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9 ATTORNEYS FOR PLAINTIFFS

10  
11 UNITED STATES DISTRICT COURT  
12 SOUTHERN DISTRICT OF CALIFORNIA

13  
14 PLAINTIFFS ANDRE VERDUN; IAN  
ANOUSH GOLKAR, on behalf of  
15 themselves and a class of all others  
16 similarly situated,

17 Plaintiffs,

18 vs.

19 CITY OF SAN DIEGO; SAN DIEGO  
20 POLICE DEPARTMENT; DOES 1-150,  
inclusive

21 Defendants.  
22  
23

CASE NO. '19CV0839 AJB WVG

**CLASS ACTION COMPLAINT FOR  
DECLARATORY RELIEF, INJUNCTIVE  
RELIEF, RESTITUTION AND DAMAGES  
UNDER THE FOURTH AMENDMENT (42  
U.S.C § 1983)**

**DEMAND FOR JURY TRIAL**

24 **INTRODUCTION**

25 Each day, each week and each month, citizens living in cities, counties and municipalities  
26 throughout the State of California receive parking tickets. These tickets are generally given to  
27 citizens lawfully.  
28



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1 Complaint, was a local government agency and subdivision of the State of California. Defendant  
2 CITY OF SAN DIEGO, through its agents the Mayor, City Council, City Attorney, Parking  
3 Enforcement, San Diego Police Department, and the Police Chief undertakes to cite Plaintiffs  
4 and Class members for parking violations. Defendants CITY OF SAN DIEGO and SAN  
5 DIEGO POLICE DEPARTMENT implement the ticketing and impoundment of Plaintiffs’ and  
6 Class members’ vehicles.

7 4. Defendant SAN DIEGO POLICE DEPARTMENT is the City’s law enforcement  
8 department, which is involved in enforcement of the City’s parking regulations through various  
9 means, including the marking or tagging of vehicles’ tires.

10 5. Plaintiffs are currently unaware of the true names and capacities of the defendants  
11 and/or parking enforcement officers sued in this action and therefore have named them by the  
12 fictitious names DOES 1 through 150, inclusive. Plaintiffs will amend this complaint to allege  
13 the true names and capacities of such fictitiously named defendants when they are ascertained.

14 6. Plaintiffs are informed and believe and on that basis allege that each defendant  
15 sued in this action, including each defendant sued by the fictitious names DOES 1 through 150,  
16 inclusive, is responsible in some manner for the occurrences, controversies and damages alleged  
17 below. Defendants CITY OF SAN DIEGO; SAN DIEGO POLICE DEPARTMENT and DOES  
18 1 through 150, inclusive, are hereinafter collectively referred to as “Defendants”.)

19 **JURISDICTION AND VENUE**

20 7. This is an action for injunctive relief and damages pursuant to 42 U.S.C. § 1983  
21 based upon the continuing violations of Plaintiffs and Class member’s rights under the Fourth  
22 Amendment to the United States Constitution. Jurisdiction exists pursuant to 28 U.S.C. § 1331  
23 and 1343 based on 42 U.S.C. § 1983 and questions of federal constitutional law. Jurisdiction  
24 also exists under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and 2202. Supplemental  
25 jurisdiction over Plaintiffs and Class members’ state law claims is pursuant to 28 U.S.C. §1367.

26 8. Venue is proper in the Southern District of California because Defendants reside  
27 in the District and all events given rise to Plaintiffs and Class members’ claims occurred in the  
28 District. The relief Plaintiffs seek is within this Court’s power to grant.

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**CLASS ALLEGATIONS**

1  
2 9. Plaintiffs bring this action against Defendants on their own behalf and on behalf of  
3 all other persons similarly situated pursuant to Fed. R. Civ. P. 23(a) and 23(b)(2).

4 10. The class is defined as individuals during the relevant statutorily-limited time  
5 period who were subject to the unconstitutional methodology of the placement of a chalk mark  
6 on one of the four tires of vehicles to obtain information to justify the issuance of thousands of  
7 parking tickets that resulted in damages to the individuals, through the territorial limits of the  
8 City of San Diego.

9 11. Plaintiffs do not know the exact size or identities of the Class. However, the  
10 number of injured individuals who have been constitutionally injured is sufficiently numerous to  
11 make class action status the most practical method to secure redress for injuries sustained and  
12 class wide equitable relief.

13 12. All members of the Class are subject to Defendants’ policies and practice in  
14 enforcing parking ordinances. The Class is united in its interests with respect to proof of  
15 Defendants’ conduct, and the effects caused by Defendants’ actions.

16 13. There are clear questions of law and fact raised by Plaintiffs’ claim common to,  
17 and typical of, those raised by the Class they seeks to represent.

18 14. Named Plaintiffs are asserting claims typical of the claims of the entire class of  
19 affected persons described above and do not conflict with the interests of any other members of  
20 the Classes. Named Plaintiffs and Class members have been injured by the same wrongful  
21 policies, practices, and conduct of Defendants. Named Plaintiffs’ claims arise from the same  
22 practices and conduct that give rise to the claims of all Class members and are based on the same  
23 legal theories.

24 15. Named Plaintiffs will fairly and adequately represent the interests of the Class,  
25 and they have no interests antagonistic to the Class. Named Plaintiffs have retained lawyers who  
26 are competent and experienced.

27 16. A class action is preferable and superior to other available methods for the fair  
28 and efficient adjudication of this controversy. Class treatment will permit the adjudication of

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1 claims by many Class members who could not afford to individually litigate their claims or  
2 vindicate their rights against the government. There are no difficulties likely to be encountered  
3 in the management of this case that might preclude its maintenance as a class action, and no  
4 superior alternative exists for the fair and efficient adjudication of this matter.

5 17. Plaintiffs reserve the right to amend or modify the Class definitions in connection  
6 with a motion for class certification and/or with the result of discovery.

7 **GENERAL ALLEGATIONS**

8 18. Plaintiff ANDRE VERDUN owns or has owned vehicles registered with  
9 California.

10 19. Plaintiff ANDRE VERDUN received numerous parking tickets over the course of  
11 the past two years for allegedly exceeding the time limit of a parking spots in San Diego.

12 20. The citation numbers are unknown at this time. (The City of San Diego Parking  
13 Enforcement maintains the actual database for all tickets and fines issued and payments received  
14 from each and every owner of a ticketed vehicles).

15 21. These tickets were issued by parking officers employed or working for  
16 Defendants CITY OF SAN DIEGO and/or SAN DIEGO POLICE DEPARTMENT.

17 22. Plaintiff ANDRE VERDUN has witnessed parking officers mark his vehicle with  
18 chalk and has in fact notified them that their actions were unconstitutional.

19 23. On information and belief, Plaintiff ANDRE VERDUN alleges that parking  
20 enforcement officials from Defendants CITY OF SAN DIEGO and/or SAN DIEGO POLICE  
21 DEPARTMENT regularly and systematically use the placement of a chalk-like substance on one  
22 of the vehicles' four tires to surreptitiously obtain information to justify the issuance of  
23 numerous parking tickets throughout the territorial limits of the City of San Diego.

24 24. On information and belief, Plaintiff ANDRE VERDUN alleges it is the official  
25 custom and practice of Defendants CITY OF SAN DIEGO and SAN DIEGO POLICE  
26 DEPARTMENT for its parking enforcement officials to use this methodology of placing a chalk  
27 mark on one of the four tires of vehicles to obtain information to justify the issuance of parking  
28 tickets throughout the territorial limits of the City of San Diego.

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1           25.    Plaintiff IAN ANOUSH GOLKAR owns or has owned a vehicle registered with  
2 California.

3           26.    Plaintiff IAN ANOUSH GOLKAR received numerous parking tickets over the  
4 course of the past two years for allegedly exceeding the time limit of a parking spots in San  
5 Diego. The latest was on May 3, 2019, Citation Number 57684531, on his vehicle California  
6 Lic#7VIU579.

7           27.    The previous citation numbers are unknown at this time. (The City of San Diego  
8 Parking Enforcement maintains the actual database for all tickets and fines issued and payments  
9 received from each and every owner of a ticketed vehicles).

10          28.    These tickets were issued by parking officers employed or working for  
11 Defendants CITY OF SAN DIEGO and/or SAN DIEGO POLICE DEPARTMENT.

12          29.    Plaintiff IAN ANOUSH GOLKAR has witnessed parking officers mark his  
13 vehicle with chalk.

14          30.    On information and belief, Plaintiff IAN ANOUSH GOLKAR alleges that  
15 parking enforcement officials from Defendants CITY OF SAN DIEGO and/or SAN DIEGO  
16 POLICE DEPARTMENT regularly and systematically use the placement of a chalk-like  
17 substance on one of the vehicles' four tires to surreptitiously obtain information to justify the  
18 issuance of numerous parking tickets throughout the territorial limits of the City of San Diego.

19          31.    On information and belief, Plaintiff IAN ANOUSH GOLKAR alleges it is the  
20 official custom and practice of Defendants CITY OF SAN DIEGO and SAN DIEGO POLICE  
21 DEPARTMENT for its parking enforcement officials to use this methodology of placing a chalk  
22 mark on one of the four tires of vehicles to obtain information to justify the issuance of parking  
23 tickets throughout the territorial limits of the City of San Diego.

24    ///  
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1  
2 **FIRST CAUSE OF ACTION**  
3 **FOURTH AMENDMENT VIOLATION – UNREASONABLE SEARCH**

4 **[42 U.S.C. § 1983; Fourth Amendment]**

5 (AGAINST ALL DEFENDANTS)

6 32. Plaintiffs reallege and incorporate by reference paragraphs 1 through 31,  
7 inclusive, above as though fully set forth herein.

8 33. Defendants and their employees and agents violated Plaintiffs ANDRE  
9 VERDUN, IAN ANOUSH GOLKAR and Class Member’s Fourth Amendment rights to be free  
10 from unreasonable search and seizure of their property by marking their vehicles with chalk for  
11 the purposes of law enforcement.

12 34. The surreptitious placement of chalk marks on private vehicles (without a valid  
13 warrant, consent of the owners, or exigent circumstances) undertaken to physically violate  
14 private property to gather information as well as conducting non-overt surveillance on the  
15 movement or non-movements of vehicles constituted a violation of the Fourth Amendment.

16 35. The placement of chalk-like marks on private vehicles (without a valid warrant,  
17 consent of the owners, or exigent circumstances) undertaken to physically violate private  
18 property to gather information as well as conducting surveillance on the movement or non-  
19 movements of vehicles is a policy, custom, and/or practice of Defendants CITY OF SAN  
20 DIEGO and SAN DIEGO POLICE DEPARTMENT sufficient to impose damages and other  
21 relief pursuant to *Monell v. New York City Department of Social Services* and its progeny.

22 36. Plaintiff ANDRE VERDUN, IAN ANOUSH GOLKAR and Class members have  
23 experienced constitutional and monetary harm by the unconstitutional processes and procedures  
24 undertaken by a policy, custom, and/or practice of Defendants.

25 **INJUNCTIVE RELIEF**

26 37. Plaintiffs reallege and incorporate by reference paragraphs 1 through 36,  
27 inclusive, above as though fully set forth herein.

28 38. A real and immediate difference exists between Plaintiffs and Defendants  
regarding Plaintiffs’ rights and Defendants’ duty owed to Plaintiffs to not partake in unlawful

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1 and unconstitutional searches. Defendants have also made clear that they intend to continue the  
2 practices described above, and have continued to do so. Unless restrained by this Court,  
3 Defendants will continue to implement these unlawful policies and practices.

4 39. Defendants' acts alleged above violate established constitutional rights of  
5 Plaintiffs and Class members and Defendants could not reasonably have thought that the conduct  
6 of their agents and employees in illegally searching Plaintiffs and Class members' property was  
7 lawful.

8 40. An actual controversy exists between Plaintiffs and Defendants in that  
9 Defendants, their agents and employees, have engaged in the unlawful and unconstitutional acts  
10 alleged herein and intend to continue to do so. Plaintiffs' claim that these acts are contrary to  
11 law and seek a declaration of their rights with regard to this controversy.

12 41. As a direct and proximate consequence of the acts of Defendants' agents and  
13 employees, Plaintiffs and Class members have suffered and will continue to suffer damages.

14 **PRAYER**

15 **WHEREFORE**, Plaintiffs pray for judgment against Defendants, and each of them, as follows:  
16

- 17 1. For a temporary restraining order, preliminary and permanent injunction,  
18 enjoining and restraining Defendants from engaging in the policies, practices and  
19 conduct complained of herein;
  - 20 2. For a declaratory judgment that Defendants' policies, practices and conduct as  
21 alleged herein violate Plaintiffs' rights under the United States and California  
22 constitutions and the laws of California;
  - 23 3. For damages in an amount according to proof;
  - 24 4. For costs of suit and attorneys' fees provided by law;
  - 25 5. For such other and further relief as the Court deems just and equitable.  
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- 27  
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Dated: May 3, 2019

Respectfully submitted,

HARIRI LAW GROUP  
KHASHAYAR LAW GROUP

By:                     /s/ Ramin Hariri                      
Ramin R. Hariri  
Attorney for Plaintiffs

JS 44 (Rev. 02/19)

**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**  
 Andre Verdun; Ian Anoush Golkar

**(b)** County of Residence of First Listed Plaintiff San Diego  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
 Hariri Law Group, 402 West Broadway, Floor 22, San Diego, CA 92101  
 Khashayar Law Group, 12636 High Bluff Drive, Suite 400, San Diego, CA

**DEFENDANTS**  
 CITY OF SAN DIEGO; SAN DIEGO POLICE DEPARTMENT; DOES 1-150

County of Residence of First Listed Defendant San Diego  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**'19CV0839 AJB WVG**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<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"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY -</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**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):  
42 U.S.C § 1983

Brief description of cause:  
Violation of 4th Amendment

**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.
- 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 Alleges San Diego, Police Department's 'Tagging' of Legally Parked Vehicles Is Unconstitutional](#)

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