

1. On December 2, 2021, staff working for the Office of the Deputy Mayor for Health and Human Services of the District of Columbia, arrived at the corner of New Jersey Avenue and O Street, in Northwest Washington, to forcibly remove people living in a tent encampment in a small park there. Defendant Keyen Blakely, an “encampment response coordinator” with that Office, was supervising the removal of people’s personal belongings. Plaintiff Kimberly Lehmkuhl was there too, filming the removal. Lehmkuhl is a longtime advocate for homeless people. She was there to help people who were being displaced, and to bear witness to and document what she believes to be a grave injustice: Although Mayor Bowser and her staff purport not to criminalize homelessness, and not to remove people living in tents unless the City provides them housing, in fact the Mayor and her staff remove people living in tents even when they have nowhere safe to go.

2. As Lehmkuhl videotaped a city worker removing someone’s belongings from a tent, Blakely walked up to her and asked her to step aside, making up an excuse about a construction crew. Lehmkuhl obliged and walked a few steps to her left, leaving plenty of room for the construction crew that was supposedly on its way, still videotaping the removal. Blakely was unsatisfied. So he walked very close to Lehmkuhl and yelled at her to move backward, away from the removal. She said no. So he threw her to the ground, in flagrant violation of her Constitutional rights and District of Columbia tort law. Lehmkuhl brings this Action to seek compensation for the harms she suffered and to deter Blakely, who continues to direct the removal of people and belongings across the City, from further illegal violence against activists.

Parties

3. Plaintiff Kimberly Lehmkuhl works with mutual-aid societies in the District to, among other things, help her unhoused neighbors find stable housing and stay safe when they cannot. When the City removes an encampment, Lehmkuhl is often there, helping residents as she can and videotaping abuses.

4. Defendant Keyen Blakely is an employee of the District of Columbia. He first worked for the District in 2012 and has worked continuously for the District since 2020, first as a sanitation worker with the Department of Public Works, and then, starting in 2021, as an encampment-response coordinator with the Office of the Deputy Mayor for Health and Human Services. He is sued in his individual capacity for depriving Lehmkuhl's civil rights while acting under color of law, and for battery.

Jurisdiction and Venue

5. Lehmkuhl brings this Action under 42 U.S.C. § 1983, alleging violations of her rights under the First, Fourth, and Fifth Amendments to the United States Constitution, and under D.C. common law, alleging battery. This Court has subject-matter jurisdiction over Lehmkuhl's § 1983 claims under 28 U.S.C. § 1331, and the Court may exercise supplemental jurisdiction over Lehmkuhl's common-law claims under 28 U.S.C. § 1367. Venue is proper in this district because all the events complained of occurred in this district.

The Mayor's "Pilot Program" And Lehmkuhl's Response

6. Beginning in 2020 or so, Lehmkuhl has volunteered with many organizations around the City to help people who cannot find stable housing. Before

2020, Lehmkuhl did similar work elsewhere, and has been an engaged participant in local politics for as long as she can remember.

7. The District, like almost all large cities in America, has a large population of people living outside. Although this population is difficult to measure precisely, there are approximately 4,500 people living outside of standard housing in the District at any time. Many of those people take shelter from the elements in tents, often forming small encampments together, where they can help each other and more easily access necessary services. These people must keep what few belongings they have—vital documents like social-security cards and birth certificates, plus prescriptions, medical records, and medication—in their tents.

8. The presence of tents in public spaces has occasioned a significant political backlash in the City. Many people and businesses in the City want the encampments—and the people who live in them—removed.

9. So in August of 2020, Mayor Bowser announced a “pilot program” whose stated purpose was to “provide intensive case management and behavioral health/substance use services to encamped individuals while working to connect clients to appropriate housing opportunities.” The plan was supposedly to offer encampment residents the “opportunity” to avail themselves of City services, but not to force them to leave, and then determine “whether the selected pilot sites—M/L St. NE, 20/21st Street & E St. NW, New Jersey & O Park NW—show a decrease in health and safety risks” The Deputy Mayor in charge of Health and Human Services, Wayne Turnage, put it simply: “We won’t force anyone to leave.”

10. On August 23rd, 2020, the City provided notice to the more than 65 people living under the railroad overpass on L Street, Northeast, that their belongings would be removed and held in storage, and that they must leave and not come back. When the City arrived to remove people, Lehmkuhl was there, helping when she could and bearing witness when she could not. When a City worker bulldozed a person's tent while he was still inside it—thankfully he was not injured because he was able to shout loud enough for witnesses and the City worker to hear him—the removal on L street was temporarily stopped, but since then all the people living there were indeed forced elsewhere. Although the City claimed that everyone would be offered stable housing and no one would be forcibly removed, the L street operation proved otherwise: Residents were specifically ordered to leave, and only 12 of the residents were provided stable housing before their removal.

The Eviction on December 2

11. The City evicted the residents of the second site listed in the Mayor's pilot program, the park at New Jersey Avenue and O Street NW, on December 2, 2021. The ostensible justification for this removal was the City's plan to build a splash park at that site. Accordingly, many public meetings were held in advance of the removal, and the Department of Public Works was formally in charge of the removal.

12. Activists and organizers, including Lehmkuhl, who had learned about the eviction from the many public meetings held to discuss the park renovation, arrived to help at 6:30 AM before any police or city workers arrived.

13. By 7:05 AM, more than 20 police officers were on the scene, even though the Mayor repeatedly claimed that she “does not criminalize homelessness” and even though the City told residents that they would never be forced to leave.

14. A few days earlier, the police fenced off the park. When Lehmkuhl arrived, though, the gate at the northeast corner of the park was open. At about 8:00 AM, the police barred anyone—including residents whose belongings were inside the fence and caseworkers with whom the City contracts to provide services to the homeless—from entering. The police did not state a legal justification for doing this.

15. At about 9:30 AM, D.C. Councilmember (and mayoral candidate) Robert White, who opposes Mayor Bowser’s pilot program and has publicly described the program as “just pushing people out, in what I think is a cruel and tragic way,” arrived on the scene. A few minutes later, Councilmember Elissa Silverman arrived too. Although the police had barred everyone else from crossing the fence, they let the Councilmembers in. A small crowd had gathered on the street in front of the park, witnessing the removal.

16. Lehmkuhl, who arrived before the police, was inside the fence too. No one asked her to leave.

Blakely Assaults Lehmkuhl in Flagrant Violation of The Law

17. By midmorning, Lehmkuhl was standing quietly in the park, filming a City worker in a white protective suit removing a person’s belongings from a tent. The video Lehmkuhl took is available at <https://vimeo.com/718744227> and is incorporated as an exhibit to this Complaint.

18. Lehmkuhl knew whose tent that was, and she knew that there were vitally important documents inside it.

19. Blakely approached Lehmkuhl from her right-hand side and said, reasonably calmly, “m’am, can I get you to go this way? We have a construction crew coming through.”

20. Lehmkuhl immediately took three steps to her left, still filming the man in the white protective suit removing a resident’s belongings from a tent.

21. Blakely followed Lehmkuhl until he was at most six inches away from her.

22. He shouted “can I have you go *this* way” and, using his right hand, waved her backwards.

23. Blakely had no legal authority to command Lehmkuhl to do anything at all. Lehmkuhl was standing in a public place videotaping a public officer doing government business.

24. Although Blakely claimed a “construction crew” was on its way, no signs indicated that construction was taking place, and no one had ordered Lehmkuhl (or, so far as she is aware, anyone else) to leave the park.

25. In fact, throughout the rest of the day, no construction crew ever arrived and no construction crew was in fact slated to arrive on the schedule of the Department of Public Works or any other public document.

26. Blakely was lying. He in fact wanted Lehmkuhl out so that she would stop videotaping.

27. And regardless Blakely is not a peace officer: Even if Lehmkuhl was violating some law, Blakely had no authority to enforce it; if Lehmkuhl were blocking some construction crew, Blakely had no authority to remove her. Blakely is a bureaucrat, not a cop.

28. Because Blakely had pursued her quickly, was six inches (at most) from her face, and was shouting at her, Lehmkuhl said “can you get the fuck out of my face?”

29. Blakely did not get out of Lehmkuhl’s face. Instead, he intentionally shoved her to the ground.

30. After Lehmkuhl hit the ground, Blakely walked up to her and leaned over her supine body.

31. A colleague walked up to Blakely and pushed him back, whispering something in his ear repeatedly, attempting to calm him down.

32. Blakely said “that’s some bullshit she was up in my face,” or something like that.

33. Lehmkuhl, gathering herself, said “I was up in your face? What the fuck are you talking about?”

34. Blakely’s colleague then said to Lehmkuhl “m’am you were definitely in his face.”

35. Lehmkuhl responded “I was standing there.”

36. Blakely's colleague then walked up to Lehmkuhl with his palm facing her, and she said "get away from me" and walked slightly to her left to get away from him.

37. As Lehmkuhl walked away, Blakely shouted "there's constructing going on and you in the construction zone."

38. Lehmkuhl responded "there's no fucking construction you psychopath."

39. Blakely's colleague then walked up to Lehmkuhl again and said "m'am you got to go."

40. Lehmkuhl responded "I actually don't. Get away from me. Get away from me." As Blakely's colleague told Lehmkuhl that she needed to leave, Lehmkuhl said "there's no 'zone,'" referring to Blakely's made-up justification for demanding that she leave.

41. She continued to film the man in the white suit.

42. At that point, another colleague of Blakely's walked up and stood between Lehmkuhl and the man she was filming.

43. As Lehmkuhl tried to step to the side so she could keep filming, Blakely's second colleague moved in synch with her to prevent the filming. This colleague then asked Blakely to call the police.

44. It is unclear if Blakely even did seek police attention, but no police officer ever told Lehmkuhl to do anything or to leave the park.

45. After witnessing the City forcibly remove people and their belongings for a few more hours, Lehmkuhl left and went home.

Claim for Relief

Count One: Violation of First Amendment Rights Under Section 1983

46. All prior paragraphs are incorporated here by reference.

47. Lehmkuhl voiced speech protected by the First Amendment by filming a public officer going about the public's business in a public place.

48. Similarly, Lehmkuhl voiced speech protected by the First Amendment by telling Blakely to get out of her face as she filmed.

49. Blakely—as evidenced by his and his colleague's conduct before and after the assault—wanted to stop Lehmkuhl from filming the removal.

50. Alternatively or additionally, Blakely was upset that Lehmkuhl had told him to get out of her face.

51. In response to Lehmkuhl's protected speech, Blakely, acting under color of government authority, threw her to the ground, causing her physical harm.

52. The risk of physical assault by a man acting with government authority would chill an ordinary person from the exercise of her protected speech.

53. Blakely violated Lehmkuhl's First Amendment rights.

Count Two: Violation of Fourth Amendment Rights Under Section 1983

54. All prior paragraphs are incorporated here by reference.

55. Blakely, who is not a law-enforcement officer and has no legal authority under District law to seize anyone, seized Lehmkuhl by physically throwing her to the ground and preventing her freedom of movement all while acting under color of government authority.

56. Blakely had no suspicion—let alone reasonable suspicion—that Lehmkuhl was committing any crime or that her seizure was otherwise justified in any way.

57. Blakely violated Lehmkuhl’s rights under the Fourth Amendment.

Count Three: Violation of Fifth Amendment Rights Under Section 1983

58. All prior paragraphs are incorporated here by reference.

59. Blakely used force against Lehmkuhl in a circumstance in which force was obviously unnecessary: Lehmkuhl was breaking no laws, nor did she even pose any reasonable threat of breaking any laws or causing any physical harm or other public disruption.

60. Blakely had no legitimate cause to ask Lehmkuhl to move, let alone to use force to make her do so. He was motivated purely by malice. His conduct was outrageous and shocks the conscience of any reasonable observer.

61. Blakely violated Lehmkuhl’s substantive-due-process rights under the Fifth Amendment.

Count Four: Battery

62. All prior paragraphs are incorporated here.

63. Blakely, acting within the scope of his employment by the District of Columbia, intentionally pushed Lehmkuhl, causing harmful and offensive physical contact to her body.

64. Blakely's conduct was not reasonably necessary under the circumstances because, among other things, he had no reason or authority to remove Lehmkuhl from where she chose to stand.

65. He had no privilege to do so because any reasonable person in this situation would have known that he lacked any suspicion, reasonable or otherwise, that Lehmkuhl was committing a crime or posing a threat to anyone.

66. Alternatively or additionally, he had no privilege to do so because he subjectively knew that he lacked reasonable suspicion that Lehmkuhl was committing a crime or posing a threat to anyone.

67. Alternatively or additionally, he had no privilege to do so because D.C. law does not give him authority to effect a seizure, let alone to effect one for no good reason.

Prayer for Relief

Plaintiff Kimberly Lehmkuhl respectfully requests:

- An award of compensatory damages against Defendant Keyen Blakely;
- An award of punitive damages against Defendant Keyen Blakely;
- An award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988; and
- All other relief that this Court deems just and appropriate.

Respectfully submitted,

/s/ Charles Gerstein

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AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



Kimberly Lehmkuhl,

Plaintiff(s)

v.

Keyen Blakely

Defendant(s)

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Keyen Blakely
 (Address filed under seal)

A lawsuit has been filed against you.

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

Charles Gerstein
 Gerstein Harrow LLP
 810 7th Street NE, Suite 301
 Washington, DC 20002

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

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

<p>I. (a) PLAINTIFFS Kimberly Lehmkuhl</p> <p style="text-align: right;">(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>DC</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p>DEFENDANTS Keyen Blakely</p> <p style="text-align: center;">COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>
<p>(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) Charles Gerstein Gerstein Harrow LLP 810 7th Street NE, Washington, DC 20002 202-670-4809</p>	<p>ATTORNEYS (IF KNOWN)</p>

<p>II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff <input checked="" type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border: none;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DFT</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DFT</td> </tr> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
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<p><input type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil</p>			
<p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> <p><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)</p>	<p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 462 Naturalization Application</p>	<p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA)</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 42 U.S.C. 1983

VII. REQUESTED IN COMPLAINT
 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$ 100,000
 JURY DEMAND:
 Check YES only if demanded in complaint
 YES NO

VIII. RELATED CASE(S) IF ANY
 (See instruction)
 YES NO
 If yes, please complete related case form

DATE: 6.9.2022
 SIGNATURE OF ATTORNEY OF RECORD /s/ Charles Gerstein

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET 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 services 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.