

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

TIMOTHY M. SMALLWOOD,

Plaintiff,

v.

FORSYTH COUNTY, GEORGIA,

Defendant.

CIVIL ACTION FILE
NO:

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Timothy M. Smallwood (“Plaintiff”) states his complaint against the Forsyth County, Georgia (“Defendant” or “County”) as follows:

1.

This is an action for employment discrimination in violation of the Americans with Disabilities Act, 42 U.S.C. § 12111 *et seq.* as amended (the “ADA”), and the Rehabilitation Act, 29 U.S.C. § 794. The County violated the ADA by denying Plaintiff’s request to return to work, terminating his employment due to his disability, and terminating his employment in retaliation for his request for reasonable accommodations.

JURISDICTION AND VENUE

2.

This Court has subject matter jurisdiction over Plaintiff's claims under 28 U.S.C. § 1331.

3.

Venue is proper in this Court because the violations of Plaintiff's rights alleged herein were committed in this division of this judicial district.

PARTIES

4.

Plaintiff is a citizen of the State of Georgia and subjects himself to the jurisdiction of this Court.

5.

Defendant may be served through its County Manager, Eric Johnson, 110 East Main Street, Suite 210, Cumming, GA 30040.

STATEMENT OF FACTS

6.

Defendant employed Plaintiff as a firefighter for the County from October 1, 2001 until it terminated him on June 15, 2017.

7.

At the time of his termination, Plaintiff held the rank of Sergeant.

8.

Plaintiff was diagnosed with Post Traumatic Stress Disorder (“PTSD”) in 2012.

9.

Plaintiff’s PTSD caused negative mood, irritability, sleep disturbances, and other related problems that affected Plaintiff’s major life activities.

10.

Plaintiff was able to control his symptoms through counseling and treatment.

11.

Plaintiff’s supervisors were aware of his medical conditions and treatment since he was diagnosed in 2012.

12.

Plaintiff was able to work through his disability the first few years after his diagnosis. However, in March 2017, Plaintiff began treating with a doctor who specializes in PTSD and recommended Plaintiff take a leave of absence from work to provide time for more in-depth treatment to learn how to further address and cope with his PTSD.

13.

Plaintiff's PTSD did not prevent him from performing the essential functions of his job.

14.

Plaintiff was granted leave under the Family Medical Leave Act ("FMLA") on March 24, 2017.

15.

As Plaintiff's FMLA leave expiration was approaching, Plaintiff was informed he would need to request additional leave under the County Medical Leave policy in order to obtain more time to get clearance from his doctor to return to work.

16.

Plaintiff applied for County Medical Leave on June 4, 2017.

17.

Although Plaintiff's County Medical Leave was granted, he was terminated on June 15, 2017.

18.

Plaintiff believed the County Medical Leave was only being provided to obtain the necessary clearance from his doctor, County administration, and County Human Resources (HR).

19.

While on County Medical Leave, Plaintiff was forced to return his equipment as part of his termination, which he did on first day of his County Medical Leave, June 16, 2017, despite his intention to return to work.

20.

While turning in his equipment on June 16, 2017, Operations Chief Barry Head advised Plaintiff that his equipment would be there waiting on him and that it was not a matter of “if” he returned but “when” he returned.

21.

Only twelve (12) days later on June 28, 2017, Plaintiff’s doctor submitted the clearance for Plaintiff to return to work on July 8, 2017.

22.

Exhibit A is a true and accurate copy of Plaintiff’s Physician’s Task Appraisal Form.

23.

Plaintiff completed and submitted the necessary “Request to Return from Medical Leave of Absence” on July 3, 2017.

24.

Exhibit B is a true and accurate copy of Plaintiff’s Request to Return from Medical Leave of Absence.

25.

On July 17, 2017, the County denied Plaintiff’s “Request to Return from Medical Leave of Absence,” stating within the denial that “Fire Apparatus Operator is one of the most safety sensitive positions within the Fire Department.”

26.

Exhibit C is a true and accurate copy of the July 17, 2017 Notice of Denial of Plaintiff’s Request to Return from Medical Leave of Absence.

27.

Plaintiff was advised about the denial of his request to return to work on July 19, 2017.

28.

Exhibit D is a true and accurate copy of the July 19, 2017 Letter to Plaintiff advising him that his Request to Return from Medical Leave of Absence was denied.

29.

That same day, July 19, 2017, County HR representative Pat Carson verbally told Plaintiff by phone that his request to return to work was denied because of his PTSD and because the County deemed him to be a safety risk.

30.

Plaintiff faithfully performed his job with the County for more than fifteen (15) years.

31.

Plaintiff successfully performed his job after his PTSD diagnosis in 2012.

32.

The County was aware of Plaintiff's medical conditions more approximately five (5) years before he took medical leave and allowed Plaintiff to continue performing his job.

33.

The County promoted Plaintiff to Sergeant in August 2016, just six (6) months before he requested and took medical leave.

34.

Despite his prior demonstration of his ability to perform the job, promotions, and dedication to the County Fire Department for more than fifteen (15) years, Plaintiff was advised he would not be allowed to return to work due to his PTSD and safety concerns.

COUNT I:

VIOLATIONS OF THE ADA

35.

Plaintiff hereby incorporates Paragraphs 1 through 34 as if stated herein.

36.

Defendant is an employer as that term is defined under the ADA.

37.

Plaintiff suffers from PTSD which substantially limits several major life activities.

38.

At all times material to this action, Plaintiff was a qualified person with a

known disability based on his record of disability, including his diagnoses for PTSD and related conditions, and was still able to perform all essential functions of his position with a reasonable accommodation.

39.

Plaintiff requested and took medical leave at the recommendation of his doctor treating him for PTSD to focus on his treatment.

40.

The leave taken and granted by the County was leave Plaintiff was entitled to under federal law and the County's own policies and was a reasonable accommodation for his disability.

41.

When Plaintiff tried to return to work, his request to return from leave was denied because of his PTSD, and Plaintiff was terminated.

42.

By denying Plaintiff's return to work, Defendant (1) denied Plaintiff's request to return to work because of his disability and/or (2) retaliated against Plaintiff for his request for a reasonable accommodation of limited medical leave to seek treatment.

43.

Plaintiff has exhausted all administrative prerequisites prior to filing this action, including filing a charge of discrimination with the EEOC within 180 days of his termination, and filing this action within ninety (90) days of receiving his Notice of Right to Sue Letter from the EEOC.

44.

Plaintiff is entitled to recover from Defendant all damages proximately resulting from Defendant's discriminatory treatment, including lost pay, benefits, and mental and emotional distress.

COUNT II:

VIOLATIONS OF THE REHABILITATION ACT

45.

Plaintiff hereby incorporates Paragraphs 1 through 44 as if stated herein.

46.

The Rehabilitation Act prohibits discrimination on the basis of disability in any program or activity which receives federal money. 29 U.S.C. § 794(a).

47.

Defendant receives federal money and therefore falls within the coverage of the Act.

48.

Defendant's acts described above, including its termination of Plaintiff's employment due to his disability and/or in retaliation for his request for a reasonable accommodation, constitute discrimination on the basis of his disability, and retaliation in violation of the Rehabilitation Act.

PRAYER FOR RELIEF

Plaintiff respectfully requests this Court:

1. Find that Defendant violated the ADA and the Rehabilitation Act as described above;
2. Order Defendant to make Plaintiff whole by reinstatement to his former position, with full back pay and other benefits and expenses in amounts to be proven at trial;
3. If reinstatement is not feasible under the circumstances, grant Plaintiff front pay, including lost future benefits of medical insurance and pension;
4. Grant Plaintiff compensatory damages in an amount determined by the enlightened conscience of a jury;
5. Grant Plaintiff pre-judgment interest on all lost wages;
6. Grant Plaintiff his costs in this action and reasonable attorney's fees as provided by law; and

7. Grant such additional relief as this Court deems proper and just.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury for all issues so triable.

Respectfully submitted this the 10th day of April 2018.

/s/ J. Daniel Cole

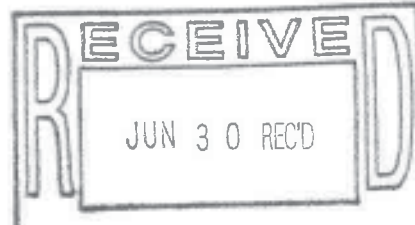
Andrew Y. Coffman
Georgia Bar No. 173115
acoffman@pcwlawfirm.com

J. Daniel Cole
Georgia Bar No. 450675
dcole@pcwlawfirm.com

**PARKS, CHESIN & WALBERT,
P.C.**

75 Fourteenth Street, 26th Floor
Atlanta, GA 30309
(404) 873-8000 Telephone
(404) 873-8050 Facsimile

Counsel for Plaintiff



Forsyth County Personnel Services

MARIA D. VILLALON, Benefits Specialist

Physician's Task Appraisal Form

To: The Attending Physician of: Timothy Smallwood
From: Personnel Services, Forsyth County

Re: Task Appraisal of Job Description and Physical Requirements for the position of:

FIRE APPARATUS OPERATOR

Enclosed are the actual job description and physical requirements of the above employee's current job classification (primary function). Please review the information provided and advise to the following:

To be completed by Physician (please initial/complete all that may be applicable):

The employee may perform their regular duties as described **without** restrictions effective: July 8, 2017

The employee **may not** perform their regular duties and is **refrained** from work until:
Follow-up visit scheduled: _____

The employee may perform their regular duties as described **without** restrictions but it will be necessary for the employee to be absent from work for follow-up visits/treatment: Yes No
Max. hours per day: _____ Max. hours per week: _____
Probable duration: _____

The employee **may not** perform their regular duties **but may** return to work on _____ with the following restrictions: _____

The employee is currently on the following medications. In my opinion this will not affect the employee from performing his/her duties as outlined: Sentinelone 50mg daily
Tylectra 50mg as needed. Clonazepam, but not at work

The employee's expected time of recovery and/or return to Full Duty Status is: _____

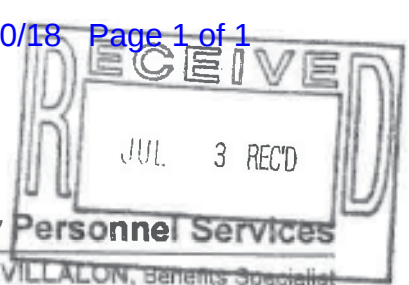
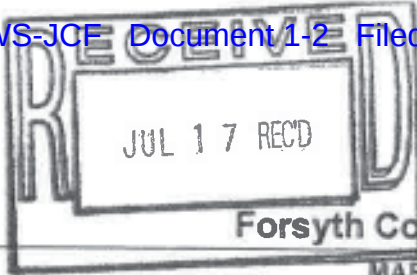
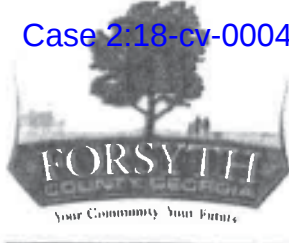
[Signature]
Physician's Signature

6/27/17
Date

Thank you for your assistance in this matter

110 East Main St., Suite 230 | Cumming, Georgia 30040 | (770) 205-4616 | (770) 205-4698 fax | forsythco.com

EXHIBIT A



Forsyth County Personnel Services

MARIA D. VILLALON, Benefits Specialist

REQUEST TO RETURN FROM MEDICAL LEAVE OF ABSENCE

Timothy Smallwood
Employee's Name

706-248-1091
Cell / Home Phone #

Fire
Department Name

FAO/sgt.
Former Position Held

I am requesting to return to work from my Medical Leave of Absence (MLA). I understand that I must provide a medical clearance signed by my medical provider indicating my release to return to duty, my restriction/s (if any) and my release date.

[Signature]
Employee's Signature

7-10-17
Date

This form must be completed prior to returning to work along with the attached Physician's Task Appraisal Form. Return by fax 770-205-4698 or mail to:

Personnel Services
Forsyth County Government
ATTN: Maria Villalon
110 East Main Street, Suite 230
Cumming, GA 30040

Fire Department
Department Name

1037-032
Position #

Fire Apparatus Operator
Position Name

Approved Denied
[Signature]
Supervisor's Signature

Approved Denied
[Signature]
Department Signature

Approved Denied
[Signature]
Personnel Services Signature

Approved Denied
N/A
Deputy County Manager / CFO Signature

Approved Denied
[Signature]
County Manager Signature

Revised 08/02/2016

110 East Main St., Suite 230 Cumming, Georgia 30040 (770) 205-4616 (770) 205-4698 fax forsythco.com



FORSYTH COUNTY FIRE DEPARTMENT

17 July 2017

To; Forsyth County Personnel Services

From; Division Chief, Barry Head
Forsyth County Fire Department

Re; Tim Smallwood

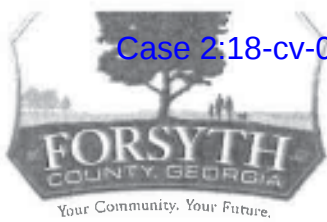
F.A.O. Smallwood's request to return to work from medical leave is denied.

The position of Fire Apparatus Operator is one of the more safety sensitive positions within the Fire Department. Careful consideration was given to all facts surrounding the potential return of F.A.O. Smallwood, while the decision to deny the request was difficult for everyone involved in the process, the decision was unanimous.

This decision does not prevent Tim Smallwood from applying for another position within the County, should one become available in the future.

A handwritten signature in black ink, appearing to read "Barry Head", is written over a horizontal line.

Division Chief Barry Head



COPY

Forsyth County Personnel Services

MARIA D. VILLALON, Benefits Specialist

July 19, 2017

Mr. Timothy Smallwood
249 Riverwood Rd.
Ellijay, GA 30536

RE: Request to Return from Medical Leave of Absence

Dear Tim:

Based upon your physician's release to return to work, your Medical Leave of Absence has expired effective 07/10/17. Please be advised that your request to return from your Medical Leave of Absence has been denied. Unlike FMLA, a Medical Leave of Absence does not provide an individual with job protection. As the county cannot fulfill your request to return to work, you may qualify for unemployment benefits. Please contact your regional Georgia Department of Labor office for further information.

You will remain responsible for direct payment of any insurance premiums for coverage you wish to keep in effect. Per policy, you may remain with the county healthcare coverage at prevailing retiree rates for twelve (12) months, unless other employer insurance benefits become available, whichever occurs first. As your Medical Leave of Absence commenced on 6/16/17, you are eligible to remain with the county retiree healthcare coverage thru 6/30/18. After such time the retiree healthcare eligibility will cease. At that time AmeriComp Benefits Inc., our administrator, will contact you regarding your options. They may be contacted at **800-868-0196** if you have any questions.

You are eligible to apply for any open position(s) posted with Forsyth County Government for which you meet the minimum qualifications. Standard recruiting and hiring policies and procedures will apply.

If I can be of further assistance regarding your return, please feel free to contact me at 770-205-4616.

Sincerely,

Maria D. Villalon, PHR
Benefits Specialist
MDVillalon@forsythco.com

Cc: D. Bowman, B. Head, B. Green, J. Ponder, File

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 is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

TIMOTHY SMALLWOOD
249 RIVERWOOD ROAD
ELLIJAY, GA 30536

DEFENDANT(S)

FORSYTH COUNTY, GEORGIA
110 EAST MAIN STREET
SUITE 210
CUMMING, GA 30040

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

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT FORSYTH (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, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

ANDREW Y. COFFMAN and J. DANIEL COLE
PARKS, CHESIN & WALBERT, P.C.
75 14TH ST., 26TH FL., ATLANTA, GA 30309
404-873-8000
acoffman@pcwlawfirm.com / dcole@pcwlawfirm.com

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) (FOR DIVERSITY CASES ONLY)

- PLF DEF
1 1 CITIZEN OF THIS STATE
2 2 CITIZEN OF ANOTHER STATE
3 3 CITIZEN OR SUBJECT OF A FOREIGN COUNTRY
PLF DEF
4 4 INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
5 5 INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
6 6 FOREIGN NATION

IV. 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 District)
6 MULTIDISTRICT LITIGATION - TRANSFER
7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. 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)

(IF COMPLEX, CHECK REASON BELOW)

- 1. Unusually large number of parties.
2. Unusually large number of claims or defenses.
3. Factual issues are exceptionally complex.
4. Greater than normal volume of evidence.
5. Extended discovery period is needed.
6. Problems locating or preserving evidence.
7. Pending parallel investigations or actions by government.
8. Multiple use of experts.
9. Need for discovery outside United States boundaries.
10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # AMOUNT \$ APPLYING IFP MAG. JUDGE (IFP)
JUDGE MAG. JUDGE (Referral) NATURE OF SUIT CAUSE OF ACTION

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

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT
- 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395f)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTI-TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

- CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____
- JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.


SIGNATURE OF ATTORNEY OF RECORD

April 10, 2018
DATE