

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ERIC PHILLIPS)

Plaintiff,)

v.)

DOUGLAS COUNTY, GEORGIA)
and DOUGLAS COUNTY)
FIRE/EMS DEPARTMENT)

Defendants.)
_____)

CIVIL ACTION FILE
NO.:

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff, Eric Phillips, by and through undersigned counsel, and hereby files his Complaint against Douglas County, Georgia and Douglas County Fire/EMS Department and sets forth the following claims:

INTRODUCTION

1. This case is brought pursuant to the Family Medical Leave Act, 29 U.S.C. § 2601, *et seq.* (“FMLA”), the Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 12101, *et seq.* (“ADAAA”), and section 504 of the Rehabilitation Act (“the Rehabilitation Act”), 29 U.S.C. § 794, *et seq.*

2. Plaintiff Eric Phillips (“Mr. Phillips” or “Plaintiff”) was employed by Douglas County, Georgia (“Douglas County”) and Douglas County Fire/EMS

Department (“DCFED”) as the Deputy Chief of Administration from around July 10, 2021 until his unlawful termination on July 11, 2023. During his employment, Mr. Phillips experienced burns and a stress fracture to his knees which required treatment and physical therapy. While he was recovering from these disabilities, Mr. Phillips was given assurance that the deadline to complete his Georgia Firefighter Certification through the Georgia Firefighter Standards and Training Counsel (“GFSTC”) would stop during his recovery and that he would be given the time that he needed to recover and subsequently complete his certification. However, Mr. Phillips was not granted this reasonable accommodation. Instead, he was placed on administrative leave and eventually terminated despite having completed all of the prerequisites for having his Georgia Firefighter Certification.

JURISDICTION AND VENUE

3. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (Federal question), and 28 U.S.C. § 1343 (Civil rights).

4. Venue is proper in this Court because Defendants are headquartered and reside in Douglas County, Georgia. See 28 U.S.C § 1391(b)(1).

5. Plaintiff has timely filed a charge of discrimination with the United States Equal Employment Opportunity Commission.

6. Plaintiff has received a notice of right to sue and has otherwise met all prerequisites necessary for suit.

THE PARTIES

7. Mr. Phillips was, at all times relevant to this action, a resident of the State of Georgia. He subjects himself to the jurisdiction of this court.

8. Defendant Douglas County, Georgia (“Douglas County”) is a political division of the State of Georgia and is subject to the jurisdiction and venue of this Court. It received federal financial assistance. Douglas County may be served with process by delivering a copy of the summons and complaint to Chairman Phil D. Miller at his office located at 8700 Hospital Drive, 3rd Floor, Douglas County Courthouse, Douglasville, GA 30134.

9. Defendant Douglas County Fire/EMS Department (“DCFED”) is subject to the jurisdiction and venue of this Court. It receives federal financial assistance. DCFED may be served with process by delivering a copy of summons and complaint on Fire Chief Miles Allen at the DCFED headquarters at 12501 Veterans Memorial Highway, Douglasville, GA 30134.

10. At all relevant times, Douglas County and DCFED constituted joint employers or a single integrated employer over Mr. Phillips’ employment.

FACTS

11. Mr. Phillips began working for DCFED on July 12, 2021 as the Deputy Chief of Administration.

12. As Deputy Chief of Administration, Mr. Phillips' job duties included various administrative tasks including purchasing fire trucks and other equipment for fire stations in Douglas County, maintenance and upkeep of fire stations, coordinating the process of accreditation, maintaining records, and providing oversight to the administrative functions of DCFED across the entire department.

13. When he was hired, Mr. Phillips was told that he had one year from his hire date to obtain a Georgia Firefighter certification.

14. Shortly thereafter, Mr. Phillips began to coordinate with Randy Toms, the Executive Director of the Georgia Firefighter Standards and Training Council ("GFSTC"), regarding his certification requirements.

15. In January of 2022—while Mr. Phillips was engaged in the process of completing the requirements for his Georgia Firefighter certification—a new requirement was added: a Hazardous Operations and Awareness ("haz-mat") class.

16. By June of 2022, Mr. Phillips was able to complete all requirements for his Georgia Firefighter certification except two: (1) the haz-mat class and (2) the Candidate Physical Agility Test ("CPAT").

17. During a training exercise on June 22, 2022, Mr. Phillips suffered second degree burns on his knees.

18. These burns substantially limited Mr. Phillips' major life activities related to walking, working, standing, and concentrating.

19. Mr. Phillips compensated for the burns on his knees by changing the way that he walked.

20. Despite dealing with the effects of the burns on his knees, Mr. Phillips was still able to perform the essential functions of his position provided that he had sufficient accommodations including, but not limited to, being allowed additional time to complete his Georgia Firefighter certification.

21. Mr. Phillips attempted to push through the pain of the burns in the days immediately following being burned, but he sought medical attention on July 2, 2022 when the burns became infected.

22. On July 7, 2022, Mr. Phillips also reported the burn incident to Ms. Lillian Lester of Risk and Safety and was immediately sent to Wellstar Cobb Outpatient Burn Wound Center, where he received medical attention.

23. In early July of 2022, he notified Fire Chief Roderick Jolivette of the burns on his knees which limited Mr. Phillips' mobility and required medical follow up appointments.

24. Chief Jolivette encouraged Mr. Phillips to take the time that he needed to recover and told Mr. Phillips that his health comes first.

25. Chief Jolivette also stated that Mr. Phillips' time to complete his Georgia Firefighter Certification would stop during his recovery.

26. This stoppage of the time to complete his Georgia Firefighter Certification is a common practice at DCFED and would have accommodated Mr. Phillips' disability and the related limitations to Mr. Phillips' mobility and medical follow up appointments.

27. In part due to his efforts to treat and recover from the burns on his knees, Mr. Phillips continually faced scheduling difficulties for his haz-mat class due to limited options in Douglas County.

28. Because of this, Mr. Phillips sought and received an accommodation from Chief Jolivette to take the haz-mat class in Griffin, GA which he completed on July 29, 2022.

29. Around August 6, 2022, Mr. Phillips began noticing pain in his right knee. He was diagnosed with a stress fracture brought on by the way that he walked to compensate for the burns on his knees. He notified Chief Jolivette and Mr. Toms regarding this exacerbation of his injury.

30. This stress fracture substantially limited Mr. Phillips' major life activities of walking, standing, sleeping, concentrating, and working.

31. Despite these limitations, Mr. Phillips was still able to perform the essential functions of his position provided that he had sufficient accommodation including, but not limited to, being allowed additional time to complete his Georgia Firefighter Certification.

32. During interactions with Mr. Toms regarding Mr. Phillips' Georgia Firefighter certification, Mr. Toms assured Mr. Phillips—just as Chief Jolivette had said—that he would have the time he needed to recover.

33. On February 20, 2023, Chief Jolivette and Mr. Toms communicated regarding Mr. Phillips' certification, and Mr. Phillips was told that he needed to take the CPAT by March 1, 2023 or he would not be able to continue as a Deputy Chief.

34. At this time, the CPAT was the last remaining requirement for Mr. Phillips' Georgia Firefighter Certification.

35. Mr. Phillips protested on account of his ongoing recovery from the stress fracture which limited his physical agility and the assurances that were given to him regarding the accommodation of the stoppage of time to complete his Georgia Firefighter Certification.

36. Mr. Toms and Chief Jolivette persisted and notified Mr. Phillips that he would need to complete the CPAT by March 1, 2023 despite his disability.

37. Against his doctor's recommendation, Mr. Phillips took the CPAT on February 22, 2023 and passed. In doing so, however, he aggravated the stress fracture in his right knee.

38. Once Mr. Phillips passed the CPAT, he had completed all requirements for his Georgia Firefighter Certification and all that was left to do was to submit his Georgia Firefighter certification packet to GFSTC for approval.

39. The rules governing the GFSTC state that "the Executive Director [of the GFSTC] may, in the exercise of his/her discretion, grant a waiver or waivers of an existing requirement or grant a reasonable period or periods of extension of any requirement imposed on a fire department...."

40. The rules governing the GFSTC further state that "[a]ll requests for waivers or extensions must be submitted in writing to the Executive Director by the fire chief of the affected department" which must contain "(a) Name, present address, and telephone number of person requesting waiver or extension, and; (b) A statement clearly outlining why the requestor feels that a waiver or extension is justified."

41. Chief Jolivette was placed on administrative leave beginning on or around February 23, 2023, and Deputy Chief Miles Allen became Acting Chief.

42. On February 27, 2023, Acting Chief Allen told Mr. Phillips that he no longer met the requirements to be a Deputy Chief because he failed to complete the haz-mat class within one year of his hire date.

43. Mr. Phillips protested this determination and told Acting Chief Allen that he had been in constant communication with Mr. Toms regarding his certification, that his disability had prevented him from completing the certification requirements sooner, and that he had received an accommodation to complete the haz-mat class later.

44. Undeterred by this explanation, Acting Chief Allen refused to send Mr. Phillips' certification packet to the GFSTC for approval.

45. Acting Chief Allen told Deputy Chief Phillips that he was to report to work the following day in civilian clothes and that he did not meet the requirements to be a Deputy Fire Chief for DCFED.

46. On February 28, 2023, Mr. Phillips called out of work due to increasing pain in his knee.

47. That same day, Mr. Phillips went to the doctor who told him that he needed to stay out of work for two weeks to allow for his knee to heal.

48. That same day, Mr. Phillips went to DCFED headquarters and gave them the doctor's note. He went home and applied for FMLA leave through DCFED's employee website. His FMLA leave was eventually approved through March 14, 2023 and on an intermittent basis going forward.

49. When Mr. Phillips returned to work on March 15, 2023, his work vehicle was taken from him and his job responsibilities and supervisory authority were stripped from him.

50. On April 13, 2023, Mr. Phillips, through counsel, sent a letter to DCFED notifying them of the discrimination that he was facing and requesting that the certification packet for Mr. Phillips' Georgia State Firefighter Certification—which had been complete since Mr. Phillips took the physical agility test on February 22, 2023—be processed.

51. On April 25, 2023, Acting Chief Allen submitted Mr. Phillips' certification packet to the GFSTC.

52. On May 10, 2023, Acting Chief Allen notified Mr. Phillips via email that he was being placed on administrative leave. Attached to the email was a letter from David Corbin, County Administrator, alleging that certain "preliminary discussions regarding [Mr. Phillips'] certification application revealed certain matters that require further investigation..." and that his application was being

withdrawn pending review. This attached letter also notified Mr. Phillips that he was being relieved of his duties as Deputy Chief.

53. At no time did Acting Chief Allen request a waiver, extension, or exception to the one-year Georgia Firefighter Certification requirement to Mr. Toms or anyone else on Mr. Phillips' behalf.

COUNT I: INTERFERENCE IN VIOLATION OF THE FMLA

54. Mr. Phillips incorporates by reference paragraphs 1 through 53.

55. At all relevant times, Mr. Phillips was an eligible employee with a serious health condition as that term is defined by the FMLA and accompanying regulations, specifically 29 USC § 2611(11) and 29 CFR § 825.113.

56. At all relevant times, Mr. Phillips was an eligible employee under the FMLA pursuant to 29 U.S.C. § 2611(2).

57. At all relevant times, Defendants were employers covered by the FMLA pursuant to 29 U.S.C. § 2611(4)(A)(i).

58. Despite notice that Mr. Phillips had taken FMLA leave and had been approved for ongoing intermittent FMLA leave, Defendant interfered with Mr. Phillips' leave by terminating him rather than continue to allow him to take FMLA leave.

59. By terminating Mr. Phillips' employment, Defendant prevented Mr. Phillips from exercising his rights under the FMLA.

60. Defendant's actions in interfering with Mr. Phillips' FMLA leave were committed with reckless disregard for his right to take up to 12 work weeks of leave time for a serious health condition and in violation of the FMLA.

61. The effect of Defendants' FMLA interference has been to deprive Mr. Phillips of a job, as well as income in the form of wages, health insurance, prospective retirement benefits, Social Security and other benefits due to her.

62. Mr. Phillips is entitled to both equitable and monetary relief for Defendant's violation of the FMLA, specifically under 29 USC § 2617(a)(1)(A) and (B), including back pay, front pay or reinstatement, attorney's fees and costs of litigation, and liquidated damages.

COUNT II: RETALIATION IN VIOLATION OF THE FMLA

63. Mr. Phillips incorporates by reference paragraphs 1 through 53.

64. At all relevant times, Mr. Phillips was an eligible employee with a serious health condition as that term is defined by the FMLA and accompanying regulations, specifically 29 USC § 2611(11) and 29 CFR § 825.113.

65. At all relevant times, Mr. Phillips was an eligible employee under the FMLA pursuant to 29 U.S.C. § 2611(2).

66. At all relevant times, Defendants were employers covered by the FMLA pursuant to 29 U.S.C. § 2611(4)(A)(i).

67. Defendants intentionally discriminated against Mr. Phillips by terminating him in retaliation for his exercise of FMLA rights.

68. By terminating his employment for taking protected FMLA leave and to avoid providing him with FMLA leave in the future Defendants retaliated against Mr. Phillips for his use of protected FMLA leave and anticipated use of protected leave and for exercising his rights under the FMLA.

69. Defendants' actions in retaliation for Mr. Phillips' exercise of his rights under the FMLA were committed with reckless disregard for his right to be free from retaliation for exercising his rights under the FMLA.

70. The effect of Defendants' actions has been to deprive Mr. Phillips of a job, as well as income in form of wages, bonuses, health insurance, prospect of retirement benefits, stock options, Social Security, and other benefits due him.

71. As a result, Mr. Phillips is entitled to both equitable and monetary relief for the Defendants' violation of the FMLA including back pay, front pay or reinstatement, attorney's fees and costs of litigation.

72. Mr. Phillips is also entitled to liquidated damages for the Defendants' willful violation of his rights under the FMLA.

COUNT III: DISCRIMINATION AND FAILURE TO ACCOMMODATE IN VIOLATION OF THE ADA

73. Mr. Phillips incorporates by reference paragraphs 1 through 53.

74. Mr. Phillips was, at all relevant times to this action, an individual with a disability within the meaning of ADA in that he had an actual physical impairment substantially limiting one or more major life activities, because he had a record of impairment, and/or because he was regarded as having an impairment.

75. At all relevant times, Mr. Phillips was able to perform the essential functions of his job with or without accommodation.

76. Mr. Phillips requested a reasonable accommodation from Defendants relating to his disabilities in the form of additional time to complete his Georgia Firefighter Certification through the GFSTC.

77. Defendants' agents told Mr. Phillips that this accommodation was granted, that he would have sufficient time to recover from his disabilities, and that the time for him to complete his Georgia Firefighter Certification would stop while he recovered.

78. Defendants' agents did not take necessary steps to ensure that this accommodation was effective which functionally denied Mr. Phillips this accommodation and resulted in his termination.

79. Defendants' termination of and failure to accommodate Mr. Phillips was an intentional and willful violation of the ADAAA in violation of Mr. Phillips' rights thereunder.

80. Mr. Phillips is entitled to an award of lost wages, compensatory and punitive damages, attorneys' fees and costs, and other relief available under the ADAAA and all federal statutes providing remedies for violations of the ADAAA.

COUNT IV: RETALIATION IN VIOLATION OF THE ADAAA

81. Mr. Phillips incorporates by reference paragraphs 1 through 53.

82. Mr. Phillips engaged in protected activity by sending a letter through counsel which complained of disability discrimination and indicating that he would file an EEOC Charge.

83. In response to this letter, Defendants' agents submitted Mr. Phillips' Firefighter Certification packet but did not seek a waiver, extension, or exception to any the one-year Georgia State Firefighter Certification requirement on Mr. Phillips' behalf.

84. Agents of Defendants discussed Mr. Phillips' certification packet after it was submitted which resulted in Mr. Phillips' application being withdrawn and Mr. Phillips' termination.

85. Defendants' termination of Mr. Phillips was an intentional and willful violation of the ADAAA done in retaliation for engaging in activity protected under the ADAAA.

86. Mr. Phillips is entitled to an award of lost wages, compensatory and punitive damages, attorneys' fees and costs, and other relief available under the ADAAA and all federal statutes providing remedies for violations of the ADAAA.

COUNT V: DISCRIMINATION AND FAILURE TO ACCOMMODATE IN VIOLATION OF THE REHABILITATION ACT

87. Mr. Phillips incorporates by reference paragraphs 1 through 53.

88. Mr. Phillips was, at all relevant times to this action, an individual with a disability within the meaning of Rehabilitation Act in that he had an actual physical impairment substantially limiting one or more major life activities, because he had a record of impairment, and/or because he was regarded as having an impairment.

89. At all relevant times, Mr. Phillips was able to perform the essential functions of his job with or without accommodation.

90. Mr. Phillips requested a reasonable accommodation from Defendants relating to his disabilities in the form of additional time to complete his Georgia Firefighter Certification through the GFSTC.

91. Defendants' agents told Mr. Phillips that this accommodation was granted, that he would have sufficient time to recover from his disabilities, and that the time for him to complete his Georgia Firefighter Certification would stop while he recovered.

92. Defendants' agents did not take necessary steps to ensure that this accommodation was effective which functionally denied Mr. Phillips this accommodation and resulted in his termination.

93. Defendants' termination of and failure to accommodate Mr. Phillips was an intentional and willful violation of the Rehabilitation Act in violation of Mr. Phillips' rights thereunder.

94. Mr. Phillips is entitled to an award of lost wages, compensatory and punitive damages, attorneys' fees and costs, and other relief available under the ADAAA and all federal statutes providing remedies for violations of the Rehabilitation Act.

**COUNT VI: RETALIATION IN VIOLATION OF THE REHABILITATION
ACT**

95. Mr. Phillips incorporates by reference paragraphs 1 through 53.

96. Mr. Phillips engaged in protected activity by sending a letter through counsel which complained of disability discrimination and indicating that he would file an EEOC Charge.

97. In response to this letter, Defendants' agents submitted Mr. Phillips' Firefighter Certification packet but did not seek a waiver, extension, or exception to any the one-year Georgia State Firefighter Certification requirement on Mr. Phillips' behalf.

98. Agents of Defendants discussed Mr. Phillips' certification packet after it was submitted which resulted in Mr. Phillips' application being withdrawn and Mr. Phillips' termination.

99. Defendants' termination of Mr. Phillips was an intentional and willful violation of the Rehabilitation Act done in retaliation for engaging in activity protected under the Rehabilitation Act.

100. Mr. Phillips is entitled to an award of lost wages, compensatory and punitive damages, attorneys' fees and costs, and other relief available under the Rehabilitation Act and all federal statutes providing remedies for violations of the Rehabilitation Act.

PRAYER FOR RELIEF

WHEREFORE, Mr. Phillips demands a trial by jury and that the following relief be granted:

- A. That this court take jurisdiction of this matter;
- B. That process be served;

C. That Mr. Phillips be awarded a declaratory judgment finding that Defendant violated the FMLA, the ADAAA, and the Rehabilitation Act;

D. That this Court enter a permanent injunction, prohibiting Defendant from engaging in unlawful employment practices in violation of the FMLA, the ADAAA, and the Rehabilitation Act;

E. That this Court award Mr. Phillips back pay and all benefits, privileges and rights previously denied;

F. That this Court order that Mr. Phillips be reinstated or, in the alternative, be awarded front pay;

G. That this Court award Mr. Phillips liquidated damages pursuant to the FMLA;

H. That this Court award Mr. Phillips compensatory and punitive damages in an amount to be determined by the trier of fact;

I. That this Court award Mr. Phillips his costs in this action and reasonable attorney's fees;

J. That this Court grant to Mr. Phillips the right to have a trial by jury on all issues, triable to a jury; and

K. That this Court grant such additional relief as the Court deems proper and just.

Respectfully submitted this 22nd day of December, 2023.

BUCKLEY BALA WILSON MEW LLP

/s/ Edward D. Buckley _____

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Counsel for Plaintiff

CIVIL COVER SHEET

1:23-cv-5932 MLB/JKL 751 29:2601

The JS44 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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)
ERIC PHILLIPS

DEFENDANT(S)
DOUGLAS COUNTY, GEORGIA and DOUGLAS COUNTY
FIRM/EMS DEPARTMENT

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

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Edward D. Buckley / Joseph Quattlebaum
Buckley Bala Wilson Mew LLP
600 Peachtree Street NE, Suite 3900
Atlanta, GA 30308

ATTORNEYS (IF KNOWN)

Jeffery R. Saxby
Hall Booth Smith, P.C.
191 Peachtree Street NE, Suite 2900
Atlanta, GA 30303

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)
(FOR DIVERSITY CASES ONLY)

- | PLF | DEF | | PLF | DEF | |
|----------------------------|----------------------------|---|----------------------------|----------------------------|---|
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | CITIZEN OF THIS STATE | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | CITIZEN OF ANOTHER STATE | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | FOREIGN NATION |

IV. 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 District)
- 6 MULTIDISTRICT LITIGATION - TRANSFER
- 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
- 8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Interference and retaliation in violation of the Family Medical Leave Act, 29 U.S.C. § 2601, et seq. Disability discrimination, failure to accommodate, and retaliation in violation of the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq., and section 504 of the Rehabilitation Act, 29 U.S.C. § 794, et seq.

(IF COMPLEX, CHECK REASON BELOW)

- 1. Unusually large number of parties.
- 2. Unusually large number of claims or defenses.
- 3. Factual issues are exceptionally complex.
- 4. Greater than normal volume of evidence.
- 5. Extended discovery period is needed.
- 6. Problems locating or preserving evidence.
- 7. Pending parallel investigations or actions by government.
- 8. Multiple use of experts.
- 9. Need for discovery outside United States boundaries.
- 0. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT \$ _____ APPLYING IFP _____ MAG. JUDGE (IFP) _____
 JUDGE _____ MAG. JUDGE _____ (Referral) NATURE OF SUIT _____ CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 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
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK
- 880 DEFEND TRADE SECRETS ACT OF 2016(DTSA)

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT
- 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395ff)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 485 TELEPHONE CONSUMER PROTECTION ACT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT 899
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTITRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

- CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____
- JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):
- 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

/s/ Edward D. Buckley

December 22, 2023

SIGNATURE OF ATTORNEY OF RECORD

DATE