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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FATHI ABDULRAHIM HARARA and
NATIVE GROUNDS, LLC, d/b/a
JERUSALEM COFFEE HOUSE,

Defendants.

CASE NO.

COMPLAINT

The United States brings this action to enforce Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a – 2000a-5, against Fathi Abdulrahim Harara and Native Grounds, LLC, doing business as the Jerusalem Coffee House (collectively, “Defendants”), for discriminating against Jewish customers based on race and religion, and alleges as follows:

I. JURISDICTION, VENUE, AND DIVISIONAL ASSIGNMENT

1. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 42

COMPLAINT

CASE NO:

1 U.S.C. § 2000a-5(a).

2 2. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because Defendants are
3 located there and because a substantial part of the events giving rise to the United States' claims
4 occurred there.

5 3. Divisional Assignment: Assignment to the San Francisco or Oakland Division is proper
6 under Civil Local Rules 3-2(c) and (d) because a substantial part of the events or omissions giving rise
7 to the United States' claims occurred in Alameda County.

8 **II. PARTIES**

9 4. Plaintiff is the United States of America.

10 5. Defendant Fathi Abdulrahim Harara ("Harara") is the owner and operator of the
11 Jerusalem Coffee House, located at 5443 Telegraph Avenue in Oakland, California. Harara resides in
12 Brentwood, California.

13 6. Defendant Native Grounds, LLC, is a California corporation whose address is the same
14 as the Jerusalem Coffee House and whose business type is listed as "coffee shop." Harara is the Chief
15 Executive Officer, Chief Financial Officer, and Secretary of Native Grounds, LLC.

16 **III. FACTUAL ALLEGATIONS**

17 **A. The Jerusalem Coffee House**

18 7. The Jerusalem Coffee House ("coffee house") is a business establishment that is open to
19 the general public. The coffee house began operating in September or October 2023.

20 8. The coffee house sells coffee, other drinks, and food, including baked goods, cookies,
21 and focaccia sandwiches. These items may be consumed on the premises at tables and chairs located
22 inside the coffee house and outside on the sidewalk.

23 9. The coffee house also hosts public events for exhibition or entertainment, including
24 cultural events and programs, musicians, and artists.

25 10. Among the drinks the coffee house sells are "Iced In Tea Fada," an apparent reference to
26 "intifada," and "Sweet Sinwar." The coffee house announced these new drinks on Instagram on the one-
27 year anniversary of the October 7, 2023 Hamas terrorist attacks on Israel. Yahya Sinwar was the leader
28

1 of Hamas and has been described as “chief architect” and “mastermind” of the October 7, 2023 Hamas
2 attacks.¹

3 11. The exterior side wall of the coffee house has, or has had, at least four inverted red
4 triangles painted on it. Inverted red triangles have been used as a symbol of violence against Jews, and
5 synagogues and Jewish homes in the United States have had inverted red triangles spraypainted on them
6 as part of anti-Semitic vandalism.

7 12. The coffee house is located on the premises of the East Bay Community Space
8 (“EBCS”), which regularly hosts events that are open to the general public for exhibition or
9 entertainment, including performances, meetings, workshops, and film screenings.

10 13. EBCS and the coffee house both occupy a one-story building located at the corner of
11 Telegraph Avenue and 55th Street, in north Oakland. The building is listed by the Alameda County
12 Assessor as a single parcel with the same owner. Although EBCS has its own entrance on 55th Street, it
13 is connected to the coffee house via an open interior passageway. EBCS’s website also contains a link
14 to and description of the coffee house.

15 14. The coffee house is a “place of public accommodation” within the meaning of 42 U.S.C.
16 §§ 2000a(b)(2), (3), and (4). EBCS is a “place of public accommodation” within the meaning of 42
17 U.S.C. § 2000a(b)(3).

18 15. Both the coffee house’s and EBCS’s operations “affect commerce” within the meaning of
19 42 U.S.C. § 2000a(c).

20 **B. Defendants’ Unlawful Refusal to Serve Michael Radice**

21 16. Michael Radice is a Los Angeles resident who directs a nonprofit organization in
22 Oakland that works on behalf of individuals and families impacted by incarceration. Mr. Radice spends
23 at least one day per week working in Oakland.

24 17. Mr. Radice is Jewish.

26 ¹ See Frank Gardner, “Yahya Sinwar: Who was the Hamas Leader?” *BBC*, Oct. 17, 2024,
27 <https://www.bbc.com/news/world-middle-east-67473719>; Daniel Estrin & Willem Marx, “Who Was
28 Hamas Leader Yahya Sinwar?” *NPR*, Oct. 17, 2024, <https://www.npr.org/2024/10/17/nx-s1-5155887/hamas-yahya-sinwar-israel-gaza>.

1 18. On or about the afternoon of June 10, 2024, Mr. Radice traveled from his office in
2 Oakland to EBCS for the purpose of viewing the establishment for a fundraising event for his
3 organization. Mr. Radice had never been to the coffee house before.

4 19. Mr. Radice was wearing a dark-blue baseball cap with a light-blue Star of David and
5 white Hebrew lettering. The Hebrew phrase on his cap stated, “Am Yisraeli Chai,” which translates as,
6 “The people of Israel live.”

7 20. Mr. Radice approached EBCS via Telegraph Avenue, where the coffee house is located.
8 As he approached, a man sitting at a sidewalk table in front of the coffee house asked Mr. Radice,
9 unprompted, “Are you a Jew?” Mr. Radice answered that he was.

10 21. The man then asked, “Are you a Zionist?” Mr. Radice declined to respond.

11 22. The man then began shouting numerous accusations at Mr. Radice, including that he was
12 complicit in Israel’s military actions in the Gaza Strip following the October 7, 2023 Hamas attacks and
13 guilty of “killing children.”

14 23. At no time did Mr. Radice offer his opinion or position on Israel, its actions, or any other
15 issue. Other than his baseball cap, Mr. Radice was not wearing anything that would indicate his
16 religious or political beliefs.

17 24. Mr. Radice began to walk away. As he did, the man stood up and asked, “Where are you
18 going?”

19 25. While walking away from the coffee house, Mr. Radice saw another man, whom he later
20 learned was Harara, walk out of the coffee house and speak to the man, and the two went inside.

21 26. On the afternoon of August 3, 2024, Mr. Radice returned to EBCS to attend the
22 fundraiser for his organization. He arrived early and entered the coffee shop to purchase a cookie,
23 which he hoped would be seen as a sign of goodwill. Mr. Radice was not wearing the baseball cap he
24 wore on his previous visit, nor anything else that would indicate his religious or political beliefs.

25 27. Working behind the counter of the coffee house that day were the man who previously
26 asked Mr. Radice if he was a “Jew,” Harara, and a third employee.

28. Before Mr. Radice could place his order or say anything of substance, the man from the previous encounter stated, “You’re the guy with the hat. You’re the Jew. You’re the Zionist. We don’t want you in our coffee shop. Get out.”

29. Harara then asked Mr. Radice if he intended to purchase anything. Mr. Radice responded that he was only there to make a purchase.

30. One of the employees responded by telling Mr. Radice to “get out” and gestured to the front door. Mr. Radice immediately left the coffee house.

31. Harara and the two other employees followed Mr. Radice outside, yelling “Jew” and “Zionist” at him. Mr. Radice retreated north on Telegraph Avenue towards 55th Street. When he saw that Harara and the employees were continuing to pursue him, Mr. Radice stepped into the middle of 55th Street and behind a parked car to escape the men.

32. Shortly thereafter, a member of Mr. Radice’s organization’s board of directors arrived for the fundraiser and was parking his car on the other side of 55th Street. Mr. Radice approached him and told him what had happened. As they spoke, Harara and his employees continued to yell insults and epithets at Mr. Radice, which did not end until Mr. Radice and the board member entered EBCS.

33. At no point during his interaction with Harara and his employees did Mr. Radice say anything indicating his political beliefs or positions, whether with respect to Israel or any other issue.

34. Mr. Radice has not been back to the coffee house or EBCS since this incident.

C. Defendants’ Unlawful Refusal to Serve Jonathan Hirsch and His Five-Year-Old Son

35. Jonathan Hirsch resides in Oakland with his wife and three young children.

36. Mr. Hirsch is Jewish.

37. On Saturday, October 26, 2024, around midday, Mr. Hirsch and his five-year-old son were having lunch at Casper’s, a well-known Oakland hot dog stand located at 5440 Telegraph Avenue, across the street from the coffee house.

38. Mr. Hirsch was wearing a blue baseball cap with a white Star of David on it. The cap was a replica of a 1938 cap used by the Hebrew Orphans Asylum, a Jewish orphanage in New York City that sponsored baseball teams.

1 39. Other than this cap, Mr. Hirsch was wearing nothing that would indicate his religious or
2 political beliefs.

3 40. After eating, Mr. Hirsch and his son needed to use the bathroom. Casper's does not have
4 bathrooms, and staff there directed Mr. Hirsch to the coffee house.

5 41. At this time, Mr. Hirsch did not know Mr. Radice and was not aware of the previous
6 incidents involving Mr. Radice.

7 42. Mr. Hirsch and his son crossed Telegraph Avenue and entered the coffee house, where he
8 ordered a coffee. The employee who served Mr. Hirsch was not Harara. Mr. Hirsch and his son then
9 went to the back of the coffee house to use the bathroom.

10 43. After using the bathroom, Mr. Hirsch and his son sat down at a table with a chess board
11 in the back of the coffee house and began playing chess.

12 44. Within minutes of sitting down, Harara—who did not identify himself—confronted Mr.
13 Hirsch. He demanded to know whether Mr. Hirsch was a “Zionist” and whether he was wearing a
14 “Jewish star.” After briefly walking away, Harara returned and demanded that Mr. Hirsch and his son
15 leave the premises.

16 45. At no time while in the coffee house did Mr. Hirsch say anything that would indicate his
17 political beliefs or positions on any issue, including Israel.

18 46. Mr. Hirsch asked whether Harara worked there. Harara falsely accused Mr. Hirsch of
19 “causing a disruption” and “trespassing.” He threatened to call the police if Mr. Hirsch did not leave.
20 Mr. Hirsch responded that Harara should call the police and would wait for them to arrive. While in the
21 coffee house, Harara told Mr. Hirsch, “You need to leave,” or variations on this demand, at least fifteen
22 times.

23 47. After Mr. Hirsch said that he would wait for the police to arrive, Harara walked into
24 EBCS and approached an EBCS employee named Rena Raven Don. He asked Ms. Don to help remove
25 Mr. Hirsch.

26 48. Ms. Don walked into the coffee house and approached Mr. Hirsch and his son. Mr.
27 Hirsch told Ms. Don that he believed Harara was discriminating against him because he was Jewish.
28 Ms. Don initially told Mr. Hirsch that he should accede to Harara's demand, noting that he had entered a

1 “Palestinian” business. Mr. Hirsch explained that he was unwilling to validate illegal discrimination by
2 leaving the coffee house.

3 49. Ms. Don later told the Oakland police that Mr. Hirsch “wasn’t trying to start a conflict”
4 and “was being discriminated against because of his hat.”

5 50. At 12:55 pm, two uniformed Oakland police officers arrived. Mr. Hirsch spoke to the
6 officers and explained that he was being ordered to leave because he was Jewish and wearing a Star of
7 David on his baseball cap, which he considered a sign of his religion.

8 51. Harara responded, “This is a private business, and I reserve the right to refuse not to serve
9 anyone I don’t want to,” and again demanded that Mr. Hirsch leave the premises. He repeatedly
10 demanded that the officers remove Mr. Hirsch and arrest him for trespassing, at one point requesting that
11 they physically restrain Mr. Hirsch face-down on the sidewalk in front of his young son.

12 52. The officers did not arrest Mr. Hirsch. The police report for this incident states that “no
13 crime occurred” and “this is being documented as a hate incident.”

14 53. Nevertheless, the officers requested that Mr. Hirsch speak with them outside. As they
15 left the coffee house, Harara said, “Bye bye! Are you a Zionist? Bye bye!” Later, he added, “I love
16 Jewish people. I love them. I love them. Fuck Israel. Fuck Zionists. Fuck Zionists.”

17 54. When Mr. Hirsch asked why Harara was directing these epithets at him, Harara
18 responded, “Because I feel like it.” When Mr. Hirsch asked Harara whether he asks every customer
19 whether he or she is a “Zionist,” Harara responded, “Yeah, I do.”

20 55. Harara does not, in fact, ask all customers if they are “Zionists.”

21 56. Although Mr. Hirsch ordered and paid for a coffee, it was never served to him.

22 57. Harara followed Mr. Hirsch and the officers outside and continued to spew insults and
23 epithets at both Mr. Hirsch and his young son. These included repeatedly calling Mr. Hirsch a “bitch,” a
24 “dog,” and a “piece of shit.” Harara even told Mr. Hirsch’s son, “You’re dad’s a bitch.” The situation
25 ended only after two Oakland police sergeants arrived.

26 **IV. CAUSE OF ACTION: TITLE II OF THE CIVIL RIGHTS ACT OF 1964**

27 58. The United States re-alleges and incorporates by reference the allegations set forth above.

59. Defendants' actions as described above constitute a pattern or practice of resistance to the full and equal enjoyment by Jewish individuals of rights secured by Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a *et seq.*, and this pattern or practice is of such a nature and is intended to deny the the full exercise of such rights.

V. PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests that the Court enter an Order:

1. Declaring that Defendants' discriminatory policies and practices violate Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a *et seq.*;

2. Enjoining Defendants, their agents, employees, successors, and all other persons in active concert or participation with them, from engaging in any act or practice which, on the basis of race or religion, denies or abridges any rights secured by Title II of the Civil Rights Act of 1964; and

3. Requiring Defendants, their agents, employees, successors, and all other persons in active concert or participation with them, to take such affirmative steps as may be necessary to remedy the effects of past unlawful conduct and prevent the recurrence of discriminatory conduct in the future.

The United States further prays for such additional relief as the interests of justice may require.

1 Dated: June 9, 2025

2 Respectfully submitted,

3
4 s/ Pamela Bondi
PAMELA BONDI
5 Attorney General

6
7 s/ Harmeet K. Dhillon
HARMEET K. DHILLON
8 Assistant Attorney General
Civil Rights Division

9
10 s/ Michael E. Gates
MICHAEL E. GATES
11 Deputy Assistant Attorney General
Civil Rights Division

12 CARRIE PAGNUCCO
13 Chief, Housing and Civil Enforcement
Section

14 s/ Max Lapertosa
AMIE S. MURPHY
15 Deputy Chief
MAX LAPERTOSA
16 Trial Attorney
United States Department of Justice
17 Civil Rights Division
Housing and Civil Enforcement Section
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DECLARATION PURSUANT TO LOCAL RULE 5(i)(3)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that each of the other signatories to this Complaint have concurred in the filing of the document.

s/ Max Lapertosa

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

United States of America

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

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

Max Lapertosa, US Dept of Justice, 950 Penn. Ave NW,
Washington DC 20530; (202) 598-9726

DEFENDANTS

Fathi Abdulrahim Harara; Native Grounds LLC

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

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

Attorneys (If Known)

Glenn Katon
385 Grand Ave., Suite 200, Oakland, CA 94610

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 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. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	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 (Excludes 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 <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <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 <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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):
Title II of Civil Rights Act of 1964, 42 U.S.C. 2000a

Brief description of cause:
Discrimination based on race and religion in place of public accommodation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ **CHECK YES only if demanded in complaint:**
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Donna M. RyuDOCKET NUMBER 4:25-cv-2060

DATE

6/9/2025

SIGNATURE OF ATTORNEY OF RECORD

s/ Max Lapertosa

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

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