## JS 44 (Rev. 09/19)

## Case 1:20-cv-01281-TJM-CFH Document 1-5 Filed 10/16/20 Rage 1 of 2 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				DEFENDANTS			
DALILA YEEND and BOUNNAM PHIMASONE				AKIMA GLOBAL SERVICES, LLC, a/k/a AGS,			
(b) County of Residence of First Listed Plaintiff Rensslaer				County of Residence of First Listed Defendant Fairfax County - Virginia			
(EXCEPT IN U.S. PLAINTIFF CASES)				NOTE: IN LAND CO	(IN U.S. PLAINTIFF CASES C ONDEMNATION CASES, USE T	·	
					OF LAND INVOLVED.	THE LOCATION OF	
(c) Attorneys (Firm Name, Address, and Telephone Number)			Attorneys (If Known) Jessica L. Marrero				
Robert Mc Creener, Maueen Hussain, Laura Rivercomb 9 Main Street Kingston, NY 12401			THE KULLMAN FIRM A Professional Law Corporation 1100 Poydras Street, Suite 1600				
				III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff			
□ 1 U.S. Government 🕱 3 Federal Question				(For Diversity Cases Only) and One Box for Defendant) PTF DEF PTF DEF			
Plaintiff	(U.S. Government Not a Party)		Citiz		1 1 Incorporated or Pr of Business In T	incipal Place 🗖 4 🗖 4	
□ 2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)		Citiz	Citizen of Another State 2 2 2 Incorporated <i>and</i> Principal Place of Business In Another State 5 5 5			
				en or Subject of a 🛛 🗖 reign Country	3 🗆 3 Foreign Nation		
IV. NATURE OF SUIT (Place an "X" in One Box Only) CONTRACT TORTS			F	ORFEITURE/PENALTY	Click here for: Nature of BANKRUPTCY	of Suit Code Descriptions. OTHER STATUTES	
<ul> <li>110 Insurance</li> <li>120 Marine</li> <li>130 Miller Act</li> </ul>	PERSONAL INJURY	PERSONAL INJUR 365 Personal Injury - Product Liability	Y 🗆 62	25 Drug Related Seizure of Property 21 USC 881 00 Other	□ 422 Appeal 28 USC 158 □ 423 Withdrawal 28 USC 157	<ul> <li>375 False Claims Act</li> <li>376 Qui Tam (31 USC 3729(a))</li> </ul>	
<ul> <li>140 Negotiable Instrument</li> <li>150 Recovery of Overpayment</li> </ul>	Liability 320 Assault, Libel &	□ 367 Health Care/ Pharmaceutical			PROPERTY RIGHTS	□ 400 State Reapportionment □ 410 Antitrust	
& Enforcement of Judgment	Slander	Personal Injury			820 Copyrights	430 Banks and Banking	
<ul> <li>151 Medicare Act</li> <li>152 Recovery of Defaulted</li> </ul>	330 Federal Employers' Liability	Product Liability 368 Asbestos Personal	1		<ul> <li>830 Patent</li> <li>835 Patent - Abbreviated</li> </ul>	<ul><li>450 Commerce</li><li>460 Deportation</li></ul>	
Student Loans (Excludes Veterans)	<ul><li>340 Marine</li><li>345 Marine Product</li></ul>	Injury Product Liability			New Drug Application 840 Trademark	470 Racketeer Influenced and Corrupt Organizations	
□ 153 Recovery of Overpayment	overy of Overpayment Liability PERSONAL PROPER			LABOR	SOCIAL SECURITY	□ 480 Consumer Credit	
of Veteran's Benefits 160 Stockholders' Suits	<ul> <li>350 Motor Vehicle</li> <li>355 Motor Vehicle</li> </ul>	<ul> <li>370 Other Fraud</li> <li>371 Truth in Lending</li> </ul>	LI 71	0 Fair Labor Standards Act	□ 861 HIA (1395ff) □ 862 Black Lung (923)	(15 USC 1681 or 1692) 485 Telephone Consumer	
<ul> <li>190 Other Contract</li> <li>195 Contract Product Liability</li> </ul>	Product Liability 360 Other Personal	380 Other Personal Property Damage	<b>D</b> 72	20 Labor/Management Relations	□ 863 DIWC/DIWW (405(g)) □ 864 SSID Title XVI	Protection Act 490 Cable/Sat TV	
□ 196 Franchise	Injury	□ 385 Property Damage		40 Railway Labor Act	□ 865 RSI (405(g))	850 Securities/Commodities/	
	362 Personal Injury - Medical Malpractice	Product Liability	U /:	51 Family and Medical Leave Act		Exchange 890 Other Statutory Actions	
REAL PROPERTY         210 Land Condemnation	CIVIL RIGHTS 440 Other Civil Rights	PRISONER PETITIO Habeas Corpus:		00 Other Labor Litigation 01 Employee Retirement	FEDERAL TAX SUITS	<ul> <li>891 Agricultural Acts</li> <li>893 Environmental Matters</li> </ul>	
□ 220 Foreclosure	□ 441 Voting	□ 463 Alien Detainee		Income Security Act	or Defendant)	895 Freedom of Information	
<ul> <li>230 Rent Lease &amp; Ejectment</li> <li>240 Torts to Land</li> </ul>	<ul> <li>442 Employment</li> <li>443 Housing/</li> </ul>	510 Motions to Vacate Sentence	•		871 IRS—Third Party 26 USC 7609	Act 896 Arbitration	
<ul> <li>245 Tort Product Liability</li> <li>290 All Other Real Property</li> </ul>	Accommodations 445 Amer. w/Disabilities - 530 General 535 Death Penalty		_	IMMIGRATION			
	Employment	Other:		52 Naturalization Application		Act/Review or Appeal of Agency Decision	
	□ 446 Amer. w/Disabilities - Other	<ul> <li>540 Mandamus &amp; Oth</li> <li>550 Civil Rights</li> </ul>	er 🛛 40	55 Other Immigration Actions		950 Constitutionality of State Statutes	
	□ 448 Education	<ul> <li>555 Prison Condition</li> <li>560 Civil Detainee -</li> </ul>					
		Conditions of Confinement	-				
V. ORIGIN (Place an "X" in	n One Box Onto)	Commentent					
□ 1 Original Proceeding State Court       □ 3 Remanded from Appellate Court       □ 4 Reinstated or Reopened       □ 5 Transferred from Another District (specify)       □ 6 Multidistrict       □ 8 Multidistrict Litigation - Litigation - Direct File							
	Cite the U.S. Civil Sta 28 U.S.C. § 1442	tute under which you a (Federal Officer R	re filing (	<i>preemption defense</i>		Direct The	
VI. CAUSE OF ACTIO	<b>DN</b> Brief description of ca	use:		· ·	of New York Constitution	; (3) Unjust Enrichment	
VII. REQUESTED IN COMPLAINT:□CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.				EMAND \$	CHECK YES only JURY DEMAND:	if demanded in complaint: Xes □No	
VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE				DOCKET NUMBER			
DATE 10/16/2020	signature of attorney of record /s/ Jessica L. Marrero						
FOR OFFICE USE ONLY         ANYNDC-5282930         RECEIPT #AMOUNT       \$400.00         APPLYING IFPJUDGE       TJM         MAG. JUDGE       CFH							

## **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: <u>Nature of Suit Code Descriptions</u>.
- 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 statue.

- 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.