

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JEFFREY A. WILLY,

Plaintiff,

v.

ELI LILLY AND COMPANY,

Defendant.

Case No. 1:18-cv-03934

COMPLAINT AND JURY DEMAND

Come now Plaintiffs, Jeffrey A. Willy, Ph.D. (“Mr. Willy” and “Plaintiff”), by counsel, for his cause of action against Defendant Eli Lilly and Company (“Eli Lilly” and “Defendant”), alleges and states as follows:

Jurisdiction and Venue

1. This Action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000e – 2000e-17) (“Title VII”), and for equal rights under Section 102 of the Civil Rights Act of 1991 (42 U.S.C. § 1981a).
2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343(a).
3. At all times relevant to this action, Mr. Willy resided in and worked within the Southern District of Indiana.
4. Eli Lilly is a domestic corporation that does business within the Southern District of Indiana.

Parties

5. The Plaintiff is Jeffrey A. Willy is a citizen of the United States and resides at 3695 Caminito Carmel Lndg., San Diego, CA 92130.

6. At all relevant times, Mr. Willy was an “employee” within the meaning of Title VII.

7. The Defendant Eli Lilly and Company is a Domestic For-Profit Corporation with a principal office located at Lilly Corporate Center, Indianapolis, IN 46285 doing business in Indiana.

8. The alleged discriminatory and retaliatory practices occurred in Indianapolis, Indiana.

9. At all relevant times, Eli Lilly was an “employer” within the meaning of Title VII.

Administrative Procedures

10. On or about July 25, 2018, Mr. Willy timely filed his charge of gender, gender stereotype, and sexual orientation discrimination/hostile work environment and retaliation against Eli Lilly with the Indianapolis District Office of the Equal Opportunity Commission (the “EEOC”).

11. On or about September 19, 2018, the EEOC issued Mr. Willy’s Dismissal and Notice of Rights, which was received September 21, 2018. A copy of the Dismissal Notice of Rights are attached hereto as Exhibit 1.

12. This civil action is being initiated within ninety (90) days of Mr. Willy’s receipt of the EEOC Dismissal and Notice of Rights.

Factual Allegations

13. Jeffrey A. Willy is a man. He is a private person. His sexual orientation is homosexual.

14. Mr. Willy received his Bachelor of Science Degree in Molecular Genetics from the University of Rochester in 2006.

15. Mr. Willy received his Master's of Science Degree in Biology in 2010 from Purdue University.

16. Mr. Willy received his Doctor of Philosophy (Ph.D.), in Biochemistry and Molecular Biology, in 2016 from the Indiana University School of Medicine.

17. Mr. Willy began working for Eli Lilly in November of 2007 as a Toxicologist.

18. Mr. Willy was promoted to a Senior Toxicologist in March 2012.

19. Mr. Willy was promoted to a Consultant Toxicologist in March 2016.

20. Mr. Willy was converted to a Research Scientist in October 2016.

21. Mr. Willy was constructively terminated from Eli Lilly and Company in September 2018 due to ongoing harassment, discrimination, and retaliation among other things.

22. In his time at Eli Lilly and Company, Mr. Willy has received more than 20 certificates (a/k/a inspire points and/or spotlight points) recognizing the excellence in his performance.

23. Since his first week of employment, Mr. Willy endured harassment, a hostile work environment, and discrimination based on his gender, gender stereotypes, and sexual orientation.

24. Among other things, in 2007, he was told that his co-worker was glad the he was hired, because they were considering another individual who was homosexual and that other individual would not have fit in.

25. In approximately 2009, Mr. Willy's supervisor told him directly, "I hate fags. Well, not all fags, just the flamboyant ones."

26. In approximately 2009, Mr. Willy filled out a company-wide survey that was alleged to be confidential that included questions regarding sexual orientation and age.

27. In said "confidential" survey, Mr. Willy indicated, among other things, that his supervisor needed to work on the areas of communication skills and diversity.

28. Later in approximately 2009, during Mr. Willy's end of the year review, his supervisor quoted his responses from the "confidential" survey during his end of the year review and he received a low ranking and raise.

29. In 2017, Mr. Willy was waiting for an attendant to finish cleaning the men's bathroom when Mr. Willy was approached by a co-worker who told him, "Well, just use the women's room, if all the weirdo transgenders are using whatever restroom they want to, the rest of us might as well."

30. Plaintiff reported these behaviors and actions to supervisors, managers, directors, and human resources.

31. These reports had no deterrence effect on the harassment and discrimination, and resulted in retaliation by superiors.

32. Further actions and threats were undertaken to deter further reporting of harassment and discrimination.

33. Plaintiff was denied compensation, promotions, lab support, work opportunities and other benefits of monetary value due to the harassment, discrimination, and the reporting of said actions.

34. In the fall of 2017, Anja Stauber, the superior of Mr. Willy at the time, was made aware of Mr. Willy's sexual orientation.

35. Since said disclosure, Mr. Willy was treated differently than his peers of similarly situated positions with different sexual orientations that also report to Stauber.

36. In March of 2018, Plaintiff reported harassment and discrimination to the Eli Lilly Human Resources Department.

37. As a result of this report and subsequent investigation among other things, Plaintiff received significant retaliation from Eli Lilly that led to being blocked from attendance and speaking opportunities at conferences, raises, promotions, and other compensation like those similarly situated to Plaintiff with different sexual orientations.

38. Plaintiff had been informed several times that he needed to “earn the trust” back from his superiors after reporting the harassment and discrimination to Human Resources.

39. After Mr. Willy’s superiors were informed of the complaint made to Human Resources, Plaintiff’s employment reviews were altered and subsequent reviews were completed with negative marks despite the consistent history of excellence in his field that Mr. Willy exhibited for years.

40. On May 1, 2018, Mr. Willy’s superior, Anja Stauber (“Ms. Stauber”), set key deliverables that were originally requested on March 11, 2018.

41. On May 1, 2018, Ms. Stauber recommended Mr. Willy decline a speaking engagement that would have allowed Mr. Willy to strengthen a business relationship with a collaborator.

42. On several occasions, Mr. Willy was left out of key meetings, as was known by Ms. Stauber.

43. On May 4, 2018 and May 19, 2018, Mr. Willy contacted Human Resources with no response.

44. Since Mr. Willy reported his concerns to Human Resources, Ms. Stauber increased one-on-one meetings which were hostile and intimidating in nature.

45. Mr. Willy notified Human Resources of the hostility and intimidating nature of the one-on-ones and made requests for an advocate at such meetings, and said requests were ignored.

46. Eli Lilly and Company's decision not to promote or treat Mr. Willy in the same manner as employees similarly situated of a different sexual orientation was motivated by Plaintiff's sex and sexual orientation. Eli Lilly and Company did not take adverse action against men who were attracted to, dating, or living with women. Defendant disadvantaged Plaintiff because he did not conform to gender stereotypes and norms about men, was treated less favorably than women who were attracted to men, and he has experienced "paradigmatic sex discrimination" under Title VII.

47. As a result of Eli Lilly and Company's harassing and discriminatory actions, Plaintiff was constructively discharged and left his position to take a new position with a different company, which resulted in the surrender of a significant potential value of a pension.

COUNT I

(Title VII - Hostile Work Environment, 42 U.S.C. §2000(e), et. seq.)

48. Plaintiff hereby incorporates rhetorical paragraphs 1 through 47 of his Complaint as if fully set forth herein.

49. Mr. Willy was subjected to a hostile work environment.

50. The hostile work environment was discriminatory in nature due to Mr. Willy's protected class, severe, pervasive, and unwelcome.

51. Defendant's actions violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et. seq.

52. Defendant's conduct was deliberate, willful, and in reckless disregard for Mr. Willy's civil rights.

53. Mr. Willy has suffered damages as a result of Defendant's unlawful conduct.

COUNT II

(Title VII – Gender Discrimination, 42 U.S.C. §2000(e), et. seq.)

54. Plaintiff hereby incorporates rhetorical paragraphs 1 through 53 of his Complaint as if fully set forth herein.

55. Mr. Willy was subjected to harassment, discrimination, less favorable terms, conditions and different job assignments in his employment with the Defendant because of his gender.

56. Defendant's actions violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et. seq.*

57. Defendant's conduct was deliberate, willful, and in reckless disregard for Mr. Willy's civil rights.

58. Mr. Willy has suffered damages as a result of Defendant's unlawful conduct.

COUNT III

(Title VII – Gender Stereotype Discrimination, 42 U.S.C. §2000(e), et. seq.)

59. Plaintiff hereby incorporates rhetorical paragraphs 1 through 58 of his Complaint as if fully set forth herein.

60. Mr. Willy was subjected to harassment, abuse, discrimination, was forced to work in a hostile work environment and faced adverse employment actions because of animus toward Mr. Willy's exhibition of behavior considered to be stereotypically inappropriate for men.

61. The animus was condoned and allowed to continue by ignoring the actions undertaken by employees of Eli Lilly, and the refusal to issue corrective actions upon reporting, and instead punishing Mr. Willy.

62. Defendant's actions violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et. seq.*

63. Defendant's conduct was deliberate, willful, and in reckless disregard for Mr. Willy's civil rights.

64. Mr. Willy has suffered damages as a result of Defendant's unlawful conduct.

COUNT IV

(Title VII – Sexual Orientation Discrimination, 42 U.S.C. §2000(e), et. seq.)

65. Plaintiff hereby incorporates rhetorical paragraphs 1 through 64 of his Complaint as if fully set forth herein.

66. Mr. Willy was subjected to harassment, discrimination, less favorable terms, conditions and different job assignments in his employment with the Defendant because of his sexual orientation.

67. Defendant's actions violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et. seq.*

68. Defendant's conduct was deliberate, willful, and in reckless disregard for Mr. Willy's civil rights.

69. Mr. Willy has suffered damages as a result of Defendant's unlawful conduct.

COUNT V

(Title VII – Retaliation/Failure to Investigate/Constructive Discharge, 42 U.S.C. §2000(e), et. seq.)

70. Plaintiff hereby incorporates rhetorical paragraphs 1 through 69 of his Complaint as if fully set forth herein.

71. Mr. Willy was subjected to less favorable terms, conditions and different job assignments in his employment with the Defendant because of his reporting of harassment, a hostile work environment, and discrimination and was constructively discharged.

72. Eli Lilly knowingly and intentionally refused to adequately and sufficiently investigate Mr. Willy's complaints.

73. Defendant's actions violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et. seq.*

74. Defendant's conduct was deliberate, willful, and in reckless disregard for Mr. Willy's civil rights.

75. Mr. Willy has suffered damages as a result of Defendant's unlawful conduct.

RELIEF REQUESTED

Each of the above counts constitutes a separate violation of 42 U.S.C. § 2000e, *et seq.* For each of these violations, Jeffrey A. Willy seeks to recover the following:

1. compensatory damages in an amount to be determined by a jury;
2. punitive damages in an amount to be determined by a jury;
3. reasonable expenses, including but not limited to attorney fees pursuant to 42 U.S.C. § 2000e, *et seq.*; and
4. any further relief that may be appropriate.

Respectfully submitted,

TATE & BOWEN LLP

/s/ Brandon E. Tate

Brandon E. Tate (#31531-49)

TATE & BOWEN LLP

156 East Market Street, Suite 300

Indianapolis, IN 46204

317.296.5294

Fax: 317.423.0772

brandon.tate@tatebowenlaw.com

Tarah M. Baldwin (#32317-49)

BALDWIN MAPLES & WILLIAMS, LLC

6856 N Keystone Avenue

Indianapolis, IN 46220

317.871.1948

Fax: 317.203.7483

tarah@bmw.law

JURY DEMAND

Pursuant to Federal Rules of Civil Procedure Rule 38(B), Plaintiff respectfully demand a trial by jury on all issues so triable.

/s/ Brandon E. Tate

Brandon E. Tate (#31531-49)

Enclosures(s)

✓ cc: **Tarah Baldwin**
BALDWIN MAPLES & WILLIAMS, LLC
6856 N. Keystone Avenue
Indianapolis, IN 46220

SEP 19 2018

EXHIBIT 1

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Jeff Willy
4820 Wolf Run Blvd
Indianapolis, IN 46239

From: Indianapolis District Office
101 West Ohio St
Suite 1900
Indianapolis, IN 46204

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No. 470-2018-02437
EEOC Representative Frederick J. BruBaker, Enforcement Supervisor
Telephone No. (317) 226-7350

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
[X] The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Signature of Michelle Eisele

Michelle Eisele, District Director

SEP 19 2018

(Date Mailed)

Enclosures(s)

cc: Laura A. Lemons
Manager, HR
ELI LILLY
Lilly Corporate Cente DC 1010
Indianapolis, IN 46285

Tarah Baldwin
BALDWIN MAPLES & WILLIAMS, LLC
6856 N. Keystone Avenue
Indianapolis, IN 46220

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, 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.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER 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):

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.

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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: