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and Bryan Schott*

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

UTAH POLITICAL WATCH, INC., and
BRYAN SCHOTT,

Plaintiffs,

v.

ALEXA MUSSELMAN, Utah House of
Representatives Communications
Director and Media Liaison Designee;
AUNDREA PETERSON, Utah Senate
Deputy Chief of Staff and Media Liaison
Designee; ABBY OSBORNE, Utah
House of Representatives Chief of Staff;
and MARK THOMAS, Utah Senate
Chief of Staff, in their official and
individual capacities;

Defendants.

**COMPLAINT FOR
DECLARATORY,
INJUNCTIVE, AND OTHER
RELIEF**

Case No. 2:25-cv-00050-AMA

Judge Ann Marie McIff Allen

(TRO REQUESTED IN
SEPARATE MOTION)

INTRODUCTION

The First Amendment prohibits government officials from barring journalists from accessing and gathering news for arbitrary, speaker-based, and viewpoint-based reasons. Yet despite his decades covering Utah politics, and having previously received press credentials to the media-designated areas within the Utah Legislature every year since the credentialing policy was established in 2013, Bryan Schott has been denied credentials for the 2025 Utah Legislative Session. This denial happened immediately after Schott reported a particular story to which Defendants objected. Defendants arbitrarily applied their newly minted, purposefully vague credentialing policy in order to ensure Schott is limited from gathering and reporting news on them and their fellow government officials any further.

Schott is an award-winning journalist—nationally, regionally, and in Utah—who has covered Utah politics for over 25 years, for outlets including The Salt Lake Tribune, UtahPolicy.com, KSL Radio and KUER radio. Schott formed Utah Political Watch (“UPW”) after he left the Salt Lake City Tribune in mid-2024. *See* <https://www.utahpoliticalwatch.news>. UPW’s mission is “to bring you timely news and commentary about politics and policy in Utah and beyond to help you understand not only what but why.” Schott is its only reporter.

UPW produces original coverage of Utah politics at the Statehouse and in Congress. Stories are posted as news happens, often multiple times each day and

has over 800 subscribers. UPW hosts a weekly podcast, with 1,500 downloads per episode. UPW and Schott have thousands of followers on social media.

After Schott asked about obtaining 2025 media credentials, the Utah Capitol Media Access and Credentialing Policy was changed to state that “Blogs, independent media outlets or freelance media do not qualify for credentials.”

On December 12, days before Schott applied for credentials, Senate President Adams took to X.com to criticize Schott’s reporting on Adams’s campaign finance disclosure, labeling Schott a “former media member” and called the story “part of a troubling pattern of neglectful journalism that undermines the profession’s integrity.” *President Adams’s X Post*, Dec. 12, 2024, <https://perma.cc/Q5JN-7ZCX>. In a text exchange the same day, Peterson expressed her anger at Schott’s reporting, claiming that Schott had a “lack of journalistic ethics” and dismissively referring to UPW as a “blog.” President Adams clearly holds a grudge against Schott’s journalistic “pattern,” not just a single story.

Seeing Adams’s insults to fruition, legislative staff members denied Schott and UPN’s application. The House and Senate Clerks denied his appeal, because Plaintiff was supposedly not “a professional member of the media associated with an established, reputable news organization or publication,” and offered UPW’s “independent” status as further reason for the denial.

Adams and Peterson are not the only government officials with an axe to grind against Plaintiffs. Last year, after Schott made a lighthearted post poking a

little fun at media staffers who had difficulty setting up a backdrop, Defendant Osborn, unamused, publicly replied:



Defendants obviously dislike Plaintiffs' reporting and sense of humor. They have used their authority to deny Schott Press Credentials as a result. The First Amendment does not condone speaker-based or viewpoint-based discrimination.

The 2025 policy is intentionally vague so that Defendants can deny those they dislike and admit those whose reporting they prefer. Plaintiffs' ability to cover the Utah Legislature is now, and will continue to be, disadvantaged until Schott is able to obtain media access on par with other statehouse reporters. Because the 2025 legislative session began on January 21, a TRO and Preliminary Injunction is necessary to protect Plaintiffs' First Amendment rights.

JURISDICTION

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343, as Plaintiffs allege that Defendants are violating 42 U.S.C. § 1983 by depriving them, under color of state law, of rights, privileges, and immunities secured by the First and Fourteenth Amendments to the United States Constitution.

VENUE

2. This Court is the proper venue for this action per 28 U.S.C. § 1391(b) as a substantial part of the events and omissions giving rise to the claim have occurred and are occurring in this judicial district.

PARTIES

3. Plaintiff Utah Political Watch is a subscription-based newsletter service that provides independent news and analysis on politics in Utah. It is a limited liability corporation incorporated in the State of Utah.

4. Plaintiff Bryan Schott is the owner, publisher, primary reporter, and Editor-in-Chief of Utah Political Watch.

5. Defendant Alexa Musselman is the House Communications Director and the Media Liaison Designee for the Utah House of Representatives. She is sued in her official and individual capacities.

6. Defendant Aundrea Peterson is the Senate Deputy Chief of Staff and the Media Liaison Designee for the Utah Senate. She is sued in her official and individual capacities.

7. Defendant Abby Osborne is the Chief of Staff for the Utah House of Representatives and handles appeals of denials of press credential applications. She is sued in her official and individual capacities.

8. Defendant Mark Thomas is the Chief of Staff for the Utah Senate and handles appeals of denials of press credential applications. He is sued in his official

and individual capacities.

STATEMENT OF FACTS

Bryan Schott's Reporting and Commentary

9. Bryan Schott has been a journalist in Utah for 25 years. He worked in local radio acting as a producer, anchor, reporter, and program director for numerous radio stations between 1993 and 2008.

10. Schott is an award-winning journalist—nationally, regionally, and in Utah. For example, he has been recently recognized with the National Press Foundation Election Journalism Fellowship; Awarded First Place for Politics Feature by Top of the Rockies; and recognized by the Utah Society of Professional Journalists as Best Newspaper Reporter.

11. In 2009, Schott joined the independent news website, UtahPolicy.com, where he was a Managing Editor and Reporter until 2020.

12. During Schott's tenure with UtahPolicy.com, he had full access to the Utah Legislature both before and after the Legislature began issuing media credentials.

13. From 2014 to 2020, Schott was the Host and Producer of the "Bernick and Schott on Politics" podcast in which he engaged in reasoned debate regarding Utah politics with co-host Bob Bernick - the Contributing Editor for Utah Policy. He contemporaneously ran websites UtahPulse.com and Idaho Politics Weekly where he published his own stories regarding the Utah Legislature and related political

events in Utah and Idaho.

14. In 2020, Schott became a Political Correspondent for the Salt Lake Tribune, a daily newspaper published in the city of Salt Lake City, Utah, with the largest paid circulation in the state. At the Salt Lake Tribune, Schott wrote articles regarding local news related to Utah politics and the Utah Legislature. During his tenure, Schott was prolific. His byline appeared on 1,201 stories, almost all regarding Utah-based or national politics.

15. After departing the Salt Lake Tribune, Schott founded Utah Political Watch in October 2024. UPW is a website that allows visitors to sign up for a daily newsletter covering Utah politics and may purchase a paid subscription to support the work and receive additional content.

16. Plaintiffs also produce an affiliated podcast, Special Session with Bryan Schott, where Schott talks about events that occur during the Utah Legislative Session as well as other relevant Utah political news.

17. There are currently approximately 1,000 subscribers to the UPW daily newsletter, of which 25% pay to receive additional content.

18. In addition to subscribers, the UPW website garners tens of thousands of pageviews per month. Top stories can receive 2,000 to 3,400 views each.

19. There are on average between 250 and 300 downloads of each episode of the nascent Special Session podcast.

20. Schott has over 11,000 followers on TikTok, where he receives on

average between 4,500 and 10,000 views per video on Utah Politics.

21. Schott has received numerous awards and public accolades for his work as a journalist. He's the recipient of several Utah Broadcasters Association Awards, including for Best Feature Story or Program, Best News Reporting in a Series and Best Feature Story or Program. In 2022, Schott was named as the State's Best Newspaper Reporter by the Utah Society of Professional Journalists. On June 17, 2024, Schott was one of only 34 journalists nationwide who was granted the National Press Foundation's 2024 Elections Journalism Fellowship.

Defendants' Media Credentialing Policy

22. In November 2024, after Schott had established UPW, Defendants substantially revised their "Utah Capitol Media Access and Credentialing Policy" for controlling media access to the Utah Legislature. *Compare* Exh. A (2025 Utah Capitol Media Access and Credentialing Policy, also available at: <https://perma.cc/M77N-LWXV>) *with* Exh. B (2024 policy).

23. While the 2024 Credentialing Policy does not contain any initial information about the application process prior to outlining what criteria a journalist must meet to obtain a credential, the 2025 Credentialing Policy contains the following preamble:

The Utah Capitol Media Credential application process, outlined below, is designed to give professional journalists and media representatives from reputable organizations access to cover the Legislature and other significant events at the Utah State Capitol. This process aims to support informed reporting while maintaining the integrity and security of the Capitol.

Credentialed media members must primarily focus on gathering and reporting news that occurs at the Capitol. Completing an application does not guarantee that a credential will be issued. Having been previously credentialed does not guarantee that a credential will be granted in the future. A Utah Capitol Media Credential is valid for one calendar year*. Organizations may request more than one media credential; however, Senate and House media liaison designees reserve the right to limit the number of credentials allocated to any media organization.

24. Moreover, while the 2024 policy stated that “[b]loggers representing a legitimate independent news organization may become credentialed under limited, rare circumstances,” Exh. B, the 2025 Policy instead provides that a credentialed journalist must be a “professional member of the media . . . [who] is part of an established reputable news organization or publication.” Exh. A. The 2025 Credentialing Policy further warns: “Blogs, independent media or other freelance media do not qualify for a credential.” *Id.*

25. The 2025 policy provides no definition of “independent media”, “reputable news organization or publication” or any other term.

26. The 2025 Credentialing Policy also contains five criteria in total that a journalist must meet to obtain press credentials: (1) “fill out an online application;” (2) “[b]e a professional member of the media (which includes journalists, photographers and videographers) who regularly covers the Legislature and Capitol in person and is part of an established reputable news organization or publication” (so long as one is not a blog, independent or freelance journalist) (3) “provide an annual background check;” (4) “[a]dhere to a professional code of ethics;” and (5) “[c]omplete the yearly harassment prevention training.”

27. Additionally, if required by a media designee, the credential applicant must “submit a letter of introduction on official publication letterhead” that contains certain information verifying the applicants’ employment status and need for credentials.

28. The 2025 Credentialing Policy dictates which areas of the Utah Legislature credentialed press are granted access to. Those areas include (1) “some secure areas of the Capitol, such as the press room and designated areas in the Senate and House chambers;” (2) “designated media workspaces in the Senate and House galleries;” (3) “set up in the Senate and House galleries for credentialed videographers and photographers;” (4) “[c]redentialed media may be permitted access to media availabilities and other press events with elected officials;” (5) “designated media parking;” (6) “the Capitol press room, which is equipped with internet access and an audio feed from both chambers;” (7) “designated areas in the galleries of the Senate and House;” and (8) “Committee Rooms.”

29. In addition, as Schott was informed by Defendants (*see infra*), Defendants have a policy or practice of not distributing legislative press releases to any press that is not credentialed under the 2025 Credentialing Policy.

Schott’s Years of Press-Credentialed Access to the Utah Legislature

30. Schott has covered the Utah Legislature since 1999 for various media outlets in Utah.

31. In 2013, the Utah Legislature began requiring press credentials for

reporters to access the House or Senate media areas. Previously, the application process was no more than a formality. Applicants would have to pass a criminal background check by the Utah Highway Patrol, and then a House or Senate staffer would sign off on the application.

32. After Schott established UPW in September 2024, he assumed that, in keeping with the practice over the past decade, he would again be granted press credentials. He informed Defendants that he had begun reporting on behalf of UPW and asked for details on the upcoming credential application as well as to be placed on the legislative press release list. Defendants did not immediately respond but, when later pressed, informed Schott that the list is only for credentialed media.

Schott's Reporting Angers Defendants

33. Last year, after receiving his credentials for the 2024 Legislative Session, Schott made a lighthearted post poking a little fun at media staffers who had difficulty setting up a backdrop. Unamused, Defendant Osborn publicly replied:



34. Schott continued, throughout the year, to report on the Utah legislature, and Defendants, in a manner that was not always favorable.

35. In December 2024, reporting for UPW, Schott appeared to send

Defendants over the edge when he accurately reported that a local nonprofit group had filed a complaint against Senate President Stuart Adams alleging Adams had violated campaign disclosure laws. Schott, Bryan, *Top Utah GOP lawmaker accused of skirting state laws on campaign finance disclosures*, Utah Political Watch, <https://www.utahpoliticalwatch.news/top-utah-gop-lawmaker-accused-of-skirting-state-laws-on-campaign-finance-disclosures/>.

36. On December 12, the same day the article was posted, Senate President Adams took to X.com to criticize Schott's reporting on Adams's campaign finance disclosure, labeling Schott a "former media member" and called the story "part of a troubling pattern of neglectful journalism that undermines the profession's integrity." *President Adams's X Post*, Dec. 12, 2024, <https://perma.cc/Q5JN-7ZCX>. This same statement was originally published verbatim on the Utah Senate's official Twitter and Facebook Pages before they took them down because of complaints.

37. But Adams was not the only one in the Senate who was upset. Schott had previously reached out to Defendant Peterson for comment. In an iMessage exchange attached hereto as Exhibit C, Peterson dismissively referred to Plaintiff Schott as "someone who claims to be a journalist," and Plaintiff UPW as a "blog," accused Schott of a "lack of professionalism," "lack of journalistic integrity," having "disregard for accurate reporting and ethical standards." She chided him for "fail[ing] to obtain information from the Lieutenant Governor's Office," and told him

“you aren’t a journalist” when he asked what ethical standards she claimed he had not met.

38. Peterson waited over five hours before providing a substantive response, which was to merely send to Schott a statement Peterson had released to another news organization in the interim, and which Schott had already seen published therein.

39. Peterson also made sure in that exchange to forewarn Schott: “We will follow our policy when reviewing media credential applications.”

Defendants Deny Schott Press Credentials

40. On December 17, 2024, Schott applied for a press credential in keeping with his practice over the past decade. After passing the background check, Schott contacted Defendant Musselman regarding his application. Musselman told him “We have to look it over for a bit . . . I’m going to go touch base with others, then we’ll give you a call.”

41. Schott had never received this additional level of scrutiny before. And he asked Musselman whether the same level of scrutiny was applied when Utah News Dispatch which, as a month-old organization, had applied for press credentials for the 2024 Legislature and was ultimately been issued credentials for several reporters. Musselman could only state: “We did have conversations with them” although she admitted to being on leave from work during that time period.

42. Schott waited for approximately 90 minutes more before he received a

follow-up email from Musselman, now with Peterson copied, informing him that his application had been rejected. The reason Musselman and Peterson gave: “Utah Capitol media credentials are currently not issued to blogs, independent, or other freelance journalists.”

43. Schott appealed the decision to deny him press credentials. On December 26, 2024, he received a letter in response from Defendants Abby Osborne and Mark Thomas. Exhibit D.

44. In the letter, Osborne and Thomas informed Schott that “the original decision stands, and your appeal has been denied.” The reason for the denial, the letter stated, was twofold. First, Schott did not meet the criteria of “being a professional member of the media associated with an established, reputable news organization or publication.” Second, Schott did not meet the credentialing criteria because “[b]logs, independent media outlets or freelance media do not qualify for credentials.”

The Legislative Session has Begun

45. The 2025 Utah Legislative Session began on January 21, 2025.

46. Schott has already missed the press conference about the House GOP legislative priorities on January 13th. And he has missed at least two press releases.

47. Governor Cox held a monthly press conference on the morning of January 16th, which Schott was not able to attend in person or ask questions at

given his current lack of press credentials.

48. On the day Session started, numerous statehouse reporters, besides Schott, were able to cover the opening addresses by the Senate President and Speaker of the House on that date. As the session goes on, many statehouse reporters, but not Schott, will be able to report on legislative actions, press releases, speeches, impromptu press conferences, statements to the press, and other events that occur via access to the media areas within the Capitol, including obtaining the necessary photos, audio, or video. Schott will be denied entry to the daily meetings with Senate leadership in the Senate President's office, Friday media availabilities with the Speaker of the House in his office, and House or Senate rules committee meetings. The 2025 legislative session continues until March 7, 2025 (not including any special sessions).

49. During this session, every member of the Capital press, except Schott, is able to view and report on these events from the designated media areas throughout the Capitol and both legislative chambers. Those other reporters are in a prime position to obtain videos, photographs, and audio recordings as part of their reporting materials, which is unavailable to members of the public sitting in the public sections.

50. Unlike Schott, those other reporters are able to speak to legislators and their staff, witness legislative action up close, receive legislative materials and attend spontaneous press briefings.

51. Every day of the 2025 Legislative Session that this Court does not intervene, Schott will continue to be obstructed from the same news gathering opportunities as are afforded to his colleagues in the media.

COUNT ONE
Rights of Free Speech and Press
U.S. Const. amends. I, XIV, 42 U.S.C. § 1983
Arbitrary and Discriminatory Denial of Press Credentials

52. Schott realleges and incorporates paragraphs 1 through 51.

53. Schott has the same First Amendment rights to gather and report information from the media-designated areas within the Utah Legislature that are enjoyed by other credentialed media representatives.

54. Defendants' arbitrary denial of press credentials against Schott has deprived him of his First Amendment speech and press rights. Defendants lack compelling reasons to deprive Schott of these rights.

55. Although Schott meets all other requirements of the press credential policy, Defendants denied Schott's application for press credentials – and access to areas and spaces in the Capitol designated for media - on the basis that Schott is an “independent” reporter for a “blog” and, based on their determinations, not a “professional member of the media associated with an established, reputable news organization or publication.”

56. But there is no First Amendment distinction between institutional press and other reporters, such as those who work for independent news websites or blogs. When gathering information to disseminate to the public, “nontraditional”

journalists are entitled to the same First Amendment protections afforded “traditional” journalists.

57. The government does not get to decide which media are reputable.

58. Nor can government punish a media organization for not being affiliated with larger media organizations.

59. Defendants’ denial of Schott’s press credentials fails any level of First Amendment scrutiny.

60. By arbitrarily denying Schott’s press credential application, Defendants, under color of law, have violated and continues to violate Plaintiffs’ First Amendment rights to free speech and press. Accordingly, Defendants injured, and continue to injure, Plaintiffs in violation of 42 U.S.C. § 1983. Plaintiffs are entitled to declaratory and preliminary and permanent injunctive relief against the continued enforcement and maintenance of Defendants’ unconstitutional customs, practices, and policies; to nominal damages; and to recover their attorneys’ fees and expenses under 42 U.S.C. § 1988.

COUNT TWO
Rights of Free Speech and Press
U.S. Const. amends. I, XIV, 42 U.S.C. § 1983
Content and Viewpoint Discrimination

61. Plaintiffs reallege and incorporate paragraphs 1 through 60.

62. The press credential policy’s complete prohibition of credentials to any journalist for “[b]logs, independent media or other freelance media” on its face and as applied against Schott, unconstitutionally discriminates against speech and

press on the basis of content and viewpoint.

63. Further, the press credential policy's limitation to only those journalists that Defendants deem to be from an "established reputable news organization" on its face and as applied against Schott, unconstitutionally discriminates against speech and press on the basis of content and viewpoint

64. To the extent that this policy discriminates against speech and press merely based on content, it fails strict scrutiny. Defendants have no compelling governmental interest in granting only access to those journalists they decide are from "established reputable news organization(s) or publication(s).

65. Defendants also have no compelling governmental interest in denying reporters access to areas and media spaces in the Capitol on grounds that their reporting is done on behalf of "[b]logs, independent media or other freelance media."

66. To the extent this policy discriminates against speech and press on the basis of viewpoint, such viewpoint discrimination is unconstitutional per se.

67. The policy was rewritten after Schott's inquiry, whom at least one defendant and the President of the Senate have criticized, personally and professionally.

68. The revisions were likely intended to target Schott, making the policy change and the subsequent denial of access to him both speaker and viewpoint based.

69. By applying the press credential policy against Schott, Defendants,

under color of law, have violated and continues to violate Plaintiffs' First Amendment rights to free speech and press. Accordingly, Defendants injured, and continue to injure, Plaintiffs in violation of 42 U.S.C. § 1983. Plaintiffs are entitled to declaratory and preliminary and permanent injunctive relief against the continued enforcement and maintenance of the press credentialing policy's prohibition of credentials to those who report for "[b]logs, independent media or other freelance media;" nominal damages; and attorney fees and expenses under 42 U.S.C. § 1988.

COUNT THREE
Rights of Free Speech and Press
U.S. Const. amends. I, XIV, 42 U.S.C. § 1983
Prior Restraint

70. Plaintiffs reallege and incorporate paragraphs 1 through 69.

71. The Utah Capitol Media Access and Credentialing Policy constitutes a prior restraint in violation of the First Amendment. By requiring that all applicants obtain press credentials from Utah Legislature, the policy establishes a regime that gives the government unbridled discretion to permit the exercise of First Amendment rights, without any immediate judicial review.

72. Defendants wield that unbridled discretion, only approving credentials for journalists they deem to be a part of what they consider to be "an established reputable news organization" or those who they decide have "[a]dhere[d] to a professional code of ethics." Defendants rely on the undefined, broad terms of the credential policy to subjectively exclude news media and deprive them of the ability

to gather news in a manner equal to that afforded to other media representatives. The failure to adopt and apply narrow, definite, and purely objective standards for press credentials, and the lack of immediate judicial review of denials under that policy, render the credentialing process unconstitutional.

73. Defendants have no compelling reason to justify this impermissible credentialing process, nor is this process narrowly tailored.

74. Requiring Schott to submit to a prior restraint that vests unbridled discretion in the decisionmaker unconstitutionally deprives Schott of his free speech and press rights.

75. By subjecting Schott to the press credential policy, Defendants, under color of law, has violated and continues to violate Plaintiffs' First Amendment rights to free speech and press. Accordingly, Defendants injured, and continue to injure, Plaintiffs in violation of 42 U.S.C. § 1983. Plaintiffs are entitled to declaratory and preliminary and permanent injunctive relief against the continued enforcement and maintenance of a press credentialing policy that provides Defendants unbridled discretion to deny whomever they choose from being able to gather news and information. They are also entitled to nominal damages, and to attorney fees and expenses under 42 U.S.C. § 1988.

COUNT FOUR

**First Amendment and Fourteenth Amendment, 42 U.S.C. § 1983
Vagueness**

76. Plaintiffs reallege and incorporate paragraphs 1 through 75.

77. As notice is the first element of due process, the Fourteenth Amendment guarantee of Due Process prohibits the enforcement of vague laws. The First Amendment likewise forbids the enforcement of laws that, however valid their application may be in some instances, are so vague as to chill protected speech.

78. The press credential policy's limitation of credentials to those who report for "an established reputable news organization or publication," "[a]dhere to a professional code of ethics" and withholding from "[b]logs, independent media or other freelance media," are unduly vague. It is unclear what is meant by "established," "reputable," "blog," "freelance" or "independent" media.

79. Nor is there any indication of what "ethics" Defendants demand journalists' adherence to. What qualifies as a publication that is "established" or "reputable" is often in the eye of the consumer, and the entire public has access to publications distributed by ordinary channels, such as broadcast radio and the internet. It is also unclear what may count as "independent" media or a "freelance" journalists since many journalists are able to report as a "freelancer" for one publication while also being regularly employed by another publication. Additionally, it is unclear what qualifies as a "blog" and whether it is only journalists who report exclusively on a "blog," as opposed to in conjunction with other media formats, cannot have credentials.

80. Accordingly, Schott cannot understand how he could qualify for a press credential under these vague criteria.

81. These vague criteria provide Defendants with overly broad discretion within which they can deny credentials to media they dislike, and grant it to media they prefer.

82. By applying vague press credential policies against Schott, Defendants, under color of law, have violated and continues to violate Plaintiffs' First Amendment rights to free speech and press and Fourteenth Amendment right to due process. Accordingly, Defendants injured, and continue to injure, Plaintiffs in violation of 42 U.S.C. § 1983. Plaintiffs are entitled to declaratory and preliminary and permanent injunctive relief against the continued enforcement and maintenance of the press credentialing policy's limitation of credentials to those who report for "an established reputable news organization or publication" and withholding from "[b]logs, independent media or other freelance media." Plaintiffs are also entitled to nominal damages, and to attorney fees and expenses under 42 U.S.C. § 1988.

PRAYER FOR RELIEF

WHEREFORE, Schott requests that judgment be entered in his favor and against Defendants as follows:

- A. Orders preliminarily and permanently enjoining Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from withholding press credentials and placement on the legislative

press release distribution list from Schott and other journalists on the basis that (1) they write for “[b]logs, independent media or other freelance media;” (2) Defendants do not consider them to be “a professional member of the media associated with an established reputable news organization or publication;” and (3) they “[a]dhere to a professional code of ethics;” and further, enjoining Defendants to grant Schott press credentials for the 2025 legislative session;

- B. A temporary restraining order as to the same;
- C. Declaratory relief consistent with the injunction;
- D. Nominal damages in the amount of \$17.91;
- E. Costs of suit;
- F. Attorneys’ fees pursuant to 42 U.S.C. § 1988; and
- G. Any other relief this Court may grant in its discretion.

DATED: January 22, 2025.

Respectfully Submitted,

KUNZLER BEAN & ADAMSON, PC

/s/ Robert P. Harrington
Robert P. Harrington

INSTITUTE FOR FREE SPEECH

Charles Miller (*pro hac vice* forthcoming)
Courtney Corbello (*pro hac vice* forthcoming)

*Attorneys for Plaintiffs Utah Political Watch,
Inc., and Bryan Schott*

EXHIBIT A

**to Complaint for Declaratory,
Injunctive, and Other Relief**

Utah Capitol Media Access and Credentialing Policy

Utah Capitol Media Credential Application

The Utah Capitol Media Credential application process, outlined below, is designed to give professional journalists and media representatives from reputable organizations access to cover the Legislature and other significant events at the Utah State Capitol. This process aims to support informed reporting while maintaining the integrity and security of the Capitol.

Credentialed media members must primarily focus on gathering and reporting news that occurs at the Capitol. Completing an application does not guarantee that a credential will be issued. Having been previously credentialed does not guarantee that a credential will be granted in the future. A Utah Capitol Media Credential is valid for one calendar year*. Organizations may request more than one media credential; however, Senate and House media liaison designees reserve the right to limit the number of credentials allocated to any media organization.

Utah Capitol Media Credential Credentialing Criteria

To apply for a Utah State Capitol Media Credential, an applicant needs to:

- Complete the online application.
- Be a professional member of the media (which includes journalists, photographers and videographers) who regularly covers the Legislature and Capitol in person and is part of an established reputable news organization or publication.
 - A journalist intern or student who works for an established reputable media organization or institution and has a supervisor may be eligible to receive a credential. Intern/student media credentials are only valid for three months (January-March).**
 - Blogs, independent media or other freelance media do not qualify for a credential.
- Provide an annual background check.
- Adhere to a professional code of ethics.
- Complete the yearly harassment prevention training.
- If required by a media designee, submit a letter of introduction on official publication letterhead, signed by the managing editor, may be required. If multiple applicants from the same publication are applying, one letter will suffice.
 - The letter must include the following:
 - Verification of full-time employment.
 - Justification for the need for a Utah Capitol Media Credential.
 - Affirmation that the applicant has read and agrees to abide by the applicable legislative rules, statutes and policies, including those described in this document.

Credential Privileges

- Utah Capitol Media Credentials provide access to some secure areas of the Capitol, such as the press room and designated areas in the Senate and House chambers, if the credentialed news media follow applicable legislative rules, statutes and/or policies, including the policies of each chamber.
- Credentialed media has access to designated media workspaces in the Senate and House galleries.
- Credentialed videographers and photographers may be allowed to set up in the Senate and House galleries.
- Credentialed media may be permitted access to media availabilities and other press events with elected officials.
- Access to designated media parking.
 - Due to limited space, designated parking does not extend to interns or students.
- A Utah Capitol Media Credential provides access to the Capitol press room, which is equipped with internet access and an audio feed from both chambers.
 - Interns and students must remain in designated areas in the press room.
- Approved and designated areas for media:
 - Designated areas in the galleries of the Senate and House
 - Committee Rooms – designated area behind the dais in committee rooms, up to the discretion of the chair of the committee. Reach out to media liaison designees to request access.
 - Press Room

Media Liaison Designees

- Utah Senate media liaison designee:
 - Deputy Chief of Staff Aundrea Peterson: aundreapeterson@le.utah.gov – 801-791-3365
- Utah House of Representative media liaison designee:
 - Communications Director Alexa Musselman: amusselman@le.utah.gov – 801-865-5882

Senate Policy

- Except as provided below, credentialed news media may not be admitted to the Senate floor when the Senate is convened in session.
 - Credentialed news media members who are photographers or videographers may be permitted to enter the Senate floor with permission from a Senate media liaison designee when the Senate is convened in session if the news media members comply with the applicable dress requirements and other rules of decorum.
 - The dress requirements: coat and tie for men and professional business attire for women.

- View news media access rules for the Senate floor, committee rooms and designated areas here.

House Policy

- News media may not be admitted to the House floor when the House is convened in formal session.
- Credentialed news media members who are photographers or videographers may be permitted to enter the House floor with permission from a House liaison media designee.
- For House Floor rules, click here.
- For House Committee rules, click here.

Credentials may be denied or revoked for any reason, such as the following:

- Fails to complete the workplace harassment prevention training.
- Engages in unlawful discrimination or harassment.
- Presents a security risk, as demonstrated by past action or criminal record.
- Does not represent an established reputable news organization or publication.
- Does not regularly cover the Legislature in person at the Capitol.
- Fails to adhere to standards of professional conduct.
- Fails to follow the rules and regulations outlined in this document.
- Engages in lobbying.
- Holds government employment.
- Provides consulting or public relations services to clients in relation to the Legislature or matters under consideration by the Legislature.

Right of Appeal

- If credentials are denied or revoked, the applicant may appeal by submitting a written appeal to the Senate or House chief of staff. Appeals will be decided within five business days unless the Senate or House chief of staff notifies the appellant that a longer period will be required to resolve the appeal.
 - Senate Chief of Staff Mark Thomas: mthomas@le.utah.gov – 801-673-8587
 - House Chief of Staff Abby Osborne: aosborne@le.utah.gov – 801-831-6116

Other Important Information

- Utah Capitol Media Credentials must be worn and visible when at the Capitol complex to gain entrance to the Senate and House floors, committee rooms and media availabilities.

** Press credentials are valid for one calendar year unless revoked or surrendered.*

***Intern/student press credentials are valid for three months, January–March, unless revoked or surrendered.*

Revised – November 2024

EXHIBIT B

**to Complaint for Declaratory,
Injunctive, and Other Relief**

Utah Capitol Media Access and Credentialing Policy

Credentialing Criteria

Utah Capitol media credential application requires an annual background check and harassment prevention training.

To receive and maintain a Utah State Capitol media credential, an applicant must:

- Be a professional journalist (which includes photographers, videographers, etc)* who regularly covers the Legislature and Capitol in person.
 - A media intern/student can receive a credential but must work for an organization or institution and have a supervisor.
 - Intern/student media credentials are only valid for three months (January-March).
- Present a background check.
- Adhere to a professional code of ethics.
- Represent an established, reputable news organization or publication.
- Complete the harassment prevention training.

Credential Privileges

- Capitol media credentials provide access to some secure areas of the Capitol, such as the press room, designated areas in the Senate and House chambers if the credentialed news media follow applicable legislative rules, statutes and/or policy of each chamber.
- Credentialed media has access to designated media workspaces in the Senate and House galleries.
- Videographers and photographers are allowed to set up in the Senate and House galleries.
- Credentialed media are allowed access to media availabilities and other press events with elected officials.
- Designated media parking.
 - Due to limited space, designated parking does not apply to interns or students.
- Capitol media credentials provide access to the Capitol press room. The press room is equipped with internet access and audio feed from both chambers.
 - Interns and students must remain in designated areas in the press room.
- Approved and designated areas for media:
 - Designated areas in the galleries of the Senate and House
 - Committee Rooms – the area behind the dais in committee rooms is up to the discretion of the chair of the committee.
 - Press Room

Media Designees

- Utah Senate media designees:
 - Chief of Staff Mark Thomas: mthomas@le.utah.gov – 801-673-8587
 - Deputy Chief of Staff Aundrea Peterson: aundreapeterson@le.utah.gov – 801-791-3365

- Utah House of Representative media designees:
 - Chief of Staff Abby Osborne: aosborne@le.utah.gov – 801-831-6116
 - Communications Director Alexa Musselman: amusselman@le.utah.gov – 801-865-5882

Senate Policy

- Except as provided below, credentialed news media may not be admitted to the Senate floor when the Senate is convened in session.
 - Credential news media photographers and videographers may be permitted to enter the Senate floor with permission from the Senate media designee when the Senate is convened in session if the news media comply with the applicable dress requirements and other rules of decorum.
 - The dress requirements: coat and tie for men and professional business attire for women.

 - View news media access rules for the [Senate floor](#), [committee](#) rooms and designated areas [here](#).

House Policy

- News media may not be admitted to the House floor when the House is convened in formal session.

- Credential news media photographers and videographers may be permitted to enter the House floor with permission from House media designee.

- For House Floor rules, click [here](#).

- For House Committee rules, click [here](#).

Credentials may be denied or revoked for any reason, such as the following:

- Applicant fails to complete the workplace harassment prevention training.

- Applicant presents a security risk, as demonstrated by past action or criminal record.

- Applicant does not represent a professional media organization.

- Applicant does not regularly cover the Legislature in person at the Capitol.

- Journalists, photographers or videographers fail to adhere to standards of professional conduct.
- Journalists, photographers or videographers fail to follow rules and regulations outlined in this document.

Right of Appeal

- If credentials are denied or revoked, the applicant may appeal in writing to the Senate and House of Representative chiefs of staff, who will respond within five business days.

Other Important Information

- Utah State Capitol media credentials should be worn and visible when at the Capitol complex to gain entrance to the Senate and House floors and committee rooms.
- Bloggers representing a legitimate independent news organization may become credentialed under limited, rare circumstances.

Revised – October 2023

EXHIBIT C

**to Complaint for Declaratory,
Injunctive, and Other Relief**

Thu, Dec 12 at 1:01PM

Asking for a comment.

Alliance for a Better Utah has filed a complaint with the LG's office about President Adams' financial disclosures.

According to the complaint, his financial disclosures from his campaign and the two PACs he's listed as the primary officer of show \$428,000 in payments to financial institutions and credit card companies going back to 2014.

Utah law requires that financial disclosures "reveal...the actual person or entity to whom the disbursement is ultimately made" and "may not merely list disclose, or report the transactional intermediary."

The FAQ from the LG's office for candidates says "Be sure you report the ultimate payee of an expenditure, and not a transactional intermediary, such as American Express. You didn't pay American Express for your campaign signs, you paid Office Warehouse using American Express."

None of the transactions on his disclosures provide those details. They simply show a payment to American Express or AMEX, the amount of the payment, and how those transactions are categorized. No other details.

Does President Adams have a response to this complaint?

Why was he not following Utah law for financial disclosures.

I've often heard President Adams talk about the need for transparency in government. How does this situation square with being transparent?

In the most recent financial disclosure for the Adams Leadership PAC, there's a \$16,134 payment to AMEX on Jan. 4, 2024 that is simply categorized as "other." What was that payment for?

Thu, Dec 12 at 2:56 PM

As someone who claims to be a journalist, it's disappointing to see such a lack of professionalism. Sending a request for comment and immediately publishing the story is not only irresponsible but also reflects a disregard for accurate reporting and ethical standards. Your story is not only misleading; it is factually inaccurate. You even failed to obtain information from the Lieutenant Governor's Office and didn't even allow those named in your story to respond. This is not the first time this has happened; it's part of a troubling pattern of neglectful journalism.

I asked the Lt. Gov. for comment at least 5 times.

Please tell me how my story is "factually inaccurate" and "misleading."

It certainly sounds like you're going to use your criticism of this story you don't like to deny me a press credential next week.

You still failed to allow us time to respond. Why didn't you reach out to us for comment five times?

Because I was trying to get clarification on this story before moving forward.

I only learned that ABU had filed the complaint today, which accelerated my timeline.

You are trying to divert attention from your lack of journalistic ethics. We will follow our policy when reviewing media credential applications

If you have a response or wish to refute anything in my story, I'll be happy to include it.

Please elaborate how you feel like I've breached journalistic ethics.

I'm always open to legitimate criticism.

Publishing at the same time you reach out is not seeking clarification; it is failing to follow basic journalistic standards that ensure a fair, accurate and balanced story. This is not the first time you have done this in the past few months.

Can you point me to where that ethical standard comes from?

If you have to be told you aren't journalist.

If you can't cite that source, then you're making it up.

Thu, Dec 12 at 6:27 PM

Earlier today, former media member Bryan Schott published a blog post that failed to include information from the Lt. Governor's Office or those named in the story before publishing the blog. Unfortunately, this is not the first time this has occurred; it is part of a troubling pattern of neglectful journalism that undermines the profession's integrity, which is one of the cornerstones of our republic.

As someone who claims to be a journalist, it is disappointing to see such a lack of professionalism. Sending a request for comment and immediately publishing the story is irresponsible and reflects a disregard for accurate reporting. The story is not only misleading but factually inaccurate.

Had he taken the time to get facts from the Lt. Governor's Office or allowed those named in the blog a chance to respond, he would have learned that the information was accurately reported and in compliance with the statute with no attempt to skirt the law. Instead, he published an inaccurate and misleading blog that omits critical details and essential context.

"Last year, following an inquiry by the Lt. Governor's Office into how I reported certain transactions on my disclosure report, I received an email confirming I was "compliant with state disclosure law." I have relied on this guidance as I continued to report transactions. This fall, the Lt. Governor's Office conducted a further inquiry into my disclosure report. After their review, I received an email stating that "no further action is required on your part until we have adequately reviewed the relevant statutes." Last week, the Lt. Governor's Office issued clarifying instructions to all candidates and officeholders, providing better instructions and requirements on how to disclose transactions. The letter indicated they will begin implementing these new requirements beginning in January 2025.

"I have always been, and remain, fully committed to complying with campaign disclosure requirements. Additionally, I will adhere to the updated guidelines issued by the Lt. Governor's Office last week.

"The claim that I failed to follow campaign disclosure requirements is not just inaccurate but a blatant falsehood. This is nothing more than misleading rhetoric, with Alliance for Better Utah once again resorting to desperate fundraising efforts built on misinformation. These kinds of deceitful tactics are intended to distract from the real work of improving our state." – President J. Stuart Adams

I saw the statement that you provided to KUTV.

Can you provide a copy of the communications from the lieutenant governor's office claiming that he was in compliance?

I'll be happy to include his statement in my story, minus the petty insults.

I'm assuming that since you included it in the statement, you would have that documentation from the lieutenant governor readily available.

I can certainly GRAMA the Lieutenant governor's office, but it seems like you have this at hand. I hope you see your way to share it with me.

Y

You know, in the interest of accuracy

You can certainly provide it now, or I can get a copy when I come up to get my media credential on Wednesday

Also, I would like to point out that I am not the one who made the allegations. I just reported on the allegations from ABU.

If you would have done your due diligence you wouldn't have reported inaccurate information that falsely states "one of the top Republicans in the legislature has not been following Utah law for more than a decade." That is strong and false statement without even trying to gather the facts. You publish the blog before asking for documentation from us though just run with anything Better Utah sends you.

Please provide that documentation.

My story has been updated.

And I've submitted a GRAMA to the Lt. Governor's office for those communications.

I don't have immediate access to his campaign account, but working on it.

So your idea of an "update" is to leave uncorrected the false and misleading claim that "one of the top Republicans in the legislature has not been following Utah law for more than a decade" and then simply add the word "update" at the bottom of the page? A real update would include a clear and accurate correction of inaccurate and misleading information in your blog, not just a vague note at the end.

It's curious that you can't find that email since you quoted directly from it.
I have a copy of the complaint filed with the Lt. Governor's office.
What I DON'T have is documentation to back up Adams's claim.
I'm not going to take your word for it until I see that - which is what responsible journalists do.

It is a statement from President Adams, who has the documents. As I told you, I don't have access, but working on getting the documents.
You wrote a story based on claims from Better Utah without hesitation or concern. It's clear you accept their claims as facts but then claim to be a responsible journalist when it comes to confirming information with us.

I've been looking into this for more than 2 months. My first outreach to the Lt. Gov.'s office was on Oct. 7. The fifth and final one was on Monday.
Like I said, I'm not going to take your word for it.
Would you like to see a copy of the complaint from ABU?
I have it right here.

And, as I made it clear throughout the story, the allegations were made by ABU.

What is your excuse for failing to reach out to us until 1:01 p.m. today? It is ridiculous and unacceptable that, after working on this story for two months, you did not contact us until you published the blog. This highlights your lack of journalist integrity.

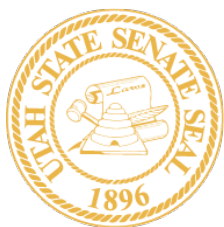
Because I didn't know if I had a story or not until I heard back from the Lt. Gov.
As I said before, when I found out about the ABU complaint, it changed my timeline.

Again, they made the allegations in a complaint that they gave me a copy of. I did not make the allegations.
I'll be waiting for a copy of those emails.
I find it interesting that you're focusing on how I wrote the story, and not the allegations themselves.

Again, you wrote inaccurate information and falsely stated, "one of the top Republicans in the legislature has not been following Utah law for more than a decade." That is written as a fact when it is blatantly inaccurate.

EXHIBIT D

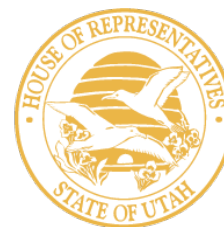
**to Complaint for Declaratory,
Injunctive, and Other Relief**



UTAH STATE LEGISLATURE

STATE CAPITOL • SALT LAKE CITY, UTAH 84114

WWW.LE.UTAH.GOV



December 26, 2024

Bryan Schott,

After a careful review and thoroughly considering your appeal regarding the denial of your Utah Capitol Media Credential application, we are writing to inform you that the original decision stands, and your appeal has been denied. Your application does not meet the criteria outlined in the Utah Capitol Media Access and Credentialing Policy (policy), including:

- Being a professional member of the media associated with an established, reputable news organization or publication.
- Blogs, independent media outlets or freelance media do not qualify for credentials.

We want to provide insight and transparency into the review process. The claim that the denial was "based on retribution" is categorically false and without merit. Earlier this year, we were notified by your former employer, the Salt Lake Tribune, that you were no longer affiliated with that publication, an established Utah news organization. As a result, your Capitol Media Credential, which was issued based on your employment with the Tribune, no longer met the requirements.

The media liaison designees reviewed your recent submission and determined that the organization you named in your application, Utah Political Watch, was a blog, independent media outlet, or freelance media and therefore did not qualify for credentialing. This decision is consistent with the policy authorizing established, reputable news organizations, such as the Salt Lake Tribune, and prohibiting blogs, independent media outlets or freelance media. We reach the same conclusion on your appeal.

We receive numerous inquiries for credentials each year. The longstanding policy creates consistency for members of the media. The policy is regularly reviewed and updated, often in response to journalists' feedback. Any claim that recent updates to the policy were intended to prevent targeted individuals from obtaining credentials is inaccurate and completely unfounded.

Finally, nothing prevents individuals from reporting on the proceedings of the Utah Legislature, regardless of whether they hold a media credential. The Utah Legislature is dedicated to maintaining a transparent government, and the Capitol is open to all. Committee meetings,

legislative floor debates, agenda items and materials are readily accessible on the legislative website, and everyone is welcome to attend committee meetings and floor time.

We greatly value journalists' role in informing the public about government actions. This is vital for maintaining transparency and a healthy republic. We have built strong, collaborative relationships with the Utah Media Coalition and journalists based on mutual respect. We remain committed to fostering open and transparent communication with journalists and supporting the principles of a free press. Utah is a leader in government accountability, and we will continue to uphold these values in all interactions.

The decision to deny your appeal is in accordance with clearly established, and consistently applied, policies.

Sincerely,

Abby Osborne
Chief of Staff
Utah House of Representatives

Mark Thomas
Chief of Staff
Utah Senate

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

UTAH POLITICAL WATCH, INC., and BRYAN SCHOTT

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Robert Harrington, Charles Miller, Institute for Free Speech, 202-301-9800, 1150 Connecticut Ave NW, Suite 801, Washington, DC 20036, Courtney Corbello, 202-985-1644

DEFENDANTS

ALEXA MUSSELMAN, AUNDREA PETERSON, ABBY OSBORNE and MARK THOMAS

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

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

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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, HABEAS CORPUS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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 USC 1983. Brief description of cause: Civil Rights Action - First Amendment challenges to Utah legislature's denial of press access

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 January 22, 2024

SIGNATURE OF ATTORNEY OF RECORD

Handwritten signature of Robert P. Harrington

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.