JS 44 (Rev. 06/17) - TXND (Rev. 06/17)

Case 2:17-cv-00210-J

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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"

provided by local rules of court purpose of initiating the civil do					1974, 13 Tequ	ired for the use of	the clerk of co	art for th	ic	
I. (a) PLAINTIFFS AmGUARD Insurance Company				DEFENDANT						
				Felipe Ramirez and	d Ramirez Co	oncrete, LLC				
(1)							_			
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)				County of Residence of First Listed Defendant" Potter (IN U.S. PLAINTIFF CASES ONLY)" NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED."						
(c) Attorneys (Firm Name, A	Address, and Telephone Numbe	r)		Attorneys (If Known	ı)"					
Christopher W. Martin, Joh	n I. Goodwin, Martin, D	isiere, Jefferson & W	/isdom,							
L.L.P., 808 Travis Street, 20	0th Floor, Houston, Texa	as 77002, 713-632-17	700.							
			1							
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)				III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintij (For Diversity Cases Only) and One Box for Defendant)						
□ 1 U.S. Government	☐ 3 Federal Question	al Question			PTF DEF		ана Опе Вох јог	PTF	DEF"	
Plaintiff	(U.S. Government Not a Party)		Citize	Citizen of This State						
	V							.		
☐ 2 U.S. Government Defendant	★ 4 Diversity (Indicate Citizenship of Parties in Item III)		Citizen of Another State					□ 5"		
		,	Ciri-			Ei N-ti		5 (5 ("	
				en or Subject of a reign Country"		Foreign Nation		□ 6	□ 6"	
IV. NATURE OF SUIT		•				here for: Nature			_	
CONTRACT		PERSONAL PARIS		ORFEITURE/PENALTY		KRUPTCY	OTHER S		ES''	
	PERSONAL INJURY ☐ 310 Airplane			5 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal		☐ 375 False Claims Act" ☐ 376 Qui Tam (31 USC			
□ 130 Miller Act	☐ 315 Airplane Product	Product Liability	□ 69	0 Other	28 U	ISC 157	3729(a))	"		
 □ 140 Negotiable Instrument □ 150 Recovery of Overpayment 	Liability ☐ 320 Assault, Libel &	☐ 367 Health Care/ Pharmaceutical			PDOPE	RTY RIGHTS	☐ 400 State Rea ☐ 410 Antitrust		nent"	
& Enforcement of Judgment	The state of the s	Personal Injury			□ 820 Copy		☐ 430 Banks an		g"	
☐ 151 Medicare Act	☐ 330 Federal Employers'	Product Liability			☐ 830 Pater	nt	☐ 450 Commerc	ce"	0	
☐ 152 Recovery of Defaulted	Liability	☐ 368 Asbestos Personal	1			nt - Abbreviated	☐ 460 Deportati		. 4 40	
Student Loans (Excludes Veterans)	☐ 340 Marine ☐ 345 Marine Product	Injury Product Liability			■ 840 Trade	Drug Application	☐ 470 Racketee	r Influenc Organizati		
☐ 153 Recovery of Overpayment	Liability	PERSONAL PROPER	RTY	LABOR		SECURITY	□ 480 Consume		Olis	
of Veteran's Benefits	☐ 350 Motor Vehicle	370 Other Fraud	- 71	0 Fair Labor Standards	□ 861 HIA		☐ 490 Cable/Sa			
☐ 160 Stockholders' Suits ☐ 190 Other Contract	☐ 355 Motor Vehicle	☐ 371 Truth in Lending ☐ 380 Other Personal	- 72	Act	□ 862 Black	k Lung (923) C/DIWW (405(g))	☐ 850 Securities		dities/"	
☐ 195 Contract Product Liability	Product Liability 360 Other Personal	Property Damage	L 72	0 Labor/Management Relations	☐ 864 SSID		Exchang By Other Sta		ctions"	
☐ 196 Franchise	Injury	☐ 385 Property Damage		0 Railway Labor Act	□ 865 RSI (☐ 891 Agricultu	ıral Acts"		
	☐ 362 Personal Injury - Medical Malpractice	Product Liability	□ 75	1 Family and Medical Leave Act			☐ 893 Environm ☐ 895 Freedom			
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITION	NS 🗆 79	0 Other Labor Litigation	FEDERA	AL TAX SUITS	Act"	OI IIIIOIIII	iation	
210 Land Condemnation	☐ 440 Other Civil Rights	Habeas Corpus:		1 Employee Retirement		s (U.S. Plaintiff	☐ 896 Arbitratio	n"		
□ 220 Foreclosure	441 Voting	☐ 463 Alien Detainee		Income Security Act		efendant)	□ 899 Administ			
230 Rent Lease & Ejectment240 Torts to Land	☐ 442 Employment ☐ 443 Housing/	☐ 510 Motions to Vacate Sentence	•			Third Party SC 7609	Act/Revie Agency I	ew or App	peal of"	
245 Tort Product Liability	Accommodations	☐ 530 General			20 0	ISC 7009	☐ 950 Constitut		f"	
290 All Other Real Property	☐ 445 Amer. w/Disabilities -	☐ 535 Death Penalty		IMMIGRATION			State Stat	utes"		
	Employment	Other: 540 Mandamus & Other		2 Naturalization Application 5 Other Immigration"	on'					
	☐ 446 Amer. w/Disabilities - Other	☐ 550 Civil Rights	er 🗀 40	Actions"						
	☐ 448 Education	☐ 555 Prison Condition"								
		☐ 560 Civil Detainee -"								
		Conditions of Confinement"								
V. ORIGIN (Place an "X" in	n One Box Only)"						l			
		Remanded from"	■ 4 Rein	stated or"	farred from"	☐ 6 Multidist	rict" 🗖 8 i	Multidis	trict"	
		Appellate Court"	Reo	pened" Anoth	ner District"	Litigation	1 -"	Litigatio	n -	
	Cita the U.S. Civil Str	tute under which you ar	re filing ((specij	,	Transfer"	1	Direct Fil	ie	
TIT GATIGE OF A GENT	98 II S C 1332	tute under willen you ar	ie iiiiig (I	o noi cue jurisaictionai si	atutes untess at	versuy).				
VI. CAUSE OF ACTION	Brief description of ca									
		aintiff owes no duty t		•						
VII. REQUESTED IN'' CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P."			7'' D	DEMAND \$ CHECK YES only if demanded in complaint:"						
COMPLAINT:"		3, F.R.Cv.P."			J	URY DEMAND	: 🗆 Yes	X No"	1	
VIII. RELATED CASE	Ξ(S)"									
IF ANY	(See instructions):"	JUDGE			DOCKE	T NUMBER" _				
DATE	SIGNATURE OF ATTORNEY OF RECORD"									
10/27/2017	/s/ Christopher W. Martin									
FOR OFFICE USE ONLY"			, sii							
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JS 44 Reverse (Rev. 06/17) - TXND (Rev. 06/17)

Case 2:17-cv-00210-J Document 1-1 Filed 10/27/17 Page 2 of 2 PageID 81 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. When the petition for removal is granted, check this box.

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 a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.