Labor-Management Relations
3.  Habeas corpus
4.  Civil Rights
5.  Patent, Copyright, and Trademark
6.  Eminent Domain
7.  All other federal question cases
8.  All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9.  Insurance indemnity, contract and other diversity cases.
10.  Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

/s/ Lawrence E. Bolind, Jr.

Date: June 16, 2022

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH ÔŠPRU MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

## 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 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. 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 – 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.