

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JORGE VALDES, individually on behalf of all
others similarly situated,

Plaintiff,

v.

COLDWELL BANKER REAL ESTATE, LLC,
a California limited liability company, and NRT,
LLC, a Delaware limited liability company,

Defendants.

No.

CLASS ACTION COMPLAINT

JURY DEMAND

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Jorge Valdes (“Plaintiff Valdes” or “Valdes”) brings this Class Action Complaint and Demand for Jury Trial against Defendants Coldwell Banker Real Estate LLC, (“Coldwell Banker”) and NRT, LLC (“NRT”) to stop both Defendants from directing realtors to violate the Telephone Consumer Protection Act by making unsolicited autodialed calls to consumers *without their consent*, including calls to consumers registered on the national Do Not Call registry (“DNC”), and to otherwise obtain injunctive and monetary relief for all persons injured by the conduct of Defendants. Plaintiff Valdes, for this Complaint, alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his attorneys.

INTRODUCTION

1. Coldwell Banker is a worldwide real estate franchise with offices in 49 countries.¹ Coldwell Banker provides training and direction to all of Coldwell Banker branded brokerages, including NRT, which operates Coldwell Banker brokerages throughout the US and does business as “Coldwell Banker Residential Brokerage.”²

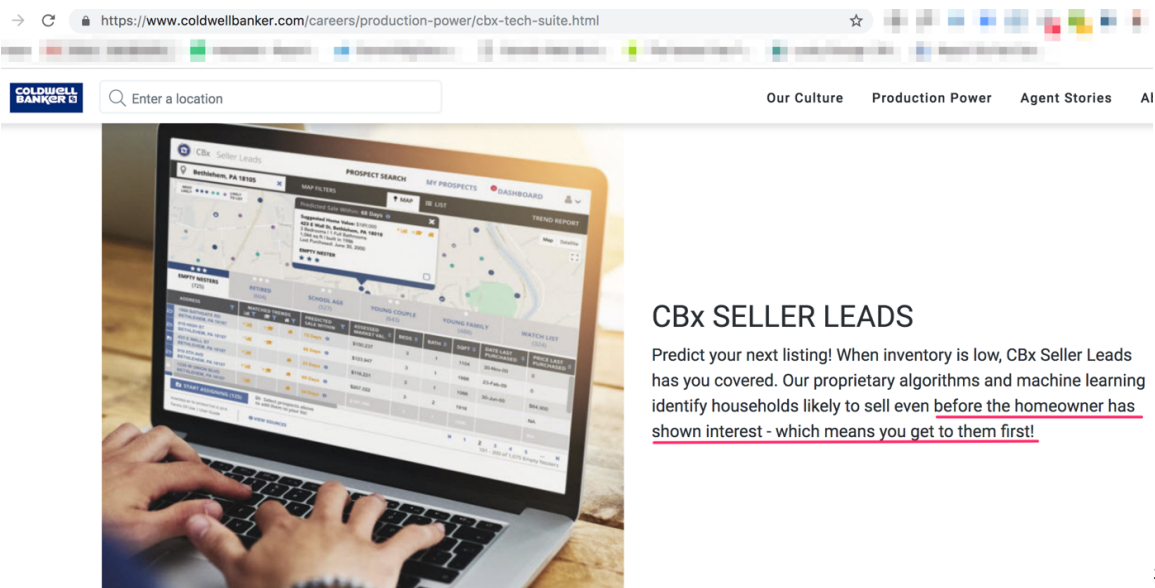
2. Coldwell Banker and NRT jointly train NRT’s realtors.

¹ <https://www.coldwellbanker.com/about>

² <https://www.nrtllc.com/our-companies/coldwell-banker-residential-brokerage/california-greater-los-angeles>

15. As Defendants' realtors understand it, Defendants "push" the practice of "reading scripts and cold calling total strangers" notwithstanding "the FEDERAL DO NOT CALL law" and how much people "hate telemarketers."⁴

16. In connection with this general direction to cold call consumers, Defendants supply their realtors with telephone numbers and other data relating to prospective leads for property listings:



5, 6

⁴ <https://activerain.com/questions/show/43937/how-do-you-overcome-fear-of-the-phone->

⁵ <https://www.coldwellbanker.com/careers/production-power/cbx-tech-suite.html>

⁶ <https://youtu.be/ee2dm36d6QA?>

YOUNG COUPLE (35)					SCHOOL AGE (67)				
LISTING STATUS	ADDRESS	FIRST NAME	LAST NAME	PHONE NUMBER	MATCHED TRENDS			PREDICTED SALE WITHIN	CB PRICE
	2659 120th Ave Allegan , MI 49010	JAMES	HAYDON	269-615-2XXX					\$148,000
	4170 112th Ave Allegan , MI 49010	NOELLE	FACCONE						\$138,000
	2497 36th St Allegan , MI 49010	ROXEANNE	LONG						\$83,000
	113 Charles St Allegan , MI 49010	NICOLE	RICHMOND	269-680-2XXX					\$100,000
	203 Eastern Ave Allegan , MI 49010	MARIE	URBAN						\$114,000
	1690 Nature View Ln Allegan , MI 49010	SHELLY	HOLT						\$192,000
	3116 110th Ave Allegan , MI 49010	KELSEY	STEWART						\$160,000
	227 River St Allegan , MI 49010	BECKY	ROSTAR	269-355-1515					\$142,000
	1331 Red Fox Ct Allegan , MI 49010	ALYSSA	MCFANIN	269-355-1488					\$175,000
	515 Maple St Allegan , MI 49010	RYAN	RECK	269-355-1132					\$108,000
	423 Grand St Allegan , MI 49010	BRADLEY	VANMELLE	269-355-1358					\$204,000
	1241 42nd St Allegan , MI 49010	JEREMY	PROUTY						\$63,000
	279 40th St Allegan , MI 49010	ELISE	HEMSTEGER						\$230,000
	4301 104th Ave Allegan , MI 49010	JAMES	SILVA						\$145,000
	504 Linn St Allegan , MI 49010	MANDY	CALDWELL						\$86,000

START ASSIGNING (0) Select prospects above to add them to your list.

7

17. As Coldwell Banker has expressly acknowledged, the leads it supplies to realtors to cold call are not checked or scrubbed against the national Do Not Call registry as required under the TCPA.⁸

18. Additionally, Defendants partner with certain vendors to provide their realtors with additional cold calling training and tools, including Tom Ferry, a well-known real estate coach.⁹

19. Tom Ferry's customized program for Defendants' realtors is predicated on cold calling consumers and includes scripts for various types of cold calls, including specifically those with previously expired listings:

⁷ <https://www.youtube.com/watch?v=ee2dm36d6QA&feature=youtu.be&t=283>

⁸ <https://youtu.be/ee2dm36d6QA?t=368>

⁹ <https://www.prnewswire.com/news-releases/coldwell-banker-real-estate-partners-with-tom-ferry-to-provide-a-variety-of-customized-agent-coaching-programs-300146449.html>

EXPIREDS

DIALOGUE #1

Hi ... I am looking for _____. This is _____ with _____. I noticed your home was no longer on the market. I was calling to see ... do you still want to sell it?

[If it is clear they are getting lots of calls, use these effective lines]

- Are you just taking your home off the market?
- Are you getting a lot of calls?
- These agents are like rats coming out of the woodwork...aren't they?
- Can you imagine if you had to work with these people everyday like I do?

20. In connection with Defendants directions to realtors to market themselves through cold calls to consumers, Defendants endorse agents' purchases of leads and autodialers to call those leads from various vendors. This includes partnering directly and through Tom Ferry with companies such as Landvoice and RedX, both of which specialize in providing leads associated with properties that were previously listed on a multiple listing service, but that expired or were otherwise removed without a sale, and both of which supply an autodialer to facilitate calling the leads.

21. Ultimately, Defendants direct realtors to cold call consumers without consent and/or know or should know that realtors are doing so in violation of the TCPA, but fail to stop them anyway.

PLAINTIFF'S ALLEGATIONS

Defendants' Realtors Made Unsolicited, Autodialed Cold Calls to Plaintiff

22. On February 8, 2010, Plaintiff Valdes registered his cellular phone number on the DNC to avoid receiving unsolicited phone calls. Since that time, the cellular phone

¹⁰ <http://www.tomferry.com/wp-content/uploads/2016/08/Agent-Script-Book.pdf>

1 number has been primarily for personal use. Plaintiff has never held the cellular phone
2 number out to the public in connection with a business.

3 23. Valdes had a property listed for sale through a realtor, which he withdrew
4 from the market on May 15, 2018. The listing for Plaintiff's property never included
5 Plaintiff's cellular phone number (or any other number associated with him) as a means for
6 inquiring about the property.
7

8 24. As a result of having his listing removed, on May 26, 2018 at 9:51 AM, Valdes
9 received an unsolicited phone call on his cellular phone from one of Defendants' realtors
10 using phone number 949-280-0322.

11 25. Months later, when Valdes' agreement with his realtor expired on October
12 29, 2018, Defendants' realtors against called him.
13

14 26. On October 29, 2018 at 9:14 AM, Valdes received a second unsolicited phone
15 call on his cellular phone from one of Defendants' realtors using phone number 949-574-
16 3550.

17 27. On February 7, 2019 at 10:15 AM, Valdes received a third unsolicited call on
18 his cellular phone from one of Defendants' realtors using phone number 714-988-4040.
19

20 28. The realtor began the call by asking if Valdes was still in the market to sell his
21 home. Valdes asked the realtor how the realtor acquired his phone number. The agent
22 replied that he used RedX to get Plaintiff Valdes' cell phone number. Valdes then told the
23 agent not to call him back and ended the call.

24 29. On information and belief, this call was autodialed. In fact, RedX supplies list
25 of leads that are configured to be loaded into a number of different autodialers, all of which
26

1 have the capacity to store and automatically dial all of the numbers from the list without
 2 human intervention and to dial multiple numbers at one time.

3 30. Plaintiff does not have a relationship with Defendants or their realtors and has
 4 never consented to be contacted by them. To the contrary, Plaintiff registered his cell phone
 5 number with the DNC and hired a realtor when he was trying to sell his property specifically to
 6 avoid such calls.

7
 8 31. Defendants' unauthorized telephone calls harmed Plaintiff in the form of
 9 annoyance, nuisance, and invasion of privacy, and disturbed Valdes' use and enjoyment of his
 10 cellular phone, in addition to the wear and tear on the phone's hardware (including the phone's
 11 battery) and the consumption of memory on the phone.

12 32. Seeking redress for these injuries, Valdes, on behalf of himself and Classes of
 13 similarly situated individuals, brings suit under the Telephone Consumer Protection Act, 47
 14 U.S.C. § 227, *et seq.*, which prohibits autodialed calls to cellular phone numbers and other
 15 unsolicited calls to phone numbers registered on the DNC.

16 CLASS ALLEGATIONS

17 Class Treatment Is Appropriate for Plaintiff's TCPA Claims

18
 19 33. Plaintiff Valdes brings this action pursuant to Federal Rule of Civil Procedure
 20 23(b)(2) and Rule 23(b)(3) on behalf of himself and all others similarly situated and seeks
 21 certification of the following Classes:

22
 23 **Autodialed No Consent Class:** All persons in the United States who from four
 24 years prior to the filing of this action (1) one of Defendants' realtors called, (2) on
 25 the person's cellular telephone, (3) for substantially the same reason Defendants'
 26 realtors called Plaintiff (4) using substantially the same dialing equipment as
 27 Defendants' realtors used to call Plaintiff, and (5) for whom Defendants claim (a)
 they obtained prior express written consent in the same manner as Defendants
 claims they supposedly obtained prior express written consent to call Plaintiff, or
 (b) they did not obtain prior express written consent.

Do Not Call Registry Class: All persons in the United States who from four years prior to the filing of this action (1) one of Defendants' realtors called more than one time, (2) within any 12-month period, (3) where the person's telephone number had been listed on the national Do Not Call registry for at least thirty days, (4) for substantially the same reason Defendants' realtors called Plaintiff, and (5) for whom Defendants claim (a) they obtained prior express written consent in the same manner as Defendants claims they supposedly obtained prior express written consent to call Plaintiff, or (b) they did not obtain prior express written consent.

34. The following individuals are excluded from the Classes: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendants, their subsidiaries, parents, successors, predecessors, and any entity in which either Defendant or its parents have a controlling interest and their current or former employees, officers and directors; (3) Plaintiff's attorneys; (4) persons who properly execute and file a timely request for exclusion from the Classes; (5) the legal representatives, successors or assigns of any such excluded persons; and (6) persons whose claims against either Defendant have been fully and finally adjudicated and/or released. Plaintiff anticipates the need to amend the Class definitions following appropriate discovery.

35. **Numerosity:** On information and belief, there are hundreds, if not thousands of members of the Classes such that joinder of all members is impracticable.

36. **Commonality and Predominance:** There are many questions of law and fact common to the claims of Plaintiff and the Classes, and those questions predominate over any questions that may affect individual members of the Classes. Common questions for the Classes include, but are not necessarily limited to the following:

(a) whether Defendants' systematically placed autodialed telephone calls to Plaintiff and consumers;

(b) whether Defendants' systematically made multiple telephone calls to Plaintiff and consumers whose telephone numbers were registered with the DNC;

(c) whether Defendants' placed calls to Plaintiff and consumers without having the necessary prior express written consent required for such calls;

(d) whether Defendants' conduct constitutes a violation of the TCPA; and

(e) whether members of the Classes are entitled to treble damages based on the willfulness of Defendants' conduct.

37. **Adequate Representation:** Plaintiff will fairly and adequately represent and protect the interests of the Classes, and has retained counsel competent and experienced in class actions. Plaintiff has no interests antagonistic to those of the Classes, and the Defendants have no defenses unique to Plaintiff. Plaintiff and his counsel are committed to vigorously prosecuting this action on behalf of the members of the Classes, and have the financial resources to do so. Neither Plaintiff nor his counsel have any interest adverse to the Classes.

38. **Appropriateness:** This class action is also appropriate for certification because the Defendants have acted or refused to act on grounds generally applicable to the Classes and as a whole, thereby requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the members of the Classes and making final class-wide injunctive relief appropriate. Defendants' business practices apply to and affect the members of the Classes uniformly, and Plaintiff's challenge of those practices hinges on Defendants' conduct with respect to the Classes as wholes, not on facts or law applicable only to Plaintiff. Additionally, the damages suffered by individual members of the Classes will likely be small relative to the burden and expense of individual prosecution of the complex litigation necessitated by Defendants' actions. Thus, it would be virtually impossible for the members of the Classes to

obtain effective relief from Defendants' misconduct on an individual basis. A class action provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court. Economies of time, effort, and expense will be fostered and uniformity of decisions will be ensured.

FIRST CLAIM FOR RELIEF
Telephone Consumer Protection Act
(Violation of 47 U.S.C. § 227)
(On Behalf of Plaintiff and the Autodialed No Consent Class)

39. Plaintiff repeats and realleges paragraphs 1 through 38 of this Complaint and incorporates them by reference.

40. Defendants' realtors made unwanted solicitation calls to cellular telephone numbers belonging to Plaintiff and the other members of the Autodialed No Consent Class using equipment that, upon information and belief, had the capacity to store or produce telephone numbers to be called, using a random or sequential number generator.

41. These solicitation telephone calls were made *en masse* without the prior express written consent of Plaintiff and the other members of the Autodialed No Consent Class.

42. Defendants' realtors made these calls, negligently or willfully and knowingly.

43. Defendants are vicariously liable for their realtors calls because they directed and/or ratified the realtors' actions.

44. Defendants have, therefore, violated 47 U.S.C. § 227(b)(1)(A)(iii). As a result of Defendants' conduct, Plaintiff and the other members of the Autodialed No Consent Class are each entitled to a minimum of \$500 in damages, and up to \$1,500 in damages, for each violation.

SECOND CAUSE OF ACTION
Telephone Consumer Protection Act
(Violation of 47 U.S.C. § 227)

CLASS ACTION COMPLAINT

(On Behalf of Plaintiff Valdes and the Do Not Call Registry Class)

45. Plaintiff repeats and realleges paragraphs 1 through 38 of this Complaint and incorporates them by reference.

46. The TCPA's implementing regulations provide that "[n]o person or entity shall initiate any telephone solicitation" to "[a] residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the federal government." 47 C.F.R. § 64.1200(c).

47. This regulation is "applicable to any person or entity making telephone solicitations or telemarketing calls to wireless telephone numbers." 47 C.F.R. § 64.1200(e).

48. Any "person who has received more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the regulations prescribed under this subsection may" may bring a private action based on a violation of said regulations, which were promulgated to protect telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object. 47 U.S.C. § 227(c).

49. Defendants' realtors initiated telephone solicitations to telephone subscribers such as Plaintiff and the Do Not Call Registry Class members who registered their respective telephone numbers on the DNC.

50. These solicitation telephone calls were made *en masse* without the prior express written consent of Plaintiff and the other members of the Do Not Call Registry Class.

51. Defendants' realtors made these calls, negligently or willfully and knowingly.

52. Defendants are vicariously liable for their realtors calls because they directed and/or ratified the realtors' actions.

53. Defendants have, therefore, violated 47 U.S.C. § 227(c)(5). As a result of Defendants' conduct, Plaintiff and the other members of the Do Not Call Registry Class are each entitled to a minimum of \$500 in damages, and up to \$1,500 in damages, for each violation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Valdes, individually and on behalf of the Classes, prays for the following relief:

- a. An order certifying the Classes as defined above; appointing Plaintiff as the representative of the Classes; and appointing his attorneys as Class Counsel;
- b. An award of actual and/or statutory damages for the benefit of Plaintiff and the Classes, and costs;
- c. An order declaring that Defendants' actions, as set out above, violate the TCPA;
- d. An injunction requiring the Defendants to cease all unsolicited calling activity, and to otherwise protect the interests of the Classes; and
- e. Such further and other relief as the Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff requests a jury trial.

Respectfully Submitted,

JORGE VALDES, individually and on behalf of
those similarly situated individuals

Dated: April 3, 2019

By: /s/ David Ratner
David S. Ratner, Esq.
David Ratner Law Firm, LLP
33 Julianne Court
Walnut Creek, CA 94595

Stefan Coleman*

CLASS ACTION COMPLAINT

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15 *Attorneys for Plaintiff and the putative Classes*

16 **Pro Hac Vice motion forthcoming*

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

(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
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 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 | <input 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 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. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

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 (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	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 - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability 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	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <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	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE