



PC-DC-003-001

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

INMATES OF OCCOQUAN,)
WILLIAM ALSTON-EL, MICHAEL CLAY,)
JAMES DAVIS, ALLEN GLAZER, RONNIE)
GOODMAN, JAMES HARRINGTON, JOHN)
HARRIS, CARL HENDERSON, JEFFREY)
HOWARD, MICHAEL IVEY, THOMAS)
OLIVER, FRED OWENS, AHMED PASHA,)
WALTER ROBINSON, CALVIN ROOKARD,)
CARL WILLIAMS AND ROBERT LEON)
WILSON, individually and on)
behalf of all other persons)
similarly situated,)

Plaintiffs,)

vs.)

Civ. No.)

MARION BARRY, MAYOR, AND JAMES F.)
PALMER, DIRECTOR, DEPARTMENT OF)
CORRECTIONS, in their official)
capacities,)

Defendants.)

COMPLAINT

On behalf of themselves and the class alleged herein, plaintiffs state the following for their complaint against defendants:

I. PRELIMINARY STATEMENT

1. This is a class action brought by plaintiffs on behalf of all inmates who are or will be confined at the District of

Columbia Department of Corrections Occoquan Facilities I, II and III in Lorton, Virginia (hereinafter Occoquan). Plaintiffs seek declaratory and injunctive relief for deprivations under color of state law of the rights, privileges and immunities secured by the Constitution of the United States and, in particular, those secured by the Fifth and Eighth Amendments thereof.

2. Plaintiffs specifically seek relief from conditions at Occoquan which fall below standards of human decency, inflict needless suffering on prisoners and create an environment which threaten prisoners' physical and mental well-being and results in the unnecessary deterioration of prisoners confined there.

3. Occoquan I and II are administered separately from Occoquan III. All three are medium security facilities. Occoquan I houses sentenced felons. Occoquan II houses primarily misdemeanants as well as felons awaiting sentencing. Occoquan III also houses sentenced felons. On July 9, 1986, the combined population of the facilities was approximately 1750, with a rated capacity of 1366. On July 10, 1986, a major disturbance occurred at Occoquan I and II. On July 11, 1986, the combined population was reduced to 1034, but has steadily increased since that date to approximately 1242 as of July 28, 1986.

II. JURISDICTION

4. This action is filed under 42 U.S.C. §1983 to redress injuries suffered by plaintiffs and the class they represent for deprivation under color of state law of rights secured by the Fifth and Eighth Amendments to the United States Constitution. Plaintiffs' claims also arise directly under the Fifth and Eighth

Amendments. The Court has jurisdiction pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1343(a) (3).

5. Venue in the District Court for the District of Columbia is proper. Defendants Marion S. Barry and James E. Palmer reside in the District of Columbia and each of the claims for relief arose in this district.

III. PARTIES

6. Each of the named plaintiffs is currently an inmate confined by the District of Columbia Department of Corrections at, or subject to return to, Occoquan I, II or III.

7. Plaintiff William Alston-El has been confined at Occoquan III for at least six months.

8. Plaintiff Michael Clay has been confined at Occoquan I and II for at least seven months as a protective custody inmate in the cellblock and in at least six dorms.

9. Plaintiff James Davis has been confined at Occoquan I and II for at least one year, including the J-2 dorm for approximately two months.

10. Plaintiff Allen Glazer has been confined intermittently at Occoquan I and II and at Central Facility, Lorton Reformatory for at least one year and continuously at Occoquan I and II since approximately July 30, 1986.

11. Plaintiff Ronnie Goodman has been confined at Occoquan I and II for at least fifteen months.

12. Plaintiff James Harrington is currently confined at the Central Detention Facility, but was recently confined at Occoquan I and II in the cellblock and is subject to return.

13. Plaintiff John Harris has been confined at Occoquan III, Dorm 5 since June 13, 1986.

14. Plaintiff Carl Henderson is currently confined at the Central Detention Facility, but was recently confined at Occoquan I and II and is subject to return.

15. Plaintiff Jeffrey Howard has been confined at Occoquan I and II for approximately three weeks.

16. Plaintiff Michael Ivey has been confined at Occoquan III, Dorm 5 since June 13, 1986.

17. Plaintiff Thomas Oliver is currently confined at Maximum Security, Lorton Reformatory, but was recently confined at Occoquan I and II and Occoquan III and is subject to return.

18. Plaintiff Fred Owens has been confined by the D.C. Department of Corrections for at least seventeen months, including Occoquan I and II, Occoquan III and the Central Detention Facility, and is currently at Occoquan III.

19. Plaintiff Ahmed Pasha has been confined at Occoquan I and II for at least three months.

20. Plaintiff Walter Robinson is currently confined at the Central Detention Facility, but was recently confined at Occoquan I and II and is subject to return.

21. Plaintiff Calvin Rookard has been confined at Occoquan I and II for at least twenty-two months.

22. Plaintiff Carl Williams has been confined at Occoquan I and II for at least two years.

23. Plaintiff Robert Leon Wilson is currently confined at Maximum Security, Lorton Reformatory, but was recently confined at Occoquan I and II and is subject to return.

24. Defendant Marion S. Barry is the Mayor of the District of Columbia. As chief executive officer of the District, he has ultimate administrative and fiscal control of and responsibility for, among other District agencies, the District of Columbia Department of Corrections. He has the overall control and supervision of D.C. correctional institutions, including Occoquan I, II and III.

25. Defendant James F. Palmer is the Director of the District of Columbia Department of Corrections. He has the overall control and supervision of D.C. correctional institutions, including Occoquan I, II and III.

IV. CLASS ACTION ALLEGATIONS

26. This is a class action under Rules 23(a) and 23(b)(1) and (2) of the Federal Rules of Civil Procedure.

27. Plaintiffs are representative parties of a class of all persons who are under the control of the District of Columbia Department of Corrections and who are confined at Occoquan or who may be so confined in the future.

28. Plaintiffs are members of the class and their claims are typical of all class members. Plaintiffs are represented by competent counsel and will fairly and adequately protect the interests of the class.

29. The class is so numerous that joinder of the numbers is impracticable. Current members of the class number over 1200.

30. The lawsuit challenges various conditions of confinement at the prisons and there are questions of law and fact common to the class.

31. The defendants have acted and refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class.

V. FACTUAL ALLEGATIONS

A. Living Conditions

32. The Department of Corrections has been enjoined from exceeding certain population limits at the Central Detention Facility (hereinafter Jail); Lorton Reformatory, Central Facility (hereinafter Central); and Lorton Reformatory, Maximum Security (hereinafter Maximum). Because of these court-ordered limits, and the absence of adequate alternatives to incarceration, such as work release programs, halfway houses, supervised furloughs and third party custody programs, Occoquan, which is not under any court-ordered limits, has been forced to receive prisoners beyond any reasonable capacity.

33. Plaintiffs are subject to frequent transfers within the D.C. Department of Corrections because, in the absence of adequate alternatives to incarceration, defendants constantly shuffle inmates from one facility to another in an effort to comply with these population limits. Each of the named plaintiffs has been or is subject to such transfers.

34. The principal living units at Occoquan are dormitories. According to American Correctional Association

(hereinafter ACA) minimum standards, only minimum security inmates should be housed in dormitories with a maximum of 50 prisoners per dorm in order to protect inmates from unnecessary risk of harm. Nevertheless, these dorms are being used to house medium security prisoners.

35. There is one cellblock for the three Occoquan facilities which mainly houses prisoners confined to protective custody, administrative segregation and disciplinary segregation.

36. Prior to the July 10 disturbance, Occoquan was severely overcrowded. The population exceeded the maximum rated capacity which itself is substantially above standards used for other medium security dormitories within the Department of Corrections.

37. After July 10, 1986, many prisoners were temporarily moved to other facilities during the repair work at Occoquan I and II, but the influx of new prisoners has already increased the population to more than 25% over what it was following the disturbance. Severe overcrowding at Occoquan III has persisted throughout this period. At present, even with the temporary reduction at Occoquan I and II, the population at each of the three facilities exceeds standards employed by the Department of Corrections for medium security dormitories.

38. Substantially all of the dormitories house more than the ACA standard of 50 minimum security men per dorm. In several dorms, more than double that number of prisoners must sleep together in a single room. The beds are placed so close together that they nearly touch and there is no reasonable

assurance of physical integrity while prisoners are sleeping or otherwise occupying their beds. Double-bunking is commonplace, particularly in Occoquan III, including 5 Dorm, and J Dorm and the Youth dorm (M) at Occoquan I and II.

39. Prisoners lack adequate storage lockers for their clothes, cosmetics, books, papers and other possessions. Many use paper boxes or bags to store these items. Where cabinets or lockers have been provided, locks are frequently missing or broken.

40. There are not enough toilets or showers in many dorms; mattresses are not cleaned between use by prisoners and there is a lack of adequate clothing. These conditions, exacerbated by the overcrowding, increase the risk of the spread of communicable diseases.

41. Because of the overcrowding, noise levels in the dormitories are high, exceeding reasonable limits in some dorms to the point where it is necessary to almost shout to be heard.

42. There is no ventilation system. In order to ventilate the dorms, it is necessary to open the windows and doors, which draws in dust and fumes. Screens are frequently torn or missing causing serious infestations of flies and other insects. In one dorm, hot water or steam pipes run to it from the kitchen and other living units. The back part of this unit is exceedingly hot. The fans that are mounted in that part of the dorm only aggravate the situation by blowing hot air into the rest of the dorm.

43. Loose plaster over the T.V. area of one dorm is falling and at least one inmate has been hit in the head and injured.

B. Fire Hazards

44. Occoquan was a fire hazard, presenting a grave risk of injuries and death to those who lived there before July 10. Fires set during the July 10 disturbance spread quickly inside the dorms and from roof line to roof line. There were no automatic sprinklers installed under the wooden rafters or on the ceilings of the dorms at the time, nor have any been installed since then.

45. Occoquan is still a fire hazard. Almost all the dorms are deficient in crucial ways. Minimally adequate fire standards require two exits from each living area but some dorms and anterooms have only one exit. In some dorms, exits are blocked by beds or cabinets or boxes. Many electric smoke detectors are disconnected and very few, if any, dorms contain battery-powered smoke detectors. Mattresses are not flame-retardant which enables any fire to spread quickly. This problem is exacerbated by the general clutter of books, papers and clothing often stashed in paper bags and boxes which provide ready fuel for a fire. In the winter, this condition is made more hazardous by beds pushed up against radiators and books, papers and clothes piled on top. The anterooms in back of some of the dorms provide no egress for residents housed there, and in one dorm, the only exit into the main dorm is blocked by a large floor fan. Until approximately July 28, some inmates in Dorm J-1

were housed on a balcony above other beds with a pipe blocking the only exit from that area. Inmates housed beneath the balcony have hung extremely flammable plastic garbage bags to keep dirt from falling on their beds, causing a potential "death trap" for those bunked above.

C. Personal Safety

46. Overcrowding has led to scarcity of resources, tension and stress which in turn encourage inmate confrontations and violence. Other conditions also create an unsafe environment for inmates. The defendants' indifference to and failure to provide reasonable personal safety to inmates is evident.

47. On May 23, 1986, inmates rebelled and threw beds out of dormitories and set mattresses afire when corrections officials attempted to place additional beds in the already overcrowded dormitories.

48. The major disturbance at Occoquan I and II on July 10 was a reaction to severe overcrowding. Many inmates were shot and injured by correctional officers as inmates were escorted to buses out of Occoquan the next day.

49. The atmosphere at Occoquan is tense and dangerous. Idleness is pervasive. There simply are not enough jobs, vocational and educational programs and recreational opportunities to engage the vast majority of residents. Population pressures have led at times to the opening of makeshift dorms. For example, such a dorm was opened recently in the visiting hall that served Occoquan I and II. Visiting took place in the gym, further reducing the amount of exercise time

available for inmates. Idleness has led to tension and frustration and aggressive acts by prisoners. The lack of programming also adversely affects parole opportunities which in turn further exacerbates the overcrowding and tension.

50. The provision of one telephone per dorm for prisoners' use is insufficient. A telephone is the main lifeline to families, friends and community. With so many men vying for its use, violence among inmates often begins with conflicts over telephone use.

51. The failure to provide secure lockers for inmates' personal property allows inmates to steal from others, leading to further tension and violence among inmates.

52. The configuration and layout of some of the dorms, including pillars and anterooms, and crowded conditions and double-bunking prevent correctional officers from observing activities in certain areas. This makes it impossible for defendants to reasonably ensure the physical integrity of the prisoners. On hot days the lights are turned off in an attempt to reduce discomfort but this results in further reduction of officers' ability to supervise prisoners.

53. Defendants fail to adequately classify inmates. Because inmates' assignments to dormitories are based primarily on the availability of bed space, aggressive and predatory inmates are housed with vulnerable inmates whose personal safety is jeopardized.

54. Defendants' housing of aggressive and predatory inmates in dormitory style housing fails to comply with the ACA

standard that no more than 50 minimum security inmates be housed in dormitory style housing.

55. Inmates who require protective custody because of violent conditions at Occoquan are housed in a cellblock known as Q Building which is temporarily closed. Protective custody inmates were housed there with inmates confined for disciplinary or administrative reasons. Other protective custody inmates are housed in the J dorms. Defendants' failure to protect inmates is shown by housing protective custody inmates in the cellblock and in dorms together with more aggressive inmates.

D. Medical and Dental Services

56. Medical care and treatment at Occoquan is grossly inadequate and constitutes deliberate indifference to prisoners' serious medical needs.

57. The overcrowding has exacerbated deficiencies in staff and services and increases the likelihood of the transmission of communicable diseases and creates other health risks.

58. Delays in receiving medical care as a result of overcrowding cause needless pain and suffering for inmates.

59. The medical team is understaffed, particularly after 4 p.m. when there is one physician's assistant for all of Occoquan and after midnight there is no coverage at all.

60. The medical services at Occoquan III are particularly inadequate. There is no medical staffing after 4 p.m. or on weekends. Emergencies are handled through Occoquan I and II. Clinical care is routinely delayed because appointments

must be made through Occoquan I and II which are backed up with their own prisoners' needs. With the addition of dorm 5 to an already overcrowded situation, medical care at Occoquan III is grossly inadequate.

61. Frequently, inmates transferred from other facilities to Occoquan are deprived of adequate or appropriate medical treatment because of delays in getting their medical records transferred. In one dorm, two inmates were not known to have AIDS by the medical officer in charge until they reported to sick call.

62. Dental treatment falls far short of minimum standards set forth by the American Dental Association and the ACA. Dental care is routinely delayed because medical records are unavailable to the dental staff.

63. Inmates in urgent need of dental care are forced to endure pain and suffering because of long delays in receiving dental care.

64. Those inmates identified as having mental health problems are held inappropriately in the cellblock to await available space at the Jail because Occoquan does not provide mental health facilities or treatment.

VI. CLAIMS FOR RELIEF

65. Plaintiffs reallege and incorporate by reference paragraphs 32 through 64.

66. Defendants fail to provide plaintiffs with the basic necessities of life, including adequate shelter, sanitation, personal safety, and medical and dental health care, especially

because the ill effects of such deprivation are exacerbated or caused by related conditions including overcrowding. The resulting conditions at Occoquan, which are incompatible with contemporary standards of decency, cause unnecessary and wanton infliction of pain as well as genuine privation, and are not reasonably related to any legitimate governmental objectives. Inmates are thereby subjected to cruel and unusual punishment in violation of the Fifth and Eighth Amendments to the United States Constitution.

VII. NO ADEQUATE REMEDY AT LAW

67. As a proximate result of the defendants' policies, practices, procedures, acts and omissions, plaintiffs have suffered, do suffer, and will continue to suffer immediate and irreparable injury, including physical, psychological and emotional injury. Plaintiffs' physical and psychological health and well-being will continue to deteriorate during the course of their confinement under the conditions described in this complaint. Plaintiffs have no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiffs will continue to be irreparably injured by the policies, practices, procedures, acts and omissions of the defendants unless this Court grant the injunctive relief that plaintiffs seek.

VIII. PRAYER FOR RELIEF

WHEREFORE, plaintiffs and the class they represent pray this Court:

1. Determine by order pursuant to Rule 23, Federal Rules of Civil Procedure, that this action may be maintained as a

class action;

2. Issue a declaratory judgment stating the defendants' policies, practices, acts and omissions described in this complaint violate plaintiffs' rights, guaranteed to them by the Fifth and Eighth Amendments to the United States Constitution;

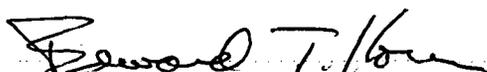
3. Permanently enjoin defendants, their officers, agents, employees and successors in office, as well as those acting in concert and participating with them, from engaging in the unlawful practices described in this complaint;

4. Retain jurisdiction of this matter until this Court's order has been carried out;

5. Award plaintiffs their reasonable costs and attorneys' fees pursuant to 42 U.S.C. §1988; and

6. Grant such other relief as may be just and equitable.

This 4th day of August, 1986.


Edward I. Koren (Bar # 926956)


Alexa P. Freeman (Bar #375590)


Steven Ney (Bar #266163)

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American Civil Liberties Union Foundation
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Attorneys for Plaintiffs

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. (For more detailed instructions, see separate instruction sheet.)

PLAINTIFFS

DEFENDANTS

INMATES OF OCCOQUAN, WILLIAM ALSTON-EL, MICHAEL CLAY, JAMES DAVIS, ALLEN GLAZER, RONNIE GOODMAN, JAMES HARRINGTON, JOHN HARRIS, CARL HENDERSON, JEFFREY HOWARD, MICHAEL IVEY, THOMAS OLIVER, FRED OWENS, AHMED PASHA, WALTER ROBINSON, CALVIN ROOKARD

MARION BARRY, MAYOR, AND JAMES F. PALMER, DIRECTOR, DEPARTMENT OF CORRECTIONS

COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Lorton
(EXCEPT IN U.S. PLAINTIFF CASES) Reservation

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT District of Columbia
(IN U.S. PLAINTIFF CASES ONLY)

CARL WILLIAMS AND ROBERT LEON WILSON, individually and on behalf of all others similarly situated
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

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1616 P St. NW, #340, Washington, DC 20036

Corporation Counsel
District of Columbia
District Building
1350 Penn. Ave. NW, Washington, DC 20004

(PLACE AN IN ONE BOX ONLY) 202/331-0500 BASIS OF JURISDICTION

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION (U.S. NOT A PARTY) 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP ON REVERSE. (28 USC 1332, 1441)

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

This is an action brought under Title 42 USC §1983 alleging that conditions at the Occoquan Facilities at Lorton are violative of the Eighth Amendment rights of plaintiffs-prisoners confined to those facilities.

(PLACE AN IN ONE BOX ONLY) NATURE OF SUIT

CONTRACT	TORTS	ACTIONS UNDER STATUTES			
		CIVIL RIGHTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES Cont.
<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 <input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS <input type="checkbox"/> 160 STOCKHOLDERS SUITS <input type="checkbox"/> 190 OTHER CONTRACT <input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY	PERSONAL INJURY <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"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 441 VOTING <input type="checkbox"/> 442 JOBS <input type="checkbox"/> 443 ACCOMMODATIONS <input type="checkbox"/> 444 WELFARE <input type="checkbox"/> 440 OTHER CIVIL RIGHTS PRISONER PETITIONS <input type="checkbox"/> 510 VACATE SENTENCE (2255) <input type="checkbox"/> 530 HABEAS CORPUS <input type="checkbox"/> 540 MANDAMUS & OTHER <input checked="" type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 610 AGRICULTURE <input type="checkbox"/> 620 FOOD & DRUG <input type="checkbox"/> 630 LIQUOR LAWS <input type="checkbox"/> 640 R.R. & TRUCK <input type="checkbox"/> 650 AIRLINE REGS. <input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH <input type="checkbox"/> 690 OTHER LABOR <input type="checkbox"/> 710 FAIR LABOR STANDARDS <input type="checkbox"/> 720 LABOR/MGMT. RELATIONS <input type="checkbox"/> 730 LABOR/MGMT. REPORTING & DISCLOSURE ACT <input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 790 OTHER LABOR LITIGATION <input type="checkbox"/> 791 EMPL. RET. INC. SECURITY ACT	<input type="checkbox"/> 420 TRUSTEE <input type="checkbox"/> 421 TRANSFER (915b) <input type="checkbox"/> 422 APPEAL (801) PROPERTY RIGHTS <input type="checkbox"/> 820 COPYRIGHT <input type="checkbox"/> 830 PATENT <input type="checkbox"/> 840 TRADEMARK SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 BLACK LUNG (923) <input type="checkbox"/> 863 DIWC (405 (g)) <input type="checkbox"/> 863 DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) TAX SUITS <input type="checkbox"/> 870 TAXES <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609 <input type="checkbox"/> 875 CUSTOMER CHALLENGE 12 USC 3410 OTHER STATUTES <input type="checkbox"/> 400 STATE REAPPORIONMENT <input type="checkbox"/> 410 ANTI-TRUST <input type="checkbox"/> 430 BANKS AND BANKING	<input type="checkbox"/> 450 COMMERCE ICC RATES, ETC. <input type="checkbox"/> 460 DEPORTATION <input type="checkbox"/> 810 SELECTIVE SERVICE <input type="checkbox"/> 850 SECURITIES COMMODITIES EXCHANGE <input type="checkbox"/> 891 AGRICULTURAL ACTS <input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT <input type="checkbox"/> 893 ENVIRONMENTAL MATTERS <input type="checkbox"/> 894 ENERGY ALLOCATION ACT <input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT <input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE <input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUES <input type="checkbox"/> 890 OTHER STATUTORY ACTIONS
REAL PROPERTY <input type="checkbox"/> 210 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	PERSONAL PROPERTY <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				

(PLACE AN IN ONE BOX ONLY)

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 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

CIVIL COVER SHEET (Reverse Side)

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INSTRUCTIONS: After completing the front side of form JS 44C, complete the information requested below.

CITIZENSHIP OF PRINCIPAL PARTIES (IF DIVERSITY)		<i>Check/Fill in if demanded in complaint:</i>		
CITIZEN OF THIS STATE	PTF	DEF	<input checked="" type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND S
INCORPORATED THIS STATE	<input type="checkbox"/> 1	<input type="checkbox"/> 1		OTHER
FOREIGN CORPORATION-PRINCIPAL	<input type="checkbox"/> 2	<input type="checkbox"/> 2	RELATED CASE(S) IF ANY	
PLACE OF BUSINESS IN _____ (STATE)	<input type="checkbox"/> 3	<input type="checkbox"/> 3	#85-0211	
			#80-2136	
OTHER NON-CITIZEN OF THIS STATE	<input type="checkbox"/> 4	<input type="checkbox"/> 4	JUDGE June Green DOCKET NUMBER #76-1726	
<i>Check YES only if demanded in complaint:</i>			CIVIL CASES ARE DEEMED RELATED IF PENDING CASE INVOLVES: #76-1726	
JURY DEMAND: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<input type="checkbox"/> 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT	
			<input checked="" type="checkbox"/> 2. SAME ISSUE OF FACT OR GROWS OUT OF THE SAME TRANSACTION	
			<input type="checkbox"/> 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT COPYRIGHT OR TRADEMARK	
DATE		SIGNATURE OF ATTORNEY OF RECORD		
8-4-86				

COMMENTS (Use if additional space is required):