

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JASPER WIRTSHAFTER,)	
BENJAMIN ROBINSON, Ph.D.,)	
MADELEINE MELDRUM,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:24-cv-754
)	
THE TRUSTEES OF INDIANA)	
UNIVERSITY, in their official capacities;)	
PAMELA WHITTEN, in her individual)	
and official capacity as President of Indiana)	
University,)	
)	
Defendants.)	

Complaint for Declaratory and Injunctive Relief and Damages

Introduction

1. Dunn Meadow is a 20-acre open area on the Bloomington campus of Indiana University that since 1969 has been designated by the University as a public forum for expression on all subjects. It has therefore been the scene for numerous meetings, expressive activities, and demonstrations of all types. In the last 8 days it has been the scene of demonstrations over the war that is currently raging in Gaza. Since 1969 Indiana University had in effect a rule that did not require prior permission to post temporary signs or structures during activities on Dunn Meadow that did not remain overnight. However, immediately prior to the first demonstration concerning the war in Gaza, a new

policy was enacted requiring prior permission. The rule making Dunn Meadow a public forum, however, did not change.

2. Numerous persons were arrested for criminal trespass during the April 25, 2024 demonstration and during subsequent demonstrations, for allegedly not heeding law enforcement calls to disperse. Those who were arrested, many of them students and faculty at the University, were given “no-trespass orders,” at the very least preventing them from returning to Dunn Meadow. Some of the “no-trespass orders” barred their recipients from all University property throughout Indiana.

3. The effect of the no-trespass orders is, among other things, to ban those receiving the orders from being able to enter the public forum of Dunn Meadow to engage in First Amendment expression. This is the quintessential example of a prior restraint and violates the First Amendment. The plaintiffs, all of whom have received no-trespass orders, have suffered, and continue to suffer violation of their First Amendment rights. Declaratory and injunctive relief must be entered to remedy this obvious constitutional problem and plaintiffs should be awarded their damages.

Jurisdiction, venue, cause of action

4. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1331.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

6. Declaratory relief is authorized by 28 U.S.C. §§ 2201 and 2202 and by Rule 57 of the Federal Rules of Civil Procedure.

7. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.

Parties

8. Jasper Wirtshafter is an adult resident of Bloomington, Indiana.

9. Benjamin Robinson, Ph.D., is an adult resident of Indiana.

10. Madeleine Meldrum is an adult person attending Indiana University.

11. The Trustees of Indiana University comprise the University's governing body and are charged with control of Indiana University and its property.

12. Pamela Whitten is President of Indiana University, duly appointed by the Trustees of Indiana University.

Factual allegations

13. Dunn Meadow is a large 20-acre open area on the campus of Indiana University in Bloomington, Indiana.

14. Effective January 1, 1969, the Trustees of Indiana University enacted the Policy for the Use of Indiana University Assembly Ground, BL-ACA-I18 ("the Policy"). (Attached as Exhibit 1).

15. Under the Policy the Trustees of Indiana University designated Dunn Meadow "as a public forum for expression on all subjects."

16. Since that time, Dunn Meadow has been the location of numerous protests, demonstrations, and other First Amendment expression on a wide variety of issues.

17. Although the Policy states “that students, staff and faculty of the University may express any point of view on any subject” in Dunn Meadow, the use of the area as a public forum for free expression has never been limited to the University community and persons from the Bloomington area not associated with the University have frequently participated in expressive activities and demonstrations in Dunn Meadow.

18. The Policy, as passed in 1969, provided that absent advance permission any signs, symbols, or structures used for a demonstration could only be on the grounds from 6:00 A.M. to 11:00 p.m.

19. On April 24, 2024, the day before a large demonstration was to take place protesting the continuing war in Gaza, the Policy was changed to require that permission had to be obtained prior to the erection of temporary or permanent installation of any structures, including tents and signage, in Dunn Meadow, regardless of the time of day of the planned display.

20. However, the April 24, 2024 modification did not alter the portion of the policy that makes Dunn Meadow a public forum.

21. Dunn Meadow remains a public forum.

22. The anticipated demonstration occurred on April 25, 2024.

23. Tents were erected by some of the demonstrators.

24. At some point, law enforcement personnel allegedly instructed demonstrators to remove the tents and to disperse.

25. When that did not occur, a large number of persons were arrested for criminal trespass and were taken to the Monroe County Jail to be booked.
26. Demonstrations have continued to occur each day since April 25, 2024.
27. More persons have been arrested.
28. Many if not all of those who have been arrested have received “no-trespass orders” pursuant to Indiana Code § 35-43-2-2, from officers of the Indiana University Police Department that prohibit them from reentering specified property. Most of those receiving the notices were informed that they could not return to any property owned by Indiana University, which necessarily includes property throughout Indiana, although some received more specific bans limited to Dunn Meadow. Most of the no-trespass orders were for one year, although some persons received orders for a longer period.
29. The no-trespass orders have the effect of prohibiting the persons from entering the public forum of Dunn Meadow and engaging in expressive activity.
30. On information and belief the no-trespass orders have been issued at the direction of President Whitten.
31. The Trustees of Indiana University, as the governing body of the University, have the power to determine the use of University property, including assembly on the property, and to create a University police department. Ind. Code §§ 21-31-2-1, 21-39-4-2.
32. The Trustees of Indiana University also have the ability to delegate their powers to President Whitten. Ind. Code § 21-38-3-2.

33. Jasper Wirtshafter is a Bloomington resident who is not currently affiliated with Indiana University, although he has a degree from the University.

34. Mr. Wirtshafter has attended events, rallies, and demonstrations in Dunn Meadow in the past as well as attending concerts there.

35. On April 27, 2024, Mr. Wirtshafter was part of the demonstration on Dunn Meadow concerning the Gaza war.

36. Mr. Wirtshafter was arrested and received a no-trespass order that states that he is not allowed to go onto Indiana University property for one year.

37. There is a University-based administrative appeal procedure provided for the no-trespass order, although it is not clear what the appeal entails.

38. Indiana University has the ability to stay the effect of the no-trespass order while an appeal is taken of the no-trespass order.

39. Mr. Wirtshafter requested an appeal and requested a stay. The appeal is pending, but the stay has been denied.

40. Therefore, at the current time, Mr. Wirtshafer has not been able to return to Dunn Meadow to continue to participate in the demonstrations that are ongoing.

41. He wishes to be able to return to participate in the demonstrations in Dunn Meadow.

42. Benjamin Robinson, Ph.D., is a tenured faculty member at Indiana University in Bloomington and is currently an associate professor of Germanic studies.

43. On April 25, 2024, while participating in the demonstration at Dunn Meadow, Dr. Robinson was arrested and received a no-trespass order, barring him from Indiana University property for one year.

44. He appealed that order and learned late in the afternoon on April 29, 2024 that the no-trespass order had been stayed pending administrative review.

45. Although the stay was temporarily lifted at that time, he was not able to attend the demonstrations in Dunn Meadow that took place on April 26, 27, 28, and 29.

46. He would have attended those protest activities in Dunn Meadow if he had not received the no-trespass order.

47. Although it is temporarily stayed due to the University appeal process, there is still an outstanding trespass notice that specifies Dr. Robinson is not allowed to set foot on Indiana University property. He has no assurance that he will prevail in his appeal and therefore he has no guarantee that he will be able to participate in protests that take place during the period when he is banned.

48. He wishes to be able to attend future protests in Dunn Meadow but is at risk of not being able to do so because of the pendency of the no-trespass order.

49. Madeleine Meldrum is a graduate student at Indiana University who is currently attending school and will in the fall of 2024.

50. She is scheduled to work as a research assistant this summer on the grounds of the Bloomington campus of Indiana University.

51. On April 25, 2024, while participating in the demonstration at Dunn Meadow, she was arrested and received a no-trespass order, barring her from Indiana University property for one year.

52. She appealed that order but as of the time of the filing of this complaint, she has not been notified that the no-trespass order has been stayed.

53. She has therefore not attended any of the protests that have been held in Dunn Meadow since April 25, 2024, and that continue to be held there.

54. She would like to return to Dunn Meadow and exercise her First Amendment right to engage in peaceful protest, but she has not been allowed to do so because of the no-trespass order.

55. Plaintiffs have been damaged by the defendants' actions in banning them from engaging in future demonstrations and expressive activities in Dunn Meadow.

56. Plaintiffs are being caused irreparable harm for which there is no adequate remedy at law.

57. At all times defendants have acted under color of state law.

Claim for relief

58. The actions of the defendants that have banned plaintiffs from a public forum violate the First Amendment.

WHEREFORE, plaintiffs request that this Court:

- a. accept jurisdiction of this case and set it for hearing at the earliest opportunity.

- b. enter a preliminary injunction allowing Jasper Wirtshafter and Madeleine Meldrum to immediately return to Dunn Meadow to engage in activities protected by the First Amendment.
- c. enter a permanent injunction allowing all plaintiffs to return to Dunn Meadow to engage in activities protected by the First Amendment.
- d. award plaintiffs their damages, including compensatory and nominal damages as appropriate.
- e. award plaintiffs their costs and reasonable attorneys' fees.
- f. award all other proper relief.

Kenneth J. Falk
Gavin M. Rose
Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202
317/635-4059
fax: 317/635-4105
kfalk@aclu-in.org
grose@aclu-in.org
spactor@aclu-in.org

Attorneys for Plaintiffs

Policy for the Use of Indiana University Assembly Ground

BL-ACA-I18

About This Policy

Effective Dates:

01-01-1969

Last Updated:

01-01-1969

Responsible University Office:

Office of the Provost

Scope

The following principles shall apply with respect to the use of the Assembly Ground in Dunn Meadow.

Policy Statement

1. Basic Principle

The Trustees of Indiana University have designated the area immediately north of the Indiana Memorial Union as an assembly ground, establishing this area as a public forum for expression on all subjects. We support this decision by the Trustees and believe it serves the University well. Universities in our civilization are places where dissenting and controversial views can be aired and discussed. This exchange of views is not merely something to be tolerated; it is a source of diversity and strength for our society as a whole. Of course this right of expression is not a license to violate the law or to interfere with the rights of others to express themselves. Of course when a demonstration becomes violent or represses the rights of others, it has no place on a university campus. But the mere fact that some find a demonstration distasteful is no more reason to ban it than to ban an idea the listener finds distasteful. We have reviewed the history of demonstrations in the Assembly Ground. Many of us as individuals disagree with the points of view which have been expressed there. Many of us who agree with the substantive views expressed in individual demonstrations have found the form of their expression sometimes distasteful, or worse. Taken as a whole, however, this history shows us a lively and vigorous commitment to the exploration of matters of public concern: the vigor of that commitment is to us one of the measures of greatness in a university.

2. Specific Guidelines

We therefore recommend the following guidelines for the use of the Assembly Ground:

A. The Trustees of Indiana University have designated an area on Dunn Meadow immediately north of the Indiana Memorial Union as the Indiana University Assembly Ground. The University community supports that decision and the policy that students, staff and faculty of the University may express any point of view on any subject in the Assembly Ground, with or without advance notice, within the limits of applicable laws and regulations. This decision enhances the rights of free speech and assembly and contributes to the University's richness and diversity. The University community therefore expects that all will respect the right of expression in the Assembly Ground and will maintain courtesy and good order during the use of the Assembly Ground.

B. Effective communication sometimes requires the use of signs, symbols or structures, as well as the spoken or printed word. We recognize the use of these signs, symbols or structures as an appropriate exercise of the right of expression in the Assembly Ground and call upon all to respect these forms of expression.

The construction of enduring signs, symbols or structures in the Assembly Ground may enhance the effective communication of a particular idea or point of view. We also recognize that the erection of permanent structures in the Assembly Ground has at least the potential of limiting the use of the Assembly Ground by others and may

also present practical problems entirely unrelated to the point of view or idea being expressed. To enhance the effective use of the Assembly Ground, we believe the following rules should be adopted.

1. The use of signs, symbols or structures in the Assembly Ground may be an effective form of expression.
2. Any sign, symbol or structure which is either (a) continually carried or (b) taken away from 11:00 P.M. until 6:00 A.M., may be used in the Assembly Ground, day or night, to express any point of view on any subject, with or without advance notice, within the limits of applicable laws or regulations.
3. Leaving an uncarried sign, symbol or structure on the Assembly Ground between 11:00 P.M. and 6:00 A.M. requires advance notice and permission. This permission should be granted without regard to the point of view or the idea being expressed. The Provost of the Bloomington campus should designate an official who is responsible for receiving notice and giving permission. Permission should be granted provided there are reasonable arrangements for safety, sanitation, and repair of any damage to the meadow. Permission must never be refused because the demonstration is controversial or might be unpopular. Permission should ordinarily be limited to a period of two weeks; permission should be renewed on request unless there are others requesting permission under this section. We do not believe that overnight camping is itself a form of expression and we therefore believe that permission should not be granted to cook or live in overnight structures.

C. We believe the Bloomington Provost should create a committee to oversee the implementation of these provisions, to give continuing advice on changes of policy, and to provide, if necessary, more detailed regulations than those in the previous paragraph. That committee should also have the power to review denials of permission for uncarried overnight signs, symbols or structures. Because that review should be prompt if it is ever needed, we think the committee should be very small--perhaps the President of IUSA, the President pro tem of the Bloomington Faculty Council, and a member designated by the Provost.

D. We believe the University should not use physical force to enforce these rules. In cases of non-compliance, the University should use the legal process to enforce its legal rights. This commitment might involve some cost to the University and would probably entail more serious consequences for violators; we believe these costs are an appropriate way to mark the weight the University community attaches to both the rights and responsibilities it recognizes in the Assembly Ground.

History

Board of Trustees – Minutes from 1969

United States District Court
for the
Southern District of Indiana

JASPER WIRTSHAFTER, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
vs.)	Cause No: 1:24-cv-754
)	
THE TRUSTEES OF INDIANA UNIVERSITY,)	
<i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

SUMMONS IN A CIVIL ACTION

TO: (*Defendants' names and addresses*)

The Trustees of Indiana University
107 S. Indiana Avenue
Bloomington, IN 47405

A lawsuit has been filed against you. Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose names and addresses are:

Kenneth Falk / Gavin Rose / Stevie Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action Number: Cause No: 1:24-cv-754

PROOF OF SERVICE

(this section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's Signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.

United States District Court
for the
Southern District of Indiana

JASPER WIRTSHAFTER, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
vs.)	Cause No: 1:24-cv-754
)	
THE TRUSTEES OF INDIANA UNIVERSITY,)	
<i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

SUMMONS IN A CIVIL ACTION

TO: (*Defendants' names and addresses*)

Pamela Whitten
President, Indiana University
107 S. Indiana Avenue
Bloomington, IN 47405

A lawsuit has been filed against you. Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose names and addresses are:

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ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

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Signature of Clerk or Deputy Clerk

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PROOF OF SERVICE

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This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's Signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.

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

Jasper Wirtshafter, Benjamin Robinson, Madeleine Meldrum

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

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

Kenneth Falk, Gavin Rose, Stevie Pactor, ACLU of Indiana, 1031 E. Washington St., Indianapolis, IN 46202 317/635-4059

DEFENDANTS

The Trustees of Indiana University, Pamela Whitten

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)

Anthony Prather, VP and Gen'l Counsel, Indiana University, 107 S. Indiana Ave., Bloomington, IN 47405

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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Airplane, Personal Injury, etc.

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, 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. s. 1983. Brief description of cause: No-trespass orders preventing the plaintiffs from engaging in expressive activity in a public forum violates 1st AM.

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 05/03/2024 SIGNATURE OF ATTORNEY OF RECORD /s/ Kenneth J. Falk

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

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