

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

ASHLEY ST. ANGELO, PPA  
ANTHONY ST. ANGELO,

*Plaintiff,*

v.

AIDAN KEARNEY AND JULIANNE  
KEARNEY,

*Defendants.*

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

CASE NO. \_\_\_\_\_

**NOTICE OF REMOVAL**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332(a), 1441(a), and 1446, Defendants Aidan Kearney and Julianne Kearney hereby remove to this Court the civil action from the Superior Court, Providence, S.C., Rhode Island (the “State Court”), described below and in support state as follows:

1. On January 12, 2021, Plaintiff Ashley St. Angelo filed an action against Defendants in the State Court, entitled *St. Angelo v. Kearney*, C.A. No. PC-2021-00224.
2. On February 9, 2021, Defendants were served with a copy of Plaintiff’s Complaint and Summons. A copy of the Complaint and Summons served upon Defendants in the State Court are attached hereto as **Exhibit 1**.
3. The one-page pro-se Complaint filed by Plaintiff did not specify a cause of action, but requested a restraining order requiring Defendants to remove unspecified statements from the Internet. Due to the lack of specificity, it was not apparent at the time that the case was removable.
4. On June 2, 2021, Plaintiff filed and served an Amended Complaint (the “FAC”). The FAC again does not allege any causes of action, but specifies the allegedly actionable statements and conduct and asks for significantly broader injunctive relief than requested in the initial Complaint, namely an injunction requiring Defendant Aidan Kearney “to cease and desist

from writing or hosting on any of his social media platforms ... hate speech that incites violence against the Plaintiff *or transgender individuals of the same or like kind as cited above.*” (See FAC, attached as **Exhibit 2**, at ¶ 20) (emphasis added.)

5. On information and belief, Plaintiff is a citizen and resident of Rhode Island. (FAC at ¶ 1.)

6. Defendants are citizens and residents of the Commonwealth of Massachusetts. (FAC at ¶¶ 2-3.)

7. Plaintiff’s FAC prays for injunctive relief that, if granted, would be of a value in excess of \$75,000.

8. Pursuant to 28 U.S.C. § 1446(d), copies of this Notice have been served on counsel for Plaintiff and filed with the Clerk of the Superior Court, Providence, S.C., Rhode Island. A Notice of Filing this Notice of Removal was also filed with the said Clerk. In addition, a copy of all pleadings filed in the State Court action are filed herewith.

9. The action is removable pursuant to the provisions of 28 U.S.C. §§ 1332(a) and 1441(a) because there is complete diversity of citizenship between the parties. Plaintiff is a Rhode Island citizen. Defendants are Massachusetts citizens.

10. Plaintiff does not seek an award of damages in the FAC, but does seek broad injunctive relief. “[W]hen the relief sought is declaratory or injunctive, ‘the amount in controversy is measured by the value of the object of the litigation.’” *Hernandez v. US Bank, N.A.*, 318 F. Supp. 3d 558, 559 (D.R.I. 2018) (quoting *Hunt v. Wash. State Apple Advert. Comm’n*, 432 U.S. 333, 347 (1977)). Courts in this Circuit may use the defendant’s valuation of the object of litigation to determine whether the amount in controversy is satisfied. *Grotzke v. Kurz*, 887 F. Supp. 53, 57 (D.R.I. 1995).

11. Defendant Aidan Kearney derives significant revenue from the operation of his websites and social media accounts identified in the FAC. The scope of the requested injunctive relief is so broad that it could easily encompass nearly any statement about anyone, requiring

Kearney essentially to shutter these sources of revenue entirely to comply with any injunction granted by a court. The value of the object of this litigation is thus in excess of \$75,000.

12. Defendants have requested that the Clerk of the Superior Court for Providence, S.C., Rhode Island certify or attest copies of all records or proceedings filed in the State Court and all docket entries therein, with the same to be filed with this Court within 14 days.

WHEREFORE, Defendants in the above action, now pending in the State Court, pray that such action be removed to this Court.

Respectfully submitted,

Defendants Aiden & Julianne Kearney,  
By their attorneys,

/s/ Sean M. McAteer  
Sean M. McAteer, 4118  
203 South Main Street  
Providence, RI 02903  
(401) 946-9200  
summerromance@verizon.net

Marc J. Randazza  
(*pro hac vice forthcoming*)  
Randazza Legal Group, PLLC  
30 Western Avenue  
Gloucester, MA 01776  
(978) 801-1776  
Fax: (305) 437-7662  
ecf@randazza.com

Dated: June 15, 2021

**CERTIFICATE OF SERVICE**

I, Sean McAteer, hereby certify that a true and correct copy of the foregoing document was served upon all attorneys of record in the State Court case by electronic mail and First-Class Mail, postage prepaid, this 15<sup>th</sup> day of June 2021, as follows:

Edward Manning  
2377 Pawtucket Avenue  
East Providence, Rhode Island 02914  
<emanning@surfingthelaw.com>

/s/ Sean M. McAteer  
Sean McAteer

# **EXHIBIT 1**

Complaint and Summons



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
SUPERIOR COURT

PROVIDENCE/BRISTOL  KENT  WASHINGTON  NEWPORT

Asaley & Anthony R. ScAngelo

CASE# PC-2021-0224

VS

Aidan & Julianne Kearney - Turtle boy Sports

COMPLAINTS

The owners of Turtleboy Sports Aidan & Julianne Kearney  
Have posted false allegations of Abuse towards my 16 year old  
Daughter And soon to be ex wife - false claims of using  
my ex-wifes social security number - claiming I am using  
false means to profit from my daughters disappearance  
And sexually harassing me by means of calling me out  
for being transgender - (he or. BLT123) that has excited  
violence towards my self and my son both online  
and in person. There has been rocks / bricks, eggs  
and so on. My phone number has been posted on their  
page. I contacted them in response to disprove  
their false claims and they blasted my email to them  
on youtube making fun of it. on 9/2/2020 I asked  
them what proof I need to send them to get their  
posts off the internet and they responded in a general  
response that they would take the word of a 16 year old  
screaming for hell over mine. on 12/24 I sent  
them another message online again if I could send  
them proof because since the first email on 9/2  
the violence towards me and my son had started and got worse

SUPERIOR COURT  
FILED  
HENRY S. KIRCH, JR.

21 JAN 12 PM 12:45

Complaint continued

Tuy Replied "CALM DOWN SIR" AND ASKED what evidence I HAD AND I ISSUED THEM EVERYTHING THAT WITHOUT A DOUBT THEIR STORY WAS FALSE AND THEY KNEW IT FROM THE BEGINNING. THEY CALLED ME AND ASKED IF I WOULD GO ON THEIR SHOW AND WHEN I REPLIED NO THEY SAID SICKS FOR YOU. THEN I BEGGED AND PLEADED FOR THEM TO TAKE IT DOWN DUE TO THE VIOLENCE AND THEY SAID GO ON THE SHOW. I ENDED UP LOOKING FOR HELP AND FOUND AN ONLINE GROUP TO HELP AND A FEW DAYS LATER I GOT A CALL FROM HOLDEN POLICE BADGE # 32 BECAUSE MR KEARNEY BLAMED ME FOR HARASSING HIM IN WHICH I DID NOT BUT APPARENTLY THE ONLINE GROUP WAS IN CONTACT WITH HIM AND THE OFFICER STATED HE BELIEVED IT WAS NOT ME HARASSING THE KEARNEYS BUT ADVISED ME TO IMMEDIATELY GET A RESTRAINING ORDER (HINTING I MAY NEED IT) BETWEEN THE DEATH THREATS ONLINE BY TURTLEBOY READERS AND BY THE TONE IN THE OFFICERS TONE OF VOICE I AM BEGGING YOU FOR A RESTRAINING ORDER FOR MYSELF & SON AND HAVE THE POSTS TAKEN DOWN & YOUTUBE TAKEN DOWN

Signature: *[Handwritten Signature]*

Subscribed and sworn to before me in

PSC

in the Com

of

PROV

in the State of Rhode Island and Providence Plantations, this

12th

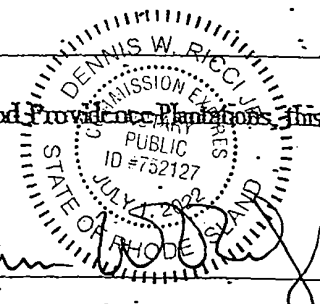
day of

JANUARY

2021

Notary Public

*[Handwritten Signature]*



SUPERIOR COURT  
 FILED  
 HENRY S. KINCH, JR.

21 JAN 12 PM 12:45



**STATE OF RHODE ISLAND**  
**SUPERIOR COURT**  
**SUMMONS**

	<b>Civil Action File Number</b> PC-2021-00224
<b>Plaintiff</b> Ashley Saint Angelo ppa Anthony St. Angelo v. Aidan Kearney, Julianne Kearney <b>Defendant</b>	<b>Attorney for the Plaintiff or the Plaintiff</b> Ashley Saint Angelo <b>Address of the Plaintiff's Attorney or the Plaintiff</b>
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	<b>Address of the Defendant</b> 111 Mason RD Jefferson MA 01522

**TO THE DEFENDANT, Aidan Kearney:**

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 1/12/2021.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court





**STATE OF RHODE ISLAND  
SUPERIOR COURT**

<b>Plaintiff</b> Ashley Saint Angelo ppa Anthony St. Angelo v. Aidan Kearney, Julianne Kearney <b>Defendant</b>	<b>Civil Action File Number</b> PC-2021-00224
---	--

**PROOF OF SERVICE**

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Aidan Kearney, by delivering or leaving said papers in the following manner:

- With the Defendant personally.
- At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion \_\_\_\_\_

Address of dwelling house or usual place of abode \_\_\_\_\_

Age \_\_\_\_\_

Relationship to the Defendant \_\_\_\_\_

- With an agent authorized by appointment or by law to receive service of process.  
 Name of authorized agent \_\_\_\_\_  
 If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.  
 \_\_\_\_\_

- With a guardian or conservator of the Defendant.  
 Name of person and designation \_\_\_\_\_

- By delivering said papers to the attorney general or an assistant attorney general if serving the state.

- Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.  
 Name of person and designation \_\_\_\_\_



**STATE OF RHODE ISLAND  
SUPERIOR COURT**

Upon a private corporation, domestic or foreign:

By delivering said papers to an officer or a managing or general agent.

Name of person and designation \_\_\_\_\_

By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation \_\_\_\_\_

By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent \_\_\_\_\_

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

\_\_\_\_\_

I was unable to make service after the following reasonable attempts: \_\_\_\_\_

\_\_\_\_\_

SERVICE DATE: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Month Day Year

SERVICE FEE \$ \_\_\_\_\_

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_  personally known to the notary or  proved to the notary through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary identification number: \_\_\_\_\_



## STATE OF RHODE ISLAND

## SUPERIOR COURT

## SUMMONS

	<b>Civil Action File Number</b> PC-2021-00224
<b>Plaintiff</b> Ashley Saint Angelo ppa Anthony St. Angelo v. Aidan Kearney, Julianne Kearney	<b>Attorney for the Plaintiff or the Plaintiff</b> Ashley Saint Angelo
<b>Defendant</b> Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	<b>Address of the Plaintiff's Attorney or the Plaintiff</b>  <b>Address of the Defendant</b> 111 Mason RD Jefferson MA 01522

**TO THE DEFENDANT, Julianne Kearney:**

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 1/12/2021.

/s/ Henry Kinch  
Clerk

Witness the seal/watermark of the Superior Court



**STATE OF RHODE ISLAND**  
**SUPERIOR COURT**

<b>Plaintiff</b> Ashley Saint Angelo ppa Anthony St. Angelo v. Aidan Kearney, Julianne Kearney <b>Defendant</b>	<b>Civil Action File Number</b> PC-2021-00224
---	--

**PROOF OF SERVICE**

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Julianne Kearney, by delivering or leaving said papers in the following manner:

- With the Defendant personally.
  
- At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
 Name of person of suitable age and discretion \_\_\_\_\_  
 Address of dwelling house or usual place of abode \_\_\_\_\_  
 \_\_\_\_\_  
 Age \_\_\_\_\_  
 Relationship to the Defendant \_\_\_\_\_
  
- With an agent authorized by appointment or by law to receive service of process.  
 Name of authorized agent \_\_\_\_\_  
 If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.  
 \_\_\_\_\_
  
- With a guardian or conservator of the Defendant.  
 Name of person and designation \_\_\_\_\_
  
- By delivering said papers to the attorney general or an assistant attorney general if serving the state.
  
- Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.  
 Name of person and designation \_\_\_\_\_



STATE OF RHODE ISLAND  
SUPERIOR COURT

Upon a private corporation, domestic or foreign:

By delivering said papers to an officer or a managing or general agent.

Name of person and designation \_\_\_\_\_

By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation \_\_\_\_\_

By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent \_\_\_\_\_

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

I was unable to make service after the following reasonable attempts: \_\_\_\_\_

SERVICE DATE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Day Year

SERVICE FEE \$ \_\_\_\_\_

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE \_\_\_\_\_

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_  personally known to the notary or  proved to the notary through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary identification number: \_\_\_\_\_

# **EXHIBIT 2**

First Amended Complaint

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

ASHLEY ST. ANGELO, PPA )  
ANTHONY ST. ANGELO, )  
Plaintiff, )

V. )

AIDAN KEARNEY, JULIANNE )  
KEARNEY, )  
Defendants, )

C.A. NO. PC-2021-00224

**AMENDED COMPLAINT**

**PARTIES AND JURISDICTIONS**

1. Plaintiff Ashley St. Angelo (hereinafter referred to as “Plaintiff”) is a citizen and resident of the Town of East Providence, Rhode Island 02914.
2. Defendant, Aiden Kearney. (Hereinafter referred to as “Defendant”) is a resident of the Commonwealth of Massachusetts.
3. Defendant, Julianne Kearney. (Hereinafter referred to as “Ms. Kearney”) is a resident of the Commonwealth of Massachusetts.
4. Defendant was at all times material herein the principal owner and operator of “two blogging websites: [www.turtleboysports.com](http://www.turtleboysports.com) and [www.TBDailynews.com](http://www.TBDailynews.com)”.
5. Defendant, Aiden Kearney, presented himself and submitted himself to the courts jurisdiction on April 7, 2021 where Defendant argued on the merits and consented to a Court Order and did not contest personal jurisdiction.
6. Defendant, Aiden Kearney DBA Turtleboy, to the best of knowledge routinely provides merchandise and accepts donations to and from Rhode Island residents on his websites [www.turtleboysports.com](http://www.turtleboysports.com) and [www.TBDailynews.com](http://www.TBDailynews.com) and other Turtleboy enterprises.

## FACTUAL ALLEGATIONS

7. On or about September 1, 2020 Defendant published a blog on [www.turtleboysports.com](http://www.turtleboysports.com) named "*BLT-123 Dad Accused Of Abusing Missing East Providence Teenage Daughter In Facebook Post She Wrote, Has Been Cashing In On Fundraiser And Has Several Other Allegations By Family Members*" wherein the following quotes from the comment section illustrate potential and possible acts of violence:
  - a) "There's never a good sniper around when you really need one . . . ."
  
8. On or about February 10, 2021 Defendant published a blog on [www.turtleboysports.com](http://www.turtleboysports.com) named "*Transgender East Providence Dad Whose Daughter Alleged He Abused Her Got A RO Placed On Him In Leominster District Court Today For Harassing My Family And Using The Courts To Abuse Us*" wherein the following quotes from the comment section illustrate potential and possible acts of violence:
  - a) "I wouldn't mind seeing get Tony clipped by some friends of ours from Providence"
  - b) "Transgenderism is a mental disease. They should be killed by stoning."
  - c) "Trans people should do all of humanity a favor and....."
  
9. On or about April 7, 2021 Defendant published a blog on [www.turtleboysports.com](http://www.turtleboysports.com) named "*Providence Judge Made Me Spend 3 Hours In A Courtroom With Our Psychotic BLT-123 Abuser And Wants Me To Take Down The Blogs About Him So He Can Cover Up Child Abuse*" wherein the following quotes from the comment section illustrate potential and possible acts of violence:
  - a) "I could've found a permanent solution."
  - b) "A tranny bringing your kids into the picture is grounds for street justice. Man up and put that faggot in a wheelchair"
  - c) "...or just put a fucking bullet in his head and be over with it."
  - d) "WTF? This is a tapped post. This guy should be be knee capped or planted 6' under."
  
10. On or about April 7, 2021 Defendant published a blog on [www.turtleboysports.com](http://www.turtleboysports.com) named "*Ashley St Angelo Got Arrested By East Providence Police And His House Was Condemned Today After DA's Office Made The Warrant Against Him Extraditable*" wherein the following quotes from the comment section illustrate potential and possible acts of violence:
  - a) "AshTony is an innocent political prisoner. We are holding a "peaceful" protest for its immediate release. Rioting starts at dusk."
  - b) "May you rot in prison and get your ass beat in the yard you disgusting pig of a parent"
  - c) "Great job Unc, now hopefully someone jams a shiv in this disgusting abominations neck while they are waiting in the holding cell."



11. On or about April 7, 2021 Defendant published a blog on [www.turtleboysports.com](http://www.turtleboysports.com) named "*Ashley St Angelo Was Arraigned In Fitchburg District Court For Stalking Me And His Daughters Are Coming On The Live Show Tonight*" wherein the following quotes from the comment section illustrate potential and possible acts of violence:
  - a) "The second he decided to involve your children, you should have sought him out and settled it like men (make that f\*\*\*\*\* eat a curb)"
  - b) "Trannies are psychotic evil perverts and they should all be thrown off the roof"
12. Plaintiff asserts that the Defendant's above referenced publications on their face are a conduit for hate speech directed at the Plaintiff and/or his identification with no apparent restrictions or filters set in place to remove hate speech towards her or transgender individuals.
13. Defendant is acting as a facilitator, host and agent for subscribers who gather and is offering a voice and a platform for hateful speech foreseeably calculated to cause violence on the Plaintiff.
14. Plaintiff asserts claims that these statements precipitated violence and death threats against her and her son by unknown third parties.
15. Plaintiff asserts that Defendant's publications incited lawless conduct.
16. Upon information and belief, Plaintiff believes that since the date legal action was taken against Defendant, that Defendant has altered his YouTube publications in order to remove some of the language that incited said acts of violence.
17. Plaintiff asserts these publications are of such a nature as to create imminent fear of serious bodily harm that they will bring about the possibility of violence against Plaintiff.
18. Defendant's social media platforms are in fact creating the news as the commentators actually type and submit their speech on to his website.
19. Defendant, to the best of knowledge of the Plaintiff, published the address of the Plaintiff on his social media platforms which is calculated to incite individuals seek out and foreseeably injury Ms. St. Angelo in the manner described in the publications cited above.
20. Plaintiff is in imminent fear of serious bodily injury and or death with the continued publications of the nature referenced above.

*Wherefore*, Plaintiff prays this Honorable Court Order Defendant to cease and desist from writing or hosting on any of his social media platforms including but not limited to [www.turtleboysports.com](http://www.turtleboysports.com), [www.tbdailynews.com](http://www.tbdailynews.com) and [www.YouTube.com](http://www.YouTube.com), hate speech that incites

violence against the Plaintiff or transgender individuals of the same or like kind as cited above.

Ashley St. Angelo,  
By and through her attorney

/s/ Edward Manning  
Edward Manning, Esq.  
2377 Pawtucket Avenue  
East Providence, RI 02914  
Phone: (401) 457-0202  
Fax: (401) 457 0203  
[lawoffice@surfingthelaw.com](mailto:lawoffice@surfingthelaw.com)

CERTIFICATION

I hereby certify that a copy of the within Plaintiff's Amended Complaint was served on all parties of record via the Court's e-filing system on.

/s/Matthew Connole



Respectfully submitted,

Defendants Aiden & Julianne Kearney,  
By their attorneys,

---

Sean M. McAteer, 4118  
203 South Main Street  
Providence, RI 02903  
(401) 946-9200  
summerromance@verizon.net

Marc J. Randazza  
*(pro hac vice Pending)*  
Randazza Legal Group, PLLC  
30 Western Avenue  
Gloucester, MA 01776  
(978) 801-1776  
Fax: (305) 437-7662  
ecf@randazza.com

Dated: June \_\_\_\_, 2021

**CERTIFICATE OF SERVICE**

I, Sean McAteer, hereby certify that a true and correct copy of the foregoing document was served upon all attorneys of record in the above-captioned matter by electronic mail and First-Class Mail, postage prepaid, this \_\_\_\_ day of June 2021, as follows:

Edward Manning  
2377 Pawtucket Avenue  
East Providence, Rhode Island 02914  
<emanning@surfingthelaw.com>

---

Sean McAteer

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

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

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

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

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

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, 4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location.

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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, 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): Brief description of cause:

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 SIGNATURE OF ATTORNEY OF RECORD

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.