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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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SIERRA CLUB,

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Plaintiff,

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v.

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GINA MCCARTHY,  
in her official capacity as Administrator of the  
16 United States Environmental Protection Agency,

17

Defendant.

\_\_\_\_\_ )

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) Case No.  
)  
)  
) **COMPLAINT**  
) **FOR DECLARATORY AND**  
) **INJUNCTIVE RELIEF**  
)  
)  
) (Clean Air Act, 42 U.S.C. §§ 7401 *et. seq.*)

**INTRODUCTION**

1  
2 1. Plaintiff Sierra Club brings this Clean Air Act citizen suit to compel the United States  
3 Environmental Protection Agency to undertake overdue mandatory duties. Specifically, Sierra  
4 Club challenges the failure of Defendant, Gina McCarthy, in her official capacity as  
5 Administrator of the United States Environmental Protection Agency (EPA), to perform certain  
6 mandatory duties required by the Clean Air Act, 42 U.S.C. §§ 7401-7671q. These duties are  
7 failure to approve or disapprove under 42 U.S.C. § 7410(k)(2) - (4) state implementation plan  
8 (SIP) elements submittals from Louisiana, Montana, New York, South Dakota, and Wisconsin  
9 and failure to promulgate federal implementation plans (FIP) under 42 U.S.C. § 7410(c)(1) for  
10 certain SIP elements for California and Kentucky, all for the 2008 ozone National Ambient Air  
11 Quality Standard.

**JURISDICTION**

12  
13 2. This case is a Clean Air Act citizen suit. Therefore, the Court has jurisdiction over this  
14 action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 42 U.S.C. § 7604(a)(2)  
15 (citizen suits for failure to perform a non-discretionary duty required by the Clean Air Act).

**NOTICE**

16  
17 3. Plaintiff Sierra Club mailed a letter via certified mail, return receipt requested, on June 1,  
18 2015 to Defendant EPA stating that Sierra Club intends to sue EPA for the violations alleged in  
19 this Complaint. More than sixty days have passed since Sierra Club mailed this notice of intent  
20 to sue letter. To date, Defendant has not remedied the violations alleged in this Complaint.  
21 Therefore, an actual controversy exists.

1 **VENUE**

2 4. Defendant EPA resides in this judicial district. This civil action is brought against an  
3 officer of the United States, acting in her official capacity, and a substantial part of the events or  
4 omissions giving rise to the claims in this case occurred in the Northern District of California. In  
5 addition, Plaintiff Sierra Club is headquartered in San Francisco and Sierra Club’s counsel is  
6 located in San Francisco. Therefore, venue is proper in this Court pursuant to 28 U.S.C. §  
7 1391(e).

8 **INTRADISTRICT ASSIGNMENT**

9 5. A substantial part of the events and omissions giving rise to the claims in this case  
10 occurred in the County of San Francisco. Accordingly, assignment to the San Francisco  
11 Division or the Oakland Division is proper pursuant to Civil L.R. 3-2(c) and (d).

12 **PARTIES**

13 6. Plaintiff SIERRA CLUB is a national grassroots nonprofit conservation organization  
14 formed in 1892.

15 7. Sierra Club’s purpose includes practicing and promoting the responsible use of earth’s  
16 ecosystems and resources, and protecting and restoring the quality of the natural and human  
17 environment. Sierra Club has over 600,000 members nationally.

18 8. Members and staff of Sierra Club live, work, recreate, and travel throughout the states at  
19 issue in this case and states downwind of those states and will continue to do so on a regular  
20 basis. Ozone in and emissions from the affected States threatens and damages, and will continue  
21 to threaten and damage, the health and welfare of Plaintiff’s staff and members. Ozone  
22 diminishes Sierra Club staff’s and members’ ability to enjoy the aesthetic qualities and  
23 recreational opportunities of the respective areas.

1 9. EPA's failure to timely perform the mandatory duties described herein also adversely  
2 affect Sierra Club, as well as its staff and members, by depriving them of procedural protection  
3 and opportunities, as well as information that they are entitled to under the Clean Air Act. The  
4 failure of EPA to perform mandatory duties also creates uncertainty for Sierra Club's staff and  
5 members as to whether they are exposed to excess air pollution.

6 10. The above injuries will continue until the Court grants the relief requested herein.

7 11. Defendant Gina McCarthy is the Administrator of the United States Environmental  
8 Protection Agency. In that role, Administrator McCarthy has been charged by Congress with the  
9 duty to administer the Clean Air Act, including the mandatory duties at issue in this case.

10 **LEGAL BACKGROUND**

11 12. Congress enacted the Clean Air Act to "speed up, expand, and intensify the war against  
12 air pollution in the United States with a view to assuring that the air we breathe throughout the  
13 Nation is wholesome once again." H.R. Rep. No. 1146, 91st Cong., 2d Sess. 1,1, 1970 U.S.  
14 Code Cong. & Admin. News 5356, 5356. To promote this, the Clean Air Act requires EPA to  
15 set National Ambient Air Quality Standards, establishing maximum allowable concentrations for  
16 certain pollutants, including ozone.

17 13. Adverse impacts arise from ground-level ozone ("ozone") pollution, commonly referred  
18 to as smog. Exposure to ozone pollution may cause numerous impacts to a person's respiratory  
19 system, including asthma, pneumonia, and bronchitis, and can result in the permanent scarring of  
20 lung tissue. Ozone can also kill people. Moreover, the detrimental effects extend beyond public  
21 health. Ozone pollution also interferes with vegetation's ability to function properly. This  
22 interference results in injuries such as decreased crop yields and damage to native ecosystems.

1 14. The Clean Air Act requires each state to submit a state implementation plan for every  
2 promulgation or revision of a National Ambient Air Quality Standard, within three years of that  
3 standard's promulgation or revision, that provides for the "implementation, maintenance, and  
4 enforcement" of the standard. 42 U.S.C. § 7410(a)(1). These are often referred to as  
5 "Infrastructure" State Implementation Plans. An Infrastructure State Implementation Plan  
6 submittal must meet the requirements listed under 42 U.S.C. § 7410(a)(2). *See* 42 U.S.C. §§  
7 7410(a)(2)(A)-(M).

8 15. The Clean Air Act requires EPA to determine whether any state implementation plan  
9 submittal is administratively complete. 42 U.S.C. 7410(k)(1)(B). EPA must make this  
10 determination by "no later than 6 months after the date, if any, by which a State is required to  
11 submit the plan or revision." *Id.* If EPA fails to make a determination of whether a SIP  
12 submittal is administratively complete, then the submittal is deemed administratively complete  
13 by operation of law six months after a state submitted the submittal. *Id.*

14 16. EPA has a mandatory duty to take final action on any administratively complete state  
15 implementation plan submittal by approving in full, disapproving in full, or approving in part  
16 and disapproving in part, or conditionally approving, within 12 months of the date the submittal  
17 is deemed administratively complete. 42 U.S.C. § 7410(k)(2), (3) and (4).

18 17. If a state fails to submit any required state implementation plan, there is no submittal that  
19 may be deemed administratively complete, and EPA must make a determination stating that the  
20 state failed to submit the required state implementation plan. 42 U.S.C. § 7410(k)(1)(B). This is  
21 referred to as a "finding of failure to submit."

22 18. If EPA disapproves a SIP submittal, EPA must promulgate a Federal Implementation Plan to  
23 take the place of the disapproved SIP submittal within two years of the disapproval. 42 U.S.C. §

1 7410(c)(1). Similarly, if EPA finds that a state has failed to submit a SIP by the required deadline,  
2 EPA must promulgate a Federal Implementation Plan to fill in the gap of the missing SIP submittal  
3 within two years of the finding of failure to submit.

#### 4 **CLAIMS FOR RELIEF**

##### 5 **CLAIM ONE**

6 (EPA Failure to Take Final Action on States' Infrastructure State Implementation Plan  
7 Submittals.)

8 19. Plaintiff incorporates by reference paragraphs 1 through 20.

9 20. The Clean Air Act requires EPA to determine whether any state implementation plan  
10 submittal is administratively complete. *See* 42 U.S.C. 7410(k)(1)(B).

11 21. If six months after a state submits a state implementation plan, EPA has not made the  
12 completeness finding and has not found the submittal to be incomplete, the submittal is deemed  
13 administratively complete by operation of law. *Id.*

14 22. EPA must take final action on an administratively complete submittal by approving in  
15 full, disapproving in full, approving in part and disapproving in part or conditionally approving  
16 within 12 months of the date of the submittal's completeness finding. 42 U.S.C. § 7410(k)(2) -  
17 (4).

18 23. EPA has failed to take final action on Louisiana's Infrastructure State Implementation  
19 Plan Submittal for the 2008 ozone 8-hour NAAQS 110(a)(2)(D)(i) element. By no later than  
20 December 7, 2013, either EPA or operation of law deemed Louisiana's state implementation  
21 plan submittal, that included the infrastructure requirements under 42 U.S.C. § 7410(a)(2)(D)(i),  
22 administratively complete. *See* EPA, Status of State SIP Infrastructure Requirements—Louisiana  
23 (available at  
24 [http://www3.epa.gov/airquality/urbanair/sipstatus/reports/la\\_infrabypoll.html#x110\\_a\\_\\_2\\_\\_ozon  
e\\_\\_2008\\_](http://www3.epa.gov/airquality/urbanair/sipstatus/reports/la_infrabypoll.html#x110_a__2__ozon<br/>e__2008_) (last viewed September 17, 2015).

25 24. Under the Clean Air Act, EPA is required to take final action on Louisiana's submittal  
26 that addresses these infrastructure requirements by approving in full, disapproving in full, or  
27

1 approving in part and disapproving in part by no later than December 7, 2014. *See* 42 U.S.C. §  
2 7410(k)(2) - (4).

3 25. EPA has failed to do so.

4 26. EPA has failed to take final action on Montana's Infrastructure State Implementation  
5 Plan submittal for the 2008 ozone 8-hour NAAQS 110(a)(2)(D)(i) elements. On July 8, 2013,  
6 either EPA or operation of law deemed Montana's state implementation plan submittal that  
7 included the infrastructure requirements under 42 U.S.C. § 7410(a)(2)(D)(i) administratively  
8 complete. *See* EPA, Status of State SIP Infrastructure Requirements—Montana (available at  
9 [http://www3.epa.gov/airquality/urbanair/sipstatus/reports/mt\\_infrabypoll.html#x110\\_a\\_\\_2\\_\\_ozone\\_\\_2008\\_](http://www3.epa.gov/airquality/urbanair/sipstatus/reports/mt_infrabypoll.html#x110_a__2__ozone__2008_)  
10 (last viewed September 17, 2015).

11 27. Under the Clean Air Act, EPA is required to take final action on Montana's submittal that  
12 addresses these infrastructure requirements by approving in full, disapproving in full, or  
13 approving in part and disapproving in part by July 8, 2014. *See* 42 U.S.C. § 7410(k)(2) - (4).

14 28. EPA has failed to do so.

15 29. EPA has failed to take final action on New York's Infrastructure State Implementation  
16 Plan Submittal for the 2008 ozone 8-hour NAAQS 110(a)(2)(D)(i) elements. On October 4,  
17 2013, either EPA or operation of law deemed New York's state implementation plan submittal  
18 that included the infrastructure requirements under 110(a)(2)(D)(i) administratively complete.  
19 *See* EPA, Status of State SIP Infrastructure Requirements—New York (available at  
20 [http://www3.epa.gov/airquality/urbanair/sipstatus/reports/ny\\_infrabypoll.html#x110\\_a\\_\\_2\\_\\_ozone\\_\\_2008\\_](http://www3.epa.gov/airquality/urbanair/sipstatus/reports/ny_infrabypoll.html#x110_a__2__ozone__2008_)  
21 (last viewed September 17, 2015).

22 30. Under the Clean Air Act, EPA is required to take final action on New York's submittal  
23 that addresses these infrastructure requirements by approving in full, disapproving in full, or  
24 approving in part and disapproving in part by October 4, 2014. *See* 42 U.S.C. § 7410(k)(2) - (4).

25 31. EPA has failed to do so.

26 32. EPA has failed to take final action on South Dakota's Infrastructure State Implementation  
27 Plan Submittal for the 2008 ozone 8-hour NAAQS 110(a)(2)(D)(i)(I) elements. By no later than  
28 November 30, 2013, either EPA or operation of law deemed South Dakota's state

1 implementation plan submittal that included the infrastructure requirements under 42 U.S.C. §  
2 7410(a)(2)(D)(i)(I) administratively complete. *See* EPA, Status of State SIP Infrastructure  
3 Requirements—South Dakota (available at  
4 [http://www3.epa.gov/airquality/urbanair/sipstatus/reports/sd\\_infrabypoll.html#x110\\_a\\_\\_2\\_\\_ozone\\_\\_2008\\_](http://www3.epa.gov/airquality/urbanair/sipstatus/reports/sd_infrabypoll.html#x110_a__2__ozone__2008_)  
(last viewed September 17, 2015).

5 33. Under the Clean Air Act, EPA is required to take final action on South Dakota's  
6 submittal that addresses these infrastructure requirements by approving in full, disapproving in  
7 full, or approving in part and disapproving in part by no later than November 30, 2014. *See* 42  
8 U.S.C. § 7410(k)(2) - (4).

9 34. EPA has failed to do so.

10 35. EPA has failed to take final action on Wisconsin's Infrastructure State Implementation  
11 Plan Submittal for the 2008 ozone 8-hour NAAQS 110(a)(2)(D)(i) elements. By no later than  
12 December 20, 2013, either EPA or operation of law deemed Wisconsin's state implementation  
13 plan submittal that included the infrastructure requirements under 42 U.S.C. § 7410(a)(2)(D)(i)  
14 administratively complete. *See* EPA, Status of State SIP Infrastructure Requirements—  
15 Wisconsin (available at  
[http://www3.epa.gov/airquality/urbanair/sipstatus/reports/wi\\_infrabypoll.html#x110\\_a\\_\\_2\\_\\_ozone\\_\\_2008\\_](http://www3.epa.gov/airquality/urbanair/sipstatus/reports/wi_infrabypoll.html#x110_a__2__ozone__2008_)  
(last viewed September 17, 2015).

16 36. Under the Clean Air Act, EPA is required to take final action on Wisconsin's submittal  
17 that addresses these infrastructure requirements by approving in full, disapproving in full, or  
18 approving in part and disapproving in part by no later than December 20, 2014. *See* 42 U.S.C. §  
19 7410(k)(2) - (4).

20 37. EPA has failed to do so.

## CLAIM TWO

(EPA Failure to Promulgate Federal Implementation Plans)

21  
22 38. Plaintiff incorporates by reference paragraphs 1 through 37.



1 39. On January 15, 2013, EPA published notice of its finding that California had failed to  
2 submit a 2008 ozone Infrastructure SIP covering 42 U.S.C. § 7410(a)(2)(A) – (C), (D)(i)(II) –  
3 (H), & (J) – (M). 78 Fed. Reg. 2,882, 2,889 (Jan. 15, 2013). This rule was effective February 14,  
4 2013.

5 40. The Clean Air Act requires EPA to promulgate a Federal Implementation Plan by no later  
6 than February 14, 2015 satisfying the above requirement. 42 U.S.C. § 7410(c)(1)(A).

7 41. EPA has failed to promulgate a Federal Implementation Plan for California’s 2008 ozone  
8 Infrastructure SIP covering 42 U.S.C. § 7410(a)(2)(A) – (C), (D)(i)(II) – (H), & (J) – (M) in  
9 violation of its mandatory duty.

10 42. On March 7, 2013, EPA published notice of its disapproval of Kentucky’s 2008 ozone  
11 Infrastructure SIP covering 42 U.S.C. § 7410(a)(2)(D)(i)(I). 78 Fed. Reg. 14,681 (March 7,  
12 2013). This rule was effective April 8, 2013.

13 43. The Clean Air Act requires EPA to promulgate a Federal Implementation Plan by no later  
14 than April 8, 2015 satisfying the above requirement. 42 U.S.C. § 7410(c)(1)(B).

15 44. EPA has failed to promulgate a Federal Implementation Plan for Kentucky’s 2008 ozone  
16 Infrastructure SIP covering 42 U.S.C. § 7410(a)(2)(D)(i)(I) in violation of its mandatory duty.

17  
18 **REQUEST FOR RELIEF**

19 WHEREFORE, Sierra Club respectfully requests that the Court:

- 20 A. Declare that the Administrator is in violation of the Clean Air Act with regard to her  
21 failure to perform each mandatory duty listed above;
- 22 B. Issue a mandatory injunction requiring the Administrator to perform her mandatory  
23 duties by certain dates;

- 1 C. Retain jurisdiction of this matter for purposes of enforcing and effectuating the Court's  
2 order;
- 3 D. Grant Sierra Club its reasonable costs of litigation, including attorneys' and experts' fees;  
4 and
- 5 E. Grant such further relief as the Court deems just and proper.

6  
7 Respectfully submitted,

8 /s Kristin Henry  
9

10 Kristin Henry (Cal. Bar No. 220908)  
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16 [Kristin.Henry@sierraclub.org](mailto:Kristin.Henry@sierraclub.org)

17 Counsel for Sierra Club

18 Dated: September 22, 2015  
19  
20  
21  
22  
23

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

Sierra Club

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Kristin Henry, Sierra Club
85 2nd Street, 2nd Floor
San Francisco, CA 94105 (415) 977-5716

DEFENDANTS

Gina McCarthy, in her official capacity as Administrator, US EPA

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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor, etc.

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
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 7604(a)(2)
Brief description of cause:
Clean Air Act mandatory duty suit

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 09/22/2015 SIGNATURE OF ATTORNEY OF RECORD /s Kristin Henry

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.