

### Multiple Documents

Part	Description
1	16 pages
2	Civil Cover Sheet

1 Your Name: John William Templeton  
 2 Address: 1691 Turk St.  
 3 Phone Number: 415-240-3537  
 4 Fax Number:  
 5 E-mail Address: johnwtempleton@blackbusinessmonth.com  
 6 Pro Se Plaintiff

**FILED** *af*  
 MAY 24 2019 *ng*  
 SUSAN Y. SOONG  
 CLERK, U.S. DISTRICT COURT  
 NORTH DISTRICT OF CALIFORNIA

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

SK

10 **19 2894**  
 Case Number *[leave blank]*

11 John William Templeton  
 12  
 13 Plaintiff,  
 14 vs.  
 15 Amazon.com Inc.  
 16 Google LLC  
 17 Thriftbooks LLC  
 18  
 19 Defendant.

**COMPLAINT**

DEMAND FOR JURY TRIAL

Yes  No

**PARTIES**

1. Plaintiff. *[Write your name, address, and phone number. Add a page for additional plaintiffs.]*

22 Name: John William Templeton  
 23 Address: 1691 Turk St. San Francisco, CA 94115  
 24 Telephone: (415) 240-3537

2. Defendants. [Write each defendant's full name, address, and phone number.]

Defendant 1:

Name: Amazon.com Inc.  
Address: 410 N. Terry Seattle, WA 98189  
Telephone:

Defendant 2:

Name: Google LLC  
Address: 1600 Amphitheater Parkway, Mountain View, CA 94306  
Telephone:

Defendant 3:

Name: Thriftbooks LLC  
Address: 18300 CASCADE AVE S STE 150, TUKWILA, 981884746, WA.  
Telephone:

**JURISDICTION**

[Usually only two types of cases can be filed in federal court, cases involving "federal questions" and cases involving "diversity of citizenship." Check at least one box.]

3. My case belongs in federal court

under federal question jurisdiction because it involves a federal law or right.

[Which federal law or right is involved?] 15USCode 45 false advertising, unfair and deceptive practices; 42 U.S.C.A. § 1985(3); conspiracy to deny equal protection

under diversity jurisdiction because none of the plaintiffs live in the same state as any of the defendants and the amount of damages is more than \$75,000.

**VENUE**

[The counties in this District are: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, or Sonoma. If one of the venue options below applies to your case, this District Court is the correct place to file your lawsuit. Check the box for each venue option that applies.]

4. Venue is appropriate in this Court because:

- a substantial part of the events I am suing about happened in this district.
- a substantial part of the property I am suing about is located in this district.
- I am suing the U.S. government, federal agency, or federal official in his or her official capacity and I live in this district.
- at least one defendant is located in this District and any other defendants are located in California.

**INTRADISTRICT ASSIGNMENT**

[This District has three divisions: (1) San Francisco/Oakland (2) San Jose; and (3) Eureka. First write in the county in which the events you are suing about happened, and then match it to the correct division. The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt, Lake, Mendocino counties, only if all parties consent to a magistrate judge.]

5. Because this lawsuit arose in San Francisco County, it should be assigned to the San Francisco/Oakland Division of this Court.

**STATEMENT OF FACTS**

[Write a short and simple description of the facts of your case. Include basic details such as where the events happened, when things happened and who was involved. Put each fact into a separate, numbered paragraph, starting with paragraph number 6. Use more pages as needed.]

1 Beginning in 2012, Amazon.com Inc. placed paid advertisements on Google  
 and other search engines falsely alleging that Plaintiff's books were "out of print" in order  
 to poach the Plaintiff's substantial audience so that Amazon.com Inc. could profit from  
 using their consumer data. Plaintiff contacted Amazon.com Inc. by phone in 2014  
 and was told that was a regular practice for books not sold on their site.

1           2     Plaintiff wrote David Zapolsky, senior vice president, corporate secretary and  
2     general counsel of Amazon.com Inc. to insist that the practice stop, offering a speaking  
3     spot at his annual 50 Most Important African-Americans in Technology as an incentive in  
4     2015, explaining that funds from the sale of the book supported the California African-  
5     American Freedom Trail, endorsed by the State Historical Resources Commission.

6           3     In retaliation, Amazon.com Inc. bought paid listings on Google LLC which  
7     referred to a 1980 research paper with several authors, one of whose middle name was  
8     the same as the Plaintiff. This listing, with guaranteed placement ahead of the Plaintiff's  
9     16 sites, continued through October 2018, diverting customers from the Plaintiff to Amazon

10           4     Amazon.com Inc. and Google LLC, joined by Thriftbooks, falsely claimed to  
11     sell "all John William Templeton" books; to sell new books when they had no access to  
12     his products, sold exclusively on sites controlled by the Plaintiff and offered "FREE"  
13     shipping as an unfair competitive tactic, although they did not have the product. Google  
14     also listed his titles on Google Books to divert traffic from his web sites.

15           5     None of the aforementioned ads, which placed AMAZON in capital letters  
16     before the name of the Plaintiff to infer ownership, were described as paid although  
17     an Amazon representative admitted to an assistant district attorney from San Francisco  
18     County in 2015 that the listings were paid for, something not disclosed in earlier  
19     conversations.

20           6     When sued in San Francisco Superior Court, defendants claimed that they  
21     were unable to change the results of "web-crawlers", yet realizing their legal exposure  
22     eliminated the reference to the 1980 paper after a complaint was filed. They resisted  
23     subpoenas to see the code for the listings before and after the suit although Google Ads  
24     have real time tracking of results and regular invoicing.  
25

26     //

27     //

28     COMPLAINT

   PAGE 4 OF 16 [JDC TEMPLATE - Rev. 05/2017]

1 **CLAIMS**

2 **First Claim**

3 (Name the law or right violated: Unfair and deceptive acts and practices)

4 (Name the defendants who violated it: Amazon, Google, Thriftbooks)

5 [Explain briefly here what the law is, what each defendant did to violate it, and how you were  
6 harmed. You do not need to make legal arguments. You can refer back to your statement of facts.]

7 1 Plaintiff enjoys right of publicity under every state to control commercial use  
8 of his name. Amazon, Google and Thriftbooks unfairly and deceptively used his name  
9 to attract a premium audience of key influencers to their sites because of the Plaintiff's

10 45 year track record as a respected and trusted journalist, scientist, and religious leader

11 2 Amazon from 2012 to 2019 advertised on Google LLC that it had new books  
12 from the Plaintiff when that was not the case; four years after being directed in a cease  
13 and desist letter to stop the practice.

14 3 Thriftbooks, a leading reseller on Amazon, advertised on Google LLC that it  
15 sold "all John William Templeton" books when it listed one such title, accompanied by  
16 the cover of another book beginning in 2018 through 2019 although directed to stop in  
17 a January 2019 cease and desist letter.

18 4 During this period, Plaintiff received more than \$100 million in earned media  
19 value by mass media articles on his scholarly and policy accomplishments. He was  
20 speaker for the bicentennial of Frederick Douglass; speaker to 10,000 at the Hampton  
21 Ministers Conference and keynoter for the National Black Caucus of State Legislators.

22 5 In 2016, NBC Bay Area featured him in 30 second announcements daily for  
23 the entire month of February; in 2011, KGO awarded him the Circle 7 award and AAA  
24 sent a story about his California African-American Freedom Trail to all six million members.  
25 But the traffic was diverted by the unfair and deceptive acts of the defendants.

26  
27  
28 //

COMPLAINT

PAGE 5 OF 16 [JDC TEMPLATE - 05/17]

Second  
Claim

(Name the law or right violated: conspiracy to deny equal protection of the law)

(Name the defendants who violated it: Google, Amazon and Thriftbooks)

1           1     The African-American press is a vital resource for American freedom as the  
2  
3  
4 truth teller against injustice. Plaintiff is an expert on the history of the black press, and  
5  
6 has won six national journalism awards. As a pioneer business editor as well, he brings  
7  
8 an exclusive perspective on economic policy and business trends.

9           2     His credits include discovering a racial quota in Marine Corps recruiting in  
10  
11 1974; being the first journalist to analyze Home Mortgage Disclosure Act data in 1978;  
12  
13 the first centennial edition of a black newspaper, and serving as first black editor of a  
14  
15 business newspaper at the San Jose Business Journal in 1987.

16           3     He launched blackmoney.com as a print newspaper in 1995 and moved to  
17  
18 online only in 1996; in 1998, he published the first Silicon Ceiling: Equal Opportunity in  
19  
20 High Tech, which was cited in Congress and in 2004 published the first annual State of  
21  
22 Black Business report, both republished annually.

23           4     By blocking access to blackmoney.com, blackbusinessmonth.com,  
24  
25 blackrestaurant.net and reunionnetwork.info, Google, Amazon and Thriftbooks are  
26  
27 impeding his freedom of the press in order to boost their deceptive acquisition of  
28  
customer data and censor unfavorable news.

5     By impersonating his identity, they prevent government customers such as  
schools and libraries from purchasing from a small disadvantaged business federal  
contractor, for which the Plaintiff had to comply with strict registration requirements.

6     Plaintiff, with his columns in The Hill, led a national campaign to prevent  
defunding of federal library support. Although more than 75,000 shared his column,  
it is blocked from search engine results by Google, an example of the censorship which  
results in lost business opportunities for the Plaintiff.

**DEMAND FOR RELIEF**

[State what you want the Court to do. Depending on your claims, you may ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount, or describe the different kinds of harm caused by the defendant.]

1  
2  
3  
4 1 Temporary restraining order barring Defendants from using Plaintiff's name  
5 in violation of the FTC Search Engine Guidance requiring distinction between paid  
6 advertising and natural search or to deceptively divert consumers from the official sites  
7 to purchase his products contrary to Google's FTC consent agreements.

8 2. Payment of damages in the amount of \$20,000 per day, based on statutory guidelines  
9 for false advertising, anti-phishing and unfair and deceptive practices in California law,  
10 from the point that Google, Amazon and Thriftbooks began these practices until  
11 concluded permanently and independent monitoring of anti-competitive practices.

12 3. Permanent order barring Defendants from engaging in retaliation against Plaintiff  
13 including threatening emails, calls, pressure on associates. Both have history of such.

**DEMAND FOR JURY TRIAL**

[Check this box if you want your case to be decided by a jury, instead of a judge, if allowed.]

14  
15  
16  
17  Plaintiff demands a jury trial on all issues.

18  
19  
20 Respectfully submitted,

21  
22 Date: May 24, 2019

23 Sign Name:   
24 Print Name: John Will Knight



[Copy this page and insert it where you need additional space.]

4 To clear up the confusion created by the unfair and deceptive practices, priority placement for the official web sites designated by the Plaintiff as sources to access his extensive product line, particularly to prevent children from being lured to fraudulent and deceptive sites or even historically and factually incorrect sites. Plaintiff's pastor filed a declaration noting the danger to church members from poaching of the Plaintiff's name

5 Provide the contact information for all customers of the Plaintiff diverted through false advertising and deceptive practices so that they can receive the correct information they sought and learn about remedies for violation of their California privacy rights.

6 Ban Google from censoring Plaintiff's pages based on content it disagrees with such as testimony to Senate and House Judiciary Committees or interfering with the agenda setting role of the Plaintiff as a journalist and scientist on issues affecting the African-American community

7 Ban Amazon, Thriftbooks from implying or inferring that they are the exclusive source of books by John William Templeton or that they have any distribution rights to new books

8 Remove Google Books pages listing Plaintiff's books because they sow confusion. Natural search on the materials should lead to the pages controlled by Plaintiff

**Exhibit Two**  
**First Claim**  
**Unfair and Deceptive Practices**

**Link to David Templeton Easter**  
**August 2018**

The screenshot shows a Google search results page for the query "john william templeton books". The search bar at the top contains the text "john william templeton books". Below the search bar, there are navigation options: "All", "images", "News", "Shopping", "Maps", "More", "Settings", and "Tools". A "Sign in" button is visible in the top right corner.

The main content area features a carousel of book covers. The visible books are:

- Come to the Water: Sharin...** (2007)
- Grampa Jack's Secret** (1993)
- Our Roots Run Deep: Th...** (1991)
- Our10Plan: State of Blac...** (2017)
- Success Secrets of Bl...** (1992)
- Black Heritage as G...** (2008)
- Road to Ratification: ...** (2016)
- Trouble in the Air: The State...** (2006)
- Unfinished Dream: Sta...** (2005)

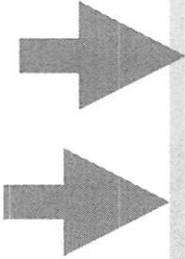
Below the carousel, there is an Amazon.com link: "Amazon.com: John William Templeton: Books". The link text includes the URL "https://www.amazon.com/Books-John-William-Templeton/s?...27%3AJohn%20William..." and lists authors: "by Easter, David Templeton, O'Rourke, Gerald, Mellin, William F., Whitmore, William F., Adams, Cindy K., Clawson, Carl H. Jr., Ruhe, William J.; Williamson, ...".

Below the Amazon link, there is another link: "Our Roots Run Deep: Vol 1 - The Black Experience in California, 1500 ...". The link text includes the URL "https://www.amazon.com/Our-Roots-Run-Deep-Experience/dp/0935419020" and a description: "Our Roots Run Deep: Vol 1 - The Black Experience in California, 1500 - 1900 [John William Templeton] on Amazon.com. \*FREE\* shipping on qualifying offers."

At the bottom of the screenshot, there is a small section for "John W. Templeton" with a profile picture and a bio: "In 1980, John William Templeton became editor of the oldest black newspaper in America. In 1984, his first book ...".

**EXHIBIT 1**  
**First Claim Unfair and Deceptive Practices**  
**Amazon, Google**

FALSE ADVERTISING  
Top placement for ad which isn't designated as paid advertisement; doesn't actually have the product and is not designated as USED



FALSE  
ADVERTISING  
Claims to sell all  
John William  
Templeton  
products. claims  
amazon.com  
ownership of  
rights

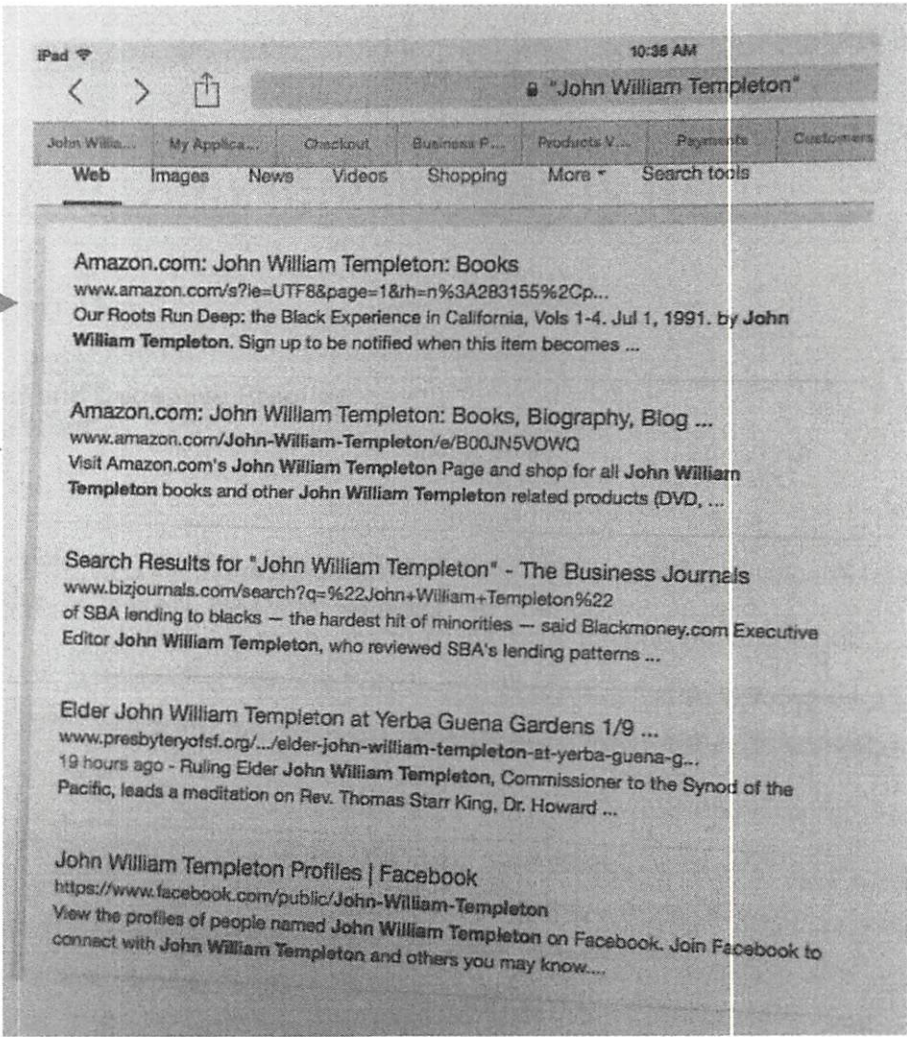


Exhibit 3  
Cause 1  
Unfair & deceptive practices

# 'Sadistic' Amazon Treated Book Sellers 'The Way A Cheetah Would Pursue A Sickly Gazelle'

Jim Edwards Oct. 22, 2013, 10:36 AM



Amazon was so ruthless with small book publishers that its pursuit of new, more favorable contract terms with them was "sadistic," according to Brad Stone's books about the company, "The Everything Store."



Jeff Bezos AP

Basically, small publishers leaped at the chance to get better distribution through Amazon in the early 2000s. But once they became dependent on Amazon for sales, Amazon turned the screws, Stone claims, demanding longer pay periods and lower discounts. Publishers who didn't "pay to play" would get unfavorable treatment on Amazon, making their books more expensive and harder to find.

AMZN Amazon.Com

**1,502.06** -14.67 (-1.00%)

Disclaimer Get real-time AMZN charts here »

CEO Jeff Bezos regarded the publishing business as a "sickly gazelle," Stone writes, according to a review in the New York Times:

The company's relationship with those publishers was called the Gazelle Project after Mr. Bezos said Amazon "should approach these small publishers the way a cheetah would pursue a sickly

gazelle." A joke, perhaps, but such an aggressive one that Amazon's lawyers demanded the Gazelle Project be renamed the

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Amazon's lawyers demanded the Gazelle Project be retained in the Small Publishers Negotiation Program.

Mr. Stone writes that Randy Miller, an Amazon executive in charge of a similar program in Europe, "took an almost sadistic delight in pressuring book publishers to give Amazon more favorable financial terms." Mr. Miller would move their books to full price, take them off the recommendation engine or promote competing titles until he got better terms out of them, the book says.

"I did everything I could to screw with their performance," Mr. Miller told the writer. The program was called Pay to Play until the Amazon lawyers changed it to Vendor Realignment.

Read more here.

More: [Amazon](#)

Taboola Feed

#### **Becca Longo Could Be The First Female NFL Player**

Sponsored by SportsChew

#### **Switch and save an average of \$668. Savings make me smile.**

Sponsored by Progressive

#### **20 Places Where \$150K Is Enough To Retire**

Sponsored by MoneyWise.com

#### **World's First Surviving Octuplets Are All Grown Up. Look At Them 9 Years Later**

Sponsored by DirectExpose

#### **Denzel Washington Takes Us Inside His Stylish Mansion**

Sponsored by Finance Nancy

#### **The 20 Worst Failed Restaurant Chains That Nobody Misses**

Sponsored by Definition

#### **China's mysterious H-20 bomber has a nuclear mission, but that got nothing on its real threat** BI

# Interview Highlights

## On what we mean when we talk about "surveillance capitalism"

"Surveillance capitalism is an unprecedented approach to making money, for lack of a better word, capital accumulation, and here's how it works: It unilaterally claims private human experience as its own commodity that can be translated into behavioral data which can be then sold and purchased in a new kind of marketplace that trades exclusively in predictions of our future behavior, what we will do now, soon and later. What we immediately see in this remarkable new equation is that we've shifted the whole premise of exchange and how capitalism works from a relationship with customers to a relationship with people that is one of simply raw materials. We are no longer the customers of capitalism, we are its free source of raw materials, from which predictions of our behavior are fashioned for trade in these new and, in a certain respect, ominous new futures markets that I call 'behavioral futures markets.' "

## On an example of this kind of market

"The thing about these examples is that they literally are all around us. I write in the book about surveillance capitalism being discovered, invented, elaborated at Google, migrating to Facebook, becoming the default option for Silicon Valley apps and startups and so forth, but now it's everywhere. It's across every economic sector.

On Point 46:39 Jan 18, 2019

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**'Surviving R. Kelly': Documenting Decades Of Abuse From The R&B Singer**

On Point 46:47 Jan 18, 2019

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Exhibit 5  
Cause 2  
conspiracy to deny equal protection

News

# Historian lets his career story unfold

By CHARLOTTE CUSACK |

April 3, 2009 at 12:11 pm

Name: John William Templeton

Occupation: Historian

Years of experience: 20

What's your background?

I graduated from Howard University with an honors degree in journalism and pursued graduate studies in journalism at the University of North Carolina-Chapel Hill. I became editor of five newspapers, but I got my feet wet in history at Carolina by conducting research on the history of black newspapers. I then edited the first centennial edition in the history of the black press at the Richmond [Virginia] Afro-American in 1983. I've made history my focus for the past 20 years. I've published 23 books. My company eAccess Corp. is a content aggregator, meaning we take history and put it on different platforms, including books, exhibitions, 11 web sites, documentaries and plays.

What kind of sources do you use when compiling content for your books?

ADVERTISING

Newspapers, minutes of organizations, membership lists and family photos. What's great about the Bay Area is that we have had a continuous black press since 1857. A whole different experience is told through the black press than through the white newspapers. I've done a lot of research in San Francisco, Oakland and throughout California, and have gathered the some of the most critical information from the Library of Congress, Howard University and the United States National Archives and Records Administration in Washington, D.C.

Oral history is a difficult source, but I have done a project using 300 people where we used local people to actually interview their neighbors about what occurred in the past. The things people recall best are feelings and impressions, so advance research establishes where someone might have been and how they related to a situation and then oral history fills in the gaps from the facts gained from written sources.

What does history mean to you?

History is really the most important subject: Everything we do is based on history. What is DNA but history? When you look through a telescope, that's history. Our social norms are based on history. History is the foundation for knowledge. When you look at communities that aren't doing well, you're going to find a disconnect with history on some level, because they don't have a grounding in their own history and who they are and where they come from.



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Rev. Dr. John Anderson 25 Lake St. San Francisco, CA 94118  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY          CASE NUMBER: CDM18859150
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 400 McAllister St. MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:	
PLAINTIFF/PETITIONER: John William Templeton DEFENDANT/RESPONDENT: Amazon, Google	
DECLARATION	

I am Rev. Dr. John Anderson, co-pastor of St. John's Presbyterian Church in San Francisco. Ruling Elder John William Templeton has been part of our congregation for 11 years, serving on Session and as coordinator of our Harvest Pantry Ministry each Saturday morning for three years. I had the opportunity to meet his late mother and learn how deeply the family values its faith. They have been members of the Presbyterian Church since the 1780s in western North Carolina with a family cemetery and abandoned church still preserved as historic sites in the middle of the local airport. At the most recent General Assembly in St. Louis, I was present as Elder Templeton served as overture advocate representing the Presbytery of San Francisco on a measure to honor Rev. Henry Highland Garnet, the first African-American to speak in the U.S. Capitol. It passed the Social Justice Committee 48-0 and the full body 485-9. He has also been elected as Presbytery's Commissioner to the Synod of the Pacific, governing body for a five-state region, and as Trustee to Stillman College, the PCUSA historically black college and university in Tuscaloosa, AL. Given the wide scope of his stewardship, it strikes me as inappropriate for third parties to divert those who wish to learn more about his work, including the significant role of faith in his life. Such diversions have the potential to create privacy and safety issues for members of our denomination.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

\_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

- Attorney for     Plaintiff     Petitioner     Defendant  
 Respondent     Other (Specify):

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JS-CAND 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

John William Templeton  
 (b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)  
 San Francisco

**DEFENDANTS**

Google LLC, Amazon.com Inc. Thriftbooks LLC  
 County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)  
 Santa Clara  
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)  
 C19-2894 SIC.

**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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 checked="" type="checkbox"/>	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)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment Of Veteran's Benefits 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	<b>PERSONAL INJURY</b> 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury-Medical Malpractice  <b>CIVIL RIGHTS</b> 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/Accommodations 445 Amer. w/Disabilities-Employment 446 Amer. w/Disabilities-Other 448 Education	<b>PERSONAL INJURY</b> 365 Personal Injury - Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability  <b>HABEAS CORPUS</b> 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty  <b>OTHER</b> 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee-Conditions of Confinement	625 Drug Related Seizure of Property 21 USC § 881 690 Other  <b>LABOR</b> 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> 462 Naturalization Application 465 Other Immigration Actions	422 Appea 28 USC § 158 423 Withdrawal 28 USC § 157  <b>PROPERTY RIGHTS</b> 820 Copyrights 830 Patent 835 Patent--Abbreviated New Drug Application 840 Trademark  <b>SOCIAL SECURITY</b> 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS-Third Party 26 USC § 7609	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced & Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 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):  
 15 USC 45 42 USC 1985  
 Brief description of cause:

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ 20,000 daily damages CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

**VIII. RELATED CASE(S), IF ANY** (See instructions): JUDGE DOCKET NUMBER

**IX. DIVISIONAL ASSIGNMENT** (Civil Local Rule 3-2) (Place an "X" in One Box Only)  SAN FRANCISCO/OAKLAND  SAN JOSE  EUREKA-MCKINLEYVILLE

DATE May 24, 2019 SIGNATURE OF ATTORNEY OF RECORD

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

**Authority For Civil Cover Sheet.** The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate 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 Federal Rule of Civil Procedure 8(a), 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.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  - (3) Federal question. This refers to suits under 28 USC § 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.
  - (4) Diversity of citizenship. This refers to suits under 28 USC § 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-CAND 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 six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
  - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
  - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
  - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no 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 Federal Rule of Civil Procedure 23. 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-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. **Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."
- Date and Attorney Signature.** Date and sign the civil cover sheet.

## General Information

<b>Court</b>	United States District Court for the Northern District of California; United States District Court for the Northern District of California
<b>Federal Nature of Suit</b>	Commercial/ICC Rates[450]
<b>Docket Number</b>	3:19-cv-02894