

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

ELIZABETH W. MANN,

Plaintiff,

V.

Civil Action No.: _____

CITY OF VIRGINIA BEACH

And

WENDY SWALLOW

And

GAILYN THOMAS

AND

DAVID HANSEN

Defendants.

COMPLAINT

COMES NOW the defendant Elizabeth W. Mann (hereinafter "Mann"), by counsel, and for her Complaint in this action, states as follows:

Parties

1. At all times relevant to this action, Mann was a resident of Virginia Beach, Virginia.
2. At all times relevant to is action, the City of Virginia Beach (hereinafter "Virginia Beach") was a municipal corporation established as a city of the first class via a Charter granted by the Commonwealth of Virginia in 1962. At all times relevant to this action, Virginia Beach had all powers of a municipal

corporation as set forth in §15.2-1100- §15.2-1131, Code of Virginia (1950), as amended.

3. At all times relevant to this action, Wendy Swallow ("Swallow") was a resident of Virginia Beach, Virginia and an employee of Virginia Beach.
4. At all times relevant to this action, Gailyn Thomas ("Thomas") was a resident of Virginia and an employee of Virginia Beach acting as the Deputy Director of Social Services.
5. At all times relevant to this action, David Hansen ("Hansen") was a resident Virginia and an employee of Virginia Beach acting as the City Manager.

Jurisdiction

6. This civil action involves questions of federal law pursuant to 42 U.S.C. §1983 and the First Amendment to the Constitution of the United States.
7. This Honorable Court has original subject matter jurisdiction pursuant to 28 U.S.C. §1331 because Mann states a cause of action arising under the laws of the United States (42 U.S.C. §1983) and under the First Amendment to the United States Constitution.
8. The Honorable Court has supplemental jurisdiction over other state law causes of actions alleged herein, including causes of action for wrongful termination and malicious prosecution, pursuant to 28 U.S.C. §1367, as those causes of action are so related to the claims involving federal question original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

9. Venue is proper in this Honorable Court as all acts giving rise to plaintiff's cause of action occurred in the City of Virginia Beach and within the Eastern District of Virginia in the Norfolk division.

Facts

10. From 2006 through June 14, 2019, Mann was a full time employee of Virginia Beach.
11. In 2019, Mann worked as a Family Services Specialist for Virginia Beach.
12. In 2019, Thomas, Hansen, Swallow and Portia Green were supervisors of Mann.
13. Prior to May 31, 2019, Mann had expressed concerns to Swallow, Thomas, Hansen, Portia Green, Jennifer DeLawrence, Elizabeth Boone and other management level employees of the City of Virginia Beach about workplace safety including the need for the prevention of violence in the workplace and the protection of employees from workplace violence.
14. Prior to May 31, 2019, Mann had also expressed concerns to the City Manager about workplace harassment and bullying by Swallow. Swallow was aware of the prior complaints filed by Mann.
15. On Friday, May 31, 2019, a gunman entered Building 2 at the Virginia Beach Municipal Complex shooting and killing or injuring several Virginia Beach employees and coworkers of Mann (hereinafter referred to as "the shootings").
16. On Monday, June 3, 2019, the next workday following the shootings, Swallow and Virginia Beach called a special staff meeting to discuss the

shootings including steps that Virginia Beach was taking in response to the shootings (hereinafter “the staff meeting”).

17. During the staff meeting, Swallow advised Mann that she was allowed to express her feelings freely and honestly about the shootings.

18. After being so advised by Swallow, Mann stated that she knew several of the employees in Building 2 that were victims of the shootings including one person that was killed. Mann further stated that she believed that the shootings could have been prevented by Virginia Beach and management.

19. Mann went on to state that she did not believe that management, including Swallow, sincerely cared about their employees, that they had routinely abused, pushed and bullied the employees in the workplace.

20. In response to Mann’s statement, Swallow became angry and told Mann that her statements were “condescending” to Swallow and that she was not allowed to express such opinions. Swallow then ordered Mann to leave the meeting. Mann complied and left the meeting.

21. On June 5, 2019, Mann sent an email to Hansen and several member of the Virginia Beach City Council (“the email”) wherein she complained about workplace abuse, bullying and harassment of herself and other employees of Virginia Beach that resulted in employees suffering physical and mental health ailments. In the email, Mann also advised the Virginia Beach City Council of Virginia Beach’s failure to address prior complaints of workplace abuse, harassment and bullying. A copy of the email is attached as “Exhibit A.”

22. In the email, Mann specifically named Swallow, Thomas, Portia Green, Jennifer DeLawrence, Elizabeth Boone as managers whom engaged in such conduct. The email was also copied to several media outlets.
23. Hansen then forwarded the email to Swallow, Portia Green, Jennifer DeLawrence, and Elizabeth Boone.
24. On June 6, 2019, upon information and belief, Swallow, Hansen, Thomas or another employee of Virginia Beach called the police and falsely reported that Mann had threatened to harm Swallow during the staff meeting and that Swallow was in fear for her safety.
25. As a result of Swallow's statements and statements of other Virginia Beach employees, including Dave Hansen, the former manager of Virginia Beach, the police obtained an arrest warrant for Mann accusing her of disturbing the peace, a Class 1 Misdemeanor crime carrying a penalty of up to 12 months in jail and a fine of up to \$2,500.00. The police served the arrest warrant at Mann's home. (hereinafter referred to "the criminal proceedings").
26. On June 14, 2019, Virginia Beach terminated Mann's employment via a written letter. A copy of the termination letter is attached hereto as "Exhibit B." In the termination letter, Virginia Beach falsely told Mann that she was being terminated because, during the staff meeting, she "engaged in conduct that has the purpose of causing psychological harm and/or inducing fear..." The conduct to which Virginia Beach referred was the verbal statements that Mann made to Swallow during the staff meeting. Virginia Beach falsely

accused Mann of engaging in conduct with the intent to cause psychological harm or to induce fear.

27. In terminating Mann, Virginia Beach further alleged that, by expressing her opinions as to how Virginia Beach could have prevented shootings and workplace violence, Mann was in violation the city's official written "Violence Prevention" policy, §6.17. According to Virginia Beach, §6.17 of its "Violence Prevention" policy prohibited Mann from expressing her opinions criticizing Virginia Beach's failure to implement adequate safety measures to prevent actual instances of workplace violence---even in the wake of the shootings.
28. Swallow, Thomas and Hansen were directly involved in Virginia Beach's decision to wrongfully terminate Mann's employment.
29. During the staff meeting, Mann expressed opinions regarding Virginia Beach's policies regarding workplace safety and the conduct of Swallow towards her subordinate employees. Mann did not engage in any conduct for the purpose of causing psychological harm or inducing fear.
30. Mann hired an attorney and incurred attorney's fees in order to defend the criminal charges instigated by Swallow and Virginia Beach.
31. On July 24, 2019, at the first calling of the case in the criminal proceedings, the Virginia Beach General District Court dismissed the criminal charges filed by Swallow and Virginia Beach.

Count I (Wrongful Termination)

32. Mann hereby re-alleges paragraphs 1-31 of the Complaint.

33. At all times relevant to this action, Swallow, Thomas and Hansen acted as an employees and agents of Virginia Beach.
34. During the staff meeting and prior to the staff meeting, Mann exercised her right to bring to the attention of her employer hazardous workplace conditions, including the potential for workplace violence and lack of implementing adequate safety measures to prevent injuries from workplace violence, that existed in the workplace pursuant to §40.1-51.2(b) of the Code of Virginia.
35. Swallow, Thomas, Hansen and Virginia Beach intentionally terminated Mann's employment because she exercised her statutory right to complain about a hazardous workplace condition pursuant to §40.1-51.2(b) of the Code of Virginia.
36. As a direct and proximate result of the intentional and wrongful termination of employment, Mann suffered damages, including lost wages, lost benefits, stress, and great pain and suffering of mind and body.

Count II (Malicious Prosecution—Virginia Beach)

37. Mann hereby re-alleges paragraphs 1-31 of the Complaint.
38. Swallow and Hansen, while acting as employees and agents of Virginia Beach, maliciously instituted or assisted with the institution of criminal proceedings against Mann with the intent to harm Mann and retaliate against her for complaining about workplace safety in the wake of the shootings.
39. Virginia Beach instituted the criminal proceedings against Mann without probable cause to do so.

40. The criminal proceedings terminated in a manner favorable to Mann in that they were dismissed during the first court hearing.

41. As a direct and proximate result of the malicious prosecution instituted by Virginia Beach, Mann suffered damages including mental pain and suffering, stress, humiliation and embarrassment and also incurred attorney's fees and expenses.

Count III (Malicious Prosecution—Swallow, Thomas and Hansen)

42. Mann hereby re-alleges paragraphs 1-31 of the Complaint.

43. In the alternative, Swallow, Thomas and Hansen maliciously instituted or assisted with the institution of criminal proceedings against Mann with the intent to harm Mann and retaliate against her for complaining about workplace safety in the wake of the shootings and for complaining to the Virginia Beach City Council about their workplace conduct.

44. In the alternative, Swallow, Thomas and Hansen instituted the criminal proceedings against Mann without probable cause to do so.

45. The criminal proceedings terminated in a manner favorable to Mann in that they were dismissed during the first court hearing.

46. As a direct and proximate result of the malicious prosecution instituted by Swallow, Thomas and Hansen, Mann suffered damages including mental pain and suffering, stress, humiliation and embarrassment and also incurred attorney's fees and expenses.

Count IV (Violation of First Amendment Rights- Swallow, Thomas and Hansen)

47. Mann hereby re-alleges paragraphs 1-31 of the Complaint.

48. During the staff meeting, Mann engaged in constitutionally protected First Amendment activity in that she, as a private citizen, verbally expressed her opinions on the policies and conduct of Virginia Beach with respect to workplace safety, gun violence, and violence prevention. Such issues are matters of vital social, political and general public concern and thus Mann's statements were clearly protected by the First Amendment.
49. Swallow, Thomas and Hansen, acting under color of the laws of the Commonwealth of Virginia via their management positions, terminated Mann's employment in direct retaliation for Mann exercising her clearly established right to express her opinions on issues of vital public concern, workplace safety and gun violence (during the staff meeting and in the email) thereby depriving Mann of those First Amendment rights in direct violation of 42 U.S.C. §1983.
50. Swallow, Thomas and Hansen were personally involved in and personally contributed to the decision to terminate Mann's employment in retaliation for Mann exercising her clearly established First Amendment right to express those opinions.
51. As a direct and proximate result of the conduct of Swallow, Thomas and Hansen, Mann was deprived of her First Amendment right to free speech and has suffered damages as a direct and proximate result including lost salary and benefits, great pain and suffering of mind and body, stress, embarrassment and humiliation and incurred attorney's fees and costs.

Count V (Violation of First Amendment Rights- Virginia Beach)

52. Mann hereby re-alleges paragraphs 1-31 of the Complaint.
53. During the staff meeting, Mann engaged in constitutionally protected First Amendment activity in that she, as a private citizen, verbally expressed her opinions on the official policies and conduct of the Virginia Beach with respect to workplace safety, gun violence, and violence prevention. Such issues are matters of vital social, political and general public concern and thus clearly protected by the First Amendment.
54. Virginia Beach, acting under color of the laws of the Commonwealth of Virginia, terminated Mann's employment in direct retaliation for Mann exercising her clearly established right to express her opinions, in response to a direct question posed by management and in sending the email, on issues of public concern—workplace safety and gun violence, thereby depriving Mann of those First Amendment rights in direct violation of 42 U.S.C. §1983.
55. Virginia Beach terminated Mann's employment in direct retaliation for Mann exercising her clearly established First Amendment right to express her opinions, in response to a direct question posed by management and in the email, on issues of public concern—workplace safety and gun violence.
56. Virginia Beach's employees, in terminating Mann, were acting pursuant to the City's official "Violence Prevention" policy and specifically stated to

Mann that her speech during the staff meeting violated the City's official written "Violence Prevention" policy. Virginia Beach, via its employees, then specifically advised Mann that her termination was a result of Mann's alleged violation of the city's "Violence Prevention" policy.

57. As a direct and proximate result of the conduct of Virginia Beach, Mann was deprived of her First Amendment right to free speech and has suffered damages as a direct and proximate result including lost salary and benefits, great pain and suffering of mind and body, stress, embarrassment and humiliation and incurred attorney's fees and costs.

Request for Punitive Damages

58. Virginia Beach, Swallow, Thomas and Hansen engaged in intentional and malicious conduct towards Mann with the specific intent to harm Mann. In the alternative, the conduct of the defendants was so reckless and wanton that it constituted a callous disregard of Mann's rights.
59. Mann moves for an award of punitive damages against the defendants in the amount of \$350,000.00.

Demand for Jury Trial

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Mann hereby demands a trial by jury on all issues in this case

Relief Sought

WHEREFORE, Mann moves this Honorable Court to enter judgment in his favor against the defendants, jointly and severally, and to award:

- A. All of Mann's lost salary and benefits from June 14, 2019 until entry of judgment in this action plus interest on such back pay as well as future lost earnings;
- B. Damages for emotional pain and suffering, stress, humiliation and embarrassment, inconvenience and loss of enjoyment of life;
- C. An award of Mann's attorney's fees and costs incurred in this action as well as attorney's fees and costs incurred in the criminal proceedings as well as an award of punitive damages in the amount of \$350,000.00.

ELIZABETH W. MANN

A handwritten signature in dark ink, appearing to read 'W. Barry Montgomery', is written over a horizontal line.

Of Counsel

W. Barry Montgomery, Esquire (VSB# 43042)
KALBAUGH, PFUND & MESSERSMITH
Counsel for Elizabeth W. Mann
901 Moorefield Park Drive, Suite 200
Richmond, Virginia 23236
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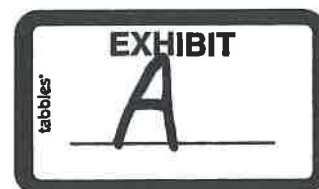
From: Elizabeth Mann
To: Dave Hansen; Bob M. Dyer; James L. Wood; Jessica Abbott; Michael Berlocchi; Barbara Henley; Louis R. Jones; John Moss; Aaron R. Rouse; Guy K. Tower; Sabrina D. Wooten; Rosemary C. Wilson
Cc: kbolster@nbc12.com; tips@nytimes.com; "chisai12@yahoo.com"
Subject: City Corruption
Date: Wednesday, June 05, 2019 3:36:56 PM

Good afternoon,

I am Beth Mann and have been working for the city since 2003 and witnessed the city's morals and ethics decline over the past five or so years. I have made multiple reports for fraud, waste, and abuse in addition to many reports of discrimination, harassment, and retaliation. Not only have I been a victim of intense bullying, but I have witnessed countless others, GOOD EMPLOYEES, be subjected to horrific treatment, making employees become physically ill, causing mental health issues, and/or forcing them to quit or retire early.

The following are some examples:

1. Wendy Swallow, Interim Program Manager and one of my main harassers, did not make reports on approximately 10 neglect allegations and 3 sexual abuse allegations, which we are required by Virginia Code to report to law enforcement immediately, for her adult foster care clients in the program she supervises (she also supervises adult protective services). After I reported this, she was promoted to Interim Program Manager.
2. Portia Green, my current supervisor who has joined the harassment crew and openly admitted she was mocking my disability, places clients at risk because she does not know policy very well but was hired to be a Human Services Supervisor I when she was only a Family Services Specialist II at her previous job, yet two Family Services Specialist III applied for the position, one of which did not even get an interview but is required to perform job duties held by HSS Is and the other not selected after an interview.
3. Jennifer DeLawrence, who was my previous supervisor/harasser, was moved after I reported her spending more time selling LulaRoe on the clock than her city job, totally neglecting her unit and having 8 open cases where clients were discovered as deceased and at least 2 of those clients had passed away approximately two years prior. She was handsomely rewarded by moving her from an APS supervisor position to work as a screener, which is a Family Services Specialist II position; meanwhile, clients are being neglected because we only have 6 investigators (supposed to have 16 which is still not enough and is another email in itself) because of the unbearable conditions.
4. Elizabeth Boone, Housing Resource Administrator and another one of my main harassers, who was also one of the Social Services staff who was indicted for felony food stamp fraud after Hurricane Isabel but somehow got it nolle prosequi (couldn't locate the record at the



courthouse), denied she was promoted but worked in a Human Services Supervisor II position for months under the title (but no one will confirm the pay) of Administrator before she was "laterally" transferred to Housing Resource Center as an administrator.

5. Dannette Smith, previous DHS Director, who unnecessarily sent a client from Virginia Beach to ALABAMA via ambulance and violated all types of protocols and policies for approximately \$21,000 (but don't worry Dannette stated Medicaid paid around \$4,000, and then the city split the bill with Public Health). She was one of the worst bullies I had ever heard of, berating and humiliating workers, but she didn't leave me out and scolded me in front of representatives from the various divisions in the department, stating the department needed to get away from "labeling and classifying people"... "You people are part of the problem..." after I simply asked about Elizabeth's title change, which would have meant a financial change according to the "job description."

6. Carol Summer, DHS Interim HR administrator, who tried to bully me and not allow me record her, which I did anyway, and then humiliate me by dropping a city addressed envelope to me with CONFIDENTIAL on my doormat for all to see information pertaining to my wrongful suspension by Wendy and Elizabeth, who were retaliating against me for being a whistleblower and filing an EEOC complaint for discrimination, harassment, and retaliation (which by the way I am still in the grievance process to go before the personnel board because although HR offered to remove it after Don Kirtland, CQI Administrator, coordinated the meeting with me and HR "to make all of this go away," he turned around and upheld the suspension.

6. Gailyn Thomas, Deputy Director of Social Services, who demeaned me in a meeting in front of my peers after asking questions for clarification, was well aware of all of the harassment and allowed it to continue.

7. Although I am not under Deidra Bolden, Financial Administrator, I have heard horrific stories from numerous employees and have seen vicious emails and a text that workers have provided me.

These are only a couple of the hundreds of examples I have, and I also the evidence (documents and audio recordings) to support everything I say. I am sure there are thousands more examples from other employees. More than once, I (and other employees) have notified the entire chain of command up to Dave Hansen, City Manager, about the corruption and the abuse employees were enduring. I even notified city council and HR, who denied any of my information in my 37 plus EEOC complaint met criteria for discrimination, harassment, and retaliation, leaving me no choice but to file a federal EEOC investigation, which I am aware other employees have had to do the same.

I do not condone what the shooter did just like I do not condone the corruption and bullying, but given my background and experiences, I personally believe the shooter was pushed until he snapped. Despite this tragedy, supervisors are still harassing and bullying people now. Yesterday I was informed Wendy had my coworkers write statements about what I said Monday, comparing her to the supervisors who probably bullied the shooter, and now they are trying to paint me as a safety threat when I made absolutely no verbal or physical threats or innuendos (It's going to be interesting to see what people wrote because I FOIA requested everything, AND I recorded the whole meeting.) The only thing intimidating about me is that I do not fear speaking the truth, and it's time the public knows the truth. I served in the Navy and worked as a deputy sheriff, child protective services worker, homeless intervention case manager, and adult protective services worker and have been nothing but a dedicated and loyal employee, and now the city is defaming my character again in such a vile manner? As far as I am concerned, the blood of all those innocent victims, lie on the hands of all those who ignored, condoned, participated, or encouraged the bullying. I am ashamed to say I work for this city and am tired no one is being held accountable for their actions, so I have already sent copies of documents and other evidence to the media to release the truth. May all their souls rest in peace.

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.



DEPARTMENT OF HUMAN SERVICES
3432 VIRGINIA BEACH BOULEVARD
VIRGINIA BEACH, VA 23452
PHONE: (757) 385-3200
FAX: (757) 493-5456

City of Virginia Beach

VBgov.com
CENTRAL ADMINISTRATION
SUITE 342
3432 VIRGINIA BEACH BOULEVARD
VIRGINIA BEACH, VA 23452-4420

June 14, 2019

HAND DELIVERED

Elizabeth Mann
1804 Cedarhurst Court
Virginia Beach, VA 23454

Subject: Dismissal

Dear Ms. Mann:

The purpose of this letter is to advise you that you are being dismissed from employment with the City of Virginia Beach in accordance with the City's Discipline Policy and Procedure 4.02, based on a founded violation of the City's Violence Prevention Policy, 6.17.

On June 3, 2019 you made a comment to your supervisor at a staff meeting that, following an investigation, was found to be in violation of the City's Violence Prevention Policy. Specifically, at a meeting for staff to come together after the mass shooting that occurred in Building 2 at the municipal complex on May 31, 2019, you asked Ms. Swallow if you could speak freely. Ms. Swallow agreed and you began to express opinions about the lack of care shown by supervisors. Ms. Swallow attempted to stop the conversation, indicating that the group meeting was not the appropriate place for the discussion. You continued to speak making a comment to the effect of "you are the kind of supervisor that would cause someone to shoot people." Additionally, your tone was described as elevated and verbally aggressive, and creating a circumstance where staff felt fearful of what you might do.

As part of the investigation process Human Resources called you on several occasions, and not receiving a response, sent a letter, via courier, to request you attend an interview on the matter. You did not respond to our requests nor did you attend the scheduled interview.

Section 3 of the City's Violence Prevention Policy states "any conduct that has the purpose of causing psychological harm and/or inducing fear will be treated the same as conduct that has the purpose of causing physical harm." Furthermore, given that the



statement(s) was made the first workday after the Friday, May 31 tragedy, the subject matter of the group meeting, and your online comments admitting that you made the alleged statements or similar statements in the meeting, it was determined that, in our opinion, there was sufficient evidence to substantiate the allegation of a violation of the City's Violence Prevention Policy.

Furthermore, you have previously been counseled by your supervisors regarding professional communication in the workplace. Additionally, you received a 40-hour suspension on February 5, 2019 for failing to perform your assigned duties correctly, competently or at an adequate level of production.

Deputy City Manager, Kenneth L. Chandler and I scheduled a pre-dismissal meeting with you on June 14, 2019. You did not attend this meeting. After considering all the information available to me, I have concluded that this dismissal is warranted.

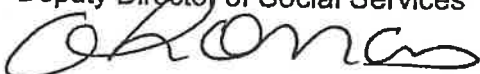
You have the right to appeal this decision directly to the Personnel Board in accordance with the City's Grievance Policy and Procedure, 4.02. Written notice of the intent to appeal to the Personnel Board must be received by the Department of Human Resources within 20 consecutive calendar days of your receipt of this letter. You must personally meet with a member of the Employee Relations Division in order to note this appeal.

We will make arrangements to return your personal belongings and collect city property, including but not limited to laptop, identification card, files or documents, etc., in a separate communication.

I request that you sign this letter on the signature line below. The purpose of your signature is to acknowledge receipt only; it will not be deemed to constitute an admission of or an agreement with the contents of this letter. Please return a signed copy of this letter via the self-addressed stamped envelope provided.

Sincerely,

Gailyn Thomas
Deputy Director of Social Services



I acknowledge receipt of this letter.

Employee Signature

Date

JS 44 (Rev. 09/19)

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

Elizabeth W. Mann

DEFENDANTS

City of Virginia Beach

Wendy Swallow, Gailyn Thomas and David Hansen

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

County of Residence of First Listed Defendant **Virginia Beach**
(IN U.S. PLAINTIFF CASES ONLY)

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
W. Barry Montgomery Tel: (804) 320-6300
KPM Law
901 Moorefield Park Dr., Suite 200, Richmond, VA 23236

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 | <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 | <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 (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <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 |

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):
42 U.S.C. 1983

Brief description of cause:
Civil Right violations and state related causes of action

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 750,000.00

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