

**Edwin A. Harnden, ISB No. 6667**  
BARRAN LIEBMAN LLP  
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44-000115  
FILED DEC -9 AM 11:12  
RECEIVED  
CAMERON S. BURKE  
CLERK  
IDAHO

Attorneys for Defendant

FEE PAID  
RCPT # 17918

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

SUZANNE YORGENSEN,

CIV.

Plaintiff,

CIV 04-613-E-LMB

v.

NOTICE OF REMOVAL TO  
FEDERAL COURT

HOLLYWOOD ENTERTAINMENT  
CORPORATION, dba HOLLYWOOD VIDEO,

Defendant.

Defendant Hollywood Entertainment Corporation dba Hollywood Video files this Notice of Removal of suit from the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Bonneville to the United States District Court for the District of Idaho and, in support thereof, states as follows:

1. On or about May 13, 2004, an action was filed against defendant Hollywood Entertainment Corporation dba Hollywood Video in the Seventh Judicial District of the State of Idaho for the County of Bonneville, Case No. CV-04-2742, entitled *Suzanne Yorgensen v.*

Page 1 - NOTICE OF REMOVAL TO FEDERAL COURT

*Hollywood Entertainment Corporation, dba Hollywood Video.* The complaint was served on defendant on November 5, 2004. The Complaint stated no specific amount of damages.

2. On November 15, 2004, defendant served on plaintiff a Special Interrogatory pursuant to IC § 5-335 requesting that plaintiff provide “a statement setting forth separately the amounts of any special damages and general damages sought in this action.”

3. Plaintiff responded to that Special Interrogatory on November 19, 2004, setting forth special damages for back pay and benefits in the amount of \$196,506 as well as compensatory and punitive damages in excess of \$950,000. Defendant received this response on November 23, 2004. Less than 30 days have elapsed since defendant received plaintiff’s Answer to Special Interrogatory setting forth her claim for damages in excess of \$75,000.

4. Defendant Hollywood Entertainment Corporation dba Hollywood Video is an Oregon corporation with its principal place of business in the state of Oregon.

5. Plaintiff is an Idaho citizen.

6. This court has original jurisdiction over this action pursuant to 28 USC §1332; plaintiff and defendant are citizens of different states and the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs. Therefore, defendant may remove this case to this Court pursuant to 28 USC §1441(a).

7. Pursuant to 28 U.S.C. § 1446(a), a copy of the summons, complaint, and answer and affirmative defenses filed and entered in said court are attached hereto as Exhibits A, B and C, respectively, and made a part of this notice.

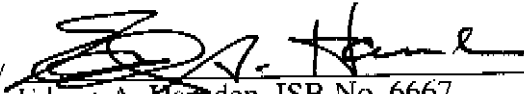
8. A copy of plaintiff’s Answer to Special Interrogatory is attached hereto as Exhibit D.

9. Pursuant to Civil Rule 81.1, a copy of the docket sheet from the Bonneville County District Court is attached hereto as Exhibit E.

THEREFORE, defendant gives notice that the above action now pending against it in the District Court of the Seventh Judicial District of the State of Idaho for the County of Bonneville has been removed therefrom to this Court.

DATED this 07<sup>th</sup> day of December, 2004.

BARRAN LIEBMAN LLP

By   
Edwin A. Hamden, ISB No. 6667  
Telephone: (503) 228-0500  
Attorneys for Defendant Hollywood  
Entertainment Corporation

Page 3 – NOTICE OF REMOVAL TO FEDERAL COURT

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of December, 2004, I served the foregoing **NOTICE OF REMOVAL TO FEDERAL COURT** on the following party at the following address:

James D. Holman  
Thomsen Stephens Law Offices, P.L.L.C.  
2635 Channing Way  
Idaho Falls, ID 83404  
Fax (208) 522-1277

by causing the same to be:  mailed  hand delivered  faxed to him a true and correct copy thereof.

  
Edwin A. Hamden

Page 4 – NOTICE OF REMOVAL TO FEDERAL COURT

COPY

CASE ASSIGNED TO  
JUDGE JON J. SHINDURLING

James D. Holman, Esq., ISB # 2547  
THOMSEN STEPHENS LAW OFFICES, P.L.L.C.  
2635 Channing Way  
Idaho Falls, ID 83404  
Telephone (208) 522-1230  
Fax (208) 522-1277

4 NOV 13 10:52

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

SUZANNE YORGENSEN )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 HOLLYWOOD ENTERTAINMENT )  
 CORPORATION, dba HOLLYWOOD )  
 VIDEO, )  
 )  
 Defendant. )  
 )

Case No. CV-04-2742

SUMMONS

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE-NAMED PLAINTIFF. THE NATURE OF THE CLAIM FILED AGAINST YOU IS FOR EMPLOYMENT DISCRIMINATION. THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO: HOLLYWOOD ENTERTAINMENT CORPORATION

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court within 20 days after service of this Summons on you.

1 - SUMMONS

EXHIBIT   A    
PAGE   1   OF   2

If you fail to so respond the Court may enter judgment against you as demanded by the plaintiff in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 10(a)(1) and other Idaho Rules of Civil Procedure and shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof of mailing or delivery of a copy of your response to plaintiff's attorney, as designated above.

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

DATED this 13 day of May, 2004.

Ronald Longman  
Clerk of the Court

By: Karen Doolittle  
Deputy

COPY

CASE ASSIGNED TO  
JUDGE JON J. SHINDURLING

James D. Holman, Esq., ISB # 2547  
THOMSEN STEPHENS LAW OFFICES, P.L.L.C.  
2635 Channing Way  
Idaho Falls, ID 83404  
Telephone (208) 522-1230  
Fax (208) 522-1277

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

SUZANNE YORGENSEN )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 HOLLYWOOD ENTERTAINMENT )  
 CORPORATION, dba HOLLYWOOD )  
 VIDEO, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Case No. CV-04-2742

COMPLAINT AND DEMAND  
FOR JURY TRIAL

Fee Category: A.1  
Fee: \$77.00

Plaintiff Suzanne Yorgensen, for cause of action against defendant Hollywood Entertainment Corporation, states and alleges as follows:

1. This is a claim under the Idaho Human Rights Act, Idaho Code § 67-5901.
2. Plaintiff Suzanne Yorgensen is a resident of Bonneville County, Idaho.
3. Defendant Hollywood Entertainment Corporation is a corporation registered to do business in the state of Idaho. Defendant does business under the assumed business name of Hollywood Video.

4. Plaintiff is a qualified individual with a disability within the meaning of the Idaho Human Rights Act and the Americans with Disabilities Act. Plaintiff suffers a physical impairment which substantially affects a major life activity in that plaintiff is deaf and has a speech impairment.

5. Plaintiff began working for defendant in November 1998.

6. During her employment with defendant, defendant discriminated against plaintiff on the basis of her disability. Such discrimination included but is not necessarily limited to the following:

- a. Plaintiff was assigned fewer work hours than non-disabled employees who were similarly situated or less qualified than plaintiff;
- b. Defendant assigned plaintiff to perform only menial tasks such as putting away videos and cleaning, while defendant assigned to other, non-disabled employees non-menial tasks such as greeting customers and working the cash register;
- c. Defendant denied plaintiff pay raises, while giving pay raises to other, non-disabled employees;
- d. Defendant failed to promote plaintiff while promoting other, non-disabled employees who were less qualified than plaintiff;
- e. Defendant was aware of yet tolerated harassment and mocking by plaintiff's co-workers on account of her disability;
- f. Defendant failed to provide plaintiff requested reasonable accommodations.

7. Plaintiff quit her employment with respondent on September 5, 2002 on account of defendant's discriminatory treatment of plaintiff. Plaintiff's resignation was a constructive discharge resulting from intolerable working conditions.



8. Plaintiff timely filed a complaint with the Idaho Human Rights Commission.

9. The Idaho Human Rights Commission investigated plaintiff's complaint and, on October 2, 2003 issued a finding of probable cause to believe that defendant had engaged in unlawful discrimination.

10. On March 16, 2004 the Idaho Human Rights Commission issued its case dismissal and notice of right to sue.

11. As a direct and proximate result of defendant's discriminatory conduct, plaintiff has been damaged. Said damages include but are not necessarily limited to, back pay, front pay, and general damages.

12. Plaintiff's damages are in an amount to be proven at trial but which amount exceeds the jurisdictional minimum of this court.

13. Plaintiff reserves the right to amend her complaint to seek punitive damages.

14. Plaintiff is entitled to an award of attorney fees and costs from defendant.

15. Plaintiff demands trial by jury.

Wherefore, plaintiff prays the judgment, order and decree of this court as follows:

1. For plaintiff's back pay and front pay in an amount to be proven at trial but which amount exceeds the jurisdictional minimum of this court;

2. For plaintiff's general damages in an amount to be proven at trial but which amount exceeds the jurisdictional minimum of this court;

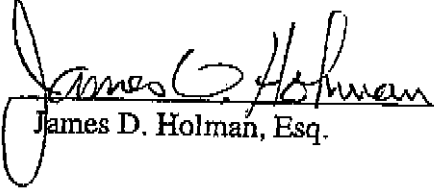
3. For plaintiff's attorney fees and costs incurred herein; and

4. For such other and further relief as the court deems just and proper.

DATED this \_\_\_\_ day of May, 2004.

THOMSEN STEPHENS LAW OFFICES, P.L.L.C.

By:

  
James D. Holman, Esq.

JDHvk  
50300021 complaint

Edwin A. Harnden, ISB No. 6667  
BARRAN LIEBMAN LLP  
601 SW Second Ave., Suite 2300  
Portland, Oregon 97204-3159  
Telephone: (503) 228-0500  
Facsimile: (503) 274-1212  
eharnden@barran.com

Attorneys for Defendant

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

SUZANNE YORGENSEN, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 HOLLYWOOD ENTERTAINMENT )  
 CORPORATION, dba HOLLYWOOD VIDEO, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Case No. CV-04-2742

**DEFENDANT'S ANSWER AND  
AFFIRMATIVE DEFENSES**

In Answer to plaintiff's Complaint, defendant Hollywood Entertainment Corporation dba Hollywood Video admits, denies and alleges as follows:

1. In answer to paragraph 1 of plaintiff's Complaint, defendant admits that plaintiff has styled her claim as one under the Idaho Human Rights Act, Idaho Code § 67-5901, but denies that plaintiff has a claim under that law. Except as expressly admitted, defendant denies the allegations set forth in paragraph 1 of plaintiff's Complaint.

2. In answer to paragraph 2 of plaintiff's Complaint, defendant lacks sufficient information to either admit or deny plaintiff's county of residence and therefore denies same.

Page 1 - DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES

3. Defendant admits the allegations set forth in paragraph 3 of plaintiff's Complaint.

4. In answer to paragraph 4 of plaintiff's Complaint, defendant admits that during her employment plaintiff provided information concerning a hearing impairment. Except as expressly admitted, defendant denies the allegations contained in paragraph 4 of plaintiff's Complaint.

5. Defendant admits the allegations set forth in paragraph 5 of plaintiff's Complaint.

6. Defendant denies the allegations set forth in paragraph 6 of plaintiff's Complaint including subparagraphs (a) through (f).

7. In answer to paragraph 7 of plaintiff's Complaint, defendant admits that plaintiff quit her employment on or about September 5, 2002. Except as expressly admitted, defendant denies the allegations set forth in paragraph 7 of plaintiff's Complaint.

8. In answer to paragraph 8 of plaintiff's Complaint, defendant admits that on or about September, 2002, plaintiff filed a complaint with the Idaho Human Rights Commission. Defendant denies that all claims were timely commenced. Except as expressly admitted, defendant denies the allegations set forth in paragraph 8 of plaintiff's Complaint.

9. In answer to paragraph 9 of plaintiff's Complaint, defendant admits that on or about October 2, 2003, the Idaho Human Rights Commission issued its Determination concerning plaintiff's charge of disability discrimination. Except as expressly admitted, defendant denies the allegations set forth in paragraph 9 of plaintiff's Complaint.

10. Defendant admits the allegation set forth in paragraph 10 of plaintiff's Complaint.

11. Defendant denies the allegations set forth in paragraph 11 of plaintiff's Complaint.

12. In answer to paragraphs 12, 13, 14 and 15 of plaintiff's Complaint, defendant denies the allegations and states that the allegations are legal conclusions to which no response is required.

13. Except as expressly admitted, defendant denies the allegations of plaintiff's Complaint and the whole thereof.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

1.

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Failure to Accept Reemployment)

2.

Plaintiff was advised that she was eligible for rehire and was offered reemployment. Despite that, she has failed or refused to accept further employment with defendant.

THIRD AFFIRMATIVE DEFENSE

(Failure to Mitigate)

3.

Plaintiff has failed to mitigate her damages, if any, by seeking comparable employment.

FOURTH AFFIRMATIVE DEFENSE

(Exercise of Reasonable Care)

4.

Defendant at all times relevant hereto exercised reasonable care to prevent and/or identify any form of unlawful discrimination, retaliation and/or harassment; that if any unlawful discrimination, retaliation and/or harassment did exist, defendant exercised reasonable care to promptly correct any form of unlawful discrimination, retaliation and/or harassment; and that plaintiff unreasonably failed to take advantage of any preventative or corrective opportunities provided by the employer or to avoid harm otherwise.

FIFTH AFFIRMATIVE DEFENSE

(Damages)

5.

Plaintiff is not entitled to some or all of the relief requested in the Complaint because defendant's actions were not malicious, egregious, in bad faith, or in willful or reckless indifference or disregard of any legal rights of plaintiff.

SIXTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

6.

Plaintiff's claims are barred in whole or in part by the applicable statute of limitations or administratively prescribed timelines.

SEVENTH AFFIRMATIVE DEFENSE

(Conduct Prohibited by Defendant's Policies)

7.

Plaintiff is not entitled to some or all of the relief requested in the Complaint because, even if any unlawful discrimination or harassment occurred, which defendant denies, such conduct was prohibited by defendant's policies and was not committed, countenanced, ratified, or approved by higher management in defendant's corporate structure, nor within their actual or constructive knowledge.

EIGHTH AFFIRMATIVE DEFENSE

(No Vicarious Liability)

8.

Plaintiff is not entitled to some or all of the relief requested in the Complaint because, even if any unlawful discrimination or harassment occurred, which defendant denies, defendant cannot be held vicariously liable for alleged discrimination, harassment, or other misconduct

which is contrary to defendant's express policies, procedures, and good faith efforts to comply with applicable laws.

NINTH AFFIRMATIVE DEFENSE

(Prompt Remedial Measures)

9.

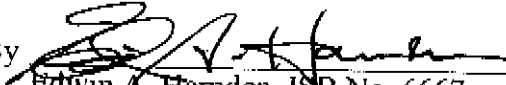
Some or all of plaintiffs' claims are barred because, to the extent plaintiff reported any alleged harassment, discrimination, or retaliation, defendant promptly investigated the report and took prompt and appropriate remedial action.

WHEREFORE, defendant prays for judgment as follows:

1. Dismissing plaintiff's Complaint in its entirety;
2. Awarding defendant its costs incurred in defending this action; and
3. For such other relief as the Court deems just and equitable.

DATED this 16<sup>th</sup> day of November, 2004.

BARRAN LIEBMAN LLP

By   
Edwin A. Hamden, ISB No. 6667  
Telephone: (503) 228-0500

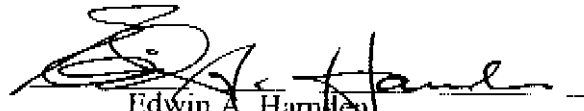
Attorneys for Defendant Hollywood  
Entertainment Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of November, 2004, I served the foregoing **DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES** on the following party at the following address:

James D. Holman  
Thomsen Stephens Law Offices, P.L.L.C.  
2635 Channing Way  
Idaho Falls, ID 83404  
Fax (208) 522-1277

by causing the same to be:  mailed  hand delivered  faxed to him a true and correct copy thereof.

  
Edwin A. Hamden



ORIGINAL

James D. Holman, Esq., ISB # 2547  
THOMSEN STEPHENS LAW OFFICES, P.L.L.C.  
2635 Channing Way  
Idaho Falls, ID 83404  
Telephone (208) 522-1230  
Fax (208) 522-1277

GARDEN LEBMAN

NOV 23 2004

RECEIVED

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

SUZANNE YORGENSEN )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
HOLLYWOOD ENTERTAINMENT )  
CORPORATION, dba HOLLYWOOD )  
VIDEO, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Case No. CV-04-2742

ANSWER TO SPECIAL  
INTERROGATORY

Plaintiff Suzanne Yorgensen hereby answers defendant's special interrogatory as follows:

**SPECIAL INTERROGATORY:** Pursuant to Idaho Code § 5-335, defendant Hollywood Entertainment Corporation, dba Hollywood Video requests you serve upon the undersigned within 15 days of the date of this request, a statement setting forth separately the amounts of any special damages and general damages sought in this action.

**RESPONSE:** Suzanne Yorgensen's special damages for back pay and benefits total \$196,506. Front pay has not been determined at this point.

1 - ANSWER TO SPECIAL INTERROGATORY

EXHIBIT  D   
PAGE  1  OF  3

In addition to back pay and front pay, Suzanne Yorgensen is entitled to compensatory and punitive damages which are capped at \$300,000 under federal law; the cap on general damages under Idaho state law is approximately \$650,000. The cap on punitive damages under state law is \$1,000 per incident.

DATED this 19 day of November, 2004.

THOMSEN STEPHENS LAW OFFICES, P.L.L.C.

By: James D. Holman  
James D. Holman, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that on the 19 day of November, 2004, I caused a true and correct copy of the foregoing **ANSWER TO SPECIAL INTERROGATORY** to be served upon the following persons at the addresses below their names either by depositing said document in the United States mail with the correct postage thereon or by hand delivering or by transmitting by facsimile as set forth below.

EDWIN A HARNDEN  
BARRAN LIEBMAN LLP  
601 SW SECOND AVENUE SUITE 2300  
PORTLAND OR 97204-3159

Mail  
 Hand Delivery  
 Facsimile

THOMSEN STEPHENS LAW OFFICES, P.L.L.C.

By: James D. Holman  
James D. Holman

JDH:k  
5030003 Ans special interrog

Date: 11/12/2004

Time: 11:48 AM

Page 1 of 1

ROA Report

Case: CV-2004-0002742 Current Judge: Jon J. Shindurling

Suzanne Yorgensen vs. Hollywood Entertainment Corp

Date	Code	User		Judge
05/13/2004	NEWC	DOOLITTL	New Case Filed	Jon J. Shindurling
	SMIS	DOOLITTL	Summons Issued	Jon J. Shindurling
	NOAP	DOOLITTL	Plaintiff: Yorgensen, Suzanne Notice Of Appearance James D. Holman	Jon J. Shindurling
		DOOLITTL	Filing: A1 - Civil Complaint, More Than \$1000 No Prior Appearance Paid by: Holman, James D. (attorney for Yorgensen, Suzanne) Receipt number: 0019636 Dated: 05/14/2004 Amount: \$77.00 (Check)	Jon J. Shindurling

EXHIBIT     E      
PAGE     1     OF     1

**CIVIL COVER SHEET**  
**VERSION FOR USE IN U.S. DISTRICT COURT FOR THE DISTRICT OF IDAHO**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS.)

**I. (a) PLAINTIFF(s)** Please list and number each plaintiff

1. Suzanne Yorgensen
- 2.
- 3.
- 4.
- 5.
- 6.

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF:** Bonneville  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c) ATTORNEY(s)** [Firm name, Address, Telephone and Fax Number(s)]

James D. Holman  
 Thomsen Stephens Law Offices, P.L.L.C.  
 2635 Channing Way  
 Idaho Falls, ID 83404  
 Telephone: (208) 522-1230  
 Fax: (208) 522-1277

**CIV 04-013-E-LMB**

**(a) DEFENDANT(s)** Please list and number each defendant

1. Hollywood Entertainment Corporation, dba Hollywood Video
- 2.
- 3.
- 4.
- 5.
- 6.

**(b) COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT:** \_\_\_\_\_

**(c) ATTORNEY(s)** [Firm name, Address, Telephone and Fax Number(s)]

Edwin A. Harnden  
 Barran Liebman LLP  
 601 SW Second Ave., Suite 2300  
 Portland, OR 97204  
 Telephone: (503) 228-0500  
 Fax: (503) 274-1212

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

**II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
--	--	--	---	--	---	--

**V. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 U.S.C. Section 1332 - Employment Discrimination Claim

**VI. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
 UNDER F.R.C.P. 23

**DEMAND \$**

Excess of \$75,000

CHECK YES only if demanded in complaint:

**JURY DEMAND:**  YES  NO

JS 44 (Rev. 6/97)

VIII. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <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	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <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  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <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"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 28 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/CC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <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 Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence  <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

IX. STATE COURT REMOVALS:

(a) List any parties which are no longer pending:

(b) Pursuant to Local Rule 7.1(e) list any pending motions and date filed. If responses or replies have been filed, indicate the date filed.

MOTION/DATE FILED

RESPONSE/DATE FILED

REPLY/DATE FILED

- 1.
- 2.
- 3.
- 4.



SIGNATURE OF ATTORNEY OF RECORD

DATE  
December 6, 2004

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_