

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

DEMOCRACY FORWARD FOUNDATION
1333 H St. NW
Washington, DC 20005,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS
810 Vermont Ave. NW
Washington, DC 20420,

Defendant.

Case No. 18-cv-2346

COMPLAINT

1. Plaintiff Democracy Forward Foundation brings this action against Defendant the United States Department of Veterans Affairs (“VA”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (the “FOIA”). Defendant has failed to sufficiently respond to Plaintiff’s FOIA request for records that relate to the role of non-governmental individuals in top-level decisionmaking at the VA. Plaintiff therefore respectfully requests that the Court compel Defendant to comply with the FOIA.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e)(1).

PARTIES

4. Plaintiff Democracy Forward Foundation is a not-for-profit organization incorporated under the laws of the District of Columbia, and based in Washington, D.C. Plaintiff works to promote transparency and accountability in government, in part by educating the public on government actions and policies.

5. Defendant the VA is a federal agency within the meaning of the FOIA, *see* 5 U.S.C. § 552(f)(1), that is headquartered in Washington, D.C. The VA has possession, custody, and control of records to which Plaintiff seeks access.

FACTUAL ALLEGATIONS

6. On September 3, 2018, Plaintiff sent a FOIA request to the VA concerning the role of non-governmental individuals in top-level decision-making at the agency. Plaintiff requested the following categories of records from the VA:

1. All communications, calendar entries (including any associated attachments or notes), call sheets, visitor logs, and meeting minutes or notes reflecting meetings or communications between any of (a) David Shulkin, Robert Wilkie, Peter O'Rourke, Thomas Bowman, Scott Blackburn, Camilo Sandoval, or Pamela J. Powers; and any of (b) Isaac "Ike" Perlmutter, Laura Perlmutter, Bruce Moskowitz, Aaron Moskowitz, Marc Sherman, Thomas "Jake" Leinenkugel, or individuals with email addresses ending in "@frenchangel59.com."
2. All communications, calendar entries (including any associated attachments or notes), call sheets, visitor logs, and meeting minutes or notes containing any of the following terms: Ike, Perlmutter, Moskowitz, or Sherman.

Please limit this search to the Office of the Secretary.
3. All communications, calendar entries (including any associated attachments or notes), call sheets, visitor logs, and meeting minutes or notes containing any of the following terms: Ike, Perlmutter, Moskowitz, Sherman, frenchangel59.com, American College of Surgeons, ACS, or Zinner.

Please limit this search to the following VA employees: David Shulkin, Robert Wilkie, Peter O'Rourke, Thomas Bowman, Scott Blackburn, Camilo Sandoval, Pamela J. Powers, William Gunnar, Carolyn Clancy, Clifford Ko, and David Hoyt.

4. All communications, calendar entries (including any associated attachments or notes), call sheets, visitor logs, and meeting minutes or notes containing any of the following terms: Ike, Perlmutter, Moskowitz, Sherman, Apple, app for veterans, mobile application, mobile app, or Aaron.

Please limit this search to the following VA employees: David Shulkin, Robert Wilkie, Peter O'Rourke, Thomas Bowman, Scott Blackburn, Camilo Sandoval, Pamela J. Powers, Richard Stone, Melissa Glynn, and John Windom.

5. All communications, calendar entries (including any associated attachments or notes), call sheets, visitor logs, and meeting minutes or notes that include any of the following terms: (a) Ike, Perlmutter, Moskowitz, Sherman, or frenchangel59.com; and that also include any of the following terms: (b) electronic health records, EHR, interoperability, or Cerner.

Please limit this search to the Office of Electronic Health Record Modernization, the Veterans Health Administration, and the Office of Information and Technology.

6. All emails sent or received by Genevieve Morris and Ash Zenooz containing any of the following terms: Cerner, privatize, privatization, White House, Trump, Ike, Perlmutter, Moskowitz, Sherman, or frenchangel59.com.
7. All records or communications concerning the VA final rule *VA Claims and Appeals Modernization*, 83 Fed. Reg. 39818 (Aug. 10, 2018), where any of the following individuals are included or mentioned: Isaac "Ike" Perlmutter, Laura Perlmutter, Bruce Moskowitz, Aaron Moskowitz, Marc Sherman, or individuals whose email address ends in "@frenchangel59.com."

Please limit this search to the Veterans Benefits Administration.

8. All records or communications concerning the Federal Advisory Committee Act where any of the following are included or mentioned: Isaac "Ike" Perlmutter, Laura Perlmutter, Bruce Moskowitz, Aaron Moskowitz, Marc Sherman, or individuals whose email address ends in "frenchangel59.com."

Please limit this search to the Office of the Secretary and the Office of General Counsel.

For all items, please search for records created between January 20, 2017 and the present.

Ex. A at 1-3.

7. Plaintiff sought a waiver of search and duplicating fees under 5 U.S.C. § 552(a)(4)(A)(iii), which requires a fee waiver if the disclosure is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” *See* Ex. A at 3-4.

8. On September 17, 2018, the VA’s FOIA Service acknowledged having received Plaintiff’s September 3, 2018 FOIA request.

9. On September 18, 2018, the VA’s Veterans Health Administration acknowledged having received Plaintiff’s September 3, 2018 FOIA request, and notified Plaintiff that the Veterans Health Administration had assigned the request tracking number 18-12530-F. The Veterans Health Administration further informed Plaintiff that “the records that [Plaintiff] requested also fall under the cognizance of the following offices,” with associated tracking numbers: Office of Assistant Secretary for Information and Technology (18-12525-F), Veterans Benefits Administration (18-12529-F), Office of the Secretary (18-12527-F), Office of Enterprise Integration (18-12714-F), Office of General Counsel (18-12531-F), and Office of Electronic Health Record Modernization (18-12715-F).

10. On September 19, 2018, the VA’s Office of General Counsel, Management Planning & Analysis acknowledged having received Plaintiff’s September 3, 2018 FOIA request, and notified Plaintiff that the Office of General Counsel had assigned the request tracking number 18-12531-F.

11. On October 2, 2018, the VA's Veterans Health Administration informed Plaintiff that, as to the portions of Plaintiff's FOIA request to which the Veterans Health Administration will respond, the Veterans Health Administration would deny Plaintiff's request for a fee waiver.

CLAIM FOR RELIEF

Count One (Violation of the FOIA, 5 U.S.C. § 552)

12. Plaintiff repeats and incorporates by reference the foregoing paragraphs as if fully set forth herein.

13. As of the date of this Complaint, Defendant has failed to produce all records requested by Plaintiff in its September 3, 2018 FOIA request or to demonstrate that such records are lawfully exempt from production. *See* 5 U.S.C. § 552(a)(6)(C). Nor has Defendant notified Plaintiff of the scope of any responsive records it intends to produce or withhold and the reasons for any withholdings, or informed Plaintiff that it may appeal any adequately specific, adverse determination.

14. By failing to respond to Plaintiff's request within the statutorily prescribed time limit, Defendant has violated its duties under the FOIA, including but not limited to its duties to conduct a reasonable search for responsive records, and to produce all responsive, reasonably segregable, non-exempt information.

15. Plaintiff is being irreparably harmed by Defendant's violation of the FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the FOIA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

1. order Defendant to conduct searches for any and all responsive records to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request;
2. order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and a *Vaughn* index of any responsive records withheld under a claim of exemption;
3. enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request;
4. order Defendant to grant Plaintiff's request for a fee waiver;
5. grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
6. grant any other relief this Court deems appropriate.

Dated: October 11, 2018

Respectfully submitted,

/s/ Adam Grogg

Adam Grogg (D.C. Bar No. 1552438)
Javier M. Guzman (D.C. Bar No. 462679)
Democracy Forward Foundation
1333 H St. NW
Washington, DC 20005
(202) 448-9090
agrogg@democracyforward.org
jguzman@democracyforward.org

Counsel for Plaintiff

Exhibit A



September 3, 2018

VIA ELECTRONIC MAIL

FOIA Officer
Department of Veterans Affairs
FOIA SERVICE
810 Vermont Avenue, NW
(005R1C) VACO
Washington, DC 20420
vacofoiaservice@va.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552, and the Department of Veterans Affairs FOIA regulations, 38 C.F.R. §§ 1.550 *et seq.*, Democracy Forward Foundation makes this request for records.

Records Requested

On August 7, 2018, Pro Publica published a story revealing that non-governmental individuals have been involved in top-level decision-making at the Department of Veterans Affairs (the "Department" or the "VA").¹ This reporting, which was based in part on records obtained through a FOIA request, showed how Isaac "Ike" Perlmutter, Bruce Moskowitz, and Marc Sherman have, at minimum, provided advice and recommendations to the Department's leadership on a broad array of topics.²

Illuminating in and of itself, this reporting also raises substantial questions about how individuals without government positions have participated in, offered advice regarding, and influenced the Department's decision-making.

In an effort to understand and explain to the public the role that non-governmental individuals have played in VA operations under the Trump Administration, and the extent of their influence over the Department, Democracy Forward requests the following records:

¹ See Isaac Arnsdorf, *The Shadow Rulers of the VA*, ProPublica (Aug. 7, 2018), <https://www.propublica.org/article/ike-perlmutter-bruce-moskowitz-marc-sherman-shadow-rulers-of-the-va>.

² *Id.*

1. All communications, calendar entries (including any associated attachments or notes), call sheets, visitor logs, and meeting minutes or notes reflecting meetings or communications between any of (a) David Shulkin, Robert Wilkie, Peter O'Rourke, Thomas Bowman, Scott Blackburn, Camilo Sandoval, or Pamela J. Powers; and any of (b) Isaac "Ike" Perlmutter, Laura Perlmutter, Bruce Moskowitz, Aaron Moskowitz, Marc Sherman, Thomas "Jake" Leinenkugel, or individuals with email addresses ending in "@frenchangel59.com."
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Please limit this search to the Office of the Secretary.

3. All communications, calendar entries (including any associated attachments or notes), call sheets, visitor logs, and meeting minutes or notes containing any of the following terms: Ike, Perlmutter, Moskowitz, Sherman, frenchangel59.com, American College of Surgeons, ACS, or Zinner.

Please limit this search to the following VA employees: David Shulkin, Robert Wilkie, Peter O'Rourke, Thomas Bowman, Scott Blackburn, Camilo Sandoval, Pamela J. Powers, William Gunnar, Carolyn Clancy, Clifford Ko, and David Hoyt.

4. All communications, calendar entries (including any associated attachments or notes), call sheets, visitor logs, and meeting minutes or notes containing any of the following terms: Ike, Perlmutter, Moskowitz, Sherman, Apple, app for veterans, mobile application, mobile app, or Aaron.

Please limit this search to the following VA employees: David Shulkin, Robert Wilkie, Peter O'Rourke, Thomas Bowman, Scott Blackburn, Camilo Sandoval, Pamela J. Powers, Richard Stone, Melissa Glynn, and John Windom.

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Please limit this search to the Office of Electronic Health Record Modernization, the Veterans Health Administration, and the Office of Information and Technology.

6. All emails sent or received by Genevieve Morris and Ash Zenooz containing any of the following terms: Cerner, privatize, privatization, White House, Trump, Ike, Perlmutter, Moskowitz, Sherman, or frenchangel59.com.

7. All records or communications concerning the VA final rule *VA Claims and Appeals Modernization*, 83 Fed. Reg. 39818 (Aug. 10, 2018), where any of the following individuals are included or mentioned: Isaac “Ike” Perlmutter, Laura Perlmutter, Bruce Moskowitz, Aaron Moskowitz, Marc Sherman, or individuals whose email address ends in “@frenchangel59.com.”

Please limit this search to the Veterans Benefits Administration.

8. All records or communications concerning the Federal Advisory Committee Act where any of the following are included or mentioned: Isaac “Ike” Perlmutter, Laura Perlmutter, Bruce Moskowitz, Aaron Moskowitz, Marc Sherman, or individuals whose email address ends in “frenchangel59.com.”

Please limit this search to the Office of the Secretary and the Office of General Counsel.

For all items, please search for records created between January 20, 2017 and the present.

Request for Fee Waiver

Democracy Forward requests a waiver of document search, review, and duplication fees. 5 U.S.C. § 552(a)(4)(A)(iii); 38 C.F.R. § 1.561(n)(1). Democracy Forward qualifies for a fee waiver because the disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

A fee waiver is further justified because the requested records concern the “operations or activities of the government” in a direct way, implicating operations or activities of the Department ranging from staffing decisions, to its implementation of a new electronic health records interoperability platform. 38 C.F.R. § 1.561(n)(3)(i). Disclosure will have tremendous informative value and is likely to significantly contribute to the public’s understanding of the role that non-governmental individuals have played in VA operations and activities under the Trump Administration, and the extent of their influence over the Department. *See* U.S.C. § 552(a)(4)(A)(iii); *see also* 38 C.F.R. § 1.561(n)(3)(ii-iv). Indeed, news accounts underscore the substantial public interest in the kinds of records sought through this request. *See* Arnsdorf, *supra* note 1.

Moreover, as highlighted above, although existing reporting on the VA has been revealing—and has, accordingly, received widespread attention—it has also raised substantial questions about how individuals without government positions have advised and influenced the Department’s operations and activities. Additional disclosures of the kind requested by Democracy Forward are likely to help address these substantial and important questions, thereby further enhancing the public’s understanding of these important matters with new information. 38 C.F.R. §§ 1.561(n)(3)(ii-iv).

Democracy Forward also requests a waiver of search fees on the ground that it qualifies as a “representative of the news media.” 5 U.S.C. § 552(a)(4)(A)(ii)(II); 38 C.F.R. § 1.561(n)(4). Democracy Forward meets the definition of “representative[s] of the news media” because it gathers information, exercises editorial discretion in selecting and organizing documents, and “distributes the resulting work to the public.” *Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). As in other work Democracy Forward has done, Democracy Forward intends to use disclosed records to provide necessary and noteworthy information to the general public by disseminating relevant information through its website, social media, and other platforms at no cost to the public.³ It is therefore a “representative of the news media” for the same reasons it is “primarily engaged in disseminating information.” *See* 5 U.S.C. § 552(a)(6)(E)(v)(II).

Finally, a fee waiver is appropriate in this case because the records are not sought for commercial use. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II). Democracy Forward is a nonprofit organization organized under Internal Revenue Code § 501(c)(3) and is dedicated to, among other things, monitoring and educating the public about executive action. As a nonprofit organization, Democracy Forward does not have a commercial interest in the records.

Conclusion

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within the 20-day period, please contact Adam Grogg as soon as possible at foia@democracyforward.org or 202-701-1790.

We appreciate your assistance and look forward to your prompt response.

Sincerely,
/s/ Adam Grogg
Adam Grogg
Democracy Forward Foundation

³ *See, e.g.,* Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps> (citing to emails obtained through a request for documents made by Democracy Forward under the FOIA); *see also* Democracy Forward (@DemocracyFwd), Twitter (July 27, 2018, 11:45 AM), <https://twitter.com/DemocracyFwd/status/1022870550769754112>.

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

I. (a) PLAINTIFFS (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)		DEFENDANTS COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>	
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)		ATTORNEYS (IF KNOWN)	

II. BASIS OF JURISDICTION <small>(PLACE AN x IN ONE BOX ONLY)</small> <input type="radio"/> 1 U.S. Government Plaintiff <input type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 3 Federal Question (U.S. Government Not a Party) <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES <small>(PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)</small> FOR DIVERSITY CASES ONLY! <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT
(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> A. Antitrust 410 Antitrust	<input type="radio"/> B. Personal Injury/ Malpractice 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 Medical Malpractice 365 Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability 368 Asbestos Product Liability	<input type="radio"/> C. Administrative Agency Review 151 Medicare Act <u>Social Security</u> 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) <u>Other Statutes</u> 891 Agricultural Acts 893 Environmental Matters 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
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<input type="radio"/> E. General Civil (Other)	<input type="radio"/> F. Pro Se General Civil
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<u>Real Property</u> 210 Land Condemnation 220 Foreclosure 230 Rent, Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property <u>Personal Property</u> 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	<u>Bankruptcy</u> 422 Appeal 27 USC 158 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prison Conditions 560 Civil Detainee – Conditions of Confinement <u>Property Rights</u> 820 Copyrights 830 Patent 835 Patent – Abbreviated New Drug Application 840 Trademark	<u>Federal Tax Suits</u> 870 Taxes (US plaintiff or defendant) 871 IRS-Third Party 26 USC 7609 <u>Forfeiture/Penalty</u> 625 Drug Related Seizure of Property 21 USC 881 690 Other <u>Other Statutes</u> 375 False Claims Act 376 Qui Tam (31 USC 3729(a)) 400 State Reapportionment 430 Banks & Banking 450 Commerce/ICC Rates/etc. 460 Deportation	462 Naturalization Application 465 Other Immigration Actions 470 Racketeer Influenced & Corrupt Organization 480 Consumer Credit 490 Cable/Satellite TV 850 Securities/Commodities/Exchange 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes 890 Other Statutory Actions (if not administrative agency review or Privacy Act)
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<input type="radio"/> G. Habeas Corpus/ 2255 530 Habeas Corpus – General 510 Motion/Vacate Sentence 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act 895 Freedom of Information Act 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 740 Labor Railway Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) 441 Voting (if not Voting Rights Act) 443 Housing/Accommodations 440 Other Civil Rights 445 Americans w/Disabilities – Employment 446 Americans w/Disabilities – Other 448 Education	<input type="radio"/> M. Contract 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholder's Suits 190 Other Contracts 195 Contract Product Liability 196 Franchise	<input type="radio"/> N. Three-Judge Court 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multi-district Litigation
☐ 7 Appeal to District Judge from Mag. Judge
☐ 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____ JURY DEMAND: <input type="checkbox"/>	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input type="checkbox"/>
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VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input type="checkbox"/>	If yes, please complete related case form
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DATE: _____

SIGNATURE OF ATTORNEY OF RECORD _____

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET 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 services 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: