

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

A.C., a minor child, by his next friend,	)	
mother and legal guardian, M.C.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:21-cv-2965
	)	
METROPOLITAN SCHOOL DISTRICT OF	)	
MARTINSVILLE;	)	
PRINCIPAL, JOHN R. WOODEN MIDDLE	)	
SCHOOL, in his official capacity,	)	
	)	
Defendants.	)	

**Complaint for Declaratory and Injunctive Relief and Damages**

**Introduction**

1. A.C. is a transgender boy who attends John R. Wooden Middle School, one of the schools within the Metropolitan School District of Martinsville. He was diagnosed with gender dysphoria and is receiving treatment aimed at alleviating the distress associated with the incongruence between his male gender identity and his birth-assigned sex. He has filed a court action, which is currently pending in state court, to have the gender marker changed to male and his name formally changed on his birth certificate. He has requested the ability to use the boys’ restrooms at his school as well as asking to participate on the boys’ soccer team as he is male, despite his birth certificate reflecting that his birth-assigned gender was female. Employees of the Metropolitan School District

of Martinsville (“School District”) have denied this request. He has also requested that he be addressed in a manner that reflects that he is a boy by referring to him using male pronouns. A number of staff persons refuse to do so, and the School District has not required it of the staff. Defendants’ failure to recognize plaintiff as male, to allow him to use boys’ restrooms and facilities at the school, to require that he be addressed by the pronouns consistent with his male gender, and to allow him to participate on the boys’ soccer team, violates both Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1681(a) and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. He is entitled to declaratory and injunctive relief, as well as his damages.

**Jurisdiction, venue, and cause of action**

2. This Court has jurisdiction of this case pursuant to 28 U.S.C. § 1331.
3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
4. Declaratory relief is authorized by Rule 57 of the Federal Rules of Civil Procedure and by 28 U.S.C. §§ 2201, 2202.
5. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of right secured by the United States Constitution and as a private cause of action directly pursuant to Title IX as authorized by *Cannon v. University of Chicago*, 441 U.S. 677, 717 (1979).

## **Parties**

6. A.C. is a minor child who resides in Martinsville, Indiana. He brings this action by his mother as his next friend and legal guardian.

7. The Metropolitan School District of Martinsville is a public-school corporation providing educational services in Martinsville, Indiana.

8. The Principal of the John R. Wooden Middle School is the duly appointed principal of the school and is sued in his official capacity.

## **Factual allegations**

9. A.C. is a 7th grader at the John R. Wooden Middle School, one of the schools within the Metropolitan School District of Martinsville (“School District”).

10. Although the gender assigned to A.C. at birth was female, he has known himself to be a boy for several years.

11. When A.C. was in 5th grade he indicated to his family that he was not female and asked that he be addressed by a male first name and with male pronouns or “they.”

12. Since his time in elementary school, A.C. has been treated as male by his family.

13. In 5th grade he was in school in Anderson, and he wore male clothes and cut his hair in a masculine manner.

14. School personnel referred to him by his male first name and referred to him by male pronouns.

15. When A.C. was in 5th grade he moved with his family to Martinsville where he

was enrolled in one of the schools within the School District.

16. The staff at this school did not honor M.C.'s request that A.C. be referred to with male pronouns, instead referring to him using female pronouns.

17. However, some students, in addition to referring to him by his male first name, also referred to him using male pronouns.

18. By this point, A.C. was acutely uncomfortable using the girls' restrooms as he knew he was not female and did not present as female.

19. He knows himself, and continues to know himself, as male.

20. A.C. asked if he could use the boys' restroom at the school and was told he had to use either the girls' restrooms or the single-person restroom in the school's health clinic.

21. He used the restroom at the health clinic and continued to do so for the remainder of 5th and 6th grades. He did not use the girls' restrooms.

22. Using the health clinic restroom was disquieting to him as it made him feel different than the other students and increased the anxiety he was feeling between his sex assigned at birth and his gender.

23. For the 2021-2022 school year, A.C. entered 7th grade in the John R. Wooden Middle School, one of the schools in the School District that contains 7th and 8th grades.

24. He continues to be a student in the John R. Wooden Middle School.

25. He is male and therefore did not use the girls' restrooms in the school.

26. He believed that the only option that he had was to use the single-person restroom

in the health clinic.

27. Therefore, at the beginning of the school year, he used the single-person restroom in the health clinic.

28. Using the health clinic restroom was problematic.

29. The health clinic in the school is far away from his classes. When he has tried to use the restroom during passing periods between classes it is so far away that he is frequently late for his next class.

30. At times he has asked to use the restroom during class periods, and he has been refused.

31. Moreover, as he has gotten older and more secure with asserting his identity as a boy, he has become increasingly disturbed about having to use the clinic restroom and not being able to use the boys' restrooms like all the other boys in the school. He feels that he is being singled out and that he is not accepted for who he is.

32. This has caused him anxiety and unhappiness.

33. These feeling are increased by the fact that although he is referred to by his male first name by many of the regular teachers a number of them continue to refer to him by female, not male, pronouns.

34. Substitute teachers routinely refer to him with female pronouns.

35. In September of this year, he became a patient at the Gender Health Program at Riley at IU Health in Indianapolis where he is receiving care and treatment for the

diagnosed condition of gender dysphoria.

36. As part of his treatment for gender dysphoria, A.C. has been prescribed medication to prevent him from having periods. When medically appropriate, A.C. will start masculinizing hormones.

37. M.C., on A.C.'s behalf, has petitioned a Morgan County state court for a legal name and gender marker change so that A.C.'s birth certificate can be amended to reflect his male gender and the name he uses that reflects his gender. That matter is currently pending.

38. Because of her concerns over the school's refusal to allow her son to live his school life as a boy, M.C. consulted with Gender Nexus, an organization for transgender and nonbinary persons, a representative of whom emailed the school's principal in the fall of this year, requesting a meeting.

39. On November 3, 2021, A.C., his mother, and representatives of Gender Nexus met with school personnel. The principal was not there, instead a school counselor was present.

40. At this meeting A.C., his mother, and the advocates indicated that A.C. had the right to use the restroom that aligned with his gender identity. A.C. also asked to participate in boys' soccer in the fall of 2022.

41. The counselor indicated that he would have to check with the "higher ups" and would get back to A.C. and his mother.

42. Within an hour and a half, the counselor left a voice mail for M.C. indicating that the information he had received from the principal of the John R. Wooden Middle School was that A.C. would have to continue using the health clinic restroom, although he would be given extended time to do so. The counselor also stated that the school would allow A.C. to be educated at home with on-line schooling. Finally, the counselor stated that the school needed to follow the IHSAA (Indiana High School Athletic Association) rules concerning athletic participation. Nothing was said about the school requiring staff to refer to A.C. using male pronouns. A.C. and his mother understood that to mean that no such requirement would be issued by the school.

43. Following the November 3, 2021, meeting, and despite the counselor's voice mail, A.C. began to use the boys' restrooms at the school.

44. The urinals in the restrooms have partitions between them and the toilet stalls all have doors.

45. When using the boys' restrooms he received no adverse reactions from other students, and he found this acceptance comforting.

46. However, on November 22, 2021, a teacher saw him using the boys' restroom and the teacher sent A.C. to the office where he met with administrative staff who admonished A.C. and instructed him that he could not use the boys' restroom. They threatened him with punishment if he used the boys' restroom.

47. During his time in the office, A.C. called his stepfather, who spoke to the

administrators. During the conversation an administrator repeatedly misgendered A.C., referring to him as a girl.

48. The school's refusal to accept A.C. as a boy and being disciplined for using the male restroom was extremely upsetting to A.C. and he stayed home from school the next day.

49. On November 29, 2021, the principal of John R. Wooden Middle School called A.C. into his office and instructed him that he was not to use the boys' restroom and that other parents and the community had a voice in what restrooms A.C. used.

50. A.C. called his mother on his phone while in the office and the principal told W.C. that A.C. would have to use the girls' restroom or the restroom in the health clinic, that the community had taken a vote on it, and that she should express her opinions at the School Board.

51. Certain staff persons have continued to refuse to refer to A.C. with male pronouns.

52. Although the IHSAA has a formal policy governing athletic participation by transgender students, it only applies to athletes in the 9th-12th grades and makes no mention of younger students. *See* Purpose of the IHSAA, <https://www.ihcaa.org/About-IHSAA/Current-Information/Purpose> (last visited Nov. 26, 2021).

53. A.C. is being caused psychological stress and injury by the actions of the defendants in that they serve to reemphasize the disconnect between his sex assigned at birth and gender identity and cause him continuing depression, anxiety, mental distress,

and other injuries.

54. A.C. is being caused irreparable harm for which there is no adequate remedy at law.

55. The Metropolitan School District of Martinsville is a recipient of federal funding and is an entity covered by Title IX.

56. At all times defendants have acted and have failed to act under color of state law.

57. The actions and inactions of defendants represent intentional discrimination and have damaged plaintiff.

### **Legal claims**

58. The failure to allow A.C. to use male restrooms at John R. Wooden Middle School and to require that he be referred to as a male, using pronouns consistent with his gender identity, and allowing him to participate in soccer with the boys' team, represents unlawful discrimination because of sex in violation of Title IX, 20 U.S.C. § 1681(a), for which the Metropolitan School District of Martinsville is liable.

59. The failure to allow A.C. to use male restrooms at John R. Wooden Middle School and to require that he be referred to as a male, using pronouns consistent with his gender identity, and allowing him to participate in soccer with the boys' team, violates the Equal Protection Clause of the Fourteenth Amendment, for which the Principal of the John R. Wooden School, in his official capacity, is liable.

WHEREFORE, A.C. requests that this Court:

- a. Accept jurisdiction of this case and set it for prompt hearing.
- b. Declare that defendants have violated the plaintiff's rights for the reasons noted above.
- c. Enter a preliminary injunction requiring defendants to allow A.C. to use boys' restrooms and further requiring that A.C. be referred to by school personnel as male, using the pronouns associated with his gender identity.
- d. Enter a permanent injunction, requiring defendants to allow treat A.C. a boy in all respects, allowing him to use male restrooms and other facilities, and further requiring that A.C. be referred to by school personnel as male, using the pronouns associated with his gender identity and allowing A.C. to participate on the boys' soccer team in the fall of 2022.
- e. Award plaintiff his damages.
- f. Award plaintiff his reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.
- g. Award all other proper relief.

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Attorneys for Plaintiff

United States District Court
for the
Southern District of Indiana

A.C., a minor child by his next friend,
mother and legal guardian, M.C.,
Plaintiff,
v.
METROPOLITAN SCHOOL DISTRICT
OF MARTINSVILLE, et al.,
Defendants.

No. 1:21-cv-2965

SUMMONS IN A CIVIL ACTION

TO: Metropolitan School District of Martinsville
Central Education Center
389 E. Jackson St.
Martinsville, IN 46151

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

Kenneth J. Falk / Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

Kathleen Bensberg
Indiana Legal Services, Inc.
1200 Madison Ave.
Indianapolis, IN 46225

Megan Stuart
Indiana Legal Services, Inc.
214 S. College Ave., 2nd Floor
Bloomington, IN 47404

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

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

Civil Action Number: No. 1:21-cv-2965

**PROOF OF SERVICE**

*(this section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)*\_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's Signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.

United States District Court
for the
Southern District of Indiana

A.C., a minor child by his next friend,
mother and legal guardian, M.C.,
Plaintiff,
v.
METROPOLITAN SCHOOL DISTRICT
OF MARTINSVILLE, et al.,
Defendants.

No. 1:21-cv-2965

SUMMONS IN A CIVIL ACTION

TO: Principal
John R. Wooden Middle School
109 E. Garfield St.
Martinsville, IN 46151

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

Kenneth J. Falk / Stevie J. Pactor
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1031 E. Washington St.
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1200 Madison Ave.
Indianapolis, IN 46225

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Indiana Legal Services, Inc.
214 S. College Ave., 2nd Floor
Bloomington, IN 47404

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

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

Civil Action Number: No. 1:21-cv-2965

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*(this section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))*

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was received by me on *(date)*\_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual’s residence or usual place of abode with *(name)*\_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual’s last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server’s Signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server’s address*

Additional information regarding attempted service, etc.

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

A.C., a minor child, by M.C.

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Kenneth Falk, Stevie Pactor, ACLU of Indiana, 1031 E. Washington St., Indianapolis, IN 46202 317/635-4059

DEFENDANTS

Metropolitan School District of Martinsville; Principal, John R. Wooden School

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

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

Attorneys (If Known)

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

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

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

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

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): 43 USC 1983; 20 USC 1681(a)

Brief description of cause: Defendants denial of plaintiff's ability to use the bathroom associated with his gender and to otherwise treat him as male is unlawful.

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 December 3, 2021 SIGNATURE OF ATTORNEY OF RECORD s/ Kenneth J. Falk

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.