

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

Crystal Bolduc,

Plaintiff,

v.

Amazon.com Inc.,

Defendant.

Case No. 4:22-cv-615

CLASS-ACTION COMPLAINT

Amazon.com enters into contracts with “delivery service partners” to bring packages to its patrons. It also engages in patently unlawful racial discrimination by providing a \$10,000 bonus to “Black, Latinx, and Native American entrepreneurs” who act as its delivery service partners, while withholding this stipend from Asian-Americans and whites who deliver Amazon packages. Plaintiff Crystal Bolduc brings suit to enjoin Amazon.com from continuing these racially discriminatory practices, and to recover classwide damages on behalf of everyone who has suffered unlawful racial discrimination on account of this program.

JURISDICTION AND VENUE

1. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343.
2. Venue is proper because a substantial part of the events giving rise to the claims occurred in this judicial district. *See* 28 U.S.C. § 1391(b)(2).

PARTIES

3. Plaintiff Crystal Bolduc is a citizen of Texas who resides in Denton County.

4. Defendant Amazon.com Inc. is a corporation organized under the laws of Delaware. It may be served at 410 Terry Avenue North, Seattle, Washington 98109.

STATEMENT OF FACTS

5. Amazon.com Inc. (Amazon) delivers packages to its patrons by entering into contracts with “delivery service partners.”

6. Amazon allows individuals who wish to become delivery service partners to apply through its website. *See* <https://logistics.amazon.com> (last visited on July 20, 2022). A copy of this webpage is attached to the complaint as Exhibit 1.

7. Amazon discriminates against whites and Asian-Americans, and in favor of black, Latino, and Native Americans, who wish to become delivery service partners.

On its website, under the heading “Commitment to Diversity,” Amazon says:

We’re proud to announce a Diversity Grant to help reduce the barriers to entry for Black, Latinx, and Native American entrepreneurs—a \$1 million commitment toward funding startup costs, offering \$10,000 for each qualified candidate to build their own businesses in the U.S. With the launch of this grant program, we’re investing in building a future for diverse business owners to serve their communities. If interested, please complete the diversity questions in the Financial Details section of the Application.

Exhibit 1.

8. This means that businesses owned by blacks, Latinos, or Native Americans receive a \$10,000 stipend from Amazon to become delivery service partners, while whites and Asian-Americans who wish to become delivery service partners receive no such stipend and must foot the entire bill for their startup costs.

9. This is not the only instance of unlawful racial discrimination at Amazon. Amazon has also been operating a “Black Business Accelerator” program since June of 2021.

10. Amazon claims that this program is “dedicated to helping build sustainable diversity and provide growth opportunities for Black-owned businesses.” Exhibit 2.

11. Amazon uses this program to engage in unlawful racial discrimination against non-black owned business and in favor of black-owned businesses that sell products through Amazon.

12. For example, Amazon uses this program to give black-owned businesses a “\$500 credit to assist with start-up and operational costs for eligible newly-launched sellers.” Exhibit 2. Non-black-owned businesses are ineligible for this credit.

13. Amazon also uses this program to give black-owned businesses “[a]dvertising credits to increase exposure” for their businesses. Exhibit 2. Non-black-owned businesses are ineligible for these advertising credits.

14. Amazon uses this program to give black-owned businesses “FREE imaging services for up to 50 products to help showcase [their] products.” Exhibit 2. Non-black-owned businesses are ineligible for these free imaging services.

15. And Amazon uses this program to provide black-owned businesses with “cash grant opportunities for select sellers.” Exhibit 2. Non-black-owned businesses are ineligible for these cash grant opportunities.

16. Amazon also uses this program to provide “business education, coaching, and mentorship,” as well as “marketing and promotional support,” to black-owned businesses that it refuses to provide non-black-owned businesses.

17. Details of this racially discriminatory program can be found on Amazon’s website at: <https://sell.amazon.com/programs/black-business-accelerator> (last visited July 20, 2022).

FACTS RELATED TO STANDING

18. Plaintiff Crystal Bolduc wishes to become an Amazon delivery service partner, and she is “able and ready to apply.” See *Carney v. Adams*, 141 S. Ct. 493, 499–500 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003).

19. Ms. Bolduc, however, is white, and she is therefore ineligible for the \$10,000 stipend that Amazon awards to black, Latino, and Native Americans to offset their startup costs.

20. Ms. Bolduc is suffering injury in fact because she cannot apply to become an Amazon delivery service partner without subjecting herself to racial discrimination.

21. Ms. Bolduc will not apply to become an Amazon delivery service partner until Amazon eliminates this racially discriminatory policy, either by extending its \$10,000 benefit to whites and Asians or curtailing or eliminating the benefit entirely.

22. Ms. Bolduc's injuries are traceable to Amazon and its racially discriminatory policies, and they will be redressed by the damages and prospective relief sought in this lawsuit.

23. Ms. Bolduc seeks to represent a class of all past and future applicants to Amazon's "delivery service partners" program who have been subjected to racial discrimination.

CAUSE OF ACTION

24. 42 U.S.C. § 1981 prohibits Amazon from engaging in racial discrimination in the making and enforcement of contracts.

25. Amazon is violating 42 U.S.C. § 1981 by awarding \$10,000 to its black, Latino, and Native American contractors, while withholding this benefit from its white and Asian contractors.

26. 42 U.S.C. § 1981 provides Ms. Bolduc with a private right of action to sue for both damages and prospective relief. *See Johnson v. Railway Express Agency, Inc.*, 421 U.S. 454, 459–60 (1975).

DEMAND FOR RELIEF

27. Ms. Bolduc respectfully requests that the court:

- a. certify the class described in paragraph 23;
- b. declare that Amazon is violating 42 U.S.C. § 1981 by excluding whites and Asian-Americans from the \$10,000 stipend that it provides to the black, Latino, and Native American contractors in its delivery-service-partners program;
- c. enjoin Amazon from discriminating against or giving preferential treatment to any person or entity on account of race;
- d. award costs and attorneys' fees;
- e. award all other relief that the Court deems just, proper, or equitable.

Respectfully submitted.

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* *pro hac vice* application pending

Dated: July 20, 2022

/s/ Jonathan F. Mitchell
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Counsel for Plaintiff



Own your success

If you love building and leading teams, start your own business as an Amazon Delivery Service Partner, delivering smiles to customers across your community. Apply today or sign up to learn more.

APPLY NOW

LEARN MORE

You bring leadership, we'll bring the rest

We are looking for hands-on leaders who are passionate about hiring and coaching great teams. With low startup costs, built-in demand, and access to Amazon's technology and logistics experience, this is an opportunity to build and grow a successful package delivery business. Join a community of Amazon Delivery Service Partners in one of the fastest-growing industries in the world.

The Amazon advantage

Low startup costs

Start your business with as little as \$10,000.

Logistics experience not required

Use our technology, processes, and more than 20 years of logistics experience to set up and run your delivery business.

Focus on people, not sales

Amazon's packages keep your business growing, so you can focus on building a great team and delivering without worrying about driving sales.

Support, when you need it

Amazon's experience is behind you every step of the way, from

hands-on training to on-demand support to ensure your operation runs smoothly.

Deliver smiles

Delight thousands of customers every day as an essential part of Amazon, the most customer-centric company on Earth.

Success stories



I motivate through leading by example. I'm always in a positive mood and smile a lot. I show my team my passion for my company. I make each employee feel extremely valued for all of their hard work. I emphasize the importance of our performance together and the fact that we represent the biggest brand in the world. Each day it's all about our image and delivery success. I make sure everyone is in uniforms and delivering smiles daily. I stress punctuality and accurate delivery performance. And I try to encourage them to have fun!

Simona

Miami, FL

Team size: 60

MORE SUCCESS STORIES

Commitment to Diversity

We're proud to announce a Diversity Grant to help reduce the barriers to entry for Black, Latinx, and Native American entrepreneurs—a \$1 million commitment toward funding startup costs, offering \$10,000 for each qualified candidate to build their own businesses in the U.S. With the launch of this grant program, we're investing in building a future for diverse business owners to serve their communities. If interested, please complete the diversity questions in the Financial Details section of the Application.

APPLY NOW



Interested in becoming a Delivery Associate at a local Amazon DSP?

Amazon DSPs are hiring Delivery Associates (DAs) to deliver to customers every day. In a Delivery Associate role, you'll earn competitive compensation, have access to benefits offered by Amazon DSPs, have opportunities for professional growth, and much more, all while being a delivery hero in your community.

FIND DELIVERY JOBS



Your success story starts here.

APPLY NOW FOR DSP

Still have questions? Check out our [FAQs](#).

Programs

Black Business Accelerator

Amazon's Black Business Accelerator is dedicated to helping build sustainable diversity and provide growth opportunities for Black-owned businesses. Grow your business with access to financial support, strategic business guidance and mentorship, and marketing and promotional support.

[Get started](#)

[Watch video](#)



Financial assistance

Access services and grants to help jump-start business growth and customer acquisition. Opportunities include:

- ✓ **\$500** credit to assist with start-up and operational costs for eligible newly-launched sellers.
 - ✓ **Advertising credits** to increase exposure for your business.
 - ✓ **FREE** imaging services for up to 50 products to help showcase your products.
 - ✓ **Cash grant opportunities** for select sellers, offered in partnership with Hello Alice, an organization dedicated to helping entrepreneurs launch and grow their businesses. Sign up for alerts.
-



Business education, coaching & mentorship

Connect with a dedicated network of business mentors and coaches, including Amazon experts and small business thought leaders, to continue to accelerate your business growth.

- ✓ **Access a minimum of one year** of strategic advisory services to get the coaching, training, and insights you need to take your business to the next level.
 - ✓ **Access free education resources** to help you sell in Amazon's store.
 - ✓ **Opportunities to join BBA Connect**, a 12-month program providing guidance, education, and community needed to help you thrive as entrepreneurs and business leaders. Learn more.
-



Available benefits

Marketing & promotional support

Access new opportunities to be featured in the Black-owned business storefronts for Amazon retail customers and Amazon Business customers and promotions featuring Black-owned businesses that will help customers find products from your business throughout the shopping experience.

Empowering Black-owned businesses

Since enrolling in Black Business Accelerator, my account manager has been a coach, cheerleader, and

Black Business Accelerator has been valuable in identifying opportunities to increase revenue and

strategist. It honestly doesn't get any better than that.



Karen Blackwell

Founder and CEO, Sage & Alms:
socially conscious cloths and
chocolates

Retail customer storefront

save money. We've been able to hire another employee.



Rodney Marshall

President & CEO, Aldevra:
commercial food service and
medical equipment

Amazon Business storefront

Our partners

We're proud to partner with organizations who will lead community engagement for Amazon's Black Business Accelerator and help provide participants with mentorship, business development, training and educational resources to empower their success. Our partners will also continue to advise us as we enhance the Black Business Accelerator based on their deep experience in supporting Black businesses, and help us as we create similar programs for other underrepresented populations of business owners in the future.

**U.S. Department of Commerce Minority Business
Development Agency**

**U.S. Black Chambers,
Inc.**

Frequently Asked Questions

Get answers to the frequently asked questions about Amazon's Black Business Accelerator



[Start](#)

[Grow](#)

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[Pricing](#)

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[Sign up](#)



Overall program

Yes, Amazon's Black Business Accelerator is a free program for Black-owned U.S. businesses selling in Amazon's store.

Who can sign up for Amazon's Black Business Accelerator?

All sellers in the U.S. who a) have an Amazon Professional Sellers account, b) have a physical product(s) ready to promote and sell, and c) have uploaded a valid minority-owned business registration or certification to their account in Seller Central from the National Minority Supplier Development Council, U.S. System for Award Management, U.S. Small Business Administration, or SupplierGATEWAY, demonstrating the business is Black-owned based on the criteria of the certifying body, can sign up for Amazon's Black Business Accelerator.

What if I don't have a minority-owned business certification that demonstrates my business is Black-owned?

You can register your business as minority-owned on the U.S. System for Award Management or apply for certification through the National Minority Supplier Development Council, U.S. Small Business Administration, or SupplierGATEWAY, and demonstrate your business is Black-owned. Amazon is not a certifying body. Sellers are expected to determine their own eligibility requirements for a certification and how to obtain the appropriate supporting documentation depending on the certification.

How do you define a Black-owned business?

We follow the definitions provided by the applicable certifying agency, including the National Minority Supplier Development Council, U.S. System for Award Management, U.S. Small Business Administration, and SupplierGATEWAY. Generally, this means that the business must be at least 51% Black-owned, managed, and controlled.

Where is this program available?

Amazon's Black Business Accelerator is currently available in the U.S.

When was the program announced?

Amazon's Black Business Accelerator was announced in June 2021.

How can I reach business customers through the program?

You can reach millions of business customers in addition to consumers on Amazon Business, Amazon's B2B online store. Once you become an Amazon Professional Seller as part of the program, you can join

the Amazon Business Seller program at no additional cost. All Black-owned business participants will be able to benefit from our customer-facing discoverability features, Diversity Certifications Policy experience, and other program benefits.

My product is not ready to promote and sell. When can I sign up for Amazon's Black Business Accelerator?

There is no deadline to enroll in Amazon's Black Business Accelerator. Once you have your product developed and ready to promote and sell on Amazon, then you can enroll in the Black Business Accelerator to help launch your selling business. In the meantime, free training and educational resources on how to start and build a successful business selling online are available through Amazon Small Business Academy, Amazon Seller University, and the Minority Business and Technology Initiative.

Benefits

What financial assistance benefits are available?

- Free strategic advisory services for up to one year. You can access these services with the help of an account manager after enrollment.
- A \$500 credit for New Amazon Professional Sellers (new sellers are those who became an Amazon Professional Seller in the 12 months preceding enrollment in the Black Business Accelerator).
- Up to \$400 in advertising credits. If you create or maintain an active campaign (Sponsored Products, Sponsored Display, or Sponsored Brands) through your seller account, within 1 year from enrollment in the Black Business Accelerator, Amazon Advertising will automatically apply promotional clicks of \$100 to your account within two weeks of taking such action. You will obtain another \$100 in promotional clicks every 3 months if you have an active campaign, up to \$400 or 1 year in the Black Business Accelerator, whichever comes sooner. Any unused promotional clicks will expire after 1 year from the date the promotional clicks are applied. You will be charged for any clicks received before the promotional clicks are applied. The Amazon Advertising Agreement applies.
- Complimentary imaging services for up to 50 products to help elevate your products and ensure a professional presentation to customers. To use the imaging services, you are required to ship a sample of your products to the Amazon Imaging studio. Once product images are completed, you will be provided with a URL to access the images. Once you have the images, you can upload them to the corresponding detail pages. The Amazon Imaging Services Terms and Conditions apply.
- Cash grant opportunities for select sellers, offered in partnership with Hello Alice, an organization dedicated to helping entrepreneurs launch and grow their businesses.

Sign up for alerts

- Amazon Professional Sellers may also be eligible for the Fulfillment by Amazon (FBA) New Selection program. Speak to your Account Manager about how to onboard. These FBA benefits are not unique to the Black Business Accelerator.
-

What business education and mentorship resources are available to help me sell on Amazon?

All Black Business Accelerator participants will be offered a grant in the form of a year of strategic advisory services. Account managers will offer coaching and mentorship to assist with your business growth.

BBA Connect is join BBA Connect, a 12-month program providing guidance, education, and community needed to help you thrive as entrepreneurs and business leaders. Sign up to receive notification about when applications open.

Free training and educational resources on how to start and build a successful business selling online are available through Amazon Small Business Academy, Amazon Seller University, and the Minority Business and Technology Initiative.

How can I get my business and products featured in Amazon's store?

All Black Business Accelerator participants will be considered for opportunities to be featured within storefronts for Amazon retail customers and Amazon Business customers. Participants will also be identified as minority-owned businesses across various discoverability features that highlight products from minority-owned businesses in Amazon's store.

Who can join BBA Connect?

BBA Connect is a benefit for existing Amazon Sellers participating in Amazon's Black Business Accelerator. To be eligible, you must meet the following criteria: (i) be signed up to sell in Amazon's store with an active Professional Seller Account opened on or before November 1, 2021 (ii) are at least 51% black-owned; (iii) hold a valid minority-owned business credential demonstrating the business is Black-owned, based on the criteria of the certifying body from one of the following organizations: National Minority Supplier Development Council, Small Business Administration's 8(a) Business Development Program, System for Awards Management (SAM), or Supplier GATEWAY Enhanced Digital Certification (EDC); (iv) have uploaded such credentials to Amazon Seller Central with a registered Amazon Professional Seller account, and (v) have a product to promote and sell on Amazon within the next six months.

How do I apply to join BBA Connect?

Applications are now closed.

Join

Amazon's Black Business Accelerator

Get started

Home > Programs > [Black Business Accelerator](#)

English

United States

Feedback

Sell with Amazon

[How much does it cost?](#)

[Beginner's guide](#)

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[Amazon Seller App](#)

[Seller Central](#)

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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

Crystal Bolduc

(b) County of Residence of First Listed Plaintiff Denton

(EXCEPT IN U.S. PLAINTIFF CASES)

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

Jonathan F. Mitchell: Mitchell Law PLLC, 111 Congress Avenue, Suite 400, Austin, Texas 78701 (512) 686-3940; Adam K. Mortara, Lawfair LLC, 125 South Wacker Drive, Suite 300, Chicago, Illinois 60606, (773) 750-7154; Gene P. Hamilton, 300 Independence Avenue SE, Washington, DC 20003, (202) 964-3721

DEFENDANTS

Amazon.com Inc.

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 ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" 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 PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1981, 28 U.S.C. § 2201

Brief description of cause:

Lawsuit challenging Amazon.com's racially discriminatory practices among its delivery service providers

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

July 20, 2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jonathan F. Mitchell

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. When the petition for removal is granted, check this box.
- 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.