

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

04-20516
CIV-JORDAN

CASE NO. _____

MAGISTRATE JUDGE
BROWN

JUDITH HANEY, LIAT MAYER, and
JAMIE LOUGHNER, individually and on
behalf of a Class of all others similarly
situated,

Plaintiffs,

v.

MIAMI-DADE COUNTY; CHARLES J.
MCRAY, individually and in his official
capacity as Acting Director of the MIAMI-
DADE COUNTY CORRECTIONS AND
REHABILITATION DEPARTMENT,
CAPTAIN B. FULLER, Individually and in
her official capacity as the Facility
Supervisor of the Women's Detention Center,
ACTING CAPTAIN M. ALADRO,
individually and in his official capacity as
Facility Supervisor of the Pre-Trial Detention
Center; and MIAMI-DADE COUNTY
CORRECTIONS AND REHABILITATION
DEPARTMENT OFFICERS DOES 1
THROUGH 150;

Defendants.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

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Plaintiffs, individually, and as representatives of a class of persons similarly situated, sue
Defendants and allege:

INTRODUCTION

Female arrestees in MIAMI-DADE COUNTY are routinely subjected to dehumanizing
invasive strip and visual body cavity searches upon arrival at the Miami-Dade County Pre-Trial

[Handwritten initials]

Detention Center and the Miami-Dade County Women's Detention Center even before they have been arraigned on any charges despite such blanket strip searches violating state and federal law.

The blanket strip searches are particularly reprehensible as they appear, upon information and belief, to be reserved only for females.

Unless enjoined and restricted, upon information and belief, Defendants will maintain their practice of illegally subjecting pre-arraignment female arrestees charged with non-violent, non-drug and non-weapons related offenses to illegal strip and visual body cavity searches condemned in the Eleventh Federal Circuit since at least 2001. [*Wilson v. Jones*, 251 F.3d 1340 (11th Cir. 2000).]

JURISDICTION

1. This action is brought pursuant to 42 U.S.C. § 1983 and § 1988, and the Fourth and Fourteenth Amendments to the United States Constitution. Jurisdiction is founded upon 28 U.S.C. § 1331 and § 1341(3) and (4) and the aforementioned statutory and constitutional provisions.

PARTIES

2. Plaintiffs, including JUDITH HANEY, LIAT MAYER, and JAMIE LOUGHNER, and all those similarly situated, are, and at all material times herein, were arrested within the period beginning four (4) years before November 21, 2003, and continuing to this date, and were subjected to strip and visual body cavity searches at the Miami-Dade County Pre-Trial Detention Center and the Miami-Dade County Women's Detention Center.

3. Defendant MIAMI-DADE COUNTY is, and at all material times referred to herein, was, a political division of the state of Florida, that maintained or permitted an official policy or

custom or practice causing or permitting the occurrence of the types of wrongs complained of herein, which wrongs damaged Plaintiffs as herein alleged.

4. Defendant MIAMI-DADE COUNTY, through the Miami-Dade County Corrections and Rehabilitation Department, manages and operates the Miami-Dade County Pre-Trial Detention Center and the Miami-Dade County Women's Detention Center, where the wrongs complained of herein occurred.

5. Defendant CHARLES J. MCRAJ is, and at all material times referred to herein, was the acting director of the Miami-Dade County Corrections and Rehabilitation Department, responsible for administering the jail facilities in which the wrongs complained of herein occurred, and for making, overseeing, and implementing the policies, practices, and customs challenged herein relating to the operation of the County's jail facilities. He is sued in his individual and official capacities.

6. Defendant ACTING CAPTAIN M. ALADRO is the Facility Supervisor at the Miami-Dade County Pre-Trial Detention Center, responsible for making, overseeing, and implementing the policies, practices and customs challenged herein relating to the operation of the Pre-Trial Detention Center. He is sued in his individual and official capacities.

7. Defendant CAPTAIN M. Fuller is the Facility Supervisor at the Miami-Dade County Women's Detention Center, responsible for making, overseeing, and implementing the policies, practices and customs challenged herein relating to the operation of the Pre-Trial Detention Center. She is sued in her individual and official capacities.

8. Defendants MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT OFFICERS DOE 1 through DOE 150, sued herein by their fictitious names, are

all Correctional Officers who, as part of their duties at the Pretrial Detention Center, subjected Plaintiffs to pre-arraignment strip and visual body cavity searches without first having, and recording in writing, a particularized reasonable suspicion that the searches would be productive of contraband or weapons. They are sued in their individual capacity.

9. At all material times mentioned herein, each of the Defendants was acting under the color of law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages of the state of Florida, the COUNTY OF MIAMI-DADE, and/or the Miami-Dade County Corrections and Rehabilitation Department.

FACTS

A. JUDITH HANEY

10. Plaintiff, JUDITH HANEY is, and at all times material hereto was, a resident of the city of Oakland, California.

11. On or about November 21, 2003, Plaintiff JUDITH HANEY was sitting on the sidewalk across from the Miami-Dade County Pre-Trial Detention Center, along with three other women and three men, when they were arrested allegedly for “failing to disburse” and taken across the street to the Detention Center to be booked. Plaintiff HANEY and the other women arrested were separated from the males and, one at a time, taken to a separate area where each woman was made fully to disrobe, placing each of her items of clothing on a table, then to bend over, exposing her anus and vaginal area for inspection by Defendants and then made to squat and to “hop like a bunny” three times before being permitted to put her own clothes back on.

12. When Plaintiff HANEY was naked, Defendant JANE DOE 1 noticed a naval piercing and ordered Plaintiff HANEY to remove it. When Plaintiff HANEY was unable to remove the

navel ring, JANE DOE 1 obtained a wire cutter and clipped it off. During the entire time Plaintiff HANEY was standing naked in an area with the door open and with people passing by who could freely observe her.

13. Over the next several hours, Plaintiff HANEY and others were transported in paddy wagons to various locations finally arriving at the Turner-Gilford-Knight Miami Detention Center (hereinafter referred to as "TGK") where she was again processed and held in various holding tanks until she was released after approximately 35 hours.

14. On or about February 5, 2004, all charges against Plaintiff HANEY and others arrested with her were dismissed.

15. Plaintiff HANEY is a 50 year old management employee of Genetech Corporation. She was humiliated and embarrassed by being subjected to the aforementioned visual body cavity search and by being required to stand, naked, for any passerby to observe. She suffered mental and emotional distress as a direct and proximate result of Defendants' actions in depriving her of rights secured to her by the Fourth and Fourteenth Amendments to the United States Constitution.

16. Miami, Miami-Dade County, and the State of Florida, are aggressively seeking to have the City of Miami designated as the host city for the headquarters of the Free Trade Area of the America's (hereinafter referred to as "FTAA"). If Miami is so designated, it is likely that Plaintiff HANEY will again demonstrate against its trade policies, will again be arrested, and will again be subjected to the unconstitutional strip and body cavity searches herein alleged.

B. LIAT MAYER

17. Plaintiff LIAT MAYER is, and at all times material hereto, was a resident of

Brooklyn, New York.

18. On or about November 21, 2003, Plaintiff MAYER was seated on the sidewalk across from Miami-Dade County Pre-Trial Detention Center with three other women, including JUDITH HANEY, and three men, when they were arrested allegedly for “failing to disburse” and taken across the street to the Detention Center to be booked.

19. Plaintiff MAYER and the other women with whom she was arrested were separated from the males and, one at a time, taken to a separate area where each women was made fully to disrobe, placing each of her items of clothing on the table, then to bend over, exposing her anus and vaginal area for inspection by Defendants and then made to squat and to “hop like a bunny” three times before being permitted to put her own clothes back on.

20. While Plaintiff MAYER was naked, Defendant JANE DOE 2, left the door to the area where the search was being conducted open so that Plaintiff MAYER could be and was observed naked as people passed by and freely observed her.

21. Over the next several hours, Plaintiff MAYER and others were transported in paddy wagons to various locations around Miami and finally delivered to TGK where she was again processed and held in various holding tanks until being released approximately 35 hours later.

22. On or about February 5, 2004, all charges against Plaintiff MAYER were dismissed.

23. Plaintiff MAYER is a student who was humiliated, embarrassed and suffered mental and emotional distress as a result of being subjected to the aforementioned visual body cavity search and by being required to stand, naked, for any passerby to observe. She suffered these and other damages as a direct and proximate result of Defendants’ actions in depriving her of rights secured to her by the Fourth and Fourteenth Amendments to the United States Constitution.

24. As a result of being subjected to the strip and visual body cavity searches complained of herein, each of the Plaintiffs suffered physical, mental and emotional distress, invasion of privacy, and the violation of due process of law and federal constitutional rights, and is entitled to recover damages according to proof.

25. Miami, Miami-Dade County, and the State of Florida, are aggressively seeking to have the City of Miami designated as the host city for the headquarters of the FTAA. If Miami is so designated, it is likely that Plaintiff MAYER will again demonstrate against its trade policies, will again be arrested, and will again be subjected to the unconstitutional strip and body cavity searches herein alleged.

C. JAMIE LOUGHNER

26. Plaintiff JAMIE LOUGHNER is thirty-nine (39) years of age, and at all times material hereto was, a resident of Arlington, Virginia.

27. On or about November 20, 2003, Plaintiff LOUGHNER was protesting at the Free Trade Area of the America's (FTAA) talks near the Hotel Inter-Continental by holding a sign in an area reserved for protesters when a dispute arose between her and two police officers concerning her right to peacefully protest. She was arrested and later charged with two misdemeanors, resisting arrest without violence and failure to obey a lawful order. Plaintiff LOUGHNER was then taken to TGK where she was given a pat down search.

28. Two days later, on Saturday, November 22, 2003, Plaintiff LOUGHNER was transported from TGK to the Miami-Dade County Women's Detention Center, along with seven (7) other women.

29. Upon arrival at the Women's Detention Center, Plaintiff LOUGHNER was placed

in one of the cubicles found near the entrance area. Plaintiff LOUGHNER was told to fully disrobe and placed her clothes on a seat. She was then told while fully nude to bend over, exposing her anus and vaginal area for inspection by Defendants and then told to squat, cough and then to bend over and spread her buttocks and vagina (hereinafter “privates”) for a visual inspection. She was then told to cough again while bent over with her privates pointed at the officer, and to “open up [privates] wider” and to “shake it.”

30. This strip and body cavity search procedure occurred with two guards present, one who gave Plaintiff LOUGHNER instructions and inspected her privates, and the other who witnessed the strip search procedure. Plaintiff LOUGHNER was then allowed to put her own clothes back on.

31. Plaintiff LOUGHNER could see one of the other women detainees in the cubicle opposite her during the entire strip search procedure.

32. Plaintiff LOUGHNER was released from Jail November 25, 2003. Her criminal charges were later dropped and *nolle prossed*, and have not been refiled.

33. The strip search and body cavity exam Plaintiff LOUGHNER experienced was humiliating and embarrassing, and left her mortified.

34. Plaintiff LOUGHNER has suffered mental and emotional distress as a direct and proximate result of Defendants’ actions in depriving her of rights secured to her by the Fourth and Fourteenth Amendments to the United States Constitution.

35. Miami, Miami-Dade County, and the State of Florida, are aggressively seeking to have the City of Miami designated as the host city for the headquarters of the FTAA. If Miami is so designated, it is likely that Plaintiff LOUGHNER will again demonstrate against its trade

policies, will again be arrested, and will again be subjected to the unconstitutional strip and body cavity searches herein alleged.

CLASS CLAIMS

36. The named Plaintiffs bring this suit as a class action, pursuant to the provisions of Rule 23(b)(2) & (3) of the Federal Rules of Civil Procedure for injunctive and declaratory relief on behalf of a class of all persons similarly situated.

37. The class of Plaintiffs consists of all women who, during the period beginning four (4) years before November 21, 2003, and continuing to this date, were subjected by Defendants to pre-arraignment strip and visual body cavity searches at the Miami-Dade County Pre-Trial Detention Center, the Miami-Dade County Women's Detention Center, or any other jail facility operated by Defendant Miami-Dade County, without Defendants having, and recording in writing, a particularized reasonable suspicion that the searches would be productive of contraband or weapons.

38. The Plaintiff class consists of an unknown but large number of individuals, numbering in the thousands, so that joinder of all members is impracticable.

39. Plaintiffs are informed and believe, and thereupon allege, that Defendants have the ability to identify all such similarly situated Plaintiffs, specifically those who, while in Defendants' custody at any time after November 21, 2000, were subjected to strip and/or visual body cavity searches prior to arraignment without Defendants first having, and recording, a particularized reasonable suspicion that the searches would be productive of contraband or weapons.

40. There are questions of fact common to the class including, but not limited to: (1)

where Defendants routinely subject all females arrested to visual body cavity searches prior to arraignment if they intend such persons to be housed in the Pretrial Detention Center; (2) whether only females – not males – are subjected to the visual body cavity search at the Pretrial Detention Center; (3) whether persons are subjected to visual body cavity searches prior to arraignment without their being any particularized reasonable suspicion, based on specific or articulable facts, to believe any particular arrestee has concealed drugs, weapons, and/or contraband in bodily cavities which could be detected by means of a visual body cavity search; (4) whether the visual body cavity searches are conducted in an area of privacy so that the searches cannot be observed by persons not participating in the searches, or whether the visual body cavity searches are conducted in areas where they may be observed by persons not participating in the searches; and (5) whether the visual body cavity searches are reasonably related to Defendants' penalogical interest to maintain the security of the Pretrial detention facility and whether or not there are less intrusive methods for protecting any such interest.

41. There are questions of law common to the class, including, but not limited to: (1) whether Defendants may perform visual body cavity searches on persons prior to their arraignment without particularized reasonable suspicion, based on specific or articulable facts, to believe any particular arrestee has concealed drugs, weapons and/or contraband, which would likely be discovered by a visual body cavity search; (2) whether Defendants may perform visual body cavity searches on females when they do not subject males to similar searches; (3) whether Defendants may perform visual body cavity searches on persons without first reasonably relating the use of the visual body cavity search to Defendants' penalogical interest to maintain the security of the Pretrial Detention Center and determining if there is a less intrusive method to

protect that interest; (4) whether visual body cavity searches may be conducted in areas where the search can be observed by people not participating in the search without violating Plaintiff's federal constitutional rights; and (5) whether or not Defendants' strip search policy and procedure is in accordance with the federal constitution.

42. The claims of the representative Plaintiffs are typical of the class. Plaintiffs were searched, prior to arraignment, without reasonable suspicion that a strip or visual body cavity search would produce drugs, weapons or contraband (and without the facts supporting any such suspicion being articulated in a supervisor approved document). Representative Plaintiffs have the same interests and suffered the same type of injuries as all of the other class members. Plaintiffs' claims arose because of Defendants' policy, practice, and custom of subjecting arrestees to strip and visual body cavity searches before arraignment without having, and recording in writing, a reasonable suspicion that the search would be productive of contraband or weapons. Plaintiffs' claims are based upon the same legal theories as the claims of the class members. Each class member suffered actual damages as a result of being subjected to a visual body cavity search. The actual damages suffered by representative Plaintiffs are similar in type and amount to the actual damages suffered by each class member.

43. The representative Plaintiffs will fairly and adequately protect the class interest. Plaintiffs' interests are consistent with and not antagonistic to the interests of the class. They have a strong personal interest in the outcome of this action and have no conflicts of interest with members of the Plaintiff class. The named Plaintiffs were all subjected to strip and visual body cavity searches without legal justification. As long as the policies, practices and customs of the Defendants continue to permit dehumanizing invasive strip and visual body cavity searches, the

named Plaintiffs, and the class they represent, are and will remain at high risk of being subjected to searches in clear violation of established constitutional rights.

44. The named Plaintiffs are represented by experienced counsel who specialize in civil rights litigation.

45. The prosecutions of separate actions by individual members of the class would create a risk that inconsistent or varying adjudications with respect to individual members of the class would establish incompatible standards of conduct for the parties opposing the class.

46. The prosecutions of separate actions by individual members of the class would create a risk of inconsistent adjudications with respect to individual members of the class which would, as a practical matter, substantially impair or impede the ability of the other members of the class to protect their interests.

47. The Defendants have acted on grounds generally applicable to the class, thereby making appropriate the final injunctive or declaratory relief with respect to the class as a whole.

48. A class action is superior to all other available methods for the fair and equitable adjudication of the controversy between the parties. Plaintiffs are informed and believe, and thereupon allege, that the interests of members of the class in individually controlling the prosecution of a separate action is low in that most class members would be unable individually to prosecute any action at all. Plaintiffs are informed and believe, and thereupon allege, that most members of the class will not be able to find counsel to represent them. Plaintiffs are informed and believe, and thereupon allege, that it is desirable to concentrate all litigation in one forum because all of the claims arise in the same location. It will promote judicial efficiency to resolve the common questions of law and fact in one form, rather than in multiple courts.

COUNT ONE

**(Violation of Fourth and Fourteenth Amendments to the U.S. Constitution
on Behalf of Plaintiffs and All Persons Similarly Situated)**

49. The strip and visual body cavity searches to which Plaintiffs and all those similarly situated were subjected were performed pursuant to policies, practices, and customs of named Defendants and the individual correctional officers sued herein by the fictitious names DOEs 1 through 150.

50. The searches complained of herein were performed without regard to the nature of the alleged offenses for which Plaintiffs had been arrested, without regard to whether or not Plaintiffs were eligible for prompt release and without regard to whether or not Plaintiffs were eligible for and/or were released on their own recognizance. Furthermore, the searches complained of herein were performed without Defendants having a reasonable belief that the Plaintiffs so searched possessed weapons or contraband or that there existed facts supporting a particularized reasonable suspicion that the searches would produce contraband, and those facts being articulated and recorded in a supervisor-approved document.

51. Plaintiffs are informed and believe, and thereupon allege, that Defendants routinely follow their policy, practice, and custom of requiring pre-arraignment female detainees, including those processed at the Miami-Dade County Pre-Trial Detention Center and the Miami-Dade County Women's Detention Center, to strip naked and to submit to visual body cavity searches without having, and recording in writing, a particularized reasonable suspicion that the searches will be productive of contraband or weapons.

52. In searching the Plaintiffs as alleged, Defendant DOEs acted in accordance with the policy, practice and customs of Defendants MIAMI-DADE COUNTY, MCRAV, ALADRO and

FULLER.

53. Strip and body cavity searches, as alleged in this Complaint, are done as a matter of routine, and are permitted and encouraged, in accordance with the established policies, practices and customs of Defendant, Miami-Dade County.

54. Defendants MCRAV, ALADRO and FULLER facilitate, encourage, and acquiesce in the behavior of their subordinates, who routinely conduct strip and visual body cavity searches of females, as alleged in this Complaint.

55. Individual named Defendants herein are personally responsible for the promulgation and continuation of the strip search policy, practice, and custom pursuant to which Plaintiffs herein and all those similarly situated, were subjected to the searches complained of herein.

56. Defendants' policies, practices, and customs regarding the strip and visual body cavity searches complained of herein violated Plaintiffs' rights under the Fourth Amendment of the U.S. Constitution to be free from unreasonable searches and seizures, and violated said Plaintiffs' rights to due process and privacy under the Fourteenth Amendment, and directly and proximately damaged Plaintiffs as herein alleged, entitling Plaintiffs to recover damages for said constitutional violation pursuant to 42 U.S.C. § 1983.

Wherefore, Plaintiffs pray for relief as hereunder appears.

COUNT TWO

**(Violation of Fourteenth Amendment to the U.S. Constitution, 42 U.S.C. § 1983,
on Behalf of Plaintiffs and All Persons Similarly Situated)**

57. Plaintiffs are informed and believe and on that basis allege that Defendants, pursuant to policy and procedure, discriminate against women by selecting female pretrial arrestees for strip and visual body cavity search but do not subject males arrested for similar crimes to these

humiliating and invasive unconstitutional strip searches.

58. By selecting females for strip and visual body cavity searches only, Defendants discriminate against Plaintiff on the basis of their sex and deny to them the equal protection of the laws guaranteed to them by the Fourteenth Amendment to the United States Constitution.

59. Defendants' policies, practices, and customs regarding subjecting female pretrial arrestees to strip and visual body cavity searches while not requiring male pretrial arrestees to undergo the same or similar procedure violated Plaintiffs' Fourteenth Amendment right to the equal protection of the laws and directly and proximately damaged Plaintiffs as herein alleged, entitling Plaintiffs to recover damages for said constitutional violations pursuant to 42 U.S.C. § 1983, in addition to other damages.

Wherefore, Plaintiffs pray for relief as hereunder appears.

PRAYER FOR RELIEF

A. For declaratory and injunctive relief declaring illegal and enjoining, preliminarily and permanently, Defendants' policies, practices, and customs of subjecting female pre-arraignment detainees to strip and visual body cavity searches without having and recording in writing a reasonable suspicion that such searches would be productive of contraband or weapons;

B. For declaratory and injunctive relief declaring illegal and enjoining, preliminarily and permanently, the policy of selectively subjecting female pre-arraignment detainees to strip and visual body cavity searches while not so subjecting male pre-arraignment detainees to such searches;

C. Certification of this action as a class action, designation of Plaintiffs as class representatives and counsel as class counsel;

D. For compensatory, general, and special damages for each representative and for each member of the class of Plaintiffs, as against all Defendants;

E. Exemplary damages as against all of the individual Defendants in an amount sufficient to deter and to make an example of those Defendants;

F. Attorneys' fees and costs under 42 U.S.C. § 1988; and

G. The cost of this suit and such other relief as the court finds just and proper.

JURY TRIAL DEMANDED

Plaintiffs demand trial by jury as to all issues triable as a right before a jury.

Dated: March 5, 2004

Respectfully submitted,

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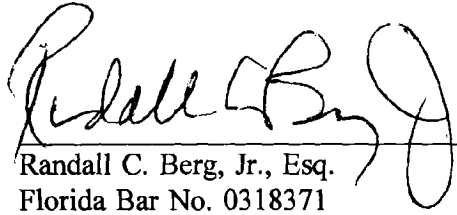
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HANEY\compla5.wpd

¹Motion for Leave to Appear *Pro Haec Vice* filed contemporaneously with this Complaint.

CIVIL COVER SHEET

The JS44 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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

JUDITH HANEY, LIAT MAYER, and JAMIE LOUGHNER, individually and on behalf of a Class of all others, etc.

DEFENDANTS **04-20516**
MIAMI-DADE COUNTY, et al.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Alameda
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT MIAMI-DADE
(IN U.S. PLAINTIFF CASES ONLY)

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

(c) ATTORNEYS (FIRM, NAME, ADDRESS, AND TELEPHONE NUMBER)
Randall C. Berg, Jr., Florida Justice Institute, Inc., 200 South Biscayne Boulevard, Suite 2870, Miami, Florida 33131 - (305) 358-2031

ATTORNEYS (IF KNOWN)

MAGISTRATE JUDGE BROWN

(D) CIRCLE COUNTY WHERE ACTION AROSE:

DADE MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

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

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | PTF <input type="checkbox"/> 4 | DEF <input 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. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Iva. 30 days estimated (for both sides) to try entire case.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT <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 (Excl. Vets) <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 REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Eject. <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liab. <input type="checkbox"/> 290 All Other Real Prop.	PERSONAL INJURY <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 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <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 PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/health <input type="checkbox"/> 690 Other LABOR <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 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395n) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DMC/DMMV (405)(g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405)(g) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environ. Matters <input type="checkbox"/> 894 Energy Alloc. Act <input type="checkbox"/> 895 Freedom of Info. <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
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VI. 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
- 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint: JURY DEMANDED: YES NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE _____ DOCKET NUMBER _____

DATE
March 4, 2004

SIGNATURE OF ATTORNEY OF RECORD

Randall C. Berg, Jr.

UNITED STATES DISTRICT COURT
S/F 1-2
REV. 6/90

FOR OFFICE USE ONLY: Receipt No. 897694 Amount: 150.00
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