

1 Thomas A. Saenz (Cal. Bar No. 159430)
Eduardo Casas (Cal. Bar No. 346859)
2 MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND
3 634 South Spring Street, 11th Floor
Los Angeles, CA 90014
4 Telephone: (213) 629-2512
Facsimile: (213) 629-0266
5 Email: tsaenz@maldef.org
ecasas@maldef.org
6

7 *Attorneys for Plaintiff*
8 *and the Proposed Class*
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

12 ISMAEL ANTONIO RODRIGUEZ
13 PEREZ, on behalf of himself and all others
similarly situated,

14 Plaintiff,

15 vs.

16 FIRST TECHNOLOGY FEDERAL
17 CREDIT UNION,

18 Defendant.
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Case No.:

**COMPLAINT FOR VIOLATIONS OF 42
U.S.C. § 1981 AND CALIFORNIA
STATE LAW; INJUNCTIVE AND
DECLARATORY RELIEF AND
DAMAGES**

CLASS ACTION

1 Plaintiff Ismael Antonio Rodriguez Perez (“Plaintiff” or “Plaintiff Perez”), individually
2 and on behalf of all others similarly situated, by his attorneys makes the following allegations,
3 based upon information and belief, against Defendant First Technology Federal Credit Union
4 (“Defendant” or “First Tech”):

5 **INTRODUCTION**

6 1. Defendant First Tech follows a policy of denying full access to loan products and
7 services, in addition to other banking products and services, to applicants on the basis of their
8 immigration status or alienage, including those who have Deferred Action for Childhood
9 Arrivals (“DACA”) status.

10 2. Plaintiff Perez and members of the Class he seeks to represent were and are
11 unable to access Defendant’s financial services because of their immigration status or alienage.
12 Plaintiff brings this case against First Tech for unlawful discrimination in violation of the Civil
13 Rights Act of 1866, as codified by 42 U.S.C. § 1981 (“Section 1981”), and the Unruh Civil
14 Rights Act (“Unruh Act”), as codified by California Civil Code §§ 51, *et seq.*

15 **JURISDICTION AND VENUE**

16 3. This Court has subject matter jurisdiction over Plaintiff’s Section 1981 claims
17 under 28 U.S.C. § 1331. This Court has supplemental jurisdiction over Plaintiff’s state law
18 claims under 28 U.S.C. § 1367.

19 4. This Court is empowered to issue a declaratory judgment by 28 U.S.C. §§ 2201
20 and 2202.

21 5. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because a substantial
22 part of the events giving rise to the claims occurred in this district.

23 6. **Divisional Assignment:** Under N.D. Cal. Local Rule 3-2(c), intradistrict
24 assignment to the Oakland Division is proper because a substantial part of the events or
25 omissions giving rise to the claim occurred in Alameda County.

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PARTIES

Plaintiff

7. Perez is a resident of Oakland, California and has been a DACA recipient since 2012. As part of the DACA initiative, Perez received authorization to work in the United States and a Social Security Number. Perez resided in Oakland on the date that he applied for a Home Equity Line of Credit (“HELOC”) from Defendant and was unlawfully denied.

8. Defendant subjected Perez and members of the Class he seeks to represent to discrimination in violation of federal and state law as described in this Complaint.

Defendant

9. Defendant is a member-owned and federally chartered credit union headquartered in San Jose, California.

10. Defendant maintains a business and mailing office at 2702 Orchard Pkwy, San Jose, CA 95134-2012.

11. Defendant offers consumers a range of financial and credit products, including retail banking services, business and life insurance products, personal loans, auto loans, credit cards, and home loans.

STATEMENT OF FACTS

12. Perez brings this action on behalf of himself and members of the proposed Plaintiff Class. The class seeks damages, declaratory judgment, and injunctive relief.

13. Perez is a recipient of DACA and has been since 2012. Since that time, He has continuously possessed an employment authorization card and Social Security Number.

14. Perez graduated from Oregon State University in 2018 with a PhD in Materials Chemistry and Philosophy. Perez subsequently accepted a postdoctoral fellowship at Pacific Northwest National Laboratory in Washington and shortly after purchased a home there. Perez relocated to Oakland in 2021 to pursue professional opportunities.

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1 15. In or around June 2022, Perez applied for a HELOC on his home in Washington
2 with First Tech. Although First Tech requires loan applicants to be members of the credit union,
3 and Perez was not a member, he qualified for membership because one of his relatives was a
4 First Tech member.

5 16. On June 8, 2022, a First Tech loan officer, Eric Finster (“Finster”), contacted
6 Perez and requested various documents regarding credit, income, insurance, and legal residency.
7 The following day Finster asked Perez to upload his legal residency card which, he claimed was
8 required because Perez had marked his citizenship status as “Permanent Resident.”

9 17. On June 21, 2022, Perez sent Finster his legal work permit stating that it allowed
10 him to be lawfully present in the United States. Finster accepted it for the purpose of proceeding
11 with the application and submitted Perez’s application for underwriting review.

12 18. On June 23, 2022, Finster sent an email to Perez indicating that he had “great
13 news!” because Perez’s loan was reviewed and conditionally approved by the underwriting team.
14 Perez then received an email from another First Tech loan processor, Christopher Scott (“Scott”),
15 on July 6th. Scott’s email reiterated the “great news” about Perez’s conditional approval and
16 requested several documents including, a copy of Perez’s “current/unexpired Permanent
17 Resident Card.”

18 19. On July 19, 2022, Scott informed Perez that the underwriter had conditioned
19 approval on Perez having a “Permanent Residence/Green card.” Perez told him that he did not
20 have a green card, to which Scott replied by seeking Perez’s approval to change his citizenship
21 status on the loan application from “permanent resident alien” to “non-permanent resident alien.”
22 Perez reiterated that he did not have a visa, only work authorization. Scott then requested an I-94
23 from Perez, which Perez said he had but that it was expired. Perez said that this left his
24 employment authorization card (EAD) as the only applicable document and that he had
25 previously used it to purchase his home, obtained employment, and opened various bank and
26 retirement accounts. Scott told Perez that for the underwriting team neither an EAD nor an I-94
27 would be sufficient on its own.

20. On July 28, 2022, Scott emailed Perez to inform him that they would not extend him the loan because DACA recipients are ineligible for such loans under Fannie Mae guidelines. Scott also told Perez that there was an issue because his updated rent liability put his debt-to-income ratio at 75% percent. Perez asked Scott to revisit the Fannie Mae guidelines and clarified that he had a roommate so his monthly liability for rent was less than what was listed. Perez also asked Scott whether he could nonetheless qualify for a smaller loan.

21. On August 1, 2022, Scott replied that, under Fannie Mae guidelines, there were some situations where DACA recipients are eligible but that unfortunately, "...First Tech guidelines did not allow for this type of status." Scott further indicated that their underwriter still recommended that they decline his application. Scott never acknowledged Perez's inquiry regarding eligibility for a smaller loan. Perez was officially denied two hours later. Under the section listing the principal reasons for denial, Defendant selected two boxes. One was for "excessive obligations" with a check next to a subcategory for "insufficient income for total obligations." The other box checked stated "unable to verify residency." Defendant never extended Perez membership in the alternative.

22. First Tech's denial of Perez's application because of its limited and arbitrary immigration-status requirement violates 42 U.S.C. § 1981.

23. First Tech's denial of Perez's application because of his immigration status violates the California Unruh Civil Rights Act.

24. There is an actual and substantial controversy between Perez and First Tech.

CLASS ACTION ALLEGATIONS

25. Plaintiff Perez incorporates by reference the allegations in all preceding paragraphs.

26. Plaintiff Perez brings this action on behalf of himself and all others similarly situated under Rule 23 of the Federal Rules of Civil Procedure as a nationwide class.

27. Plaintiff Perez seeks to represent the following nationwide Class ("National Class"), composed of, and defined, as follows:

1 All persons who resided in the United States at the relevant time they
2 applied for or attempted to apply for a financial product from First Tech but
3 were denied full and equal consideration by First Tech on the basis of
alienage.

4 28. Plaintiff Perez additionally brings class allegations on behalf of a California
5 Subclass composed of and defined as follows:

6 All persons who resided in California at the relevant time they applied for
7 or attempted to apply for a financial product from First Tech but were
8 denied full and equal consideration by First Tech on the basis of their
immigration status.

9 29. Plaintiff Perez may amend the above class definitions as this Court may permit or
10 require. This action has been brought and may be properly maintained as a class action under the
11 provisions of Rule 23 of the Federal Rules of Civil Procedure because all of the prerequisites for
12 class treatment are met.

13 **Rule 23(a)(1) – Numerosity**

14 30. The potential members of the above National Class and California Subclass as
15 defined are so numerous that joinder is impracticable.

16 31. On information and belief, Defendant's records contain information as to the
17 number and location of the National Class and California Subclass members that would allow the
18 class to be ascertained.

19 **Rule 23(a)(2) – Common Questions of Law and Fact**

20 32. There are questions of law and fact common to the Class predominating over any
21 questions affecting only Plaintiff Perez or any other individual Class Members. These common
22 questions of law and fact include, without limitation:

23 a. Whether it is First Tech's policy or practice to reject applicants for financial
24 products on the basis of immigration status;

25 b. Whether First Tech violated 42 U.S.C. § 1981 by denying the full and equal right
26 to contract to Plaintiff Perez and the National Class on the basis of alienage;

1 c. Whether First Tech violated the California Unruh Civil Rights Act by denying full
2 and equal access to its services to Plaintiff Perez and the California Subclass on the basis of
3 immigration status;

4 d. Whether Plaintiff Perez and the Class Members are entitled to declaratory,
5 injunctive, and other equitable relief; and

6 e. Whether Plaintiff Perez and the Class Members are entitled to damages and any
7 other available relief.

8 **Rule 23(a)(3) – Typicality**

9 33. The claims of the named Plaintiff are typical of the claims of the Class. Plaintiff
10 Perez and all Class Members sustained injuries and damages arising out of and caused by
11 Defendant’s common course of conduct and common policies in violation of federal and
12 California laws, regulations, and statutes as alleged here.

13 **Rule 23(a)(4) – Adequacy of Representation**

14 34. Plaintiff Perez will fairly and adequately represent and protect the interests of the
15 Class Members.

16 35. Plaintiff Perez has retained counsel competent and experienced in complex
17 litigation and discrimination class actions.

18 **Rule 23(b)(2) – Declaratory, Equitable, and Injunctive Relief**

19 36. Class certification is appropriate because First Tech has acted and/or refused to
20 act on grounds generally applicable to the members of the National Class and California
21 Subclass. First Tech’s actions make appropriate declaratory, equitable, and injunctive relief with
22 respect to Plaintiff and the Class Members as a whole.

23 37. First Tech excludes Class Members in the National Class and California Subclass
24 outright from banking products and services on the basis of alienage and/or immigration status.
25 The Class Members of the National Class and California Subclass are entitled to declaratory,
26 equitable, and injunctive relief to end First Tech’s common, unfair, and discriminatory policies.

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Rule 23(b)(3) – Superiority of Class Action

38. A class action is superior to other available means for the fair and efficient adjudication of this controversy. Individual joinder of all Class Members is not practicable, and questions of law and fact common to the Class predominate over any questions affecting only individual Class Members. Each member of the proposed Class has been damaged and is entitled to recovery by reason of Defendant’s unlawful policies and practices of discriminating on the basis of immigration status and denying full and equal access to Defendant’s services.

39. No other litigation concerning this controversy has been commenced by or against Class Members.

40. Class action treatment will allow similarly-situated persons to litigate their claims in the manner that is most efficient and economical for the parties and the judicial system. It is unlikely that individual Class Members have any interest in individually controlling separate actions in this case. Under the Unruh Civil Rights Act, Class Members have been damaged and are entitled to recovery of damages and statutory penalties because of First Tech’s discriminatory policies. Damages are capable of measurement on a class-wide basis. Plaintiff Perez and Class Members will rely on common evidence to resolve their legal and factual questions, including the applicable policies and practices in the relevant period.

41. Plaintiff is unaware of any difficulties that are likely to be encountered in the management of this action that would preclude its maintenance as a class action. The benefits of maintaining this action on a class basis far outweigh any administrative burden in managing the class action. Conducting the case as a class action would be far less burdensome than prosecuting numerous individual actions.

FIRST CLAIM FOR RELIEF
Alienage Discrimination
(42 U.S.C. § 1981)

42. Plaintiff Perez incorporates by reference the allegations in all preceding paragraphs.

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1 43. Plaintiff Perez brings this claim on his own behalf and on behalf of the National
2 Class.

3 44. Plaintiff and Class Members are persons within the jurisdiction of the United
4 States.

5 45. Plaintiff and Class Members are aliens.

6 46. Plaintiff and Class Members have the right to make and enforce contracts in the
7 United States and are entitled to the full and equal benefits of the law.

8 47. Defendant conducts business in the United States and is obligated to comply with
9 the provisions of 42 U.S.C. § 1981.

10 48. Defendant intentionally discriminated against Plaintiff Perez and members of the
11 Class on the basis of alienage by denying them access to financial products.

12 49. Defendant intentionally discriminated against Plaintiff and members of the Class
13 by interfering with their right to make and enforce contracts for financial products on the basis of
14 alienage.

15 50. Plaintiff Perez and Class Members have no plain, adequate, or complete remedy
16 at law to redress the wrongs alleged here. Plaintiff Perez and Class Members request that the
17 Court issue a permanent injunction ordering Defendant to alter its policies and practices to
18 prevent further violations on the basis of alienage.

19 51. Plaintiff Perez and Class Members are now suffering, and will continue to suffer,
20 irreparable injury from First Tech's discriminatory acts and omissions.

21 **SECOND CLAIM FOR RELIEF**
22 **Violation of the Unruh Civil Rights Act**
 (California Civil Code §§ 51, *et seq.*)

23 52. Plaintiff Perez incorporates by reference the allegations in all preceding
24 paragraphs.

25 53. Plaintiff Perez brings this claim on his own behalf and on behalf of the California
26 Subclass.

27 //

1 54. Plaintiff Perez and class members are persons within the jurisdiction of the State of
2 California and resided in California at the time of Defendant's discriminatory acts.

3 55. Defendant conducts business within the jurisdiction of the State of California and
4 is therefore obligated to comply with the provisions of the Unruh Act, California Civil Code §§
5 51, *et seq.*

6 56. Plaintiff Perez and class members are entitled to full and equal accommodations,
7 advantages, facilities, privileges, or services in all business establishments of every kind
8 whatsoever no matter their immigration status, and no business establishment of any kind
9 whatsoever may refuse to contract with Plaintiff and class members because of or due in part to
10 their immigration status.

11 57. Defendant violated the Unruh Civil Rights Act by denying Plaintiff Perez and
12 members of the California Subclass access to financial products free of discriminatory conditions
13 imposed on the basis of their immigration status.

14 58. Under Section 52(a) of the Unruh Civil Rights Act, Plaintiff Perez and members
15 of the California Subclass are entitled to actual damages suffered, statutory damages of up to
16 three times the amount of actual damages suffered per violation, but no less than \$4,000, and
17 attorneys' fees.

18 59. Under Section 52(c), Plaintiff Perez requests that this Court issue a permanent
19 injunction ordering Defendant to alter its policies and practices to prevent future discrimination
20 on the basis of an applicant's immigration status and to prevent further violations of the Unruh
21 Civil Rights Act.

22 **PRAYER FOR RELIEF**

23 **WHEREFORE**, Plaintiff Perez and the Class he seeks to represent pray for relief as
24 follows:

- 25 i. Certification of the case as a class action on behalf of the proposed Class
26 Members in the National Class and California Subclass;

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- 1 ii. Designation of Plaintiff Perez as the class representative on behalf of the National
2 Class and California Subclass;
- 3 iii. Designation of Plaintiff's counsel of record as Class Counsel;
- 4 iv. That this Court issue a declaratory judgment that Defendant's policies and
5 practices complained of here are unlawful and violate 42 U.S.C. § 1981 and the
6 California Unruh Civil Rights Act;
- 7 v. A preliminary and permanent injunction against Defendant and its officers,
8 agents, successors, employees, representatives, and any and all persons acting in
9 concert with them, from engaging in each of the unlawful policies and practices
10 set forth herein;
- 11 vi. That this Court award statutory and compensatory damages to Plaintiff and the
12 Class Members in an amount to be determined at trial;
- 13 vii. That this court award to Plaintiff and Class Members reasonable attorneys' fees
14 and costs to the extent allowable by law;
- 15 viii. For such other and further relief as the Court deems just and proper.

16
17 Dated: December 29, 2023

18
19 Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND

20 /s/ Eduardo Casas

21 Eduardo Casas
22 Thomas A. Saenz
23 MEXICAN AMERICAN LEGAL DEFENSE
 AND EDUCATIONAL FUND

24 *Attorneys for Plaintiff and the Proposed Class*
25
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CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

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

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

DEFENDANTS

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)*

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

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment Of Veteran's Benefits 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	PERSONAL INJURY 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 CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities-- Employment 446 Amer. w/Disabilities--Other 448 Education	PERSONAL INJURY 365 Personal Injury -- Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability PRISONER PETITIONS HABEAS CORPUS 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty OTHER 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee-- Conditions of Confinement	625 Drug Related Seizure of Property 21 USC § 881 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act IMMIGRATION 462 Naturalization Application 465 Other Immigration Actions	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 835 Patent--Abbreviated New Drug Application 840 Trademark 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS--Third Party 26 USC § 7609	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced & Corrupt Organizations 480 Consumer Credit 485 Telephone Consumer Protection Act 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*
1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation--Transfer 8 Multidistrict Litigation--Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*

Brief description of cause:

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY *(See instructions):* JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)
(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE SIGNATURE OF ATTORNEY OF RECORD

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate 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 Federal Rule of Civil Procedure 8(a), 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.
 - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 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.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 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-CAND 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.
 - (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. 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-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”

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