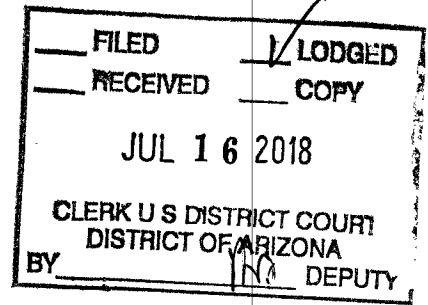


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ALDEN F. ABBOTT
General Counsel

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

HITE MEDIA GROUP, LLC, a Michigan
limited liability company, also d/b/a Premium
Grants and PremiumGrants.com;

PREMIUM BUSINESS SOLUTIONS, LLC,
an Arizona limited liability company, also
d/b/a Premium Services, Premium Grants, and
PremiumGrants.com;

PREMIUM DOMAIN SERVICES, LLC, an
Arizona limited liability company, also d/b/a
Premium Services, Premium Grants, and
PremiumGrants.com;

2 UNIQUE, LLC, an Arizona limited liability
company, also d/b/a Unique Services, Unique
Grants, UniqueGrants.com, and Grant
Support;

AMAZING APP, LLC, an Arizona limited

CV-18-2221-PHX-SPL

Case No. _____

**COMPLAINT FOR
PERMANENT INJUNCTIVE
AND OTHER EQUITABLE
RELIEF**

Filed Under Seal

SEALED

1 liability company;

2 MICHAEL FORD HILLIARD, individually
3 and as the owner and manager of Amazing
4 App, LLC, and as a *de facto* manager and a
5 beneficial owner of Hite Media Group, LLC,
6 Premium Business Solutions, LLC, Premium
Domain Services, LLC, and 2 Unique, LLC;

7 MICHAEL DE ROSA, individually and as a
8 *de facto* manager of Hite Media Group, LLC,
9 Premium Business Solutions, LLC, Premium
Domain Services, LLC, and 2 Unique, LLC;

10 SHAWN STUMBO, individually and as an
11 agent, owner, and manager of Premium
Domain Services, LLC;

12 TIFFANY HOFFMAN, individually and as an
13 member, officer, agent, and owner of 2
14 Unique, LLC;

15 JEREMY SILVERS, individually and as an
16 owner and manager of Premium Business
Solutions, LLC.

17 Defendants.

18
19 Plaintiff, the Federal Trade Commission (“FTC”), for its Complaint alleges:

20 1. The FTC brings this action under Section 13(b) of the Federal Trade
21 Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and the Telemarketing and
22 Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§
23 6101-6108, to obtain temporary, preliminary, and permanent injunctive relief,
24 rescission or reformation of contracts, restitution, the refund of monies paid,
25 disgorgement of ill-gotten monies, the appointment of a receiver, an asset freeze,
26 and other equitable relief for Defendants’ acts or practices in violation of Section
27 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC’s Telemarketing Sales Rule
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1 (“TSR”), 16 C.F.R. Part 310, in connection with the sale and offering for sale of
2 grants services.

3 **JURISDICTION AND VENUE**

4 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331,
5 1337(a), and 1345, and 15 U.S.C. §§ 45(a), 53(b), 6102(c), and 6105(b).

6 3. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2), (b)(3),
7 (c)(1), (c)(2), (c)(3), and (d), and 15 U.S.C. § 53(b).

8 **SUMMARY OF THE CASE**

9 4. Defendants bilk consumers by deceptively marketing and selling bogus
10 grants services. They falsely represent that consumers who purchase their services
11 are likely to obtain tens of thousands of dollars in grant money that the consumers
12 can use for personal expenses, such as repaying credit card and other debt, home
13 repairs, and medical expenses. Defendants’ false representation violates Section 5
14 of the FTC Act and Section 310.3(a)(4) of the TSR. Consumers, many of whom
15 are elderly or disabled, have lost millions of dollars to this scheme.

16 **PLAINTIFF**

17 5. The FTC is an independent agency of the United States Government
18 created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the
19 FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices
20 in or affecting commerce. The FTC is also charged with enforcement of the
21 Telemarketing Act, 15 U.S.C. §§ 6101-6108, under which the FTC promulgated
22 and enforces the TSR, 16 C.F.R. Part 310, which prohibits deceptive or abusive
23 telemarketing practices.

24 6. The FTC is authorized to initiate federal district court proceedings, by its
25 own attorneys, to enjoin violations of the FTC Act and the TSR, and to secure
26 such equitable relief as may be appropriate in each case, including rescission or
27 reformation of contracts, restitution, the refund of monies paid, the disgorgement
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1 of ill-gotten monies, the appointment of a receiver, and an asset freeze. 15 U.S.C.
2 §§ 53(b), 6012(c), and 6105(b).

3 **DEFENDANTS**

4 7. **Defendant Hite Media Group, LLC** (“Hite Media”), also doing business
5 as Premium Grants and PremiumGrants.com, is a Michigan limited liability
6 company with mailing addresses at 1887 Holton Rd. Suite D174, Muskegon, MI
7 49445 and 6040 E. Main St. #127, Mesa, AZ 85205. Hite Media transacts or has
8 transacted business in this district and throughout the United States. At times
9 material to this Complaint, acting alone or in concert with others, Hite Media has
10 advertised, marketed, and sold grant services to consumers throughout the United
11 States.

12 8. **Defendant Premium Business Solutions, LLC** (“PBS”), also doing
13 business as Premium Services, Premium Grants, and PremiumGrants.com, is an
14 Arizona limited liability company with mailing addresses at 1616 E. Main Street
15 #210, Mesa, AZ 85203 and 625 W Southern Ave. Suite E, Mesa, AZ 85210. PBS
16 has used the URL PremiumSolutions.us. PBS transacts or has transacted business
17 in this district and throughout the United States. At times material to this
18 Complaint, acting alone or in concert with others, PBS has advertised, marketed,
19 and sold grant services to consumers throughout the United States.

20 9. **Defendant Premium Domain Services, LLC** (“Premium Domain”), also
21 doing business as Premium Services, Premium Grants, and PremiumGrants.com,
22 is an Arizona limited liability company. Premium Domain has used the URL
23 PremiumDomainServices.us and the mailing address 6040 E. Main St. #127,
24 Mesa, AZ 85205. Premium Domain transacts or has transacted business in this
25 district and throughout the United States. At times material to this Complaint,
26 acting alone or in concert with others, Premium Domain has advertised, marketed,
27 and sold grant services to consumers throughout the United States.

1 10. **Defendant 2 Unique, LLC** (“2 Unique”), also doing business as Unique
2 Services, Unique Grants, UniqueGrants.com, and Grant Support, is an Arizona
3 limited liability company with a mailing address of 2942 N. 24th St. Suite 114-
4 566, Phoenix, AZ 85016. 2 Unique has operated out of 2720 E. Thomas Rd.
5 C150, Phoenix, AZ 85016. 2 Unique transacts or has transacted business in this
6 district and throughout the United States. At times material to this Complaint,
7 acting alone or in concert with others, 2 Unique has advertised, marketed, and sold
8 grant services to consumers throughout the United States.

9 11. **Defendant Amazing App, LLC** (“Amazing App”) is an Arizona limited
10 liability company with a registered address at 1616 E. Main St. #210, Mesa, AZ
11 85203. Amazing App has also used 6040 E. Main St. #127, Mesa, AZ 85205 as a
12 contact address and has operated out of 2720 E. Thomas Rd. C150, Phoenix, AZ
13 85016 and an office at 14040 N. Cave Creek Rd., Phoenix, AZ 85022. Amazing
14 App transacts or has transacted business in this district and throughout the United
15 States. At times material to this Complaint, acting alone or in concert with others,
16 Amazing App has advertised, marketed, and sold grant services to consumers
17 throughout the United States.

18 12. **Defendant Michael Ford Hilliard** (“Hilliard”), also known as Michael
19 Ford, is the owner and manager of Amazing App and manager or *de facto*
20 manager, and beneficial owner of, Hite Media, PBS, Premium Domain, and 2
21 Unique. At times material to this Complaint, acting alone or in concert with
22 others, Hilliard has formulated, directed, controlled, had the authority to control,
23 or participated in the acts and practices set forth in this Complaint. Defendant
24 Hilliard resides in this district and, in connection with the matters alleged herein,
25 transacts or has transacted business in this district and throughout the United
26 States.

1 13. **Defendant Michael De Rosa** is a manager or *de facto* manager of PBS,
2 Premium Domain, and 2 Unique. At times material to this Complaint, acting
3 alone or in concert with others, he has formulated, directed, controlled, had the
4 authority to control, or participated in the acts and practices set forth in this
5 Complaint. Defendant De Rosa resides in this district and, in connection with the
6 matters alleged herein, transacts or has transacted business in this district and
7 throughout the United States.

8 14. **Defendant Shawn Stumbo** is an agent, owner, and manager of Premium
9 Domain. At times material to this Complaint, acting alone or in concert with
10 others, Stumbo has formulated, directed, controlled, had the authority to control,
11 or participated in the acts and practices set forth in this Complaint. Stumbo
12 resides in this district and, in connection with the matters alleged herein, transacts
13 or has transacted business in this district and throughout the United States.

14 15. **Defendant Tiffany Hoffman** is a member, officer, agent, and owner of 2
15 Unique. At times material to this Complaint, acting alone or in concert with
16 others, she has formulated, directed, controlled, had the authority to control, or
17 participated in the acts and practices set forth in this Complaint. Defendant
18 Hoffman resides in this district and, in connection with the matters alleged herein,
19 transacts or has transacted business in this district and throughout the United
20 States.

21 16. **Defendant Jeremy Silvers** is a manager, member, and owner of PBS. At
22 times material to this Complaint, acting alone or in concert with others, he has
23 formulated, directed, controlled, had the authority to control, or participated in the
24 acts and practices set forth in this Complaint. Defendant Silvers resides in this
25 district and, in connection with the matters alleged herein, transacts or has
26 transacted business in this district and throughout the United States.

COMMON ENTERPRISE

1
2 17. Defendants Hite Media, PBS, Premium Domain, 2 Unique, and Amazing
3 App (collectively, “Corporate Defendants”) have operated as a common enterprise
4 while engaging in the deceptive acts and practices and other violations of law
5 alleged below. Corporate Defendants have conducted the business practices
6 described herein through an interrelated network of companies that have common
7 ownership, officers, managers, business functions, employees, office locations,
8 mailing addresses, and phone numbers, and that commingled funds. Because the
9 Corporate Defendants have operated as a common enterprise, each of them is
10 jointly and severally liable for the acts and practices alleged below. Defendants
11 Hilliard, De Rosa, Stumbo, Hoffman, and Silvers have formulated, directed,
12 controlled, had the authority to control, or participated in the acts and practices of
13 the Corporate Defendants.

COMMERCE

14
15 18. At all times material to this Complaint, Defendants have maintained a
16 substantial course of trade in or affecting commerce, as “commerce” is defined in
17 Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANTS’ BUSINESS ACTIVITIES

18
19 19. Since at least mid-2014, Defendants have operated a deceptive grant
20 telemarketing scheme from call centers in the Phoenix area.

21 20. Defendants have operated under numerous names, including Premium
22 Grants, Premium Services, Unique Grants, and Unique Services. They have often
23 created new companies or business names after an existing one generated
24 significant consumer complaints, lost a merchant account, or was subject to an
25 inquiry or sent cease and desist demands from state attorney generals’ offices.

26 21. Defendants Hilliard, De Rosa, Hoffman, and Silvers were managers of, or
27 associated with, entities that were shut down by, or received cease and desist
28

1 demands from, state regulators because of allegations that those entities made
2 misrepresentations to consumers about the likelihood of consumers obtaining
3 thousands of dollars in grants.

4 **Defendants Sales Pitch**

5 22. Defendants call consumers and represent that the consumers are eligible
6 for, and with Defendants' assistance will likely receive, \$10,000 or more in grants
7 from government, corporate, or private grantors.

8 23. Some of the consumers that Defendants call visited websites associated
9 with Defendants, such as PremiumGrants.com and UniqueGrants.com. These
10 websites include claims about the availability of billions of dollars in grant money
11 for groups such as, small business, women, minorities, and seniors. Both
12 PremiumGrants.com and UniqueGrants.com allow consumers to enter their phone
13 number and email address into a contact form for the purpose of being contacted
14 about grant funding.

15 24. Defendants often tell consumers that multi-billion dollar corporations fund
16 millions of dollars in grants to individuals, like the consumers. They often state
17 that businesses provide such grants as tax write offs and refer to such grants as
18 "stimulus grants."

19 25. Defendants routinely represent that the consumers can use the grant money
20 to repay credit card and other debt, make home improvements and repairs, pay
21 medical expenses, purchase automobiles, or for other personal expenses.

22 26. Defendants often tell elderly or disabled consumers, veterans, single
23 mothers, and consumers with large amounts of debt, that they are eligible for
24 \$10,000 to \$20,000 in grant money based on these qualifications alone.

25 27. In numerous instances, Defendants tell consumers they are eligible for
26 grants ranging from \$10,000 to \$100,000 dollars. Defendants have represented to
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1 consumers that they have a near 100% success rate in obtaining \$10,000 or more
2 in grant money for consumers to use for personal expenses.

3 28. Defendants typically charge consumers fees up front, ranging from \$295 to
4 at least \$4,995, purportedly for Defendants' work on securing the grant money for
5 the consumers.

6 29. Defendants tell consumers that after they pay Defendants, Defendants will
7 send the consumers a grant workbook and schedule the consumer for four to six
8 "training sessions" with a "grant specialist" to help the consumer complete the
9 grant workbook.

10 30. In numerous instances, Defendants tell consumers during the sales call that
11 the consumers will receive the grant money within 30 to 90 days of completing the
12 "training."

13 31. Defendants frequently reassure consumers who express concerns about
14 paying Defendants' large fees that, to finance the fees, they will only have to make
15 the minimum monthly payment on their credit cards for two or three billing cycles
16 before receiving \$10,000 or more in grant money.

17 32. Defendants have obtained payments from consumers via credit or debit
18 card, typically over the phone, or by consumers mailing Defendants checks or
19 money orders.

20 33. Contrary to Defendants' representations, consumers are unlikely to obtain
21 thousands of dollars in grant money for personal expenses. In fact, in numerous if
22 not most instances, consumers who pay Defendants' fees receive no grant money
23 whatsoever.

24 34. After consumers pay Defendants' fees, Defendants typically email
25 consumers an invoice, which often states that the consumers have purchased
26 "Social Business Training."
27
28

1 35. Within a few days of collecting their upfront payment from consumers,
2 Defendants typically mail the consumers a package including a “Welcome Letter”
3 and a “training workbook.” Defendants routinely instruct consumers to provide
4 answers to the questions in the workbook, including why the consumer needs a
5 grant and questions about the consumer’s personal and financial information.

6 36. Within a week or two of mailing their package to consumers, Defendants
7 typically call the consumers to schedule “grant training sessions.”

8 37. In numerous instances, during the scheduling call or “training sessions,”
9 Defendants tell consumers that if the consumers pay an additional fee, Defendants
10 will create an online profile for the consumer that will enable Defendants to obtain
11 more grant money for the consumers than originally represented. In other
12 instances, Defendants tell consumers that if the consumers pay an additional fee,
13 Defendants will be able to obtain the grant money for the consumer faster.

14 38. In numerous instances, during the “grant training sessions,” consumers
15 have informed Defendants that they intend to use the grant money to pay credit
16 card bills and other personal debt, repair their house, pay medical expenses, or buy
17 a car. Defendants have often told consumers that Defendants routinely get grants
18 for individuals for those purposes.

19 39. After consumers complete the “training workbook” and “training sessions,”
20 Defendants direct the consumers to mail the completed copy of the workbook to
21 Defendants.

22 40. In many instances, once consumers have mailed their completed workbook
23 to Defendants, Defendants tell consumers that it may take up to several months for
24 Defendants to draft the grant proposal, send the proposal to the grantors, and
25 obtain the grant money for the consumers.

26 41. In numerous instances, after waiting several months and not receiving tens
27 of thousands of dollars in grant money, or getting any updates on the status of their
28

1 grants from Defendants, consumers contact Defendants, often via letters,
2 telephone, or email.

3 42. In numerous instances, when consumers ask Defendants about the status of
4 their grant money, Defendants initially tell the consumers to be patient.

5 Defendants often also state that they are sending out more grant applications on
6 the consumers' behalf to additional grantors.

7 43. After stringing inquiring consumers along for several months, Defendants
8 often stop answering these consumers' calls and ignore their letters, voicemails, or
9 emails.

10 44. In some instances, if a consumer attempts to get his or her money back by
11 contacting his or her credit card company and initiating a chargeback, Defendants
12 contact the consumer with threats, such as threats of collection actions, if the
13 consumer does not cancel the chargeback request.

14 45. The vast majority of grants in the United States are awarded to non-profits,
15 state and local governments, and other organizations or entities, not to individuals.

16 46. Grants awarded in the United States are rarely, if ever, available to
17 individuals solely for personal expenses.

18 47. The "services" that Defendants market and sell are unlikely to allow
19 consumers to obtain thousands of dollars in grant money that the consumers can
20 use for personal expenses.

21 48. Since at least 2014, Defendants have taken more than \$3 million from
22 consumers through the conduct challenged in this Complaint.

23 **VIOLATIONS OF THE FTC ACT**

24 49. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or
25 deceptive acts or practices in or affecting commerce."

26 50. Misrepresentations or deceptive omissions of material fact constitute
27 deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

COUNT I

FTC Act Violations

1
2
3 51. In numerous instances, in connection with the marketing, offering for sale,
4 or sale of grants opportunities, Defendants represent, directly or indirectly,
5 expressly or by implication, that consumers who purchase and use Defendants'
6 services are likely to receive government, corporate, or private grants worth
7 thousands of dollars that the consumers can use for personal expenses.

8 52. The representation set forth in Paragraph 51 of this Complaint is false,
9 misleading, or was not substantiated at the time the representation was made.

10 53. Therefore, Defendants' representation set forth in Paragraph 51 of this
11 Complaint constitutes a deceptive act or practice in violation of Section 5(a) of the
12 FTC Act, 15 U.S.C. § 45(a).

13 **DECEPTIVE TELEMARKETING CALLS**

14 **IN VIOLATION OF THE TSR**

15 54. Congress directed the FTC to prescribe rules prohibiting abusive and
16 deceptive telemarketing acts or practices pursuant to the Telemarketing Act, 15
17 U.S.C. §§ 6101-6108, in 1994. The FTC adopted the original TSR in 1995,
18 extensively amended it in 2003, and amended certain sections thereafter. 16
19 C.F.R. Part 310.

20 55. Defendants are "seller[s]" or "telemarketer[s]" engaged in "telemarketing"
21 as defined by the TSR, 16 C.F.R. §§ 310.2(aa), (cc), and (dd).

22 56. The TSR prohibits sellers and telemarketers from misrepresenting, directly
23 or by implication, in the sale of goods or services, any material aspect of the
24 performance, efficacy, nature, or central characteristics of goods or services that
25 are the subject of a sales offer. 16 C.F.R. § 310.3(a)(2)(iii). Likewise, the TSR
26 prohibits sellers and telemarketers from making any false or misleading statements
27 to induce a person to pay for goods or services. 16 C.F.R. § 310.3(a)(4).
28

1 Pursuant to Section 3(c) of the Telemarketing Act, 15 U.S.C. § 6102(c), and
2 Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the TSR
3 constitutes an unfair or deceptive act or practice in or affecting commerce, in
4 violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

5 **COUNT II**

6 **TSR Violations**

7 57. In numerous instances, in connection with the advertising, telemarketing,
8 promoting, or offering for sale of grant opportunities, Defendants have
9 misrepresented, directly or by implication, that consumers who purchase and use
10 Defendants' services are likely to receive government, corporate, or private grants
11 worth thousands of dollars that the consumers can use for personal expenses.

12 58. The acts and practices of Defendants described in Paragraph 57 of this
13 Complaint are deceptive telemarketing acts or practices that violate the TSR, 16
14 C.F.R. §§ 310.3(a)(2)(iii) and (a)(4).

15 **CONSUMER INJURY**

16 59. Consumers have suffered and will continue to suffer substantial injury as a
17 result of Defendants' violations of the FTC Act and the TSR. In addition,
18 Defendants have been unjustly enriched as a result of their unlawful acts or
19 practices. Absent injunctive relief by this Court, Defendants are likely to continue
20 to injure consumers, reap unjust enrichment, and harm the public interest.

21 **THIS COURT'S POWER TO GRANT RELIEF**

22 60. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to
23 grant injunctive and such other relief as the Court may deem appropriate to halt
24 and redress violations of any provision of law enforced by the FTC. The Court, in
25 the exercise of its equitable jurisdiction, may award ancillary relief, including
26 rescission or reformation of contracts, restitution, the refund of monies paid, and
27

1 the disgorgement of ill-gotten monies, to prevent and remedy any violation of any
2 provision of law enforced by the FTC.

3 **PRAYER FOR RELIEF**

4 Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15
5 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

6 A. Award Plaintiff such preliminary injunctive and ancillary relief as
7 may be necessary to avert the likelihood of consumer injury during the pendency
8 of this action and to preserve the possibility of effective final relief, including but
9 not limited to, temporary and preliminary injunctions, an order freezing assets, and
10 the appointment of a receiver;

11 B. Enter a permanent injunction to prevent future violations of the FTC
12 Act and the TSR by Defendants;

13 C. Award such relief as the Court finds necessary to redress injury to
14 consumers resulting from Defendants' violations of the FTC Act and the TSR,
15 including but not limited to, rescission or reformation of contracts, restitution,
16 refund of monies paid, and disgorgement of ill-gotten monies; and

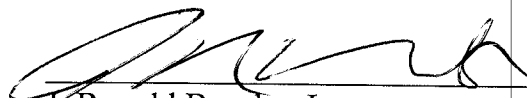
17 D. Award Plaintiff the costs of bringing this action, as well as such
18 other and additional relief as the Court may determine to be just and proper.

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1 Dated: 16 July, 2018

2 Respectfully submitted,

3 ALDEN F. ABBOTT
4 General Counsel

5 
6 J. Ronald Brooke, Jr.

7 Russell Deitch
8 Federal Trade Commission
9 600 Pennsylvania Ave., N.W., CC-2850
10 Washington, DC 20580
11 (202) 326-3395 (Fax)
12 (202) 326-3484 (Brooke)
13 (202) 326-2585 (Deitch)

14 Attorneys for Plaintiff

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JS 44 (Rev. 12/12)

CIVIL COVER SHEET

CV-18-2221-PHX-SPL

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS Federal Trade Commission

DEFENDANTS Hite Media Group, Premium Business Solutions, Premium Domain Services, 2 Unique, Amazing

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

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

(c) Attorneys (Firm Name, Address, and Telephone Number) J. Ronald Brooke, Russell Deitch, FTC 600 Penn. Ave., N.W., CC-8528, Washington DC 20580, 202-326-3484, 202-326-2585,

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

Attorneys (If Known)

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

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

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

- 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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

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

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PERSONAL INJURY, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN

- 1 Original Proceeding
2 Removed from State Court
3 Re-filed (See VI below)
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment
8 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

- a) Re-filed Case YES NO
b) Related Cases YES NO

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. Section 53(b) and 15 U.S.C. 6101-6108

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT IFP JUDGE MAG JUDGE

Save As Print Reset

JS 44 Reverse (Rev. 12/12)

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.C.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; 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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

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.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. 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

VIII. 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 dollar amount (in thousands of dollars) 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.

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