

**MAGISTRATE JUDGE  
GARBER**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**HAITIAN REFUGEE CENTER, INC.,  
a not-for-profit Florida corporation,**

**CIV-ATKINS**

**Plaintiff,**

**-against-**

**JAMES BAKER, III, Secretary of State,  
REAR ADMIRAL ROBERT KRAMEK and  
ADMIRAL KIME, Commandants, United States  
Coast Guard, GENE McNARY, Commissioner,  
Immigration and Naturalization Service,  
The United States Department of Justice,  
Immigration and Naturalization Service,  
and The United States,**

**91-2658**

Case No.

**Defendants.**

**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff, by its undersigned attorneys, as and for its complaint, alleges as follows:

1. This is a complaint for declaratory and injunctive relief arising from the interdiction by the United States Coast Guard of Haitian vessels and their passengers on the high seas, and the failure of defendants to follow INS rules protecting the potential asylees among those passengers from forcible return to Haiti.

2. Under an "interdiction program," the Coast Guard and the Immigration and Naturalization Service ("INS")

intercept vessels on the high seas believed to be carrying undocumented aliens attempting to enter the territorial waters of the United States. The Executive Order authorizing interdiction, Executive Order 12324, titled "Interdiction of Illegal Aliens," FR Doc. 81-28829, 46 Fed. Reg. 48109 ("Executive Order"), does not permit the forcible return of refugees. Pursuant to this order the INS has promulgated guidelines designed to ensure the identification and protection of refugees.

3. In the aftermath of a September, 1991 military coup in Haiti, the Coast Guard has intercepted numerous vessels containing more than 1500 Haitians, many of whom are fleeing for their lives. Defendants have failed to follow INS guidelines designed to protect the rights of potential applicants for political asylum and withholding of deportation who are among the Haitians currently detained. This action seeks to enjoin defendants from forcing interdicted vessels containing these people to return to Haiti until the INS has followed its own rules setting forth procedures to identify and protect those who are potential asylees. Defendants' actions violate the terms of the Executive Order, the guidelines promulgated pursuant to it, and the enforceable rules of international law, incorporated therein, including the protection against refoulement (forcible return) granted political refugees by the United Nations Protocol Relating to

the Status of Refugees. Defendants' actions also deprive intercepted Haitians who are potential asylees of the protections set forth in the Refugee Act of 1980, and the Immigration and Nationality Act, that are extended to intercepted Haitians by the INS rule that all such Haitians who have a potential asylum claim are to be transported to the United States.

Jurisdiction and Venue

4. Plaintiff's claims arise under the Immigration and Nationality Act, 8 U.S.C. Sections 1101(a)(43), 1158, 1253(h), the Refugee Act of 1980, 8 U.S.C. Sections 1521 note, and regulations promulgated thereunder, the Fifth Amendment to the United States Constitution, the United Nations Protocol Relating to the Status of Refugees, the Universal Declaration of Human Rights, and principles of international law.

5. Jurisdiction in this action over plaintiff's claims under the Immigration and Nationality Act, the Refugee Act of 1980 and regulations promulgated thereunder, and the Fifth Amendment to the United States Constitution, is based on 28 U.S.C. § 1331, as a civil action arising under the Constitution, laws, or treaties of the United States, and 8 U.S.C. § 1329, as a civil cause arising under the Immigration and Nationality Act.

6. Venue is proper in this district under 28 U.S.C. Section 1391, as plaintiff resides here, some defendants reside

in this district and the claims have, in part, arisen in this district.

7. Plaintiff, by its attorneys, bring this action for injunctive and declaratory relief pursuant to Rules 65 and 57 of the Federal Rules of Civil Procedure.

Parties

8. Plaintiff, Haitian Refugee Center ("HRC") is a non-profit membership corporation located in Miami, Florida. The HRC's purpose, as set forth in its bylaws, is to promote the well-being of Haitian refugees through appropriate programs and activities, including legal representation of Haitian refugees, education regarding legal and civil rights, orientation, acculturation, and social and referral services. It has in the past brought lawsuits challenging procedures and practices of the INS in processing Haitian refugee applications and has been recognized by the INS as a source of legal counsel for indigent Haitians.

9. The HRC's membership includes the Haitian refugee community and the members of the community at large who have shown interest in and support for the defined purposes and activities of the corporation. From its inception, the HRC's membership has included Haitian refugees seeking political asylum in the United States. The HRC is funded through contributions from voluntary agencies, including the National Council of Churches, foundations, and donations from private persons solicited from the community at large.

10. The Haitians who are presently aboard vessels intercepted by the Coast Guard include persons who seek, and are entitled to seek, refugee status in the United States. They wish to avoid forcible return to Haiti, where they face unlawful arrest, detention, and persecution. The HRC considers these people to be members of HRC by virtue of their presence on territory within the control of the United States such as the Coast Guard base at Guantanamo Bay and Coast Guard vessels. The intercepted Haitians would seek representation by the HRC if permitted to do so by defendants, and likewise, HRC would meet and confer with the interdicted Haitians regarding their desires to seek refugee status if permitted.

11. The Haitians on the intercepted vessels are, by the current operation and implementation of the interdiction program, in such a position as to be unable to enforce their rights effectively without a spokesman. HRC seeks to represent these members' interests in this lawsuit. HRC has been denied and continues to be denied in its own right the ability to provide affective representative to its interdicted members.

12. Defendants Kramek and Kime are Commandants of the United States Coast Guard. The Coast Guard officers who are implementing the interdiction program are acting under their direction and command. These defendants are being sued in their official capacity.

13. Defendant Gene McNary is the Commissioner of the INS. The INS officers on board the Coast Guard cutters are acting under his direction and supervision. Defendant McNary is being sued in his official capacity.

14. Defendant James Baker, III is the Secretary of State and in that capacity has the final decision making authority within his department. Upon information and belief, it is the State Department that has directed the other United States agencies to forcibly return Haitian refugees. Defendant Baker is sued in his official capacity.

15. Defendant Department of Justice is the agency of the United States with oversight and ultimate responsibility for the enforcement of the immigration laws of the United States.

16. Defendant Immigration and Naturalization Service is the agency charged with the direct responsibility for enforcing the immigration laws of the United States.

17. Defendant The United States is a sovereign and has ultimate responsibility for all of its agencies and officers.

#### The Interdiction Program

18. On September 29, 1981 the President issued Proclamation 4865, FR Doc. 81-28828, 46 Fed. Reg. 48107 ("the Proclamation"), which announced a program of "interdiction" on the high seas of vessels transporting aliens. The Proclamation

was followed on the same date by the Executive Order, which purports to authorize the United States Coast Guard to stop and board United States, unregistered, and certain foreign vessels, make inquiries to determine if their passengers are undocumented migrants bound for the United States, and, if so, to return them to the country from which they came, provided they are not political refugees.

19. Section 2(c)(3) of the Executive Order instructs the Coast Guard to "return [a] vessel and its passengers to the country from which it came . . . provided, however, that no person who is a political refugee will be returned without his consent." (Emphasis added). Accordingly, Section 3 of Executive Order 12324 requires the Attorney General to "take whatever steps are necessary to insure the fair enforcement of our laws relating to immigration . . . and the strict observance of our international obligations concerning those who genuinely flee persecution in their homeland."

20. The initial "INS Role in and Guidelines For Interdiction at Sea," issued October 6, 1981, provided numerous procedures designed to ensure identification and protection of potential asylees, including:

(a) that INS officers shall be present aboard Coast Guard vessels carrying out the interdiction program;

(b) that such INS personnel "shall be constantly watchful for any indication (including bare claims) that a

person or persons on board the interdicted vessel may qualify as refugees under The United Nations Convention and Protocol" (emphasis added);

(c) that interviews shall be conducted in conditions, including privacy, designed to ensure full presentation of claims;

(d) that transcription of interviews and other records shall be maintained to facilitate eventual presentation of claims to authorities in the United States; and

(e) That potential asylees shall be removed from the vessel and provided with passage to the United States.

21. The INS did not observe these initial rules. During the decade following their promulgation, interviews conducted were often as short as five minutes; they were not conducted in private and they were otherwise insufficient as the Haitians on the interdicted vessels had often been deprived of food and water and were physically and mentally incapable of taking part in an effective interview. As a result of these defective procedures, from the inception of the interdiction program in 1981 until mid-1991, only 28 of the over 24,000 Haitians on vessels interdicted by the Coast Guard were identified by INS officials as potential asylees.

22. In response to complaints about the interview process on interdicted vessels, the Justice Department acknowledged in June 1991 that pre-screening procedures aboard



interdicted vessels were faulty and outlined intended improvements, including:

(a) better training of INS personnel and formal certification of Creole interpreters;

(b) more careful briefing of Haitians as to the purpose of pre-screening procedures;

(c) lengthier and more careful interviews;

(d) more thorough documentation of claims and more careful review of such documentation; and

(e) parole for all persons transported to the United States to pursue asylum claims and adjudication of such claims before a member of the Asylum Officer Corps.

See letter from W. Lee Rawls, Assistant Attorney General, To The Honorable Stephen J. Solarz, June 6, 1991. Recent events suggest that these intentions have not been translated into meaningful action.

The Events Giving Rise to this Action

23. On September 30, 1991, a military coup ousted the democratically elected Haitian President Jean-Bertrand Aristide. The violence and political oppression that followed the coup have been widely reported by the international press. Following the coup, a large number of Haitians, fearing for their lives, began to flee Haiti by sea.

24. Pursuant to the Executive Order, United States Coast Guard cutters have been on patrol in the international

waters of the Windward Passage near Haiti since October 9, 1981. On or about October 29, 1991, Coast Guard vessels began to interdict vessels carrying Haitians fleeing from Haiti as a result of the coup. To date, approximately 19 such vessels have been intercepted. More than 1500 Haitians from these vessels were detained on Coast Guard cutters.

25. INS officials have reported that only eleven immigration officers, accompanied by translators, have been assigned to interview more than 1500 interdicted Haitians. According to INS officials, interviews consisted of a few minutes of questioning concerning the Haitian's identity and whether there was any reason he or she could not go back to Haiti. The interviews were not conducted in privacy and under other conditions provided by guidelines, and were otherwise insufficient given the conditions under which the interviews took place. Several of the Haitians, including babies, children, and pregnant women, were ill and had high fevers. Many of the Haitians were seasick, having spent several days at sea in rough waters. The Haitians were exposed to extreme temperatures on the deck of the Coast Guard vessels, where they were not sheltered or only partially sheltered, from sun, rain and wind and cold. The Haitians were exhausted, and were in too much physical and mental distress to understand the import of the interviews or become aware of their rights.

26. As a result of defective procedures, less than 60 of the intercepted Haitians were found to have stated a prima facie case for asylum in the United States, notwithstanding wide public knowledge of the political violence and bloodshed from which these boat people fled. Approximately 400 of the remaining Haitians were taken to a United States base in Guantanamo Bay, Cuba, where they are living in tents and in otherwise substandard conditions. The rest remain on interdicted or Coast Guard vessels in conditions that worsen as their detention stretches into weeks.

27. On November 18, 1991, defendants announced that it had commenced the forcible return of these people to Haiti, notwithstanding the evident inadequacy of INS efforts to identify potential asylees.

COUNT I

28. Plaintiff repeats and realleges paragraphs 1 through 27 as though fully set forth herein.

29. In the Executive Order, the United States explicitly concedes that its international obligations with respect to refugees govern its conduct of the interdiction program, regardless of the location of these refugees outside the territory of the United States. Pursuant to the Executive Order, the INS has promulgated guidelines setting forth specific procedural requirements designed to ensure, in conformance with these international obligations, the

identification and protection of refugees intercepted on the high seas.

30. The United States is a party to the United Nations Protocol Relating to the Status of Refugees ("the Protocol") which substantially incorporates the United Nations Convention relating to the Status of Refugees ("the Convention"). Article 33 of the convention prohibits "refoulement", or the forced return of persons to a country where their "life or freedom would be threatened on account of membership in a particular social group or political opinion." Article 3 of the Convention provides that its provisions are to be applied "to refugees without discrimination as to race, religion or country of origin."

31. The United States has also acceded to the United Nations Charter, which provides in Articles 55 and 56 for the promotion of fundamental human rights. In accordance with this article the General Assembly of the United Nations unanimously adopted on December 10, 1948, the Universal Declaration of Human Rights ("the Declaration"). Article 13 of the Declaration states that "[e]veryone has the right to leave any country, including his own . . . ." Article 14 states that "[e]veryone has the right to seek and to enjoy in other countries asylum from persecution."

32. In addition, the Executive Order requires the INS to "ensure the fair enforcement of our laws relating to

immigration," and the guidelines promulgated pursuant to this requirement provide potential asylees with transportation to the United States for the explicit purpose of asserting their rights under the immigration laws.

33. The United States immigration laws include the Refugee Act of 1980, Pub. L. 96-212, 94 Stat. 102 ("Refugee Act"), which states that "it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands." 8 U.S.C. Section 1521 note (a). Pursuant to the Refugee Act, uniform procedures have been established by regulation under which applicants for refugee status are given opportunities to state their claims fully in writing, to adduce evidence supporting their claims, to have their claims reviewed and supported by the State Department's Bureau of Human Rights and Humanitarian Affairs and not to be returned to territories where they face persecution.

34. Further under the Immigration and Nationality Act, 8 U.S.C. § 1253(h), an alien may not be returned to a country where he will face threats to life or freedom on account of race, religion, nationality, membership in a particular social group, or political opinion. Pursuant to the Immigration and Nationality Act, procedures have been established that enable aliens asserting a claim for asylum to a hearing before an Immigration Judge, an appeal from his decision and the assistance of counsel in those proceedings.

35. Defendants' failure to comply with INS guidelines has harmed, and, unless enjoined, will continue to harm Haitians fleeing persecution who have been intercepted by the Coast Guard. By failing to comply with INS guidelines, defendants have deprived the intercepted Haitians of their rights under the Executive Order, the Refugee Act, the INA and international law. The intercepted Haitians have no adequate remedy at law.

36. The HRC has been directly injured by defendants' actions in that its organizational purpose has been thwarted. It has been unable to effectively provide assistance to the interdicted passengers claiming refugee status and others desiring to apply for similar status. Defendants' failure to comply with INS guidelines also threatens to deprive the HRC of the benefits that would inure to it from the presence of these Haitians, who are members of the HRC, in the United States. Moreover, the persons HRC represents in this lawsuit will be irreparably harmed unless injunctive relief is granted. Without immediate injunctive relief the interdicted Haitians will be forcibly returned to Haiti where their lives and freedom will be threatened.

WHEREFORE, plaintiff respectfully requests the Court to grant the following relief against defendants and their successors in office:

(a) Declaratory relief that the defendants' practices in forcibly returning Haitian refugees to Haiti under these circumstances violate the terms of Executive Order 12324, the guidelines promulgated pursuant to the Executive Order, the interdiction treaty between the United States and Haiti, the Refugee Act of 1980, the Immigration and Nationality Act, Sections 101(a)(43), 208 and 243(h), The United Nations Protocol Relating To Status of Refugees, and the Fifth Amendment to the United States Constitution.

(b) Preliminary and permanent injunctive relief ordering defendants to refrain from sending back to Haiti those Haitians who have not been identified as candidates for asylum until such time as procedures are implemented and followed which adequately protect and recognize the rights of these persons under the Executive Order, the INS guidelines promulgated pursuant thereto, international law, as well as the privileges ordinarily afforded potential refugees under the Refugee Act of 1980 and the Immigration and Nationality Act; and

(c) Such other and further relief as the Court may deem just and proper, including reasonable attorneys' fees and costs.

Dated: November 19, 1991

Respectfully submitted,



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National Emergency Civil  
Liberties Foundation  
Attorneys for Plaintiff  
Florida Bar No. 225517

Of Counsel:

Sandra M. Lipsman, Esq.  
Polly Maier, Esq.

0870f/1034f



**VERIFICATION OF COMPLAINT**

I hereby verify that I have read the above complaint and the facts stated therein are true and correct to the best of my knowledge and belief.



**Cheryl A. E. Little**  
Counsel for Haitian Refugee  
Center, Inc.  
Florida Bar No. 655678

Sworn to and subscribed  
before me this 19th day of  
November, 1991.

  
**Notary Public**

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. JUNE 2, 1995  
BONDED THRU GENERAL INS. UND.

**CIV-ATKINS**

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the instructions contained herein neither replace nor supplement the filing and service of pleadings and the applicable rules of court. This form, approved by the Judicial Conference of the United States on September 1974, is required for the use of the District Court for purposes of initiation of the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE SIDE.)

**91-2653**

**I (a) PLAINTIFFS**

HAITIAN REFUGEE CENTER, INC., a Florida not-for-profit corporation

**DEFENDANTS**

JAMES BAKER III, Secretary of State; REAR ADMIRAL ROBERT KRAHEK and ADMIRAL KIME, Commandants, U.S. Coast Guard; GENE McNARY, Commissioner of Immigration and Naturalization Service; UNITED STATES DEPARTMENT OF JUSTICE, et al.

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

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

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

IRA J. KURZBAN, ESQ. (305-444-0060)  
2650 SW 27th Avenue, 2nd Floor  
Miami, FL 33133

**ATTORNEYS (IF KNOWN)**

DEXTER LEHTINEN, U.S. ATTORNEY (305-536-4471)  
155 S. Miami Avenue, Suite 800  
Miami, Florida 33130

**(d) CIRCLE COUNTY WHERE ACTION AROSE:**

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

**II. BASIS OF JURISDICTION** (PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 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. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

Iva. 5 days estimated (for both sides) to try entire case.

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

A CONTRACT	A TORTS	B FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R R & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>A LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>A PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>B SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>A FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 950 Other Statutory Actions

**VI. ORIGIN** (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Refiled
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A **CLASS ACTION**  UNDER F.R.C.P. 23 **DEMAND \$** \_\_\_\_\_ **JURY DEMAND:**  YES  NO

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 11/19/91 SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_