

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WHEELING DIVISION

ELECTRONICALLY
FILED
2/21/2023
U.S. DISTRICT COURT
Northern District of WV

UNITED STATES OF AMERICA &
STATE OF WEST VIRGINIA,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC. &
OLIN CORPORATION,

Defendants.

Case No: 5:23-cv-59 Bailey

COMPLAINT

The United States of America (“United States”) by authority of the Attorney General of the United States, acting at the request and on behalf of the Administrator of the United States Environmental Protection Agency (“EPA”), and the State of West Virginia (the “State”) by and through the West Virginia Department of Environmental Protection (“WVDEP”), file this complaint and allege as follows:

NATURE OF THE ACTION

1. This is a civil action against Defendants Honeywell International Inc. and Olin Corporation (“Defendants”) for injunctive relief and recovery of costs pursuant to Sections 106, 107, and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (“CERCLA”), 42 U.S.C. §§ 9606, 9607, and 9613, the West Virginia Hazardous

Waste Management Act, § 22-18-1 et seq., and the West Virginia Hazardous Waste Emergency Response Fund Act, § 22-19-1 et seq.

2. Pursuant to Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a), 9607(a), the United States and the State seek injunctive relief requiring the Defendants to perform the response activities as set forth in the Record of Decision (“ROD”), consistent with the National Contingency Plan, 40 C.F.R. Part 300, and to recover response costs that have been and will be incurred through conducting response activities in connection with the release and threatened release of hazardous substances into the environment at or from Operable Unit 1 (“OU-1”) of the Hanlin-Allied-Olin Superfund Site in Moundsville, West Virginia (“Site”). In addition, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), the United States and the State also seek a judgment, declaring that the Defendants are liable for any future response costs to be incurred by the United States or the State because of releases or threatened releases of hazardous substances from OU-1.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action and over Defendants, pursuant to 28 U.S.C. §§ 1331 and 1345, and 1367 and 42 U.S.C. §§ 9606(a), 9607, and 9613(b).

4. Venue is proper in this district pursuant to 42 U.S.C. § 9613(b) and 28 U.S.C. § 1391(b) and (c), because the Site is located, the claims arose, and the threatened and actual releases of hazardous substances that gave rise to the claims occurred, within this judicial district.

GENERAL ALLEGATIONS

5. Defendant Honeywell International Inc. (“Honeywell”) is a Delaware corporation and is the successor to Allied Chemical Corporation, Allied Signal, Inc., and AlliedSignal, Inc., which owned and operated chemical production facilities that were a source of hazardous substances

that contaminated the Site. Honeywell is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

6. Honeywell is (i) a person who is the current owner and/or operator of a facility from which there were releases of hazardous substances, or threatened releases of hazardous substances, which caused the incurrence of response costs, within the meaning of CERCLA Section 107(a)(1), 42 U.S.C. §§ 9607(a)(1); and (ii) a person (or successor to a person) who at the time of disposal of a hazardous substance owned and/or operated a facility at which such hazardous substances were disposed and from which there were releases or threatened releases of hazardous substances, which caused the incurrence of response costs within the meaning of CERCLA Section 107(a)(2), 42 U.S.C. §§ 9607(a)(2).

7. Defendant Olin Corporation (“Olin”) is a Virginia corporation which owned and operated chemical production facilities that were a source of hazardous substances that contaminated the Site. Olin is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

8. Olin is a person who at the time of disposal of a hazardous substance owned and/or operated a facility at which hazardous substances were disposed and from which there were releases or threatened releases of hazardous substances, which caused the incurrence of response costs within the meaning of CERCLA Section 107(a)(2), 42 U.S.C. §§ 9607(a)(2).

9. The Site, consisting of approximately 382 acres, is located on the east bank of the Ohio River approximately three miles south of Moundsville in Marshall County, West Virginia.

10. The Site housed two main chemical production facilities, known as the North Plant and the South Plant, spread across three areas known as the Hanlin Area in the southern portion of

the Site, the Allied Park Area in the northwestern portion of the Site, and the Olin Area in the northeastern portion of the Site.

11. The North Plant primarily produced aniline, nitrobenzene, methylene dianiline, dinitrotoluene, diaminotoluene, and toluene diisocyanate, as well as fumaric, maleic, and malic acids, and acetylene, and operated from at least 1953 to approximately 1984. The South Plant produced chloromethanes and other products using the chlor-alkali (mercury cell) process, including chlorine, sodium hydroxide, and hydrogen, and operated from at least 1953 to approximately 1991. In general, the processing, storage, and disposal of waste from these operations caused heavy metals, polychlorinated biphenyls (“PCBs”), and other hazardous waste to leach into the soil and groundwater.

12. The Site is a “facility,” within the meaning of CERCLA Sections 101(9) and 107(a), 42 U.S.C. §§ 9601(9) and 9607(a).

13. At times relevant to this action, there have been “releases” and “threatened releases” of “hazardous substances” from the Site property into the environment, within the meaning of CERCLA Sections 101(14), 101(22), and 107(a), 42 U.S.C. §§ 9601(14), 9601(22) and 9607(a).

14. The United States and the State have incurred “response costs” relating to the Site within the meaning of CERCLA Section 101(25), 42 U.S.C. § 9601(25), responding to releases and threatened releases of hazardous substances from the Site. The United States and the State will continue to incur response costs in connection with the Site.

15. The response costs were incurred by the United States and the State in a manner not inconsistent with the National Contingency Plan, which was promulgated under CERCLA Section 105(a), 42 U.S.C. § 9605(a), and codified at 40 C.F.R. Part 300.

16. In March 1980, EPA completed a preliminary assessment of both the North and South Plants, and subsequently oversaw work performed pursuant to a 1989 administrative order on consent.

17. On March 25, 1994, EPA made a Determination of Imminent and Substantial Endangerment at the Site and between 1994 and the present, EPA has overseen work conducted by Olin and/or Honeywell pursuant to several administrative orders on consent.

18. Pursuant to CERCLA Section 105, 42 U.S.C. § 9605, EPA placed the Site on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on July 22, 1999, 64 Fed. Reg. 39,878.

19. EPA signed a ROD on June 23, 2021, selecting an interim remedial action for the South Plant alluvial groundwater and a final remedy for shallow soils, the former mercury cell building area, and Hanlin Area sewers, which collectively comprise OU-1 at the Site. The State concurred with the selected remedy.

FIRST CLAIM FOR RELIEF

(Recovery of Response Costs)

20. Paragraphs 1 through 19 are realleged and incorporated herein by reference.

21. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides in pertinent part:

Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section—

* * * *

(1) the owner and operator of a vessel or facility, [and]

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which hazardous substances were disposed of,

* * * *

shall be liable for—

(A) all costs of removal or remedial action incurred by the United States Government or a State . . . not inconsistent with the national contingency plan

22. Defendants are within the class of persons described in Section 107(a)(1) and (a)(2) of CERCLA, 42 U.S.C. § 9607(a)(1) and (a)(2), because Defendants own and/or owned and operated at the time of disposal the Facility at OU-1, and are jointly and severally liable to the United States and the State for costs of response actions taken or that will be taken at OU-1, including, *inter alia*, enforcement costs and interest authorized under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

SECOND CLAIM FOR RELIEF

(Injunctive Relief—Performance of Response Actions)

23. Paragraphs 1 through 22 are realleged and incorporated herein by reference.

24. Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), provides in pertinent part:

[W]hen the President determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility, he may . . . secure such relief as may be necessary to abate such danger or threat

25. EPA has determined that there is or may be an imminent and substantial endangerment to the public health or welfare or the environment because of actual and threatened releases of hazardous substances into the environment at and from OU-1.

26. EPA has determined that the remedy for OU-1 selected in the ROD is necessary to abate the danger or threat at or from the Site.

27. Pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), Defendants are subject to injunctive relief to undertake the remedial action for OU-1 identified in the ROD, which action EPA has determined to be necessary to abate the danger or threat at or from the Site.

THIRD CLAIM FOR RELIEF

(Declaratory Judgment)

28. Paragraphs 1 through 27 are realleged and incorporated herein by reference.
29. The United States and the State will continue to incur response costs at OU-1 for, *inter alia*, oversight of the performance and long-term monitoring of the remedial action and enforcement costs.
30. Defendants are subject to a declaratory judgment under Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), on liability for response costs that will be binding on any subsequent actions to recover further response costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, the United States of America and the State of West Virginia, respectfully request that the Court:

- A. Order Defendants to perform the remedy set forth in the ROD to abate the conditions that may present an imminent and substantial endangerment to the public health or welfare or the environment;
- B. Enter judgment in favor of the United States and against Defendants, jointly and severally, for response costs incurred by the United States, including prejudgment interest, in connection with the above-described response actions relating to the Site, and order Defendants to pay such costs and interest;
- C. Enter judgment in favor of the State and against Defendants, jointly and severally, for response costs incurred by the State, including prejudgment interest, in connection with the above-described response actions relating to the Site, and order Defendants to pay such costs and interest;

- D. Enter a declaratory judgment of liability against Defendants, jointly and severally, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.S. 9613(g)(2), that will be binding on any subsequent action or actions to recover further response costs incurred by the United States or the State in connection with the Site;
- E. Award the costs of this action to the United States and the State; and
- F. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted:

FOR THE UNITED STATES OF AMERICA

Nathaniel Douglas
Deputy Section Chief
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section

/s/ Jason A. Dunn

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FOR THE STATE OF WEST VIRGINIA

/s/ Jon C. Frame

Jon C. Frame, Counsel

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CIVIL COVER SHEET

RECEIVED 2/21/2023 5:23-CV-59

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

United States of America and State of West Virginia

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Stephanie K. Savino; USAO - NDWV, 1125 Chapline
Street, Suite 3000, Wheeling, WV 26003; 304-234-0100

DEFENDANTS

Honeywell International Inc. and Olin Corporation

County of Residence of First Listed Defendant **Marshall**
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Daniel A. Cantor; Arnold & Porter, 601 Massachusetts Ave,
NW, Washington, DC 20001; (202) 942-5765

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)

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

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

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	LABOR	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights		FEDERAL TAX SUITS	<input checked="" type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	IMMIGRATION	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
	PRISONER PETITIONS			
	Habeas Corpus:			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	Other:			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 9606, 9607, 9613 (CERCLA)Brief description of cause:
Civil suit seeking cost recovery and injunctive relief under CERCLA

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

Feb 21, 2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ Stephanie K. Savino

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.