Case 2:10-at-0 CDVIID GOWER 2SHIPE 107/28/10 Page 1 of 1 S 44 (Rev. 12/07) 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 (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) the civil docket sheet. I. (a) PLAINTIFFS **DEFENDANTS** Owner-Operator Independent Drivers Steve Lindley; The Sate of California; Association, Inc., Erik Royce, Brandon The California Department of Justice; Elias, Folsom Shooting Club, Inc., The Does 1 - 10. Calguns Foundation, Inc., and National Rifle Association, Inc., (b) County of Residence of First Listed Plaintiff Jackson County of Residence of First Listed Defendant Sacramento (EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. (c) Attorney's (Firm Name, Address, and Telephone Number) Attorneys (If Known) Jason A. Davis, S.B.N. 224250 Davis & Associates 27281 Las Ramblas, Suite 200 Mission Viejo, CA 92691 Tel.: 949-310-0817 II. BASIS OF JURISDICTION (Place an "X" in One Box Only) III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) X 3 Federal Ouestion 1 U.S. Government DEF (U.S. Government Not a Party) Plaintiff Citizen of This State 1 1 Incorporated or Principal Place 2 U.S. Government 4 Diversity of Business In This State Defendant (Indicate Citizenship of Parties in Item III) Citizen of Another State 2 2 2 Incorporated and Principal Place 5 5 of Business In Another State Citizen or Subject of a 3 Foreign Nation 6 6 Foreign Country IV. NATURE OF SUIT (Place an "X" in One Box Only) CONTRACT FORFEITURE/PENALTY BANKRUPTCY OTHER STATUTES TORTS PERSONAL INJURY PERSONAL INJURY 110 Insurance 610 Agriculture 422 Appeal 28 USC 400 State Reapportionment 120 Marine 310 Airplane 362 Personal Injury -158 410 Antitrust 620 Other Food & Drug 315 Airplane Product 130 Miller Act Med. Malpractice 423 Withdrawal 430 Banks and Banking 625 Drug Related Seizure Liability 365 Personal Injury -450 Commerce 140 Negotiable Instrument 28 USC 157 of Property 21 USC 881 320 Assault, Libel & Product Liability 460 Deportation 150 Recovery of Overpayment PROPERTY RIGHTS Slander 368 Asbestos Personal 630 Liquor Laws 470 Racketeer Influenced and & Enforcement of Judgment 330 Federal Employers' Injury Product 820 Copyrights Corrupt Organizations 640 R.R. & Truck 151 Medicare Act Liability Liability 650 Airline Regs. 480 Consumer Credit 330 Patent 340 Marine 152 Recovery of Defaulted PERSONAL PROPERTY Student Loans 660 Occupational ☐ 490 Cable/Sat TV 345 Marine Product 840 Trademark (Excl. Veterans) Safety/Health 370 Other Fraud Liability 810 Selective Service ☐ 153 Recovery of Overpayment SOCIAL SECURITY ☐ 350 Motor Vehicle 371 Truth in Lending 690 Other 850 Securities/Commodities/ of Veteran's Benefits 355 Motor Vehicle 380 Other Personal 861 HIA (1395ff) Exchange 160 Stockholders' Suits LABOR 875 Customer Challenge Product Liability Property Damage 862 Black Lung (923) 190 Other Contract 385 Property Damage 12 USC 3410 710 Fair Labor Standards 360 Other Personal 863 DIWC/DIWW 195 Contract Product Liability Product Liability Injury Act 890 Other Statutory Actions (405(g)) 196 Franchise 720 Labor/Mgmt. Relations 864 SSID Title XVI 891 Agricultural Acts REAL PROPERTY CIVIL RIGHTS PRISONER PETITIONS 730 Labor/Mgmt.Reporting 892 Economic Stabilization 865 RSI (405(g)) 441 Voting 510 Motion to Vacate 210 Land Condemnation & Disclosure Act Act FEDERAL TAX SUITS Sentence ☐ 442 Employment 740 Railway Labor Act 220 Foreclosure 893 Environmental Matters HABEAS CORPUS: 790 Other Labor Litigation 870 Taxes (U.S. 894 Energy Allocation Act 443 Housing/ 230 Rent Lease & Ejectment 530 General 791 Empl. Ret. Inc. Security Act 895 Freedom of Information Accommodations 535 Death Penalty Plaintiff or Defendant) 240 Torts to Land Act 444 Welfare 540 Mandamus & Other 871 IRS—Third Party 245 Tort Product Liability 900 Appeal of Fee 445 Amer. w/Disa-550 Civil Rights IMMIGRATION 26 USC 7609 290 All Other Real Property Determination Under 555 Prison Condition bilities - Employment 462 Naturalization Application Equal Access to Justice 446 Amer. w/Disa-X 950 Constitutionality of 463 Habeas Corpus bilities - Other State Statutes Alien Detainee 440 Other Civil Rights 465 Other Immigration Actions V. ORIGIN (Place an "X" in One Box Only) 2 Removed from 3 Remanded from X 1 Original 4 Reinstated or 5 Transferred from 6 Multidistrict 7 Appeal to District State Court Proceeding Appellate Court Reopened Another district Litigation Judge from Magistrate Judgment (specify) Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §§2201 and 2202 VI. CAUSE OF ACTION Brief description of cause: Federal Preemption by FAAAA and U.S. Constitution, Article 6, VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION **DEMAND \$** CHECK YES only if demanded in complaint: **COMPLAINT:** UNDER F.R.C.P. 23 JURY DEMAND: X YES VIII. RELATED CASE(S) (See instructions): JUDGE Morrison C. England DOCKET NUMBER 2:10-cv-01864-MCE-KJN IF ANY SIGNATURE OF ATTORNEY OF RECORD

/S/JAS<u>ON A. DAVIS</u>

\_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_

July 28, 2010 FOR OFFICE USE ONLY

\_ AMOUNT \_

RECEIPT#

EDC-JS44

MAG. JUDGE