

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION**

In the Matter of

UNIVERSITY OF MARYLAND STUDENTS FOR  
JUSTICE IN PALESTINE,

*Plaintiff,*

v.

BOARD OF REGENTS OF THE UNIVERSITY  
SYSTEM OF MARYLAND,

UNIVERSITY OF MARYLAND, COLLEGE PARK,

DARRYLL J. PINES, in his individual capacity and his  
official capacity as the President of the University of  
Maryland, College Park,

*Defendants.*

Case No.: \_\_\_\_\_

**VERIFIED COMPLAINT FOR  
CIVIL RIGHTS VIOLATIONS**

**INTRODUCTION**

1. University of Maryland Students for Justice in Palestine (“UMD-SJP”) brings this First Amendment challenge to University of Maryland, College Park’s decision to revoke the student group’s approval to host an interfaith vigil on October 7th to mourn lives lost in Israel’s ongoing genocide in Gaza—and ultimately ban all student-organized events from taking place on campus that day.

2. The Government did so after pro-Israel groups and individuals opposed to UMD-SJP’s message called on the event to be censored.

3. On September 1, 2024, University of Maryland, College Park (UMCP) administrators informed UMD-SJP that the university had revoked approval for the group’s

October 7 event. Shortly after, in an email blast to the campus community, a version of which was posted online<sup>1</sup>, President Darryll J. Pines confessed that he made his censorship decision due to an “overwhelming” number of complaints he received from people calling on the university to cancel or limit “events” and, as such, the University would “host only university-sponsored events that promote reflection on this day.”

4. Defendant President Pines’ statement admits that its extreme action is justified only by imagined problems. In it, he acknowledges that the police told him that there were “no immediate or active threat[s]” against students or the campus on October 7<sup>th</sup>.

5. The University System of Maryland (USM) has compounded the problem by making President Pines’ October 7<sup>th</sup> ban on expressive activity statewide. On one day next month, no student-selected speakers will be allowed to present at any of the USM campuses, serving more than 150,000 students—a prior restraint so sweeping only a cataclysm could justify it.

6. The First Amendment does not allow campus officials to establish free-expression-black-out days, even on occasions that may be emotional or politically polarizing.

7. The Supreme Court has long recognized that “the government may not regulate speech based on its substantive content or the message it conveys.” *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 828 (1995). And banning student-selected speakers, in order to promote the rule maker’s content preference (in this case, the Government’s “Day of Dialogue”), is not a permissible First Amendment work-around. *Reed v. Town of Gilbert*, 576 U.S. 155, 170 (2015).

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<sup>1</sup> Darryll J. Pines, President, *Remembering the One-Year Anniversary of October 7, 2023* (Sept. 1, 2024), <https://president.umd.edu/articles/remembering-the-one-year-anniversary-of-october-7-2023> (last visited Sept. 14, 2024).

8. The Government has violated these constitutional commands. By revoking UMD-SJP's permission to host their vigil, which they planned to co-host with Jewish Voice for Peace at the University of Maryland (another recognized student group), the Government censors speech—based on viewpoint, on content, and the identity of the speaker—on a matter of vital public discourse and concern. It has no legally adequate reason to do so.

9. Without immediate relief from the court, the Government will succeed in stopping UMD-SJP from communicating the message of their choice on one particular day. For UMD-SJP, and many Palestinians and supporters of Palestinian rights, October 7 marks the beginning of Israel's most recent genocidal campaign against Palestinians in Gaza and Plaintiff seeks to commemorate it as such.

### **PARTIES**

10. Plaintiff University of Maryland Students for Justice in Palestine (“UMD-SJP”) is a student organization formally registered in accordance with University of Maryland, College Park requirements. The organization's purpose is to raise awareness about the human rights violations committed against the Palestinian people. As a registered student organization, UMD-SJP can reserve space on campus, receive and raise funds, and otherwise participate as other student organizations do in student life at the University of Maryland, College Park.

11. Defendant Board of Regents of the University System of Maryland (Board of Regents) is the governing body for all University of Maryland campuses, of which the University of Maryland, College Park is the “flagship” campus. The University System of Maryland (USM) is an instrumentality of the state and a public corporation, the government of which is vested in the Board of Regents. Md. Code Ann., Educ., §§ 12-102(a)(2), (b). The Board

of Regents may sue and be sued in all courts on behalf of USM. Md. Code Ann., Educ., § 12-104(b)(3).

12. Defendant University of Maryland, College Park (UMCP) is a constituent institution of the University System of Maryland. The mission of University of Maryland, College Park is to be “the State’s flagship campus with programs and faculty nationally and internationally recognized for excellence in research and the advancement of knowledge.” Md. Code Ann., Educ., § 12-106(a)(1)(iii)(1)(A).

13. Defendant Darryll J. Pines is the President of the University of Maryland, College Park. He is being sued in his individual and official capacities. Pursuant to Md. Code Ann., Educ., § 12-109(d)(1), he is the Chief Executive Officer of UMCP. He is responsible for the successful conduct of UMCP and the supervision of each of its departments. The UMCP regulations challenged in this action were approved and issued by the President of UMCP.

### **JURISDICTION AND VENUE**

14. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 because this action arises under the First and Fourteenth Amendments to the United States Constitution, and under 42 U.S.C. § 1983.

15. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) and 1391(e) because the acts and injuries alleged occurred in and continue to occur in this judicial district.

### **FACTUAL ALLEGATIONS**

#### **First Amendment-Protected Student Activism on Campus**

16. Throughout American history, students have participated in and benefited from the marketplace of ideas on college campuses, particularly with respect to pressing and divisive social and political issues. The student-led Free Speech Movement, which arose on college

campuses during the Civil Rights Movement, drew nationwide attention and expanded alongside the movements to demand gender equality and to protest U.S. involvement in the Vietnam War.

17. Particularly since World War II, the central role played by the U.S. government and American institutions on the world stage has led U.S.-based student movements to regularly weigh in on matters of international concern.

18. Student groups in the State of Maryland are no exception. In April 1987, for example, members of the University of Maryland, College Park's Campus Divestment Coalition held a rally and built a mock shantytown on McKeldin Mall (the same site at controversy in this case) to protest apartheid in South Africa and demand the University of Maryland's divestment from companies doing business in South Africa.<sup>2</sup>

19. Against this backdrop, the University of Maryland, College Park has recognized the fundamental importance of the First Amendment on its campus. The University's Statement on Free Speech Values states clearly that "it must promote an environment in which any and all ideas are presented", giving students "the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable."<sup>3</sup>

20. Defendant University of Maryland, College Park has established a system for the formal recognition of student organizations. Recognized student organizations are entitled to use university facilities, organizational funds, and administrative support.

21. These facilities include McKeldin Mall, "a nine-acre area in the heart of the campus...the largest academic mall in the United States", which is "available for events hosted

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<sup>2</sup> *Student Activism at University of Maryland*, University Libraries, University of Maryland, <https://lib.guides.umd.edu/UMDstudentactivism> (last visited September 14, 2024).

<sup>3</sup> *Statement of Free Speech Values*, University of Maryland, Office of the President, <https://policies.umd.edu/statement-free-speech-values> (last visited September 14, 2024).

by University departments and student orgs.”<sup>4</sup> McKeldin Mall is well known as the best place to raise awareness about an issue on campus. Protests and awareness events on a myriad of issues take place there regularly, and as such, UMCP has operated it as a limited public forum for students and registered student organizations. UMD-SJP has been able to reserve this space numerous times in the past, including already this school year.

22. Plaintiff UMD-SJP is a student organization formed and operated by undergraduate and graduate students currently enrolled at the University of Maryland, College Park. UMD-SJP is governed by an executive board. The organization brings students together to peacefully express their views on Palestine and Israel. Continuing the history of advocacy on matters of international concern at UMCP, Plaintiff has worked to raise awareness about the genocide in Gaza and other Israeli government abuses of Palestinians.

**UMCP Gives Students for Justice in Palestine Permission to Hold October 7th Vigil**

23. As a recognized student organization, UMD-SJP and its members are within the class of persons or groups for which the University of Maryland, College Park makes its facilities including McKeldin Mall, available.

24. On July 31, 2024, a member of the board of UMD-SJP submitted a reservation request through the University of Maryland, College Park’s reservation system to hold an “Awareness Event” on October 7, 2024 on the McKeldin Mall. UMD-SJP received an email confirming their reservation of McKeldin Mall the same day. Exhibit A – Event Request Approval. After their reservation was confirmed, it was listed publicly in the student event

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<sup>4</sup> *McKeldin Mall*, University of Maryland, Division of Student Affairs, [https://stamp.umd.edu/events/event\\_guest\\_services/rooms/mckeldin\\_mall](https://stamp.umd.edu/events/event_guest_services/rooms/mckeldin_mall) (last visited September 14, 2024).

registration system. There were no details of the event listed, just that UMD-SJP had reserved McKeldin Mall on October 7<sup>th</sup> for a certain period of time.

25. UMD-SJP planned to use their reservation of McKeldin Mall to hold a vigil commemorating the thousands of lives lost since the initiation of Israel's current attack on Gaza, but also much more. Over the course of the day, the group planned to host a number of different activities, including teach-ins about Palestinian history, culture and solidarity between Palestinians and other marginalized groups; tables highlighting Palestinian art and traditional crafts; a visual display of kites, a motif in Palestinian poetry; as well as a vigil and inter-faith prayers. They have invited several UMD-SJP members who have personally lost family members in Gaza to speak.

26. UMD-SJP chose October 7<sup>th</sup> specifically because it is a day with great significance. Plaintiff's view is that October 7<sup>th</sup> marks the beginning of Israel's most recent genocidal campaign which has killed over 40,000 Palestinians in Gaza, with some putting the number at over 186,000.<sup>5</sup> UMD-SJP knows that fellow students will be engaging most with the meaning of October 7<sup>th</sup> on that date itself, rather that day before or after. UMD-SJP's members, supporters, and others who share the student group's views want an opportunity to join together to share their collective message with the wider UMCP community about what October 7<sup>th</sup> means to them.

27. Jewish Voice for Peace at the University of Maryland (JVP-UMD) planned to co-sponsor UMD-SJP's event. At the vigil, JVP-UMD "had planned to build a community space to grieve all innocent lives that have been lost in the past year, Palestinian and Israeli,

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<sup>5</sup> Rasha Khatib, Martin McKee and Salim Yusuf, *Counting the Dead in Gaza: difficult but essential*, THE LANCET (July 20, 2024) ("Applying a conservative estimate of four indirect deaths per one direct death to the 37 396 deaths reported, it is not implausible to estimate that up to 186 000 or even more deaths could be attributable to the current conflict in Gaza" (internal citation removed)).

while acknowledging the unique magnitude of Palestinian suffering as the death toll in Gaza climbs ....”<sup>6</sup>

28. UMD-SJP’s intended use of McKeldin Mall is entirely consistent with the Mall’s past uses and the uses for which UMCP makes the space available.

29. On August 2, 2024, a member of the UMCP administration requested to meet with students from UMD-SJP and a meeting was arranged for August 19, 2024 at 9am over Zoom.

30. Present at the meeting on August 19, 2024 were defendant President Pines, Vice President for Student Affairs Patricia Perillo, and a few members of the UMD-SJP board. During the meeting, UMD-SJP shared that the purpose of its reservation of McKeldin Mall was to host a vigil to commemorate Palestinian lives lost since the beginning of Israel’s genocide in Gaza on October 7<sup>th</sup> and provide a space for their community to process their emotions and grieve together. The board members also shared that they had not finalized the exact details of their event.

31. Defendant President Pines and Vice President Perillo shared that they had been receiving pressure from groups inside and outside of the University to cancel UMD-SJP’s reservation, but that they were committed to protecting the free speech of students. Pines and Perillo stated some groups on campus were angered by UMD-SJP’s reservation of McKeldin Mall, the largest open area on campus, but that the reservation rightly belonged to UMD-SJP and that UMD-SJP had followed all event planning and facility reservation policies.

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<sup>6</sup> Jewish Voice for Peace at the University of Maryland (@jvp\_umd), INSTAGRAM, [https://www.instagram.com/p/C\\_bZtiFPLG8/?img\\_index=3](https://www.instagram.com/p/C_bZtiFPLG8/?img_index=3) (last accessed September 16, 2024).



**Anti-Palestinian Groups Pressure UMCP to Censor Students for Justice in Palestine**

32. While UMCP administrators admit that they heard directly from many people asking for UMD-SJP's October 7<sup>th</sup> event to be cancelled, some of these requests were very public. Notably, none of those requesting that UMD-SJP's event on October 7<sup>th</sup> be censored or cancelled had any information about the content of the proposed event. These demands were based solely on the fact that UMD-SJP had reserved space on October 7<sup>th</sup>, stereotypes about SJP, and disagreement with what it believed UMD-SJP's message might be on that day.

33. An open letter titled "Letter from the Community to Leaders of the University of Maryland" addressed to Chancellor Perman, President Pines, Provost Rice, and Vice President Perillo began circulating for signatures.<sup>7</sup> The letter demanded that the university "immediately shut down the event" should students "accuse Israel of committing genocide" or make "any mention of Israel as an apartheid state" which the letter stated was "not agreed to by the US State Department" and would be viewed by the signatories as "an antisemitic attack." See Exhibit D – Letter from the Community to Leaders of the University of Maryland.

34. The letter also called on UMCP to censor a number of other phrases and viewpoints should they be expressed at the vigil, including mentioning that Israel had killed over 150,000 Palestinians, using the word "freedom fighters," "martyrs," or "intifada."

35. While the letter concluded, "To be clear, we are not asking that SJP be denied their right to assemble," it also stated "there is a probability" that SJP's event would express the viewpoints and use the language the letters' signatories found disagreeable. To be clear, adopting the requests made by this letter would constitute content-based discrimination, while

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<sup>7</sup> *Letter from the Community to Leaders of the University of Maryland*, <https://docs.google.com/forms/d/e/1FAIpQLSeRBDF4VzVJK0swE6IWT4CfJN31t3YZRSUjyEUTnYW N37i51g/viewform> (last accessed September 15, 2024).

mandating a singular perspective about one of the most widely debated political issues of our time.

36. Another petition was started on August 29, 2024 by a group which frequently attempts to blacklist people who express opinions critical of Israel online. This petition titled “Stop Terror on Campus: Urge Universities to Ban Antisemitic Protests on October 7” explicitly called on the University of Maryland, College Park to rescind permission for SJP to use campus space on October 7<sup>th</sup>.<sup>8</sup>

37. This petition did not include any information about UMD-SJP’s proposed event or why they found it objectionable, instead concluding that any use of University space by SJP would be “disgusting”, analogizing it to “granting permission to white supremacists to burn a cross on campus on the day commemorating the assassination of Dr. Martin Luther King Jr.” As of this writing, the petition has received 27,960 signatures.

38. Seemingly acknowledging the dubious legality of what they are demanding, the petition states that “The lawyers among us will tell you that when there is a will, there is a way” and that “Hiding behind the First Amendment will not work”.

39. Other anti-Palestinian and/or pro-Israel groups also lobbied UMCP to cancel or censor UMD-SJP’s event because these groups disagreed with the viewpoint of the message they believed UMD-SJP would convey.<sup>9</sup>

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<sup>8</sup> *Stop Terror on Campus: Urge Universities to Ban Antisemitic Protests on October 7*, <https://www.change.org/p/stop-terror-on-campus-urge-universities-to-ban-antisemitic-protests-on-october-7> (last accessed September 15, 2024).

<sup>9</sup> See JI Staff, “University of Maryland reverses decision to allow Oct. 7 anti-Israel protest on campus”, <https://www.yahoo.com/news/university-maryland-reverses-decision-allow-234811554.html> (last accessed September 16, 2024); Sam Janesch, “University of Maryland to block some student events on Oct. 7 anniversary, including vigil for Palestinians”, <https://www.baltimoresun.com/2024/09/02/university-of-maryland-oct-7-anniversary/> (last accessed September 16, 2024).

**The Government Revokes Plaintiff's Permission to Hold its Vigil and Bans Statewide All Student-Selected Speakers on October 7**

40. Defendant President Pines not only acquiesced to the demands of the letter from UMCP community members, he went beyond their demands, siding with the racist claims of an extreme anti-Palestinian group, and cancelled UMD-SJP's event altogether.

41. On August 28, 2024 Vice President Perillo reached out to a board member of UMD-SJP to request a meeting or a phone call. The board member scheduled a phone call for 2pm the same day.

42. During the phone call, Vice President Perillo stated that parties outside of the University were concerned that UMD-SJP's event on October 7 would "glorify violence". In response, the UMD-SJP board member shared that the reason for the event was to honor the tens of thousands of innocent lives lost, as well as to humanize Palestinians to the UMCP community. The board member shared UMD-SJP's proposed schedule for the day, which would include teach-ins in the afternoon, a few speakers from UMD-SJP who have lost family members in Gaza, as well as a vigil in the evening.

43. On Sunday, September 1, 2024, UMCP administration emailed UMD-SJP board members at 2:18pm informing them that they needed to attend a meeting at 7pm that day. UMD-SJP asked the purpose of the meeting, which was not answered.

44. During the Zoom meeting at 7pm on September 1, 2024 UMCP administrators informed UMD-SJP that they were revoking its October 7<sup>th</sup> reservation over a concern for "student safety", which was not specified. Defendant President Pines and Vice President Perillo informed the UMD-SJP members that the University would be announcing the cancellation of all student organization reservations on October 7<sup>th</sup> and that only university-sponsored events

would be permitted. Vice President Perillo pressured the students to reschedule their event for October 8<sup>th</sup>.

45. At no time did President Pines, Vice President Perillo or any other University of Maryland, College Park employee indicate that UMD-SJP had failed to comply with university policy or any other conditions necessary to proceed with the event.

46. A short time later, Pines sent an email to the UMCP community titled “Remembering the One-Year Anniversary of October 7, 2023.” **Exhibit C** – Message from President Darryll J. Pines.

47. In the letter, Pines declared that “all [] expressive events” scheduled for October 7<sup>th</sup> will be cancelled. Instead, President Pines declared that it would only permit “university sponsored events that promote reflection on [October 7<sup>th</sup>].” In effect, President Pines declared publicly that SJP-UMD’s vigil would be cancelled.

48. The letter states that “questions have been raised about the events of the day.” Upon information and belief, the event referred to here is SJP-UMD’s vigil.

49. The letter states that “[n]umerous calls have been made to cancel and restrict the events that take place that day...” Upon information and belief, the event referred to here is SJP-UMD’s vigil and the scrutiny of it by anti-Palestinian organizations.

50. Pines stated that he had “requested a routine and targeted safety assessment for this day” and cancelled SJP-UMD’s vigil despite the University of Maryland Police Department finding “no immediate or active threat[s]” (emphasis original) related to the event. This is in direct contradiction to what he told UMD-SJP just moments before, that its event would be cancelled due to a concern for “student safety”.

51. The letter states that “All other expressive events will be held prior to October 7, and then resume on October 8 in accordance with time, place, and manner considerations of the First Amendment.” Pines is claiming that the complete suspension of the First Amendment, absent any safety concerns, for one day of significance is a legitimate time, place, and manner restriction.

52. Defendant University System of Maryland also released a statement on September 1, 2024 titled “The University System of Maryland on Marking October 7.”<sup>10</sup> While stating that the ban on expressive events was statewide, it stated that “USM is asking our campus communities to come together on Oct. 7 to encourage activities that support a Day of Dialogue.” See Exhibit B – USM on Marking October 7. This means that, on October 7, campus officials statewide will be pick each and every speaker put in front of students.

53. After Pines canceled SJP’s vigil, JVP-UMD published a statement on September 2<sup>nd</sup> condemning the decision: “As Jews who plan to grieve as Jews, who had planned to pray, observe Yahrzeit and collectively feel the gravity of the devastation that has taken place since last October 7, we denounce the university’s decision to silence us.”<sup>11</sup>

54. After the ban on October 7<sup>th</sup> expressive activities was announced, four pro-Israel UMCP student organizations (Jewish Student Union, Terps for Israel, Israeli American Council, and Maryland Hillel) issued a joint statement that they were “reassured” that UMD-SJP would no longer be permitted to host its event on McKeldin Mall, or anywhere on campus, on October 7<sup>th</sup>.<sup>12</sup> Even these organizations, who wanted UMD-SJP’s event to be cancelled, seem to believe

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<sup>10</sup> *The University System of Maryland on Marking October 7*, University System of Maryland, <https://www.usmd.edu/newsroom/news/2427> (last accessed September 15, 2024).

<sup>11</sup> Jewish Voice for Peace at the University of Maryland (@jvp\_umd), INSTAGRAM, [https://www.instagram.com/p/C\\_bZtiFPLG8/?img\\_index=3](https://www.instagram.com/p/C_bZtiFPLG8/?img_index=3) (last accessed September 16, 2024).

<sup>12</sup> Jewish Student Union at the University of Maryland (@jsu.umd), INSTAGRAM, [https://www.instagram.com/p/C\\_Zca3vRYSD](https://www.instagram.com/p/C_Zca3vRYSD) (last accessed September 16, 2024).

that banning all expressive events was a step too far, stating that having only university-sponsored events on October 7<sup>th</sup> “is not an ideal situation”. These groups state that they “wish that we could have utilized campus space to grieve together as a community.”

55. In an update posted on September 2, 2024 to the petition calling for UMCP to cancel SJP’s vigil, the authors take credit for and praise UMCP’s decision stating, “Thanks to the overwhelming support for this petition, the University of Maryland recognized the need to change its policy and revoked SJP’s permission to protest on October 7.”<sup>13</sup>

56. On September 4, 2024, the Council on American-Islamic Relations (CAIR) and Palestine Legal, who now represent the Plaintiff, sent a letter to Jay Rossello, University of Maryland’s Vice President for Legal Affairs and General Counsel, explaining that President Pines’ suspension of student expression violated the First Amendment and calling on UMD to confirm that it would reinstate UMD-SJP’s event.<sup>14</sup> UMD has not responded to the substance of this letter.

### **INJURIES TO PLAINTIFF**

57. Plaintiff UMD-SJP is injured by defendants University System of Maryland, University of Maryland, College Park, and President Pines cancelling its planned October 7, 2024 vigil based on the objections of groups and individuals who disagreed with UMD-SJP’s message. Content, viewpoint, and speaker-based discrimination, unless narrowly tailored to a compelling interest, violates the First Amendment, and the “loss of First Amendment freedoms,

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<sup>13</sup> *Stop Terror on Campus: Urge Universities to Ban Antisemitic Protests on October 7*, <https://www.change.org/p/stop-terror-on-campus-urge-universities-to-ban-antisemitic-protests-on-october-7> (last accessed September 15, 2024).

<sup>14</sup> *RE: University of Maryland Students for Justice in Palestine Vigil*, CAIR Legal Defense Fund and Palestine Legal, <https://www.cair.com/wp-content/uploads/2024/09/Demand-Ltr-on-behalf-of-UMD-SJP-re-First-Amendment-Violation-9.5.2024.pdf> (last accessed September 15, 2024).

for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

58. But for the Government’s expressive conduct ban, UMD-SJP would hold its October 7, 2024 vigil. UMCP confirmed the reservation of McKeldin Mall for this event on July 31, 2024 and UMCP administrators discussed the planning of the event with UMD-SJP on at least two occasions. Thus, Plaintiff has been injured because President Pines’ ban defied UMCP campus policy and deprived Plaintiff of the benefits the policy confers to all student groups.

59. Rescheduling Plaintiff’s vigil makes the injury permanent. The vigil UMD-SJP planned is to commemorate a specific anniversary, October 7<sup>th</sup>, and conducting its event on that date is a core part of the group’s speech. UMD-SJP chose this date specifically because of the emotional significance that it holds for members of its organization, and because it will be a day where its message would be able to receive significant attention from the campus at-large.

## CAUSES OF ACTION

### First Claim for Relief

#### **First Amendment to the U. S. Constitution – Freedom of Speech, (42 U.S.C. § 1983)**

60. The First Amendment binds the State of Maryland pursuant to the incorporation doctrine of the Fourteenth Amendment. In all of the following paragraphs, references to the First Amendment include the First Amendment as applied to the states through the Fourteenth Amendment.

61. The Government’s decision to cancel all expressive activity statewide on October 7<sup>th</sup> amounts to illegal content, viewpoint, and speaker-based discrimination against UMD-SJP.

62. All students on public university campuses have the First Amendment right to speak and hold events through student organizations. *Healy v. James*, 408 U.S. 169, 180 (1972).

63. How, when, with whom and what UMD-SJP communicates are integral parts of the student group's message. This is especially true with regards to its message about the meaning of October 7<sup>th</sup>, a date that holds special significance to UMD-SJP and its supporters.

64. The Government's revocation of permission to hold a vigil on October 7<sup>th</sup> denies UMD-SJP's right to speak entirely. No student-selected speakers, including those picked by Plaintiff, can present on any campus in the USM system for one particular day, and this distinction between student-selected speakers and university-selected speakers impermissibly furthers the System's own viewpoint—that October 7 should be a “Day of Dialogue” dedicated to “reflection.”

65. The revocation of permission unconstitutionally censors and penalizes UMD-SJP on the basis of the content of its message and the student group's viewpoint that October 7<sup>th</sup> marks the start of Israel's most recent genocidal campaign in Gaza.

66. Viewpoint-based discrimination is presumptively unconstitutional in any setting. Its dangers are magnified in the university setting, because it interferes with long-recognized academic freedom principles. *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 828-30 (1995).

67. Because UMCP's viewpoint, content, and speaker-based restriction does not survive strict scrutiny, i.e., it is not “narrowly tailored to serve compelling state interests” – it is an unconstitutional restriction on speech in a limited public forum. *Reed v. Town of Gilbert*, 576 U.S. at 163.



68. It is clearly established that “laws favoring some speakers over others demand strict scrutiny when the [rule maker’s] speaker preference reflects a content preference,” and that restricting the speech of an entire class of speakers does not make a law content neutral. *Id.* at 170.

69. Defendants are engaging in unconstitutional content-based discrimination by allowing only “university-sponsored events that promote reflection” on October 7<sup>th</sup>.

70. By not putting a stop to President Pines’ actions, and in fact adopting their own statement across the University System of Maryland restricting expression on October 7<sup>th</sup>, the Board of Regents evidence an intent to allow this viewpoint discrimination against UMD-SJP to continue.

71. Even if the court found the restriction content-neutral, the decision to prohibit all non-university-sponsored speech on October 7 would not survive intermediate scrutiny because of its unbelievable breadth.

72. University of Maryland, College Park routinely provides facilities, funding, and resources for expressive activities of registered student organizations like UMD-SJP.

73. McKeldin Mall is a limited public forum that UMCP makes available to students and student organizations for student expression. *ACLU v. Mote*, 423 F.3d, 443 (4th Cir. 2005).

74. Because UMCP’s prohibition on content- and viewpoint-based restrictions does not satisfy strict scrutiny, it constitutes an unconstitutional restriction of speech in a public forum. *Id.* at 270; *Reed v. Town of Gilbert*, 576 U.S. at 163.

75. Defendants’ prohibition against student-selected speakers in a campus limited public forum serves no compelling state interest. Pines asserted no such interest, simply proclaiming his preference that October 7<sup>th</sup> should be a day of prioritizing “reflection”.

76. Pines' claim that only "university-sponsored events that promote reflection" will be allowed October 7<sup>th</sup> in order to prioritize "safety" is not narrowly-drawn, because Pines, in the same message, stated that UMPD had assured him that there is no immediate or active threat", rather he was making the decision to restrict campus speakers "out of an abundance of caution". This amount of caution moves Pines' restriction far beyond a permissible time, place or manner restriction.

77. UMD's content and viewpoint-based prohibition, as stated in President Pine's September 1 message to the campus community, bars Plaintiff from engaging in protected expressive activity in a campus limited public forum, in violation of its First Amendment rights.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, in light of the foregoing facts and arguments, Plaintiffs respectfully request that this Court:

- A. Issue preliminary and permanent injunctive relief restraining Defendant from prohibiting SJP UMD's vigil from taking place on October 7, 2024;
- B. Declare Pines' Expressive Conduct Ban unconstitutional under the First Amendment to the United States Constitution;
- C. Award Plaintiff's costs of suit and reasonable attorneys' fees and other expenses under 42 U.S.C. § 1998; and
- D. Award Plaintiff's damages for the violation of the student group's First Amendment rights.
- E. Grant such additional relief as the interests of justice may require.

Dated:

Respectfully submitted,

LENA MASRI  
GADEIR ABBAS^  
COUNCIL ON AMERICAN-ISLAMIC  
RELATIONS (CAIR)  
453 New Jersey Ave, SE  
Washington, DC 20003  
Tel: (202) 742-6420  
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*\*licensed in VA; not in DC*

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[tporell@palestinelegal.org](mailto:tporell@palestinelegal.org)

*\*Pro Hac Vice Motions Forthcoming*

*Counsel for Plaintiffs*

# Exhibit A



## Stamp Confirmation

Group	Reservation:	178112
Students for Justice in Palestine - UMD Chapter CAMPUS College Park, MD 20742	Event Name:	Awareness Event
	Status:	06-Confirmed
	Phone:	
	Email Address:	
	Event Type:	Free Expression (Internal)
	Event Coordinator:	Joshua Poston
	Estimated Attendance:	0

Bookings / Details	Quantity	Price	Amount
--------------------	----------	-------	--------

REQUIREMENT: SORC APPROVAL DUE (Due Date: 8/14/2024)

*Student organization must submit a SORC Event Approval Request Form via TerpLink by this date.*

### Monday, October 7, 2024

#### **7:00 AM - 11:00 PM Awareness Event (06-Confirmed) OUTDOOR McKeldin Mall**

*A reservation for McKeldin Mall includes all of the grassy area of the mall, but does not include the steps area outside the Library.*

*Any use of amplified sound outside, must be submitted via eCalendar or in writing to your Event & Guest Services Event Coordinator for approval prior to the event. Use of amplified sound outside is limited to Friday's 5pm - 10pm, Saturday's 10am - 10pm, and Sunday's 12Noon - 8pm in the following locations: Hornbake Plaza, McKeldin Mall and Nyumburu Amphitheater.*

*Clients may not run power cords into McKeldin Library or any other building along the mall for power for an event.*

**THE STAMP DOES NOT PROVIDE ANY EQUIPMENT FOR OUTSIDE EVENTS (TABLES, CHAIRS, ETC.)**

*If the space is being used for any fundraising. Non-University groups are not permitted to sell or promote commercial merchandise or services on campus. Campus organizations may sell items which fall into one of the following categories:*

1. *Homemade baked goods produced by the organization that do not require heating or cooling in order to be served (cupcakes, brownies, cookies, cakes, candies, doughnuts, etc.)*
  - a. *Baked goods must be individually wrapped. Plastic bags and plastic wrap are acceptable. A label must be on each individually wrapped package with the following information in 10pt font or larger: Product Name; Ingredients, Allergen Information (Milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, soybeans, sesame).*
  - b. *Pre-packaged, non-perishable, sealed beverages and snacks such as AquaFina Water, Dole Fruit Juice, Frito Lay Chips, etc. are also permitted.*
  - c. *Food items containing custards, meats, cheese, rice, alcohol, ice, require a Temporary Food Service Permit from the PG County Health Dept.*
  - d. *Food items that are considered to be in direct competition with Dining Services sales are prohibited*

**Bookings / Details****Quantity****Price****Amount**

e. Other food items or food items produced by other vendors for resale may need to be approved by the Prince George's County Health Department. A valid Temporary Food Service permit must be presented to the Stamp Event & Guest Services Office before the event request will be confirmed and prior to the start of the event.

2. Items must be directly related to the organization's mission or goals (i.e. apples sold by the agriculture club, plants sold by the horticulture club, etc.)

3. Items promoting school spirit (buttons, balloons, etc.) as long as all items are in full compliance with University licensing policies. <<https://omc.umd.edu/licensing/>>

4. Holiday sales (candy/flowers for Valentine's Day or candy for Halloween)

5. Items promoting a group or event (t-shirts with group or event name)

6. Items not produced by the organization but related to the organization's mission or to promote school spirit must be purchased outright by the organization for re-sale.

All sales must be conducted by current members of the organization. Non-members and non-students are prohibited from participating in student organization concession sales or distributions. If a vendor is being used, a member of the sponsoring organization must be present at all times.

For any type of fundraising there must be a sign displayed with the organization's name, item(s) for sale and prices. Members conducting sales should have their UMD ID with them on location, and a copy of their space Stamp Confirmation.

All fundraisers must leverage use of electronic money exchange (i.e. Venmo, Zelle, etc) instead of collecting cash. Collecting cash could result in a need to have UMPD or other University approved security present to prevent theft.

Outdoor event spaces may not be used for events when the Stamp Student Union is closed.

If there is thunder and lightning within 10 miles of campus or a severe weather warning that includes campus you must discontinue your outdoor activities. Activities should not resume until the storm has passed, or a minimum of 30 minutes.

# Exhibit B

## The University System of Maryland on Marking October 7

### CLARIFICATION

The USM issued a clarification to its Sept. 1 statement regarding the commemoration of Oct. 7. The italicized paragraph below contains the clarification.

.....

For several months, expressive activity related to the war in Gaza has been taking place on our USM campuses—as it has on college campuses across the country. As classes have resumed this fall, so, too, have protests and demonstrations. This isn't surprising, and our USM presidents have long been preparing for these events, working closely with their executive teams, with student groups, and with their campus communities as a whole.

Our universities are doing everything within their power and within the law to protect students' right to free expression while also protecting their safety—their right to access an education free from harassment, threats, and violence. It's a difficult balance, but a vitally important one.

Of course, the one-year anniversary of the Oct. 7 massacre is quickly approaching. It's a day of enormous suffering and grief for many in our campus communities.

*Therefore, the USM is asking our campus communities to come together on Oct. 7 to encourage activities that support a Day of Dialogue, a day dedicated to discourse and reflection. We must remember that we are a diverse community—diverse in identity and perspective—and we should approach this anniversary in a way that honors our shared values of mutual respect and civil engagement.*

From the beginning of the war, we have come together as a University System to urge that we use this moment to encourage conversation, compassion, and civility; to engage with one another across our differences and draw on our shared humanity and our shared values to bridge what divides us. Certainly, Oct. 7 offers every university within the System an opportunity to do just that.

The intent is not to abridge students' right to free expression; the intent is, instead, to be sensitive to the needs of our students. Our university communities may use this day to safely come together to reflect and to share, to learn and to listen, and, yes, to challenge one another. That's the premise—and the promise—of higher education.

These dialogues aren't new. Many of our universities have been hosting this kind of programming for several months. Reserving Oct. 7 gives us a chance to continue these urgent conversations and to mark this solemn anniversary in a way that gives students—all students—the time and space to share and to be heard.

###

**Contact: Mike Lurie**

**Phone: 301.445.2719**

**Email: mlurie@usmd.edu**



# Exhibit C

View this email message as an [accessible web page](#).



**September 1, 2024**

Dear campus community,

We began our academic year together just one week ago, and I championed a message of Terps Together. Later that same day, I reminded our Terrapin community that we welcome and expect expressive activity that follows university policy and the law. This requires us to know and understand our First Amendment rights, as well as the limits of, and the responsibilities associated with, those rights. Above all, I have underscored the paramount importance of campus safety.

Today, I write to you in anticipation of the upcoming one-year anniversary of October 7, 2023. As a university community, we acknowledge the significance of the anniversary of October 7 and recognize the horrific suffering it represents for people here on our campus and across the globe. We know that this year is like no other.

Applications for events led by several student organizations have been submitted for October 7, and questions have been raised about the events of the day. Numerous calls have been made to cancel and restrict the events that take place that day, and I fully understand that this day opens emotional wounds and evokes deeply rooted pain. The language has been charged and the rhetoric intense.

Given the overwhelming outreach, from multiple perspectives, I requested a routine and targeted safety assessment for this day to understand the risks and safety measures associated with planned events. UMPD has assured me that there is no immediate or active threat to prompt this assessment, but the assessment is a prudent and preventive measure that will assist us to keep our safety at the forefront.

I have also consulted with the University System of Maryland about the importance of our university and all of our USM schools prioritizing safety and reflection on this one-year anniversary. Jointly, out of an abundance of caution, we concluded to host only university-sponsored events that promote reflection on this day. All other expressive events will be held prior to October 7, and then resume on October 8 in accordance with time, place and manner considerations of the First Amendment.

Our Terrapin community's culture of safety and respect has been exemplary, as we continue to pursue an inclusive, multicultural campus.

We encourage our entire campus community to mark the anniversary of October 7 with remembrance and reflection.

Please continue checking on and supporting your fellow Terps, as this time is a difficult one for many. Please continue to plan expressive activities in accordance with our policies. Let's move forward this semester with voices being heard and safety our shared priority.

Sincerely,

A handwritten signature in black ink, appearing to read "Darryl J. Pines". The signature is fluid and cursive, with the first name "Darryl" being the most prominent.

**Darryll J. Pines**

*President, University of Maryland*

He/Him/His

-

Twitter: [@President Pines](#)

Instagram: [@President Pines](#)



**University of Maryland, Office of the President**

1101 Thomas V. Miller Jr. Administration Building / College Park, MD 20742, USA

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**[301.405.5803](tel:301.405.5803) / [president@umd.edu](mailto:president@umd.edu) / [@President Pines](https://twitter.com/President_Pines) / [president.umd.edu](https://www.president.umd.edu)**

University of Maryland College Park, 7901 Regents Drive, College Park, MD 20742 US

# Exhibit D

## Letter from the Community to Leaders of the University of Maryland

Dear Chancellor Perman, President Pines, Provost Rice and Vice President Perillo:

We, the undersigned student, parents, faculty and community members, write to you with recommendations for the University of Maryland (University) to improve upon its efforts to provide a safe and inclusive environment that is free of harassment for all students.

As of this writing, our greatest concern lies with the permit that the University has granted to the UMD chapter of Students for Justice in Palestine to host an event on McKeldin Mall on October 7, 2024. While we understand the University's position that you are a public institution and therefore "cannot discriminate on the basis of content or viewpoint, and must therefore allow such groups to be heard..." we would also like to point out that, as a public institution, the University is bound by Title VI of the Civil Rights Act of 1964 to ensure that no group of UMD students is "excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Last year we took note as the University demonstrated significant gaps in their understanding of antisemitism, as well as statements made by University representatives to hold the University harmless in the presence of antisemitic actors. This year, we have already seen Students for Justice in Palestine (SJP) demonize Israel by posting wildly exaggerated numbers about the death toll in Gaza, and we have seen them call for the delegitimization of the Jewish collective via their "From the River to the Sea" banner that was displayed on McKeldin Mall on August 27.

Because we are concerned about actions that SJP has already been allowed to take this year, we would like to be clear about which actions would contribute towards a hostile environment for the Jewish community on campus going forward.

1. Any effort to celebrate the death of 1,200 members of our community on October 7, 2023, even within the context of celebrating "freedom fighters," "martyrs," etc., will be taken by the UMD Jewish community as a direct threat to the safety of the Jewish community at UMD.
2. Any effort to call for an "intifada," a term that is broadly recognized as a call for violence, will be taken by the UMD Jewish community as a direct threat to the safety of the Jewish community at UMD.
3. Any mention of "from the river to the sea, Palestine will be free" will be taken as a call for the elimination of the Jewish collective, and therefore be seen as a direct threat to the safety of the Jewish community at UMD.
4. Any mention of 150,000 Palestinian martyrs (or any other number that is not agreed to by the US State Department) will be taken as a demonization of the Jewish collective, and thereby an antisemitic attack on the Jewish community at UMD.
5. Any accusation of Israel committing genocide, a claim that is not agreed to by the US State Department, will be taken as a demonization of the Jewish collective, and thereby an antisemitic attack on the Jewish community at UMD.

6. Any mention of Israel as an apartheid state, a claim that is not agreed to by the US State Department, will be taken as a demonization of the Jewish collective, and thereby an antisemitic attack on the Jewish community at UMD.

Given the actions of SJP chapters on other campuses, we assume there is a probability that SJP's event at McKeldin will run afoul of at least some of these points. Therefore, we ask the University to take the following actions:

1. Adopt the IHRA Working Definition of Antisemitism as the litmus test for identifying antisemitism at the University. The University's adoption of the IHRA will bring the university in line with directives from both the US Education Department and the US State Department. More information on the adoption of the IRHA definition at academic institutions can be found here: [U.S. Campus Adoption of the Working Definition | AJC](#)
2. Issue a statement mirroring that recently released by New York University. ([NYU's Guidance and Expectations on Student Conduct](#))
3. Make SJP aware that the University will not tolerate any violations of any of the above six criteria.
4. Employ trained observers to be present at the SJP event who are empowered to immediately shut down the event if any of the above six criteria are violated, and follow through on an immediate cessation of their program if they act against any of these six criteria.

To be clear, we are not asking that SJP be denied their right to assemble. But we cannot abide an event that demonizes our community, applies a double standard to our community that is not used with any other group, or calls for the destruction of our community.

We appreciate your thoughtful consideration of these points, hope that you accept your responsibility to take both proactive and reactive steps to protect the Jewish community on campus, and stand by to support you in these efforts as you see fit.

Sincerely,

ajkaki92@gmail.com [Switch account](#)



Not shared

Please enter your first and last name

Your answer

Please note your relationship with the University of Maryland (check all that apply)

- Current Student
- Alumni
- Current Parent
- Current Faculty Member
- Emeritus Faculty Member
- Resident of the State of Maryland
- Member of the Jewish Community
- Ally of the Jewish Community

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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 purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
University of Maryland Students for Justice in Palestine
(b) County of Residence of First Listed Plaintiff Prince George's County
(c) Attorneys (Firm Name, Address, and Telephone Number)
CAIR Legal Defense Fund, 453 New Jersey Ave SE, Washington, DC 20003, (202) 742-6420

DEFENDANTS
University of Maryland, College Park; University System of Maryland; Darrvll J. Pines
County of Residence of First Listed Defendant
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 (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
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 210 Land Condemnation, 310 Airplane, 440 Other Civil Rights, 625 Drug Related Seizure, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983
Brief description of cause:
Unconstitutional denial of first amendment rights

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: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE DOCKET NUMBER

DATE September 17, 2024 SIGNATURE OF ATTORNEY OF RECORD /s/ Lena Masri

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**Case 8:24-cv-02683-PJM Document 1-5 Filed 09/17/24 Page 2 of 2**  
**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.



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
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I personally served the summons on the individual at *(place)* \_\_\_\_\_  
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I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

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**UNITED STATES DISTRICT COURT**

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
	)	
	)	
	)	
<i>Plaintiff(s)</i>	)	
v.	)	Civil Action No.
	)	
	)	
	)	
	)	
_____	)	
<i>Defendant(s)</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
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I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: