

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. \_\_\_\_\_

WILDEARTH GUARDIANS,

Plaintiff,

v.

GINA MCCARTHY, in her official capacity as  
Administrator of the U.S. Environmental Protection Agency,

Defendant.

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

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**INTRODUCTION**

1. This is an action to enforce a mandatory deadline set forth in the Clean Air Act. On April 5, 2012, the U.S. Environmental Protection Agency (“EPA”) received an application for a C.F.R. Part 71 Title V Operating Permit for the Bonanza coal-fired power plant (“Bonanza Power Plant”) in northeastern Utah. Although the Clean Air Act imposed a non-discretionary duty upon the EPA Administrator to act upon this permit application by October 5, 2013, the agency has thus far failed to do so. Guardians seeks a declaration that the Administrator has violated a mandatory duty set forth in the Clean Air Act, as well as an order compelling her to obey the provisions of the Act by issuing or denying by date certain a Title V Operating Permit for the Bonanza Power Plant.

### **JURISDICTION, VENUE, AND NOTICE**

2. This Court has subject matter jurisdiction over this action pursuant to 42 U.S.C. § 7604(a)(2) (Clean Air Act citizen suit provision); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201 (declaratory judgment); 28 U.S.C. § 2202 (injunctive relief); and 42 U.S.C. § 7604(d) (costs and attorney fees).

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(e). The EPA's Region 8 Office, which is responsible for administering Part 71 Title V Operating Permits in Utah, is located in this judicial district. EPA's failure to act on the application for a Bonanza Power Plant Operating Permit therefore occurred in this judicial district. Additionally, Plaintiff WildEarth Guardians ("Guardians") maintains an office in this judicial district.

4. Guardians properly gave the Administrator 60-days written notice of the violation alleged in this Complaint and of Guardians' intent to bring suit to remedy that violation. See 42 U.S.C. § 7604(b)(2); 40 C.F.R. §§ 54.2 and 54.3 (requiring 60-day written notice prior to undertaking suit for failure to perform a non-discretionary duty). The Administrator received Guardians' notice on October 18, 2013. More than 60 days have passed since the Administrator's receipt, yet she has not remedied the violations alleged by issuing or denying a Title V Operating Permit for the Bonanza Power Plant.

### **PARTIES**

5. Plaintiff WILDEARTH GUARDIANS is a non-profit conservation organization operating in Colorado, Utah, New Mexico, Arizona, Montana, Wyoming, California, and Oregon. Guardians is dedicated to protecting and restoring the wildlife, wild rivers, and wild places of the American West, and to safeguarding the Earth's climate and air quality. Guardians

and its members work to reduce harmful air pollution in order to safeguard the public health, welfare, and environment. Guardians has more than 7,500 members, many of whom live, work, and/or recreate in areas affected by the pollution emitted from the Bonanza Power Plant.

6. Guardians is a “person” within the meaning of 42 U.S.C. § 7602(e), and is therefore entitled to commence a civil action under 42 U.S.C. § 7604(a).

7. Guardians regularly participates in the public permitting process for facilities that emit air pollution. Guardians does so with the aim of ensuring that Title V Operating Permits, such as that for the Bonanza Power Plant, protect and improve air quality by complying with relevant laws and regulations.

8. Guardians and its members have a substantial interest in ensuring that EPA complies with the requirements of Clean Air Act Title V with respect to the Bonanza Power Plant. Guardian’s organizational interest in participating in, and potentially influencing, the permitting process for this Plant is injured by the Administrator’s failure to act. Guardians’ and its members’ interests have been, are being, and will continue to be, irreparably harmed by EPA’s failure to issue or deny a Title V Operating Permit in this case.

9. Defendant GINA MCCARTHY is the Administrator of the EPA. As such, she is responsible for implementing the provisions of the Clean Air Act, including the requirement to issue or deny within 18 months of receipt a Title V Operating Permit for the Bonanza Power Plant. Ms. McCarthy is sued in her official capacity.

### **LEGAL BACKGROUND**

10. The Clean Air Act aims “to protect and enhance the quality of the Nation’s air resources...” 42 U.S.C. § 7401(b)(1). In furtherance of this goal, the Clean Air Act was

amended in 1990 to create the Title V Permit Program. See id. §§ 7661-7661f. Clean Air Act Title V establishes a comprehensive operating permit system applicable to all major sources of air pollution. See id. § 7661a(a).

11. The term “major source” includes: any stationary source of air pollution with the potential to emit more than 100 tons per year of any air pollutant; or any stationary source with the potential to emit 10 tons or more per year of any single hazardous air pollutant, or 25 tons or more per year of any combination of hazardous air pollutants. See 42 U.S.C. §§ 7661(2) (incorporating definition of “major source” found at 42 U.S.C. §§ 7412(a)(1) and 7602(j)).

12. The purpose of the Title V Program is to improve enforcement efforts and reduce violations of the Clean Air Act. See New York Public Interest Research Group v. Whitman, 321 F.3d 316, 320 (2<sup>nd</sup> Cir. 2003). Accordingly, Title V requires all major sources of air pollution to operate under a permit that incorporates all applicable air regulations, as well as a schedule for monitoring compliance with those regulations. Title V also requires the owners and/or operators of these permitted facilities to certify annually compliance with all applicable requirements. This self-reporting system provides EPA, states, and citizens with a straightforward means of determining whether a facility is complying with all applicable air regulations, thereby greatly simplifying Clean Air Act enforcement and preserving the public health.

13. Since the inception of the Title V Permit Program in 1990, major sources of air pollution are prohibited from discharging air pollutants unless they have obtained or applied for a valid Title V Operating Permit. See 42 U.S.C. §§ 7661a(a) and 7661b(d).

14. The process for obtaining a Title V Operating Permit is a cooperative one. Where a major source of air pollution is subject to state jurisdiction, the state acts as the permitting

authority and must adhere to 40 C.F.R. Part 70 when processing Title V Permit applications (regulations governing State Operating Permit Programs). Where a source is subject to federal jurisdiction, EPA acts as the permitting authority and must adhere to 40 C.F.R. Part 71 when processing Title V Permit applications (regulations governing Federal Operating Permit Programs). For purposes of the Title V permitting process, major sources located on tribal lands are subject to federal jurisdiction. See 40 C.F.R. § 71.2.

15. Under the Federal Operating Permit Program, the owner or operator of each major source “shall...submit an application for a permit” to EPA within 12 months after becoming subject to Title V. 42 U.S.C. § 7661b(c). See also 40 C.F.R. § 71.5(a)(1)(i). EPA “shall issue or deny the permit[] within 18 months after the date of receipt...” 42 U.S.C. § 7661b(c). See also 40 C.F.R. § 71.7(a)(2).

16. EPA’s duty to issue or deny a Title V Operating Permit within 18 months of receipt is non-discretionary. See United States v. Myers, 106 F.3d 936, 941 (10<sup>th</sup> Cir. 1997), cert. denied, 520 U.S. 1270 (1997) (“It is a basic canon of statutory construction that use of the word ‘shall’ indicates mandatory intent.”).

### **FACTUAL ALLEGATIONS**

17. The Bonanza Power Plant is a 500 megawatt coal-fired power plant located on the Uinta and Ouray Indian Reservation in northeastern Utah, approximately 28 miles southeast of the town of Vernal. Because the Bonanza Power Plant is located on tribal lands, it is subject to federal jurisdiction and EPA is the Clean Air Act Title V permitting authority.

18. The Bonanza Power Plant is owed and operated by Deseret Power Electric Cooperative (“Deseret”). The 600 foot-tall smokestack at the Plant releases thousands of tons of

harmful pollutants into the air annually. These include nitrogen oxides, sulfur dioxide, carbon dioxide, mercury, and other toxic substances. The Bonanza Power Plant is a major source of air pollution as defined by the Clean Air Act.

19. EPA prepared and circulated for public comment a draft Title V Operating Permit for the Bonanza Power Plant in 2002. EPA never took final action on this Permit.

20. On February 6, 2012, EPA requested in writing from Deseret a new Title V Operating Permit application for the Bonanza Power Plant.

21. On April 5, 2012, EPA received from Deseret a complete, renewed Title V Operating Permit application for the Bonanza Power Plant.

22. EPA was required to issue or deny the requested Permit for the Bonanza Power Plant on or before October 5, 2013.

23. As of the date of this filing, EPA has failed to act on Deseret's completed application.

24. More than 13 years after the enactment of Title V, EPA has never issued or denied a Title V Operating Permit for the Bonanza Power Plant. Accordingly, the Bonanza Power Plant has never obtained, and continues to operate without, a Title V Operating Permit.

#### **CLAIM FOR RELIEF**

25. Each and every allegation set forth in this Complaint is herein incorporated by reference.

26. The EPA Administrator had a mandatory duty to issue or deny a Title V Operating Permit for the Bonanza Power Plant within 18 months after receiving the complete Permit Application. See 42 U.S.C. § 7661b(c); 40 C.F.R. § 71.7(a)(2).

27. It has been more than 18 months since the Administrator received the complete Renewed Permit Application from Deseret.

28. As of the date of this filing, EPA has not issued or denied a Title V Operating Permit for the Bonanza Power Plant.

29. Accordingly, EPA has violated, and continues to violate, 42 U.S.C. § 7661b(c) and 40 C.F.R. § 71.7(a)(2).

30. This violation constitutes a failure to perform a non-discretionary duty within the meaning of the Clean Air Act's citizen suit provision. See 42 U.S.C. § 7604(a)(2).

#### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiff WildEarth Guardians requests that this Court enter judgment providing the following relief:

(A) A declaration that EPA has violated the Clean Air Act by failing to issue or deny the Title V Operating Permit for the Bonanza Power Plant;

(B) An order compelling EPA to issue or deny the Title V Operating Permit for the Bonanza Power Plant within 30 days, or in accordance with any such expeditious schedule as prescribed by the Court;

(C) An order retaining jurisdiction over this matter until such time as EPA has complied with its non-discretionary duties under the Clean Air Act;

(D) An order awarding Plaintiff its costs of litigation, including reasonable attorney's fees; and

(E) Such other and further relief as the Court deems just and proper.

Respectfully submitted this 23<sup>rd</sup> day of December 2013.

ANTONIO BATES BERNARD, P.C.

By: s/ Melissa A. Hailey  
Melissa A. Hailey, CO Reg. #42836  
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*Attorney for Plaintiff*

**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.)

<p><b>I. (a) PLAINTIFFS</b> WildEarth Guardians</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff <u>Denver</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p><b>(c)</b> Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Melissa A. Hailey, Antonio Bates Bernard, P.C., 3200 Cherry Creek Drive South, Suite 380, Denver, CO 80209, (303) 733-3500</p>	<p><b>DEFENDANTS</b> Gina McCarthy, in her official capacity as Administrator of the U.S. Environmental Protection Agency</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p><b>II. BASIS OF JURISDICTION</b> <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input checked="" type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<p><b>REAL PROPERTY</b></p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p><b>CIVIL RIGHTS</b></p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	<p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<p><b>LABOR</b></p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<p><b>PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
		<p><b>IMMIGRATION</b></p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<p><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<p><b>TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

**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     7 Appeal to District Judge from Magistrate Judge

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*  
Clean Air Act, 42 U.S.C. Section 7604(a)(2)

Brief description of cause:  AP Docket  
Failure to perform mandatory duty to make finding by statutory deadline

**VII. REQUESTED IN COMPLAINT:**     CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23    DEMAND \$ 0    CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

DATE: December 23, 2013    SIGNATURE OF ATTORNEY OF RECORD: s/ Melissa A. Hailey

**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.

**(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, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.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; federal question actions take precedence over diversity cases.)

**II. 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.

**V. 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 clerks 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**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**

**Or:**

**"AP Docket"**

**VI. 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 dollar amount (in thousands of dollars) 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.

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