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7 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF WASHINGTON**

10 BILL GREEN)

11 Plaintiff,)

12 v.)

13 SCOTT PRUITT, in his official)
14 capacity as Administrator,)
15 United States Environmental)
16 Protection Agency,)

17 Defendant.)

Civil Case No. _____

COMPLAINT FOR
DECLARATORY
AND INJUNCTIVE RELIEF
UNDER 42 U.S.C. § 7604.

(Environmental)

18 Plaintiff, Bill Green, through the undersigned counsel, complains of
19 Defendant, Scott Pruitt, as follows:
20

INTRODUCTION

1
2 1. This is a civil action for declaratory and injunctive relief, and costs and
3 fees, under the Clean Air Act (“the Act” or “CAA”), 42 U.S.C. §§ 7401, *et seq.*

4 2. Plaintiff, Mr. Bill Green, seeks an order declaring that Defendant, the
5 Administrator of the Environmental Protection Agency (“Administrator”), is
6 required, under CAA § 505 (b)(2), 42 U.S.C. § 7661d (b)(2), to grant or deny
7 petitions filed by Green to object to the proposed CAA Title V operating permits
8 for the United States Department of Energy Hanford Site, Permit No. 00-05-006,
9 Renewal 2, Revision B (“Permit Revision B”).

10 3. Green seeks an order requiring defendant Administrator to perform his
11 non-discretionary duty to grant or deny the petition submitted to the Administrator
12 by Green under CAA § 505 (b)(2), 42 U.S.C. § 7661d (b)(2).

13 **JURISDICTION AND VENUE**

14 4. This action arises under the citizen suit provision of the CAA. 42
15 U.S.C. § 7604(a)(2). This Court has subject matter jurisdiction over the claims set
16 forth in this complaint under 42 U.S.C. § 7604(a)(2), 28 U.S.C. § 1331, and 28
17 U.S.C. § 2201. The relief requested by Green is authorized by 42 U.S.C. § 7604, 28
18 U.S.C. §§ 2201 and 2202.

19 5. Venue is proper in this Court under 28 U.S.C. § 1391(e)(1) and 42
20 U.S.C. § 7604(c) because the U.S. Department of Energy’s Hanford Site is located

1 within the Eastern District of Washington, the permits at issue are site specific,
2 local permits and Green resides within the Eastern District of Washington.

3 6. A copy of this Complaint will be served upon the Attorney General of
4 the United States and the Administrator as required by 42 U.S.C. § 7604(c)(3).

5 **NOTICE**

6 7. Green gave notice pursuant to and in compliance with the
7 requirements in CAA § 304 (b)(2), 42 U.S.C. § 7604 (b)(2), and 40 C.F.R. Part 54.
8 On December 29, 2016, Green notified the Administrator, via certified mail as well
9 as other required recipients, via first class mail, of Plaintiff's intent to file this
10 action through a Notice of Intent to Sue Pursuant to § 304 (b)(2) of the Clean Air
11 Act. See Exhibit A. The certified mail receipt shows the notice letter was post
12 marked on December 29, 2016 and received by the Administrator's office on
13 January 9, 2017. See Exhibit B.

14 8. More than 60 days have passed since Green provided his Notice of
15 Intent to File Suit to the Administrator and others which was postmarked on
16 December 29, 2016.

17 9. Defendant has neither granted nor denied Green's petition. Thus, upon
18 information and belief, Defendant's failure to perform his nondiscretionary duty to
19 grant or deny Green's petition is ongoing and will continue until enjoined and
20 restrained by this Court. Therefore an actual controversy exists between the parties.

PARTIES

1
2 10. Bill Green, 424 Shoreline Court, Richland, WA 99354-1938, is a
3 natural born citizen of the United States of America and has resided in Richland,
4 Washington, for more than twenty years.

5 11. Green owns real property and lives within five miles of the Hanford
6 Site, 300 Area. For many years the 300 Area has been the source for slightly more
7 than ninety-eight percent (98%) of the total dose from all of Hanford's point source
8 radionuclide air emissions received by the public according to Department of
9 Energy-certified reports required by 40 C.F.R. 61 subpart H. Green's health and
10 use of the air is harmed by the radionuclide pollutants released into the air by the
11 Hanford Site.

12 12. The release of pollutants into the air from the Hanford Site impairs
13 Green's use and enjoyment of his property as well as his ability to conduct his daily
14 life activity free from concerns related to exposure to harmful pollutants.

15 13. Green is also adversely affect by the Administrator's delay in
16 responding to his petitions. The Administrator's failure to respond deprives Green
17 of his procedural rights to protect his interests and rights codified by Congress in
18 the Clean Air Act.

19 14. Defendant Scott Pruitt is the Administrator of the United States
20 Environmental Protection Agency ("U.S. EPA"). The Administrator is responsible

1 for directing the activities of the U.S. EPA and implementing the requirements of
2 the CAA. Specifically, the Administrator is statutorily required to respond to
3 petitions under CAA § 505 (b)(2), 42 U.S.C. § 7661d (b)(2).

4 **LEGAL BACKGROUND**

5 15. The primary purpose of the Clean Air Act is to “protect and enhance
6 the quality of the Nation’s air resources.” 42 U.S.C. § 7401(b)(1). To help meet this
7 goal, the 1990 amendments to the Clean Air Act added Title V, creating an
8 operating permit program that applies to the Hanford Site. See 42 U.S.C. §§ 7661-
9 7661f.

10 16. In enacting the CAA, Congress decided that “air pollution control at
11 its source is the primary responsibility of States and local governments.” 42 U.S.C.
12 § 7401(a)(3). Section 502(d)(1) of the CAA calls upon each state to develop and
13 submit to EPA an operating permit program to improve compliance with, and
14 enforcement of, federal air quality requirements. 42 U.S.C. § 7661a(d). Correctly
15 implemented, the Title V program “will enable the source, States, EPA, and the
16 public to understand better the requirements to which the source is subject, and
17 whether the source is meeting those requirements.” 57 Fed. Reg. 32,251 (July 21,
18 1992).

19
20

1 17. Permits issued under the Title V program (“Title V permits”) are
2 required to “set forth inspection, entry, monitoring, compliance certification, and
3 reporting requirements to assure compliance.” 42 U.S.C. § 7661c(c).

4 18. Before a state can issue a Title V permit, the state must forward the
5 proposed Title V permit to EPA for review. 42 U.S.C. § 7661d(a)(1)(B). EPA then
6 has 45 days to review the proposed permit. 42 U.S.C. § 7661d(b)(1). EPA must
7 object to the permit issuance if EPA finds that the permit does not comply with all
8 applicable provisions of the CAA. *Id.* If EPA does not object to the permit issuance,
9 then “any person may petition the Administrator within 60 days” of the end of
10 EPA’s review period to request that EPA object. 42 U.S.C. § 7661d(b)(2).

11 19. Once EPA has received a petition requesting that it object to the
12 issuance of a permit, the Administrator has a non-discretionary duty to grant or
13 deny the petition within 60 days and may not delegate action on the petition. *Id.* If a
14 state issues a final Title V permit and EPA subsequently objects to the permit, then
15 EPA “shall modify, terminate, or revoke such permit.” 42 U.S.C. § 7661d(b)(3).

16 20. The Clean Air Act authorizes citizen suits “against the Administrator
17 where there is alleged failure of the Administrator to perform any act or duty under
18 this chapter which is not discretionary with the Administrator.” 42 U.S.C. §
19 7604(a)(2).

20

FACTUAL BACKGROUND

1
2 21. The 586-square-mile Hanford site is a legacy of World War II and the
3 Cold War. In 1943, the federal government selected Hanford as a Manhattan
4 Project site, to enrich plutonium for nuclear weapons. Major site activities included
5 the fabrication of nuclear reactor fuel assemblies in the 300 Area, irradiation of the
6 fuel assemblies in reactors in the 100 Areas, dissolution of fuel assemblies and
7 chemical separations in the 200 Areas, and the storage of waste primarily in the 200
8 Areas. During Hanford's operation, the federal government deposited hundreds of
9 millions of gallons of radioactive waste directly into the ground in injection wells,
10 trenches, and buried drums, as well as placing waste in 177 large underground
11 tanks. Since 1989, Hanford has become one of the world's largest environmental
12 remediation projects as the Department of Energy develops new waste treatment
13 and disposal technologies as well as demolishes buildings and contains waste from
14 historical operations.

15 22. The Hanford Site is a major stationary source of air pollution in
16 eastern Washington State. As a major source as defined by CAA § 112(a)(1), 42
17 U.S.C. § 7712(a)(1), Hanford is required to obtain a Clean Air Act Permit Program
18 Title V Permit ("Title V Permit").
19
20

CAUSE OF ACTION

1
2 23. On April 22, 2015 Green submitted public comments regarding the
3 Hanford Site Title V Permit, Permit No. 00-05-006, Renewal 2, Revision B
4 (“Permit Revision B”) to the Washington State Department of Ecology (“Ecology”)
5 and the United States Environmental Protection Agency (“EPA”). Green’s
6 comments were received by Ecology within the time provided for such comments
7 under Washington State and federal law.

8 24. Ecology submitted the proposed version of Permit Revision B for the
9 Hanford Site to the U.S. EPA on or about June 10, 2016. This submission
10 commenced a 45-day period for the U.S. EPA to review the permit under CAA §
11 505 (b)(1), 42 U.S.C. § 7661d (b)(1).

12 25. The Administrator did not object to the proposed operating permit
13 (Permit 1) for the Hanford Site within the 45-day period provided by CAA § 505
14 (b)(1), 42 U.S.C. § 7661d (b)(1).

15 26. On September 1, 2016, within the 60-day petition period provided by
16 CAA § 505 (b)(2), 42 U.S.C. § 7661d (b)(2), Green petitioned the Administrator to
17 object to Permit Revision B (“Petition ”). See Exhibit C.

18 27. Green provided a copy of the Petition to the applicant, the U.S.
19 Department of Energy, and to Ecology, the issuing permitting authority, as required
20 by CAA § 505 (b)(2), 42 U.S.C. § 7661d (b)(2).

1 28. Under CAA § 505 (b), the Administrator had 60 days to grant or deny
2 Green's Petition. This 60-day period expired on or about November 1, 2016.

3 29. The Administrator's duty to grant or deny Green's Petition within 60
4 days, by November 1, 2016, is not discretionary.

5 30. As of the date of this Complaint, the Administrator has not granted or
6 denied Green's Petition , notwithstanding the fact that the deadline to do so has
7 past.

8 31. The CAA provides Green with a cause of action to compel the
9 Administrator's nondiscretionary duty to grant or deny Mr. Green's timely petition
10 in CAA § 304 (a), 42 U.S.C. § 7604 (a).

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Green respectfully prays for this Court to:

13 A. Declare that the Administrator has a non-discretionary duty to grant or
14 deny Plaintiff's Petition within 60 days of receiving Plaintiff's petition;

15 B. Declare that the Administrator's failure to grant or deny Mr. Green's
16 Petition within 60 days is a violation of CAA § 505 (b), 42 U.S.C. § 7661d (b);

17 C. Order the Administrator to grant or deny Petition immediately, or at a
18 time set by the Court;

19 D. Award Green his costs of this action, with reasonable attorney fees,
20 pursuant to CAA § 304 (d), 42 U.S.C. § 7604 (d); and

1 E. Grant such other relief as the Court deems just and proper.

2 RESPECTFULLY SUBMITTED this 16th day of March, 2017.

3 Smith & Lowney, PLLC

4 By: s/Richard Smith

Richard A. Smith, WSBA # 21788
2317 E. John Street, Seattle, WA 98112
Tel: (206) 860-2883; Fax: (206) 860-4187
Email: rasmithwa@igc.org

7 s/Marc Zemel

Marc Zemel, WSBA # 44325
2317 E. John Street, Seattle, WA 98112
Tel: (206) 860-2883; Fax: (206) 860-4187
Email: marcz@igc.org

9 *Attorneys for plaintiff Bill Green.*

EXHIBIT A TO COMPLAINT

SMITH & LOWNEY, P.L.L.C.

2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883, FAX (206) 860-4187

December 29, 2016

Via Certified Mail - Return Receipt Requested

Administrator Gina McCarthy
United States Environmental Protection Agency
Ariel Rios Building, Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Notice of intent to sue for failure to perform non-discretionary duty under the Clean Air Act to respond to petitions requesting that the Administrator object to the Title V operating permit for the U.S. Department of Energy Hanford Site, Permit No. 00-05-006, Renewal 2, Revision B

Dear Administrator McCarthy:

This letter is served upon you under Section 304(b) of the Clean Air Act, 42 U.S.C. § 7604(b), and 40 C.F.R. § 54, and provides you with sixty days notice of intent to sue by Bill Green (“Petitioner”), 424 Shoreline Ct., Richland, WA 99354, (509) 375-5443, for your failure to respond within sixty days to the above-referenced timely submitted petition. Any response to this notice of intent to sue should be directed to Petitioner’s counsel, the undersigned.

You have violated your non-discretionary duty by failing to grant or deny the Petitioner’s request that you object to Title V Air Operating Permit No. 00-05-006, Renewal 2, Revision B for the U.S. Department of Energy Hanford Site, which was received by EPA from the Washington Department of Ecology on or about June 10, 2016. EPA did not object to the proposed permit within 45 days of receipt and, on September 1, 2016, Petitioner submitted a petition requesting that EPA object within the next 60 days. Section 505(b)(2) of the Clean Air Act, 42 U.S.C. § 7661d(b)(2), instructs the Administrator of EPA to respond to such a petition within sixty days of receipt. It is now nearly 60 days past the sixty-day deadline, and you and the EPA have failed to act on Petitioner’s request and are thus in violation of your non-discretionary duty to respond. 42 U.S.C. § 7661d(b)(2).


Section 505(b)(2) of the Clean Air Act provides that if the “Administrator does not object to the issuance of a permit pursuant to paragraph (1), any person may petition the Administrator within 60 days after the expiration of the 45-day review period specified in paragraph (1) to take such action.” 42 U.S.C. § 7661d(b)(2). Following receipt of such a petition, “the Administrator shall grant or deny such petition within 60 days after the petition is filed.” *Id.*

Where there is a failure by the Administrator to perform a non-discretionary act or duty under the Clean Air Act, a civil action is available to enjoin such action. 42 U.S.C. § 7604(a)(2). Accordingly, at the close of sixty days from the postmark date of this notice of intent to sue, the Petitioner intends to file suit against you, or your successor as Administrator, and EPA in federal district court under Section 304 of the Clean Air Act, 42 U.S.C. § 7604(a)(2), seeking declaratory relief, an injunction requiring prompt action on the Petitioner's petitions that is overdue, and an award of litigation expenses.

If you have questions or would like to discuss this matter, please contact me.

Very truly yours,

SMITH & LOWNEY, PLLC

By: 
Richard Smith
(206) 860-2124
rasmithwa@igc.org

cc: Dennis McLerran, Region 10 Administrator, U.S. EPA
Maia Bellon, Director, Washington Department of Ecology

EXHIBIT B TO COMPLAINT

SMITH & LOWNEY, P.L.L.C.

2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883, FAX (206) 860-4187

December 29, 2016

Via Certified Mail - Return Receipt Requested

Administrator Gina McCarthy
United States Environmental Protection Agency
Ariel Rios Building, Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

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<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature</p> <p>X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p style="margin-left: 20px;"><u>Maia D. Bellon, Director</u> <u>Washington State Dept.</u> <u>of Ecology</u> <u>PO Box 47600</u> <u>Olympia, WA 98504-7600</u></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center; font-size: 1.2em;">JAN 03 2017</p> <p style="text-align: center; font-size: 1.1em;">PO Box 41050 Olympia, Wa 98504-1050</p>
<div style="text-align: center;"> <p>9590 9403 0327 5155 6045 79</p> </div>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery</p>
<p>7016 0340 0000 7095 0002</p>	
<p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>

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)

- 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)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and codes.

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

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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- 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.

Civil Action No. _____

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: