

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

BLEACHTECH, LLC,
*on behalf of itself and
all others similarly situated,*

Plaintiff,

v.

Civil Action No. _____

WASTE MANAGEMENT OF VIRGINIA, INC.,

**Serve: CT Corporation System, Registered Agent
4701 Cox Road, Suite 285
Glen Allen, Virginia 23060 - 6808,**

Defendant.

COMPLAINT

COMES NOW Plaintiff, BLEACHTECH, LLC, by counsel on behalf of itself and all others similarly situated, and for its Complaint against Defendant, WASTE MANAGEMENT OF VIRGINIA, INC., alleges as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and punitive damages, for breach of contract, unjust enrichment, and conversion.
2. Defendant provides waste-management services to business and other persons. Those relationships are governed by a written contract that specifies the services provided and the amounts and items Defendant will charge for them.
3. Despite the contract's detail, Defendant systemically and surreptitiously used its billing system to include charges for services that were neither agreed to or readily determinable by customers nor permitted under any customer's contract.

4. Defendant concealed and collected these charges from Plaintiff and a nationwide class of other customers.

JURISDICTION

5. This Court has jurisdiction under 28 U.S.C. § 1332(d), the Class Action Fairness Act of 2005.

6. Supplemental jurisdiction is appropriate under 28 U.S.C. § 1367.

7. At least 100 class members exist. Defendant accomplished its improprieties across the country, and Defendant has thousands (or tens of thousands) of customers nationwide.

8. The amount of money at issue per class member is as much as \$400 per month over several months. Defendant is also liable for punitive damages. Accordingly, the total damages suffered by the class will exceed \$5,000,000, exclusive of interest and costs.

9. The class is sufficiently diverse from Defendant. At least one class member is not a resident of or domiciled in the same state as Defendant.

10. Venue is proper in this district and division because Plaintiff operates here, and a significant part of the events that gave rise to Plaintiff's claims occurred here. Also, Defendant has advertised its services here and has received substantial revenues and profits from sales of its services directed into the stream of commerce here.

PARTIES

11. Bleachtech is a limited liability company headquartered in Ohio and operating within this district and division.

12. Waste Management of Virginia, Inc. does business in Virginia and has its principal place of business in Maryland or Texas.

FACTS

13. In 2011, Plaintiff entered into Commercial Service Agreement Non-Hazardous Wastes with Defendant.

14. The parties' contract permitted Defendant to charge Plaintiff various dollar amounts per haul for waste-removal services for months that Plaintiff required such services.

15. In addition to Plaintiff's per-haul charges, the parties' contract listed other charges that Defendant could charge Plaintiff.

16. An "Inactivity charge" is Defendant's charge to resume waste-removal services where a customer required no waste-hauling services in a preceding month or months.

17. The parties' contract did *not* allow Defendant to charge Plaintiff Inactivity charges.

18. The language and amounts used by Defendant for Inactivity charges do not correspond with or refer to anything described in Defendant's contract with Plaintiff or class members.

19. Defendant knew or had reason to know that Plaintiff and class members would reasonably rely upon its truthful breakdown and inclusion of information and amounts on its monthly invoices, particularly when Defendant's invoices bypass the people with whom Defendant contracted and go directly to customers' accounting and billing departments.

20. Defendant charged Plaintiff a \$185 Inactivity charge on the following invoices: December 1, 2016, February 16, 2017, March 16, 2017, May 1, 2017, July 5, 2017, August 16, 2017, October 3, 2017, November 16, 2017, December 18, 2017, and January 16, 2018.

21. Defendant charged Plaintiff a \$400 Inactivity charge on the following invoices: February 16, 2018, April 3, 2018, June 4, 2018, August 16, 2018, October 2, 2018, November

16, 2018, January 16, 2019, February 18, 2019, May 2, 2019, May 2, 2019, June 4, 2019, July 2, 2019, August 1, 2019, and September 3, 2019.

22. The parties' contract did not allow Defendant to charge Plaintiff Inactivity charges or other unlisted charges.

CLASS-ACTION ALLEGATIONS

23. Plaintiff brings this lawsuit as a class action under Fed. R. Civ. P. 23(b)(3) on behalf of the following nationwide class:

All Waste Management customers whom it billed and, within five years of the filing of this complaint, paid an Inactivity charge or any other charge not listed in Waste Management's standardized contract.

Excluded from the class are Waste Management and any entity in which it has a controlling interest, class counsel, class counsel's employees, class counsel's immediate family members, defense counsel, defense counsel's employees, defense counsel's immediate family members, judicial officers who consider or render a decision or ruling in this case, and judicial officers' staff and immediate family members.

24. Plaintiff also brings this lawsuit as a class action under Fed. R. Civ. P. 23(b)(3) on behalf of the following alternative Virginia class:

All Waste Management's Virginia customers whom it billed and, within five years of the filing of this complaint, paid an Inactivity charge or any other charge not listed in Waste Management's standardized contract.

Excluded from the class are Waste Management and any entity in which it has a controlling interest, class counsel, class counsel's employees, class counsel's immediate family members, defense counsel, defense counsel's employees, defense counsel's immediate family members, judicial officers who consider or render a decision or ruling in this case, and judicial officers' staff and immediate family members.

25. With regard to Plaintiff's alternative Virginia class, Plaintiff alleges subclasses as to Counts Two and Three limited to consumers who paid within two years of the filing of this complaint and a subclass as to Count Four limited to consumers who paid within three years of the filing of this complaint.

26. Plaintiff paid Inactivity charges that the parties' contract does not allow Defendant to charge; therefore, Plaintiff is a class member.

27. All class members are ascertainable from Defendant's computerized records that reflect the entities from which Defendant charged and collected Inactivity charges and other charges.

28. Class members are so numerous that joinder is impracticable. While only Defendant knows the precise number of class members, Defendant "is the largest environmental solutions provider in North America, serving more than 21 million municipal, commercial, and industrial customers in the U.S. and Canada."¹ Defendant is "North America's leading provider of comprehensive waste management services"² Defendant operates in 48 states and Washington D.C., generating over \$14.9 billion in total revenues.³

¹ Waste Management, About Us, <http://www.wm.com/about/index.jsp> (last visited June 5, 2019).

² *Id.* See also Waste Management, Residential, Curbside-Waste Pickup, <https://www.wm.com/us/residential/curbside-waste-pickup> ("We're the leading provider of comprehensive waste management services in North America, providing services that range from collection and disposal to recycling and renewable energy generation.") (last visited Mar. 31, 2020).

³ <http://investors.wm.com/static-files/3614a9e1-61fb-4b7d-8ca2-428a3c7c95bd> (last visited Mar. 1, 2020).

29. Among other questions, the following common legal and factual questions affect all class members. These questions generate common answers and predominate over individual questions affecting class members:

- a. Whether Defendant breached its contracts with class members;
- b. Whether Defendant was permitted to charge class members Inactivity charges and other charges not listed in their standardized contracts;
- c. Whether Defendant's uniform representations, omissions, and conduct regarding these charges were misleading or false;
- d. Whether Plaintiff and class members reasonably relied on Defendant's uniform representations, omissions, and conduct in believing their contracts permitted these charges;
- e. Whether Defendant's uniform behavior toward class members unjustly enriched it and, if so, the proper measurement of restitution;
- f. Whether Defendant's actions constituted an unlawful taking;
- g. Whether Defendant acted with legal malice; and
- h. Whether Defendant owes damages to class members, and, if so, in what amount.

30. Plaintiff's claims are typical of class members' claims, and Plaintiff will fairly and adequately represent class members' interests.

31. Plaintiff's attorneys are experienced and competent in complex class-action litigation and will competently and adequately represent class members' interests. Plaintiff has no conflict with any class member.

32. Class certification is superior to any other method or procedure for fairly and efficiently adjudicating class members' claims because:

- a. Economies for the Court and the parties exist from litigating the common issues on a classwide basis instead of on a repetitive, individual basis;
- b. Each class member's damage claim is too small to make individual litigation an economically viable possibility, for which reason few class members would have an interest in individually controlling the prosecution of separate actions;
- c. Despite the relatively small size of each class member's claim, the aggregate volume of their claims—coupled with the economies of scale inherent in litigating similar claims on a common basis—will enable class counsel to litigate the case on a cost-effective basis; and
- d. Class treatment is required for optimal deterrence and for limiting the reasonable legal expenses incurred by class members.

33. Plaintiff anticipates no unusual difficulties in managing and maintaining this case as a class action.

COUNT ONE: BREACH OF CONTRACT

34. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth here.

35. Plaintiff and class members contracted with Defendant for waste-hauling services.

36. Defendant's contracts with Plaintiff and class members are standardized.

37. Plaintiff fully performed and satisfied its obligations under the parties' contract.

38. Defendant's contracts only allow the listed charges and do not allow an Inactivity charge, yet Defendant charged Plaintiff Inactivity charges.

39. Because Defendant charged Plaintiff and class members Inactivity charges and other unlawful amounts, Defendant breached the parties' and class members' contracts.

40. As a direct and proximate result of Defendant's breach of contract, Plaintiff and class members have suffered and continue to suffer damages in an amount to be determined at trial.

COUNT TWO: CONVERSION

41. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth here.

42. Defendant's use of nondescript billing invoices to solicit concealed payments from Plaintiff and class members that were not attributable to legitimate items owed and in their contracts was deceptive and unlawful.

43. This constituted a wrongful exercise of dominion and control over the property of Plaintiff and class members depriving them of possession of their property and established the tort of conversion.

44. Plaintiff and class members owned and had the right to retain possession of the money Defendant took through its false invoicing.

45. Defendant engaged in the aforesaid acts willfully and intentionally, which constituted legal malice.

46. As a direct and proximate result of Defendant's conversion, Plaintiff and class members have suffered and continue to suffer damages in an amount to be determined at trial.

47. As a direct and proximate result of Defendant's conversion with legal malice, Plaintiff and class members are entitled to punitive damages each up to \$350,000.

COUNT THREE: FRAUD

48. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth here.

49. Defendant's intentional and knowing false representations of material facts in its nondescript billing invoices, which invoices Defendant intended to encourage payments from

Plaintiff and class members that were not attributable to legitimate items that Plaintiff and class members owed and in their contracts with Defendant, were deceptive and unlawful.

50. Plaintiff and class members reasonably relied on Defendant's misrepresentations that the unlawful charges matched the charges permitted in their contracts.

51. Defendant engaged in the aforesaid acts willfully and intentionally and with the intent to mislead Plaintiff and class members all of which constituted legal malice.

52. Defendant's misrepresentations constituted fraud on Plaintiff and class members.

53. In the alternative to the allegation that Defendant knew its misrepresentations were false, Defendant should have known its misrepresentations were false.

54. Alternatively, Plaintiff alleges that Defendant committed fraud by contracting with Plaintiff when at the time of contracting Defendant had no intention of performing its contractual duties.

55. When Defendant contracted with Plaintiff, Defendant knew it would not stick to the charges promised in its contract; rather, Defendant would charge Plaintiff additional amounts not permitted by its contract, which Defendant intended to do and did.

56. Defendant contracted with Plaintiff knowing Defendant would breach its contract from the start by improperly assessing contractually impermissible charges to Plaintiff's account.

57. As a direct and proximate result of Defendant's fraud, Plaintiff and class members have suffered and continue to suffer actual damages in an amount to be determined at trial.

58. As a direct and proximate result of Defendant's fraud with legal malice, Plaintiff and class members are entitled to punitive damages each up to \$350,000.

Daniel R. Karon (*pro hac admission
pending*)

Beau D. Hollowell (*pro hac admission
pending*)

KARON LLC

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Email: bhollowell@karonllc.com

Attorneys for Plaintiff and the class

JS 44 (Rev. 09/19)

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)

<p>I. (a) PLAINTIFFS BLEACHTECH, LLC., on behalf of itself and all others similarly situated</p> <p>(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Leonard A. Bennett, Esq., Consumer Litigation Associates, P.C., 763 J. Clyde Morris Boulevard, Suite 1-A, Newport News, Virginia 23601 (757) 930-3660</p>	<p>DEFENDANTS WASTE MANAGEMENT OF VIRGINIA, INC.</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input checked="" 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 checked="" 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
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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 checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <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	<p>PERSONAL INJURY - Product Liability</p> <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <p>SOCIAL SECURITY</p> <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))	<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 Constitutional of State Statutes
<p>REAL PROPERTY</p> <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	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input 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	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <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 <p>Other:</p> <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	<p>LABOR</p> <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	<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
<p>V. ORIGIN (Place an "X" in One Box Only)</p> <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District (specify) <input type="checkbox"/> 6 Multidistrict Litigation - Transfer <input type="checkbox"/> 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):
 28 U.S.C. § 1332

Brief description of cause:
 Breach of Contract

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

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

DATE: 04/22/2020 SIGNATURE OF ATTORNEY OF RECORD: /s/ Leonard A. Bennett

FOR OFFICE USE ONLY

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

JS 44 Reverse (Rev. 09/19)

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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Waste Management of Virginia Hit with Class Action Over 'Inactivity Charges'](#)
