

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

DEC - 2 2009

Clerk, U.S. District and  
Bankruptcy Courts

**AYMAN ABU AITA**  
Beit Sahour, Bethlehem, West Bank  
Palestine,

Plaintiff,

versus

**SACHA NOAM BARON COHEN, also known as**  
**SACHA BARON COHEN**



and

**DAVID MICHAEL LETTERMAN**



and

**NBC UNIVERSAL, INC., a**  
**Delaware corporation, doing business as**  
**"Universal Pictures" and "Universal Studios**  
**Home Entertainment"**  
30 Rockefeller Plaza  
New York, New York 10009  
Telephone: (212) 757-5294,  
serve: CT Corporation System  
1015 Fifteenth Street, N.W.  
Suite 1000  
Washington, D.C. 20005,

and

**CBS BROADCASTING, INC., a New York**  
**Corporation**  
51 West 52<sup>nd</sup> Street  
New York, New York 10019  
Telephone: (212) 975-4321,  
serve: Corporation Service Company  
1090 Vermont Avenue, N.W.  
Washington, D.C. 20005,

Civil Action Number: \_\_\_\_\_  
**COMPLAINT FOR DAMAGES**  
**AND FOR INJUNCTIVE RELIEF**  
**JURY TRIAL DEMANDED**

Case: 1:09-cv-02285  
Assigned To : Roberts, Richard W.  
Assign. Date : 12/2/2009  
Description: PI/Malpractice

**JURY  
ACTION**

2

and

**WORLDWIDE PANTS, INCORPORATED,**  
**a New York corporation**

1697 Broadway

New York, New York 10019

Telephone: (212) 975-5300,

serve: New York State Department of State

99 Washington Avenue

Suite 600

Albany, New York 12231

alternative service: David Michael Letterman, *qua*

Chief Executive Officer thereof

193 Baxter Road

North Salem, New York 10560,

and

**GANNETT COMPANY, INC., a Delaware**  
**Corporation, doing business as WUSA Television**

7950 Jones Branch Drive

McLean, Virginia 22107-0150

Telephone: (703) 854-6696,

and

**LAWRENCE CHARLES WENGROD,**

also known as

**LARRY CHARLES**

9100 Wilshire Boulevard, #1000 West

Los Angeles, California 00024,

Defendants.

***COMPLAINT FOR DAMAGES AND FOR INJUNCTIVE RELIEF***  
***(Jury Trial Demanded)***

COMES NOW, before this Honorable Court, your plaintiff in the above-encaptioned cause, AYMAN ABU AITA, by and through his undersigned attorneys and counsellors, viz., Joseph Peter Drennan and Sam W. Burgan, respectfully, to lodge his *Complaint for Damages and for Injunctive Relief*, by showing unto this Honorable Court as follows, viz.:

***PARTIES***

I.

That your plaintiff, viz., AYMAN ABU AITA, is a natural adult person, of Palestinian nationality, whom, at all times relevant herein, has been, and is presently domiciled in the village of Beit Sahour, West Bank, in the territory known as Palestine, supporting his wife and four children as a grocer, and is also a Board Member, as well as the Treasurer, of the Holy Land Trust, a charitable organization committed to promoting peace and reconciliation among Israelis and Palestinians, of all religious faiths, with your plaintiff being a Christian and member of congregant of the Greek Orthodox Church;

II.

That, upon information and belief, your defendant known as SACHA NOAM BARON COHEN, also known as SACHA BARON COHEN (hereinafter referenced *qua* "COHEN"), is a natural adult person, who is a British Subject, domiciled in the State of California, whom is employed as, *inter alia*, an actor, comedian and writer, whom was featured in, *inter alia*, the "Brüno" Movie;

III.

That, upon information and belief, your defendant known as DAVID MICHAEL LETTERMAN (hereinafter referenced *qua* "LETTERMAN"), is a natural adult person, domiciled in the State of New York, residing at 193 Baxter Road, North Salem, New York 10560, whom is employed as, *inter alia*, a comedian and television host, who hosts, *inter alia*, "Late Show With David Letterman," at the Ed Sullivan Theater, in New York City, which show is broadcast over the CBS Television Network, and, as more fully described herein, said defendant hosted The Late Show With David Letterman on 7 July 2009;

IV.

That, upon information and belief, your defendant known as NBC UNIVERSAL, INC. (hereinafter referenced *qua* "UNIVERSAL"), is a *de jure* corporate personality, organized under the laws of the State of Delaware, and having its principal place of business at 30 Rockefeller Plaza, New York, New York 10009; upon further information and belief, said corporate defendant is one of the world's larger media and entertainment companies, and is involved, *inter alia*, in the business of distributing cinematic films, through its "Universal Pictures" division, as well as in the distribution and marketing for retail to the public of DVD format recordings of cinematic works, through its "Universal Studios Home Entertainment" business; upon further information and belief, UNIVERSAL was and is the domestic and worldwide distributor of both the cinematic and DVD versions of the "Bruno" Movie;

V.

That, upon information and belief, your defendant known as CBS BROADCASTING, INC. (hereinafter referenced *qua* "CBS"), is a *de jure* corporate personality, organized under the laws of the State of Delaware, and having its principal place of business at 51 West 52<sup>nd</sup> Street, New York, New York 10019; upon further information and belief, said corporate defendant is a major American television broadcasting network which distributes for broadcast on its numerous television station affiliates across the States, including, *inter alia*, WUSA Television, Channel 9, in Washington, D.C., a full compliment of regular and special events programming, including, *inter alia*, "The Late Show With David Letterman";

VI.

That, upon information and belief, your defendant known as WORLDWIDE PANTS, INC. (hereinafter referenced *qua* "WORLDWIDE"), is a *de jure* corporate personality, organized under the laws of the State of Delaware, and having its principal place of business at 1697 Broadway, New York, New York 10019; upon further information and belief, at all times relevant herein, said corporate defendant is the producer of "The Late Show With David Letterman";

VII.

That, upon information and belief, your defendant known as GANNETT COMPANY, INC. ("WUSA"), is a *de jure* corporate personality, organized under the laws of the State of Delaware, and having its principal place of business at 7950 Jones Branch Drive, McLean, Virginia 22107-0150; upon further information and belief, said corporate defendant is a major newspaper and television media company in the United States, which owns, *inter alia*, WUSA Television, Channel 9, in Washington, D.C., the longest-tenured affiliate of the CBS Television Network; upon further information and belief, WUSA broadcast, on a customary taped delay basis, *inter alia*, the unexpurgated 7 July 2009 edition of "The Late Show With David Letterman";

VIII.

That, upon information and belief, your defendant known as LARRY CHARLES WENGROD, also known as LARRY CHARLES (hereinafter referenced *qua* "CHARLES") is a natural adult person, and citizen of the United States of America, whom is believed to be domiciled in the State of California, is employed as a writer, director and producer, and was the director of, *inter alia*, the "Bruno" Movie;

**JURISDICTION AND VENUE**

IX.

That this Honorable Court has jurisdiction over the instant matter under the provisions of 28 U.S.C., § 1332 (a) (2), because there is complete diversity of citizenship between the parties hereto, and because the amount in controversy, exclusive of interest and costs to follow, exceeds the sum of seventy-five thousand dollars (\$75,000); this Honorable Court may exercise properly *in personam* jurisdiction over each of your within-named defendants inasmuch as, *inter alia*, the subject matter of the instant litigation, *viz.*, certain calumnious accusations implicating your plaintiff were contained in certain discrete media, *viz.*, the cinematic and DVD versions of the "Bruno" Movie, and the 7 July 2009, broadcast of "The Late Show With David Letterman," all of which media were deliberately and intentionally published and or republished in, *inter loci*, the District of Columbia, by your defendants, each of them, acting, variously, separately, and or in concert;

**FACTUAL AVERMENTS  
(Inducement)**

X.

That, in accordance with §219 of the Immigration and Nationality Act, as amended, the Secretary of State has designated the "Al-Aqsa Martyrs Brigade" as a Foreign Terrorist Organization (hereinafter designated *qua* "FTO")<sup>1</sup>;

XI.

That, for the purposes of identifying a FTO, *inter alia*, the United States Code ( Title 22, Chapter 38, Paragraph 2656f(d)) defines "terrorism" as "... premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents";

<sup>1</sup> See: Current List of Foreign Terrorist Organizations posted by the Secretary of State's Coordinator for Counterterrorism, on the United States Department of State Internet website: <http://www.state.gov/s/ct/rls/other/des/123085.htm> .

XII.

That 18 U.S.C., § 2331 defines "terrorism" as:

"... activities that involve violent . . . or life-threatening acts . . . that are a violation of the criminal laws of the United States or of any State and . . . appear to be intended (i.) to intimidate or coerce a civilian population; (ii.) to influence the policy of a government by intimidation or coercion; or (iii.) to affect the conduct of a government by mass destruction, assassination or kidnapping . . . .";

XIII.

That, at all time relevant herein, alien representatives and members of a designated FTO are inadmissible to the United States, and are, in certain circumstances, removable from the United States<sup>2</sup> ;

XIV.

That, in addition to its having been designated by, *inter alia*, The Government of the United States of America as a terrorist organization, as referenced *supra*, the Al-Aqsa Martyrs Brigade is generally and widely recognized throughout the world, and, perforce, in the Middle East, as a notorious terrorist group, culpable in the wanton slaughter of dozens of innocent people and in the targeted assassination of many others;

XV.

That, as adverted to above, your plaintiff is a peace-loving person who abhors violence, and, prior to the publication and republication of the calumnies complained of herein, enjoyed a good reputation for honesty and a peaceable nature throughout his community in Bethlehem, as well as amongst his numerous relatives, friends and associates in the United States;

XVI.

That, on or about 30 June 2009, the "Brüno" Movie premiered in Hollywood;

XVII.

That, as adverted to *supra*, on 7 July 2009, COHEN appeared with, *inter alios*, LETTERMAN, on "The Late Show With David Letterman," which show was broadcast, on a tape-delayed basis, over CBS's eponymous broadcasting television network, including, *inter alia*, over WUSA;

---

<sup>2</sup> See: 8 U.S.C., §§ 1182 (a) (3) (B) (i) (IV)-(V), 1227.

XVIII.

That, in the course of his aforesaid appearance with LETTERMAN, COHEN went to great lengths to portray falsely your plaintiff as a “terrorist group leader al-aqsa martyrs brigade (*sic.*)”, and suggested that he learned such putative association through a contact in the “C.I.A.”, presumably, the United States of America's Central Intelligence Agency”;

XIV.

That, although couched in some banter, a discernment of the warp and woof of the COHEN – LETTERMAN dialog gives the unmistakable impression that each defendant was desirous of conveying the message to the audience that your plaintiff was, indeed, a “terrorist”, who was a group leader of the Al-Aqsa Martyrs Brigade, as evinced by the following selective sampling of excerpts from the colloquy between COHEN & LETTERMAN, set forth, *haec verba*, thusly:

BY COHEN: What could people see that they've never seen before on film? And we thought one thing would be a comedian interviewing a terrorist? \* \* \* We're going to find a real terrorist. \* \* \* We called up a contact we had at the C.I.A. and said: 'Can you help us? We're looking to find a terrorist!'

BY LETTERMAN: Bruno has a contact at the CIA?

BY COHEN: Bruno doesn't but I knew somebody who did.

BY LETTERMAN: Eventually, after a few months, we found somebody who actually lived in a town that had a terrorist from a pretty nasty group called the al-Aqsa Martyrs Brigade who are kind of the number one suicide bombers out there. . . .” \* \* \* . . .he said: 'There is a terrorist who lives in my town.'” So I said Great! Can we interview him but I'm a little scared about reprisal attacks from the other people in your city. \* \* \* The guy picks a secret location (for the interview).

COHEN then goes on to describe his averred concerns for his personal safety, as well as the interview itself and then the interviewed segued from a COHEN – LETTERMAN dialogue to the airing of an excerpt from the “Bruno” Movie which depicted your plaintiff being interviewed by COHEN, in which, significantly, the following caption appears, at all times, whenever, your plaintiff is shown on screen: “terrorist group leader al-aqsa martyrs brigade”;



The COHEN – LETTERMAN interview then draws to a close with LETTERMAN, essentially, predicting that the “Brüno” Movie would be a “blockbuster” just as “Borat”, COHEN's last cinematic release;

XX.

That, as adverted to *supra*, the “Brüno” Movie was released nationwide on 10 July 2009, after having been released the day before in Australia and New Zealand; subsequently, upon information and belief, the “Brüno” Movie has been released in many countries around the world, including, *inter alia*, Israel, where it was shown with Hebrew subtitles;

XXI.

That, on or about 17 November 2009, the “Brüno” Movie was released nationwide, on DVD recording, for sale to the general public, both on-line and through innumerable retails outlets, including scores of stores in the District of Columbia;

XXII.

That, on even date, *id est*, 17 November 2009, COHEN and CHARLES appeared as guests on Terry Gross' respected radio show on National Public Radio (“NPR”), “Fresh Air”, to discuss and promote the “Brüno” Movie; said interview was aired nationwide on NPR affiliates including, *inter alia*, on WAMU and WIUR; although the scene from the “Brüno” Movie was not explicitly mentioned, COHEN and CHARLES waxed expansively about how the “Brüno” Movie represented a new genre in comedy in which the comedic actor is placed in real, dangerous situations, in which he (the comedian) thereupon deigns to make some sort of comic effect;

XXIV.

That the dust jacket encasing the retail DVD of the “Brüno” Movie explicitly mentions “terrorists”, with said term deigned to reference your plaintiff and the latter's fictional bodyguard;

XXV.

That, contrary to the insinuations and representations contained in both the "Brüno" Movie, the "Brüno" Movie DVD and the aforesaid COHEN – LETTERMAN interview, at no time was COHEN in any danger when he interviewed your plaintiff, nor was the interview at a "secret location"; in fact, the interview took place at a spot selected by COHEN, *viz.*, the Everest Hotel, which, although located on the West Bank, is in an area designated by the Israeli military as "ZONE 'C'", which is under full Israeli military control;

XXVI.

That, upon information and belief, your defendants, each of them, evinced either actual malice or else a reckless disregard for the truth in respect of their actions *vis-à-vis* your plaintiff;

*(Colloquium)*

XXVII.

That, as adverted to above, your plaintiff was identified explicitly in the "Brüno" Movie as "terrorist group leader al-aqsa martyrs brigade", under a bold display of his full name, *viz.*: "Ayman Abu Aita";

XXVIII.

That, upon information and belief, the excerpt from the "Brüno" Movie in which your plaintiff was depicted, when viewed by the public on television sets and video monitors, through the WUSA outlet, *inter alia*, included the CBS trademarked "eye" logo, connoting the imprimatur of CBS News;

XXIX.

That the depiction of your plaintiff in the "Brüno" Movie shows a full-facial view such that there is no mistaking whom is being characterized as a "terrorist";

*(Innuendo)*

XXX.

That the confluence of the foregoing circumstances foreseeably and deliberately were intended to and, in fact, did brand your plaintiff, a peace activist, family man and prominent businessman as a "terrorist", and that, upon information and belief, a substantial proportion of people in your plaintiff's

hometown, as well as people throughout the world, including, *inter loci*, the District of Columbia, as a terrorist and mass-murderer;

XXXI.

That the within-described accusations, insinuations and representations that your plaintiff is, or ever was, associated with the notorious Al-Aqsa Martyrs Brigade, or, for that matter, any other terrorist activity or cause, is utterly false and untrue, and your defendants, each of them, had every reason to believe or know that, yet slandered your plaintiff anyway;

*(Harm Sustained by Your Plaintiff)*

XXXII.

That the calumnies described hereinbefore have caused your plaintiff to suffer extensive damage and loss, including, but not limited to, the following, viz.: death threats; shame; loss of reputation; loss of effectiveness as a community organizer and conciliator; depression and anxiety; loss of business to his family market; and fear for the well-being and safety of his wife, children, and his relatives, both on the West Bank and in the United States;

XXXIII.

That, in addition, your plaintiff has incurred considerable attorneys' fees and travel expenses as he has been obliged to travel to the United States to vindicate his good name and, concomitantly, to salvage his reputation.

*(Wrongful Gain by Your Defendants)*

That, although it bears mention that, at this stage, pre-discovery, Your plaintiff is not in a position to posit the ill-gotten gains realized by your corporate and individual defendants, upon information and belief, such gains were, indeed, substantial, and, as a benchmark in such regard, upon further information and belief, the current box office take from the "Brüno" Movie, exclusive of DVD sales, is approaching the sum of Two Hundred Million Dollars (\$200,000,000).

**WRONGS OF THE DEFENDANTS**

**FIRST COUNT**

**(LIBEL AND SLANDER on 7 July 2009 Against All Defendants)**

XXXIV.

That your plaintiff hereby incorporates by reference herein, as if set out in full, each and every one of the foregoing averments contained in this Complaint;

XXXV.

That the depictions of your plaintiff in the "Brüno" Movie and on The Late Show With David Letterman, as a "terrorist" were intended to, and in fact did, brand falsely your plaintiff as a terrorist and criminal, causing the harm complained of, *inter alia*;

**SECOND COUNT**

**(LIBEL AND SLANDER on 10 July 2009 Against COHEN, UNIVERSAL & CHARLES)**

XXXVI.

That your plaintiff hereby incorporates by reference herein, as if set out in full, each and every one of the foregoing averments contained in this Complaint;

XXXVII.

That the depictions of your plaintiff in the cinematic release of the "Brüno" Movie, as a "terrorist" were intended to, and in fact did, brand falsely your plaintiff as a terrorist and criminal, causing the harm complained of, *inter alia*;

**THIRD COUNT**

**(LIBEL AND SLANDER on 17 November 2009 Against COHEN, UNIVERSAL & CHARLES)**

XXXVIII.

That your plaintiff hereby incorporates by reference herein, as if set out in full, each and every one of the foregoing averments contained in this Complaint;

XXIX.

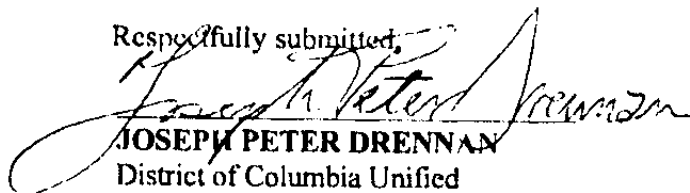
That the depictions of your plaintiff in the DVD release of the "Brüno" Movie and on The Late Show With David Letterman, as a "terrorist" were intended to, and in fact did, brand falsely your plaintiff as a terrorist and criminal, causing the harm complained of, *inter alia*;

**PRAYER AND AD DAMNA**

WHEREFORE, and for the foregoing reasons, your plaintiff ever prays: (i.) that he be awarded compensatory damages in an amount to be determined by the trier of fact or else the sum of Ten Million Dollars (\$10,000,000), against your defendants, jointly and severally; (ii.) exemplary damages in the sum of One Hundred Million Dollars (\$100,000,000); reasonable attorneys' fees, & costs to follow.; (iv.) in addition, your plaintiff hereby demands injunctive relief, both preliminarily as well as permanently, enjoining your defendants to withdraw the "Bruno" Movie from commercial distribution by whatever means.

Dated: 2 December 2009, at Alexandria, Virginia

Respectfully submitted,



**JOSEPH PETER DRENNAN**

District of Columbia Unified

Bar No. 358196

218 North Lee Street


Third Floor

Alexandria, Virginia 22314

Telephone: (703) 519-3773

Telecopier: (703) 548-4399

E-Mail: [joseph@josephpeterdrennan.com](mailto:joseph@josephpeterdrennan.com)



**SAM W. BURGAN**

District of Columbia Unified

Bar No. 405478

5673 Columbia Pike, Suite 201

Falls Church, Virginia 22041

Telephone: (703) 575-8810

Telecopier: (703) 575-8054

E-Mail: [BURGANLAW@aol.com](mailto:BURGANLAW@aol.com)

**HATEM ABO AHMAD**

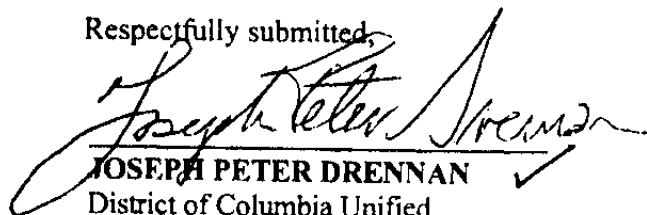
Aaronsohn Sher Aboulafia, Amoday & Co., Law Offices  
21 Herzog Street  
Jerusalem, ISRAEL 92387  
Telephone: (972-2) 5618677  
Telecopier: (972-2) 5618678

Attorneys and Counsellors, *in Praesenti*, for Plaintiffs

***DEMAND FOR TRIAL BY PETIT JURY***

Pursuant to Amendment VII of the Constitution of the United States of America, your plaintiff hereby and herewith demands a trial by a *petit* jury of all disputed factual issues as well as on issues related to monetary relief.

Respectfully submitted,



**JOSEPH PETER DRENNAN**

District of Columbia Unified

Bar No. 358196

218 North Lee Street

Third Floor

Alexandria, Virginia 22314

Telephone: (703) 519-3773

Telecopier: (703) 548-4399

E-Mail: [joseph@josephpeterdrennan.com](mailto:joseph@josephpeterdrennan.com)

09-2285  
RWR

**CIVIL COVER SHEET**

JS-44  
(Rev. 1/05 DC)

<p><b>I (a) PLAINTIFFS</b> <i>Ayman Abu Aita</i></p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES) <i>LA</i> <i>99999</i></p>	<p><b>DEFENDANTS</b> <i>Sacha Naam Baron Cohen</i></p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) <i>Los Angeles</i></p> <p>NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE PROPERTY</p>																								
<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) <i>Joseph Peter Pannan</i> <i>218 N. 100 St, 3rd Fl Alexandria, VA</i></p>	<p>Case 1:09-cv-02285 Assigned To: Roberts, Richard W. Assign Date: 12/2/2009 Description: PII/Malpractice</p>																								
<p><b>II. BASIS OF JURISDICTION</b> (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p><b>III CITIZEN.</b> FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b></p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DFT</th> <th></th> <th>PTF</th> <th>DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="checkbox"/> 4</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>Foreign Nation</td> <td><input checked="" type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/>	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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Foreign Nation	<input checked="" type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/>																				
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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Foreign Nation	<input checked="" type="checkbox"/> 6	<input type="checkbox"/> 6																				

**JURY**

**IV. CASE ASSIGNMENT AND NATURE OF SUIT**

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

<p><input type="checkbox"/> <b>A. Antitrust</b></p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input checked="" type="checkbox"/> <b>B. Personal Injury/Malpractice</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input checked="" type="checkbox"/> 320 Assault, Libel &amp; 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"/> 368 Asbestos Product Liability</p>	<p><input type="checkbox"/> <b>C. Administrative Agency Review</b></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 (92J)</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"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="checkbox"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b></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>
---	---	--	--

~~General Civil (Other)~~ OR  **F. Pro Se General Civil**

<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 &amp; 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 28 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 &amp; Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</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"/> 840 Trademark</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"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food &amp; Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 RR &amp; Truck</p> <p><input type="checkbox"/> 650 Airline Regs</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks &amp; Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p>	<p><input type="checkbox"/> 470 Racketeer Influenced &amp; Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 900 Appeal of free determination under equal access to Justice</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>
--	--	--	--

7

<input type="checkbox"/> <b>G. Habeas Corpus/ 2255</b> <input type="checkbox"/> 530 Habeas Corpus-General <input type="checkbox"/> 510 Motion/Vacate Sentence	<input type="checkbox"/> <b>H. Employment Discrimination</b> <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="checkbox"/> <b>I. FOIA/PRIVACY ACT</b> <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="checkbox"/> <b>J. Student Loan</b> <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excluding veterans)
<input type="checkbox"/> <b>K. Labor/ERISA (non-employment)</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> <b>L. Other Civil Rights (non-employment)</b> <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 American w/Disabilities-Employment <input type="checkbox"/> 446 Americans w/Disabilities-Other	<input type="checkbox"/> <b>M. Contract</b> <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="checkbox"/> <b>N. Three-Judge Court</b> <input type="checkbox"/> 441 Civil Rights-Voting (if Voting Rights Act)

**ORIGIN**

Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from another district (specify)     Multi district Litigation     7 Appeal to District Judge from Mag. Judge

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

*Libel and slander in a diversity action - 28 U.S.C. §1332(a)(1)*

**VII. REQUESTED IN COMPLAINT**    CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23     **DEMAND \$** *10 mil (comp.) / 100 mil*    Check YES only if demanded in complaint    **JURY DEMAND**  YES     NO

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

**DATE** *12/02/09*    **SIGNATURE OF ATTORNEY OF RECORD** *Joseph Peter Duman*

**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 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. 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 cover sheet. 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 is resident of Washington, D.C.; 88888 if plaintiff is resident of the United States but not of Washington, D.C., 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 case.
- VI. CAUSE OF ACTION: Cite the US Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASES, 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.