

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

JAMES DOCZI	:	
	:	
Plaintiff	:	
	:	Case No: 2:19-cv-00012
v.	:	
	:	
STONEMOR PARTNERS L.P.	:	
D/B/A HIGHLAND MEMORY	:	
GARDENS	:	
	:	
Defendant	:	

**NOTICE OF REMOVAL**

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

PLEASE TAKE NOTICE that Defendant StoneMor Partners L.P., by and through its undersigned counsel, Duane Morris LLP, hereby files this Notice of Removal pursuant to 28 U.S.C. § 1441 to effect removal of this matter which was commenced in the Circuit Court of Logan County, West Virginia and designated Civil Action 18-C-250. Defendant states that removal is proper for the following reasons:

1. On or about December 4, 2018, Plaintiff, James Doczi filed a Summons and Complaint in the Circuit Court of Logan County, West Virginia, under docket number 18-C-250 asserting claims on behalf of himself and a putative class in excess of 25,000 plaintiffs.
2. Plaintiff's Complaint alleges violations of the West Virginia Consumer Credit and Protection Act, § 46A-6-101 et seq., as well as violations of West Virginia Common Law for grave desecration stemming from Defendant's alleged failure to properly maintain the cemetery known as Highland Memory Gardens and gravesites situated therein.

3. Defendant was served with original process on December 4, 2018.

4. This court has removal jurisdiction under 28 U.S.C. § 1441, because the subject matter of the action is within the original jurisdiction of the district court pursuant to 28 U.S.C. § 1332(d).

5. The parties to this action meet the minimal diversity requirements of 28 U.S.C. § 1332(d)(2)(A) and 28 U.S.C. § 1332(d)(10).

6. Plaintiff James Doczi is citizen of the State of West Virginia.

7. Defendant StoneMor Partners L.P. is a Delaware Limited Partnership with a principal place of business in Pennsylvania. Pursuant to 28 U.S.C. § 1332(d)(10), Defendant is a citizen of Delaware and Pennsylvania.

8. The matter in controversy exceeds \$5,000,000, exclusive of interest and costs, as set forth in 28 U.S.C. 1332(d)(2). Specifically, Plaintiff alleges that there are more than 4,000 memorial plots/gravesites. Plaintiff further alleges that the class is expected to exceed 25,000 members. Plaintiff's class action complaint seeks relief including a refund of monies paid to Defendant for the memorial plots/gravesites pursuant to the West Virginia Consumer Credit and Protection Act, § 46A-6-101 *et seq*, and pursuant to West Virginia common law, including but not limited to punitive damages. This requested relief exceeds a value of \$5,000,000.

9. In accordance with 28 U.S.C. § 1446(a), attached hereto as Exhibit A is a true and correct copy of all pleadings, processes and orders filed in this action in the Circuit Court for Logan County, West Virginia, under docket number 18-C-250.

10. A copy of this Notice of Removal is being served on all parties of record by mailing, United States first class, postage prepaid, a true and correct copy thereof to their attorneys of record or to unrepresented parties, and a copy of the original Notice of Removal will

be filed in the office of the Clerk of Court of the Circuit Court for Logan County, West Virginia pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant prays that this civil action be removed to this Court from the Circuit Court for Logan County, West Virginia.

DUANE MORRIS LLP

By: Randal M. Whitlatch  
Randal M. Whitlatch

W.V. I.D. No. 10258

600 Grant Street, Suite 5010  
Pittsburgh, PA 15219  
Ph: 412/497-1000  
Fx: 412/202-3330  
Email: [RMWhitlatch@duanemorris.com](mailto:RMWhitlatch@duanemorris.com)

CERTIFICATE OF SERVICE

I certify that on January 3, 2019 a true and correct copy of Defendant StoneMor Partners L.P.'s Notice of Removal was served upon Plaintiff's counsel and all counsel of record, *via ECF filing*.

/s/ Randal M. Whitlatch



Transmittal Number: 19061065  
Date Processed: 12/06/2018

## Notice of Service of Process

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**Primary Contact:** Alison Chen  
StoneMor Partners L.P.  
3600 Horizon Blvd.  
Ste 100  
Trevose, PA 19053-4965

**Electronic copy provided to:** Phil Cha  
Lauren Kurtz  
Lindsay Brown

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<b>Entity:</b>	Stonemor Partners L.P. Entity ID Number 2270805
<b>Entity Served:</b>	Stonemor Partners, L.P.
<b>Title of Action:</b>	James Doczi vs. Stonemor Partners, L.P. d/b/a Highland Memory Gardens
<b>Document(s) Type:</b>	Summons/Complaint
<b>Nature of Action:</b>	Class Action
<b>Court/Agency:</b>	Logan County Circuit Court, WV
<b>Case/Reference No:</b>	18C250-00
<b>Jurisdiction Served:</b>	West Virginia
<b>Date Served on CSC:</b>	12/06/2018
<b>Answer or Appearance Due:</b>	30 Days
<b>Originally Served On:</b>	WV Secretary of State on 12/04/2018
<b>How Served:</b>	Certified Mail
<b>Sender Information:</b>	D. Adrian Hoosier, II 681-265-5000

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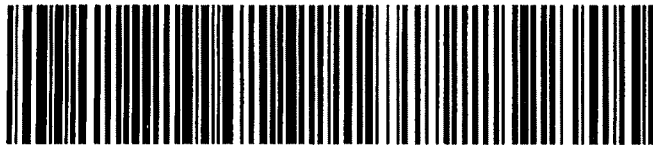
Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**  
251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305



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**Mac Warner**  
Secretary of State  
State of West Virginia  
Phone: 304-558-6000  
886-767-8683  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

STONEMOR PARTNERS L.P.  
Corporation Service Company  
209 West Washington Street  
Charleston, WV 25302

**Control Number:** 230921

**Defendant:** STONEMOR PARTNERS L.P.  
209 West Washington Street  
Charleston, WV 25302 US

**Agent:** Corporation Service Company

**County:** Logan

**Civil Action:** 18-C-250

**Certified Number:** 92148901125134100002440173

**Service Date:** 12/4/2018

I am enclosing:

**1 summons and complaint**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.*

Sincerely,

A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner  
Secretary of State

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

JAMES DOCZI,

Plaintiff,

v.

Civil Action: 18 Ca 50  
Judge: Mont

STONEMOR PARTNERS, L.P.  
D/B/A HIGHLAND MEMORY GARDENS,

Defendant.

SUMMONS

TO: STONEMOR PARTNERS, L.P.  
209 WEST WASHINGTON STREET  
CHARLESTON, WV 25302

RECORDED FOR  
COURT RECORDS  
2018 DEC -4 P 12:15  
CLERK OF COURT  
LOGAN COUNTY WEST VIRGINIA

IN THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon **D. Adrian Hoosier, II, Plaintiff's attorney, whose address is 2306 1/2 Kanawha Boulevard, East, Charleston, WV 25311**, an answer, including any related counterclaim you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: 11/29/18

Mark Mule  
Circuit Clerk

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

JAMES DOCZI,  
On behalf of himself and  
All others similarly situated,

Plaintiffs,

v.

Civil Action No. 18Ca50-00

STONEMOR PARTNERS, L.P.  
D/B/A HIGHLAND MEMORY GARDENS,

Defendant.

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CLERK OF COURT  
LOGAN COUNTY

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CLASS ACTION COMPLAINT

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Plaintiff James Doczi brings the instant civil action against Defendant, above named, on behalf of himself and a class of other persons similarly situated, for violations of the West Virginia Consumer Credit and Protection Act, *W.Va. Code* § 46A-5-101, et seq, et seq. ("WV-CCPA"), and common law grave desecration, concerning Defendant's practice of failing to timely complete repairs to Plaintiff's, and others similarly situated, decedent's grave, and for providing false promises, advertising, communications, and warranties of Defendant's duty to care for the decedent's grave site, repair Plaintiff's decedent's grave site, selling Plaintiff's decedent's grave site to other parties, and other actions in violation of the WV-CCPA, and actions amounting to common law grave desecration for which all plaintiffs have been harmed. In support Plaintiff states as follows:

**Parties and Jurisdiction**

1. Plaintiff, James Dociz ("Doczi"), is a resident of Logan County, West Virginia.



2. Defendant StoneMor Partners, L.P. ("StoneMor") is a foreign corporation doing business in Logan County, West Virginia. StoneMor operates cemeteries in many states including the State of West Virginia. StoneMor d/b/a Highland Memory Gardens ("Highland") is a cemetery located in Pecks Mill, Logan County, West Virginia.

3. Jurisdiction and venue are appropriate in this court.

4. Jurisdiction and venue are appropriate in the Circuit Court of Logan County, West Virginia.

### **Factual Allegations**

5. At all times relevant herein, Plaintiff, and others similarly situated, have loved ones and "next of kin" who are laid to rest at Highland.

6. Plaintiff, and others similarly situated, have complained to Highland/StoneMor concerning the conditions of their next of kin's grave site. Namely, Plaintiff, and other similarly situated, have experienced sinking headstones, damaged headstones from mowing/digging/excavation, excavation on the gravesite, theft, debris and other earthen material collected on gravesite from mowing/digging/excavation, and false promises.

7. Plaintiff, and others similarly situated, were misrepresented as to condition of gravesite, availability of grave site, care to be provided to gravesite, and other misrepresentations. Specifically, Plaintiff, and others similarly situated, were promised that Highland would ensure the headstones wouldn't sink, that excavation wouldn't cause harm to his next of kin's gravesite, that gravesites would be cared for and remain free of mud, debris, and earthen material, and that the headstones wouldn't be damaged.

8. Plaintiff, and others similarly situated, experienced damage/harm to the decedent's gravesite in direct contradicting to Defendant's representations.

9. Defendant has failed to correct ongoing problems with Plaintiff, and others similarly situated, decedent's gravesites and misrepresented to Plaintiff, and others similarity situated, that Defendant would address the problems Plaintiff decedent's gravesite as set forth above. These violations are "continuing" in nature. Defendant continues to make representations concerning its prior promises.

10. Pursuant to Rule 23 of the West Virginia Rules of Civil Procedure, Plaintiff brings this claim on behalf of all persons who: (1) have loved ones/next of kin laid to rest at Highland; and (2) have experienced misrepresentations by Defendant as to the care of the gravesite and (3) have experienced common law gravesite desecration.

11. This Class consists of: all next of kin of the decedent with the right to assert a claim for desecration.

12. Plaintiff alleges, upon information and belief, that the number of class members is so numerous that joinders of all of them is impractical. Plaintiff's belief is based on the fact that Defendant has listed in excess of 4,000 memorial plots/gravesites.

13. The members of this Class will be easily ascertained from the records of the Defendants when discovery commences herein.

14. Class Representatives' claims raise questions of law and fact that are common to claims of each member of the Class. Specifically, the central issue raised by this action is whether the Defendants' actions were in violation of the WV-CCPA and common law gravesite desecration.

15. The claims of the Class Representative are typical of the claims of each member of the Class. The Class Representative claims are based upon violations of the WVCCPA/common law grave desecration. All purported members of the class make the same allegations. The number of members is expected to exceed 25,000 members.

16. The common issues involved in this lawsuit predominate over any separate issues that may exist among individual plaintiffs.

17. The Class Representative is a West Virginia resident who will fairly and adequately protect and represent the interest of each member of the Class. Additionally, the Class Representative is fully cognizant of his responsibilities as Class Representative, and has retained experienced counsel fully capable of, and intent upon, vigorously pursuing this action.

18. The question of law of fact common to Class Representative's claims and the claims of each member of the Class predominate over any question of law or fact affecting only individual members of the Class. Additionally, the amount in controversy for each Class member's claims would make individual lawsuits economically unfeasible, if not impossible as damages under both the WVCCPA and common law grave desecration are extremely limited. Class Representation is therefore clearly superior to other available methods for the fair and efficient adjudication of this controversy.

**Claim – Violations of the WV-CCPA**

19. Plaintiffs re-allege all prior paragraphs as though separately set forth herein.

20. The Defendant's wrongful acts, misrepresentations and omissions violate and are prohibited by the West Virginia Consumer Credit and Protection Act, West

Virginia Code §46A-6-101, et seq. All of the Defendant's acts were within the conspiratorial intent to obtain money from the Plaintiffs and keep the Plaintiff's money.

21. As a result of the wrongful acts, misrepresentations and omissions as set forth above, the Plaintiffs has suffered harm.

22. Pursuant to West Virginia Code §46A-6-106, the Plaintiffs seeks relief for the Defendants' violations of this State law, a refund of monies paid to Defendant, fines/other damages set forth by W.Va. Code §46A-6-101, et seq. (including attorney's fees and costs).

23. The Defendants' actions are in clear violation of West Virginia Code 46A-6-102 in that the Defendants did the following illegal, unfair and deceptive acts:

- B. Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services.
- C. Causing likelihood of confusion or of misunderstanding as to affiliation, connection or association with or certification by another.
- E. Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation or connection that he does not have.
- G. Representing that goods or services are of a particular standard, quality or grade or that goods are of a particular style or model if they are of another.
- I. Advertising goods or services with intent not to sell them as advertised.
- L. Engaging in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.
- M. The, act, use or employment of any person of any deception, fraud, false pretense, false promise or misrepresentation or the concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or

omission, in connection with the sale or advertisement of any goods or services, whether or not any person has in fact been misled, deceived or damaged thereby.

(letter sequence corresponds with subsection of the Act)

24. Should Plaintiffs prevail in this matter, Plaintiffs are entitled to recover their costs, including reasonable attorney fees, pursuant to §46A-6-101, et seq.

**Claim – Common Law Grave Desecration**

25. Plaintiffs re-allege all prior paragraphs as though separately set forth herein.
26. Plaintiff, and others similarly situated, bring a claim for common law grave desecration.
27. Plaintiff, and others similarly situated, are next of kin to decedents buried at Highland which is a publicly or privately maintained cemetery, clearly marked in a manner which will indicate its use as a cemetery, with identifiable boundaries and limits.
28. Plaintiff, and others similarly situated, are next of kin to decedents buried at Highland owns and operates subject cemetery whom allowed for dedication of the area wherein Plaintiff's decedent is buried that the owner (Highland/StoneMor) or the property acquiesced in its use for the burial of Plaintiff's decedent.
29. The area where Plaintiff's decedent is buried is the area which was identifiable as a cemetery by its appearance as Defendant owned and operated subject cemetery.
30. Plaintiff's decedent is interred in the cemetery by license or right sold by StoneMor/Highland and/or its predecessors.

31. Plaintiff, and others similarly situated, is the next of kin of the decedent with the right to assert a claim for desecration.
32. Defendant proximately caused, either directly or indirectly, defacement, damage, or other mistreatment of the physical area of the decedent's grave site or common areas of the cemetery in a manner that a reasonable person knows will outrage the sensibilities of others.
33. Plaintiff, and others similarly situated, has suffered harm.
34. Defendant actions and inactions were deliberate, intention and/or grossly negligent wherein punitive damages are appropriate. Plaintiff, and others similarly situated, do seek punitive damages.

**Prayer for Relief and Demand for Jury Trial**

WHEREFORE, the Plaintiff, individually, and as the proposed Class representative, prays for the following relief:

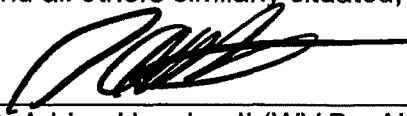
- A. That the Court certify the Class under W.VA.R.CIV.P. 23, appoint the Plaintiff as Class representative, and appoint undersigned counsel as Class Counsel;
- B. An award of punitive damages for the Plaintiff and members of the Class on any claim for which they may be available for the willful, reckless, and wanton behavior of the Defendants;
- C. That the Court enjoin the Defendant from, in the future, engaging in the aforementioned practice;
- D. That the Court order the Defendant to pay damages to Plaintiffs and members of the Class to the fullest extent permitted under the WV-CCPA and award the

Plaintiff and members of the Class all damages/fees/fines due, as well as interest, liquidated damages, the cost of this proceeding, and reasonable attorneys fees, pursuant to *W.Va. Code* §46A-6-101, et seq.

E. Such other relief as may be just and equitable.

**The Plaintiff demands a trial by jury as to all issues so triable, on his behalf and on behalf of the Class.**

Respectfully Submitted,  
James Doczi, on behalf of themselves,  
and all others similarly situated, by Counsel:



---

D. Adrian Hoosier, II (WV Bar No. 10013)  
HOOSIER LAW FIRM, PLLC  
2306 ½ Kanawha Blvd., East  
Charleston, WV 25311  
Telephone: (681) 265-5000  
Facsimile(681) 265-5001

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

**CIVIL CASE INFORMATION STATEMENT**  
(Civil Cases Other than Domestic Relations)

**I. CASE STYLE:** Case No. \_\_\_\_\_  
**Plaintiff(s)** Judge: \_\_\_\_\_  
 JAMES DOCZI

vs.  
**Defendant(s)**  
 STONEMOR PARTNERS, L.P  
 Name  
 209 West Washington Street  
 Street Address  
 Charleston, WV 25302  
 City, State, Zip Code

**Days to Answer** 30  
**Type of Service** SOS

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 LOGAN COUNTY

**II. TYPE OF CASE:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> General Civil                        | <input type="checkbox"/> Adoption                           |
| <input type="checkbox"/> Mass Litigation [As defined in T.C.R. 26.04(a)] | <input type="checkbox"/> Administrative Agency Appeal       |
| <input type="checkbox"/> Asbestos  | <input type="checkbox"/> Civil Appeal from Magistrate Court |
| <input type="checkbox"/> FELA Asbestos                                   | <input type="checkbox"/> Miscellaneous Civil Petition       |
| <input type="checkbox"/> Other: _____                                    | <input type="checkbox"/> Mental Hygiene                     |
| <input type="checkbox"/> Habeas Corpus/Other Extraordinary Writ          | <input type="checkbox"/> Guardianship                       |
| <input type="checkbox"/> Other: _____                                    | <input type="checkbox"/> Medical Malpractice                |

**III. JURY DEMAND:**  Yes  No CASE WILL BE READY FOR TRIAL BY (Month/Year): 11 / 2019

**IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS?**  
 Yes  No

**IF YES, PLEASE SPECIFY:**

- Wheelchair accessible hearing room and other facilities  
 Reader or other auxiliary aid for the visually impaired  
 Interpreter or other auxiliary aid for the deaf and hard of hearing  
 Spokesperson or other auxiliary aid for the speech impaired  
 Foreign language interpreter-specify language: \_\_\_\_\_  
 Other: \_\_\_\_\_

Attorney Name: D. Adrian Hoosier, II  
 Firm: Hoosier Law Firm, PLLC  
 Address: 2306 1/2 Kanawha Blvd., East - Charleston WV 25311  
 Telephone: (681) 265-5000

Representing:  
 Plaintiff  Defendant  
 Cross-Defendant  Cross-Complainant  
 3rd-Party Plaintiff  3rd-Party Defendant

Proceeding Without an Attorney

Original and 3 copies of complaint enclosed/attached.

Dated: 11 / 15 / 2018

Signature: 



Plaintiff: JAMES DOCZI, et al Case Number: \_\_\_\_\_

vs.

Defendant: STONEMOR PARTNERS, L.P, et al

**CIVIL CASE INFORMATION STATEMENT  
DEFENDANT(S) CONTINUATION PAGE**

Defendant's Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Defendant's Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Defendant's Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Defendant's Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Defendant's Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Defendant's Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Defendant's Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Days to Answer: \_\_\_\_\_

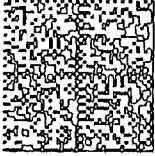
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**CERTIFIED MAIL**



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

JAMES DOCZI

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

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

D. Adrian Hoosier, II, Hoosier Law Firm 2306 1/2 Kanawha Blvd East, Charleston, WV 25311 (681) 265-5000

DEFENDANTS

STONEMOR PARTNERS L.P.

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)

Randal M. Whitlatch, Duane Morris LLP 600 Grant Street, Suite 5010, Pittsburgh, PA 15219 (412) 497-1000

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 and business location. Includes options for Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, and Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, BANKRUPTCY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal codes and descriptions.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C 1332(d)(2)

Brief description of cause:

Plaintiff alleges claims for breach of WV Consumer Credit & Protection Act and Common Law grave desecration

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

1/3/2019

Randal M. Whitlatch, Esquire

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.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Filed Over StoneMor's Allegedly Negligent Treatment of Gravesites in WV Cemetery](#)

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