

THE ATKIN FIRM, LLC

Formed in the State of New Jersey

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

v.

JOHN DOE infringer identified as using
IP address 73.226.55.141,

Defendant.

Civil Action No. 3:20-cv-5659

**COMPLAINT &
DEMAND FOR JURY TRIAL**

Plaintiff, Strike 3 Holdings, LLC (“Strike 3” or “Plaintiff”), brings this Complaint against Defendant John Doe infringer identified as using IP address 73.226.55.141 (“Defendant”), and alleges as follows:

Introduction

1. This is a case about the ongoing and wholesale copyright infringement of Plaintiff’s motion pictures by Defendant, who is referred to at this point as “John Doe.” Plaintiff is aware of Defendant’s identity, but has filed this suit against them pseudonymously and will file a motion to permit Defendant to litigate

this case pseudonymously through discovery.

2. Plaintiff is the owner of award winning, critically acclaimed adult motion pictures.

3. Strike 3's motion pictures are distributed through the *Blacked*, *Tushy*, *Vixen*, and *Blacked Raw* adult websites and DVDs. With millions of visitors to its websites each month, the brands are famous for re-defining adult content, creating high-end, artistic, and performer-inspiring motion pictures produced with a Hollywood style budget and quality.

4. Defendant is an egregious infringer of Plaintiff's registered copyrights and has been documented infringing 36 Works over an extended period of time. Defendant has used the BitTorrent protocol to affect this rampant and wholesale copyright infringement. Defendant not only has downloaded Plaintiff's motion pictures, but they have also distributed them to others.

5. Although Defendant attempted to hide this theft by infringing Plaintiff's content anonymously, a Florida state court order permitted Plaintiff to serve a subpoena on their Internet Service Provider ("ISP"), Comcast Cable ("Comcast"), to discover the identity of the subscriber assigned IP address 73.226.55.141, the IP address Defendant used to download and share Plaintiff's works.

6. Based on Plaintiff's investigation of the subscriber and publicly

available resources, Plaintiff identified Defendant as the true infringer.

Jurisdiction and Venue

7. This is a civil action seeking damages under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”).

8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (jurisdiction over copyright actions).

9. This Court has personal jurisdiction over Defendant because Defendant used an Internet Protocol address (“IP address”) traced to a physical address located within this District to commit copyright infringement. Therefore: (i) Defendant committed the tortious conduct alleged in this Complaint in this State; and, (ii) Defendant resides in this State and/or; (iii) Defendant has engaged in substantial – and not isolated – business activity in this State.

10. Pursuant to 28 U.S.C. § 1391(b) and (c), venue is proper in this district because: (i) a substantial part of the events or omissions giving rise to the claims occurred in this District; and, (ii) the Defendant resides (and therefore can be found) in this District and resides in this State. Additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because Defendant resides or may be found in this District.

Parties

11. Strike 3 is a Delaware limited liability company located at 2140 S. Dupont Hwy, Camden, DE.

12. Defendant John Doe infringer assigned IP address 73.226.55.141 is [REDACTED], an individual currently residing at [REDACTED].

Factual Background

Plaintiff's Award-Winning Copyrights

13. Strike 3's subscription-based websites proudly boast a paid subscriber base that is one of the highest of any adult-content sites in the world. Strike 3 also licenses its motion pictures to popular broadcasters and Strike 3's motion pictures are the number one selling adult DVDs in the United States.

14. Strike 3's motion pictures and websites have won numerous awards, such as "best cinematography," "best new studio," and "adult site of the year."

15. Strike 3's motion pictures have had positive global impact, leading more adult studios to invest in better content, higher pay for performers, and to treat each performer with respect and like an artist.

16. Unfortunately, Strike 3, like a large number of other makers of motion picture and television works, has a major problem with Internet piracy. Often appearing among the most infringed popular entertainment content on torrent websites, Strike 3's motion pictures are among the most pirated content in the

world.

***Defendant Used the BitTorrent File Distribution Network
to Infringe Plaintiff's Copyrights***

17. BitTorrent is a system designed to quickly distribute large files over the Internet. Instead of downloading a file, such as a movie, from a single source, BitTorrent users are able to connect to the computers of other BitTorrent users in order to simultaneously download and upload pieces of the file from and to other users.

18. BitTorrent's popularity stems from the ability of users to directly interact with each other to distribute a large file without creating a heavy load on any individual source computer and/or network. It enables Plaintiff's motion pictures, which are often filmed in state of the art 4kHD, to be transferred quickly and efficiently.

19. To share a movie within the BitTorrent network, a user first uses BitTorrent software to create a .torrent file from the original digital media file. This process breaks the original digital media file down into numerous pieces.

20. The entire movie file being shared has a hash value (i.e., the "File Hash"). A hash value is an alpha-numeric value of a fixed length that uniquely identifies data.

21. Hash values are not arbitrarily assigned to data merely for identification purposes, but rather are the product of a cryptographic algorithm

applied to the data itself. As such, while two identical sets of data will produce the same cryptographic hash value, any change to the underlying data – no matter how small – will change the cryptographic hash value that correlates to it.

22. To find and re-assemble the pieces of the digital media file, i.e., to download the file using BitTorrent, a user must obtain the .torrent file for the specific file that has been broken down into pieces.

23. Each .torrent file contains important metadata with respect to the pieces of the file. When this data is put into the cryptographic algorithm, it results in a hash value called the “Info Hash.”

24. The “Info Hash” is the data that the BitTorrent protocol uses to identify and locate the other pieces of the desired file (in this case, the desired file is the respective file for the infringing motion pictures that are the subject of this action) across the BitTorrent network.

25. Using the Info Hash in the metadata of a .torrent file, a user may collect all the pieces of the digital media file that correlates with the specific .torrent file.

26. Once a user downloads all of the pieces of that digital media file from other BitTorrent users, the digital media file is automatically reassembled into its original form, ready for playing.

27. Plaintiff has developed, owns, and operates an infringement detection

system, named “VXN Scan.”

28. Using VXN Scan, Plaintiff discovered that Defendant used the BitTorrent file network to illegally download and distribute Plaintiff’s copyrighted motion pictures.

29. To explain, while Defendant was using the BitTorrent file distribution network, VXN Scan established direct TCP/IP connections with Defendant’s IP address.

30. VXN Scan downloaded from Defendant one or more pieces of numerous digital media files.

31. Plaintiff identified these pieces as portions of infringing copies of Strike 3’s motion pictures.

32. To explain, the VXN Scan system first searched for and obtained .torrent files claiming to be infringing copies of Plaintiff’s works, and then downloaded complete copies of the digital media files that correlate to those .torrent files.

33. Plaintiff then compared the completed digital media files to Plaintiff’s copyrighted works to determine whether they are infringing copies of one of Plaintiff’s copyrighted works.

34. The digital media files have been verified to contain a digital copy of a motion picture that is identical (or, alternatively, strikingly similar or

substantially similar) to Plaintiff's corresponding original copyrighted Works.

35. VXN Scan then used the "Info Hash" value, contained within the metadata of the .torrent file correlated with a digital media file that was determined to be identical (or substantially similar) to a copyrighted work, to download a piece (or pieces) of the same digital media file from Defendant using the BitTorrent network.

36. At no point did VXN Scan upload content to any BitTorrent user. Indeed, it is incapable of doing so.

37. The VXN Scan captured transactions from Defendant sharing specific pieces of 36 digital media files that have been determined to be identical (or substantially similar) to a copyrighted work(s) that Plaintiff owns.

38. VXN Scan recorded each transaction in a PCAP file.

39. VXN Scan recorded multiple transactions in this matter.

40. For each work infringed a single transaction is listed on Exhibit A.

41. For each transaction listed, Exhibit A sets forth the Universal Time Coordinated (UTC) time and date of each transaction, along with (1) the Info Hash value obtained from the metadata of the corresponding .torrent file that formed the basis of the VXN Scan's request for data, and (2) the File Hash value of the digital media file itself.

42. Exhibit A also sets forth relevant copyright information for each work

at issue: the date of publication, the date of registration, and the work's copyright registration number. In a showing of good faith, Plaintiff has intentionally omitted the title of the work from this public filing due to the adult nature of its content but can provide a version of Exhibit A containing the works' titles to the Court or any party upon request.

43. Thus, Defendant downloaded, copied, and distributed Plaintiff's Works without authorization.

44. Defendant's infringement was continuous and ongoing.

45. Plaintiff owns the copyrights to the Works and the Works have been registered with the United States Copyright Office.

46. Plaintiff seeks statutory damages, attorneys' fees, and costs under 17 U.S.C. § 501 of the United States Copyright Act.

Discovery Will Likely Show that Defendant is the Individual Who Infringed Plaintiff's Copyrighted Works

47. Plaintiff's investigation has determined that Defendant is the person who used this IP address to infringe on its copyrighted works.

48. In response to Plaintiff's subpoena, the ISP indicated that IP address 73.226.55.141 was assigned to Defendant at the residence identified in paragraph 12 above during at least one date of infringement.

49. Defendant lived at the residence identified in paragraph 12 above during the period of infringement.

50. Plaintiff logged BitTorrent network activity emanating from IP address 73.226.55.141 involving works other than Plaintiff's copyrighted works. Collectively, this evidence is referred to as the "Additional Evidence."

- 51. [REDACTED].
- 52. [REDACTED]:
 - a. [REDACTED];
 - b. [REDACTED];
 - c. [REDACTED];
 - d. [REDACTED];
 - e. [REDACTED]; and
 - f. [REDACTED].
- 53. [REDACTED].
- 54. [REDACTED].
- 55. [REDACTED].
- 56. [REDACTED].

COUNT I

Direct Copyright Infringement

57. The allegations contained in paragraphs 1-56 are hereby re-alleged as if fully set forth herein.

58. Plaintiff is the owner of the Works, which is an original work of

authorship.

59. Defendant copied and distributed the constituent elements of Plaintiff's Works using the BitTorrent protocol.

60. At no point in time did Plaintiff authorize, permit or consent to Defendant's distribution of its Works, expressly or otherwise.

61. As a result of the foregoing, Defendant violated Plaintiff's exclusive right to:

(A) Reproduce its Works in copies, in violation of 17 U.S.C. §§ 106(1) and 501;

(B) Distribute copies of the Works to the public by sale or other transfer of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and 501;

(C) Perform the copyrighted Works, in violation of 17 U.S.C. §§ 106(4) and 501, by showing the Works' images in any sequence and/or by making the sounds accompanying the Works' audible and transmitting said performance of the work, by means of a device or process, to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform" and "publicly" perform); and

(D) Display the copyrighted Works, in violation of 17 U.S.C. §§ 106(5) and 501, by showing individual images of the works non-sequentially and

transmitting said display of the works by means of a device or process to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of "publicly" display).

62. Defendant's infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

WHEREFORE, Plaintiff respectfully requests that the Court:

(A) Permanently enjoin Defendant from continuing to infringe Plaintiff's copyrighted Works;

(B) Order that Defendant delete and permanently remove the digital media files relating to Plaintiff's Works from each of the computers under Defendant's possession, custody or control;

(C) Order that Defendant delete and permanently remove the infringing copies of the Works Defendant has on computers under Defendant's possession, custody or control;

(D) Award Plaintiff statutory damages per infringed work pursuant to 17 U.S.C. § 504(a) and (c);

(E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and

(F) Grant Plaintiff any other and further relief this Court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: May 7, 2020

Respectfully submitted,

/s/ John C. Atkin, Esq.
John C. Atkin, Esq.

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

I, John C. Atkin, certify under penalty of perjury that the matter in controversy is not the subject of any other action or proceeding pending in any other court or any pending arbitration or administrative proceeding.

DATED: May 7, 2020

/s/ John C. Atkin, Esq.
JOHN C. ATKIN

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 201.1

I hereby certify that the damages recoverable in this action by Plaintiff exceeds the sum of \$150,000, exclusive of interest, costs, and punitive damages.

DATED: May 7, 2020

/s/ John C. Atkin, Esq.
JOHN C. ATKIN

Exhibit A to the Complaint

Location: Whiting, NJ
 Total Works Infringed: 36

IP Address: 73.226.55.141
 ISP: Comcast Cable

Work	Hashes	UTC	Site	Published	Registered	Registration
1	Info Hash: 1D8C99B00AD138010A90E2C90CAF50FD026C7A08 File Hash: 401885011E3BCE8CA80559E5B6FB73D5125A715B86CB32A6EBF7E8ECAC5E1CCE	10/21/2019 01:33:08	Blacked	10/17/2018	10/28/2018	PA0002130456
2	Info Hash: DA2ED7213A5425925A8B91D54F5D92F1B53DE307 File Hash: 109B91950FD617F7DE9BF423D767F45D9945CF91D5245C74DC403102CC821959	01/26/2020 21:00:46	Blacked	01/25/2020	02/20/2020	PA0002229054
3	Info Hash: 6146897BE85177935C6158EEABB6AE6E98F483E5 File Hash: 7144B595ED4CDB5674CF2AC2677BEAB33C10D45507232FB0765470D910F8BC8C	11/19/2019 04:46:05	Blacked Raw	11/18/2019	12/09/2019	PA0002216261
4	Info Hash: D7F572C202E1ADE468D535AA10CC8F1E0949D524 File Hash: F54440D227104D744F7F7BDC13E7EE51FEC66808054A09858D3B806E37E45E06	11/15/2019 17:02:52	Blacked	10/22/2019	11/05/2019	PA0002210294
5	Info Hash: 5743926672587FDCC6DB3F9F6DD241ADB1AF609E File Hash: F291E9A5D2284337B5F9CE58EF735849D834C5ACF9618C0F86C2564FA7B7F1B2	10/17/2019 06:10:43	Blacked Raw	08/25/2019	09/11/2019	PA0002199991
6	Info Hash: 628B68825D76E58E7D4FD13905CECE3D6CAFF612 File Hash: F34A9436007F83C5ABEE8FD60D4F3D985F97DCCB0BCAC41BC8244A4180D51B18	10/10/2019 17:13:21	Blacked	08/18/2018	09/05/2018	PA0002135664
7	Info Hash: 6B99D7888151D0DF63F02064FA56A21363DA8C96 File Hash: 82A7BC37315577F4D87CC9E1719E1C30EB0FA435768F3384B48E5F88AED32F20	10/10/2019 16:16:34	Blacked	06/14/2019	07/17/2019	PA0002188312
8	Info Hash: E2BB05E86116A0CDAD606375C7B9C9EB44B6F769 File Hash: 31382C19D0B2EDBD00250E62E5F055C9A09921F1CA2BB18494E6CC89BFFB9BE1	09/26/2019 20:39:34	Blacked	02/04/2019	03/24/2019	PA0002183208

Work	Hashes	UTC	Site	Published	Registered	Registration
9	Info Hash: 832B03E761ECD9DBAF031E8942F34A76C6C1AA34 File Hash: 43782B257EF4AE91D30B598250B878F3E857AD38F052A179CAC0C40903C101C2	09/13/2019 14:39:09	Blacked Raw	09/04/2019	09/13/2019	PA0002200700
10	Info Hash: 1C06E4E5C992CCB39C8BC2BDCF904A056D63AC56 File Hash: D529C07D0BB9480ACA88916FA1E57CE98498A9620B6923EBD09F31BEF3E2ADB7	07/27/2019 00:09:56	Tushy	07/25/2019	08/22/2019	PA0002195515
11	Info Hash: A23C658B8B9BE2E60BAFDC426B80FA1BF5C14DE3 File Hash: 7CE73DFC2F9EDA89308EA0B382D8B7E713ACB1A2E40C075EF777AAAB84B8A7E8	06/20/2019 12:12:54	Blacked	06/19/2019	08/27/2019	PA0002213298
12	Info Hash: 9C643ACA38FD9D470613CE49A612A20A07950A43 File Hash: 64E50EA88C00946AADFD30510FF5F092E9ABBF74D00329AC26A1D2C1D3FBED82	06/20/2019 11:39:12	Vixen	04/29/2018	06/19/2018	PA0002126677
13	Info Hash: F5C16F7B8BAA4E5BAD9E51FD944EA5BA2ED0A1A8 File Hash: BFC06E4E85A8C084781AFFB24ADE16C25B60277CD1D55301751EE7F69F53245E	06/02/2019 19:50:35	Blacked Raw	05/27/2019	06/13/2019	PA0002180951
14	Info Hash: 8FA81717A2507E37117206FC759CEAF22864C8E3 File Hash: 8B1D77EE7A014B7106E69A34DB5318ADFB95AB580E12B4E69E44CE4A4D0FC85D	05/10/2019 20:24:45	Blacked	05/10/2019	07/05/2019	PA0002206368
15	Info Hash: CE6E3AE355BE0831A6BC74277D06A3BB60A09F5A File Hash: C9D25135B90E91BB6451557A25CFF18DF7E804114218FB4E7CB112E333D037EA	05/07/2019 13:56:18	Blacked	11/06/2018	11/25/2018	PA0002136603
16	Info Hash: 6BE4223C78E78AE99A6325E7C8317AB2189D227B File Hash: F40E107D28CAC32F3907612C26591E2E160D56452156D4F66E5218E9536BF847	05/06/2019 23:20:07	Tushy	05/06/2019	06/03/2019	PA0002178772
17	Info Hash: ADC062DD01DFE5C93FD175411952A10858AE31D5 File Hash: 5E879CED5850647178D471DA8EAF0F1C649F1BD281C33D57A536287C26896814	04/30/2019 00:38:43	Tushy	09/28/2018	10/16/2018	PA0002127781

Work	Hashes	UTC	Site	Published	Registered	Registration
18	Info Hash: EE4D29BA667E69950AA31279F7FA846BF696BF9D File Hash: CBBA895BE4865BD867EC9F1DE3100FCB5C172459C4E0F59EDC51E5818599B405	04/30/2019 00:37:28	Blacked	08/03/2018	09/01/2018	PA0002119596
19	Info Hash: C2295AE8704ED037E9E49C2B4B5FBA45316C02A8 File Hash: 9502A6D713E597EA87671BC97A6B83FA8C08CE59EED4B4EAC0871660F6D17D5	04/30/2019 00:34:48	Blacked Raw	09/29/2018	11/01/2018	PA0002143425
20	Info Hash: CD55F0E8035C4D68E65EBE7FDFFA67F8A809D3DB File Hash: 83061C5646447C5C9E4A089FCEAD0F35A9666866248DF466CD87F2B30F30555D	04/15/2019 12:05:33	Blacked	03/26/2017	06/05/2017	PA0002052857
21	Info Hash: 619046A46DA6E26F83B70354D1C97C16061F21A8 File Hash: 16EB6FE79DB7DFEDBE39E98E6AEA774415B39CE8FB9F85DF5440BEF0FC921945	04/11/2019 20:54:59	Tushy	04/11/2019	05/11/2019	PA0002173890
22	Info Hash: 6A9C3A31CC22405729F230BE6332DE0A31F7BB38 File Hash: DE864C21C0DFA3742AEC23B95F6C8923074845FBA3A4CD279078B5046D7C4BE7	04/08/2019 01:59:25	Vixen	12/20/2018	01/22/2019	PA0002147683
23	Info Hash: E8FDE02B470854F96FE03570C920B30F274A14E2 File Hash: 7BC233DB3D87ADD25BD2E98D104D1D41EFB5AA2CC05F1C46B2F5A347566E5458	04/08/2019 01:11:14	Tushy	08/14/2018	09/01/2018	PA0002119587
24	Info Hash: 498C38E65A191A26E153A7D80BCFBCA20069BDFD File Hash: 7D77CD89BDDD5175B6C5775155ABE6765DBCC8D9D3D09DB4A285FF43F55D7EB8	04/08/2019 01:08:20	Blacked Raw	01/17/2019	02/22/2019	PA0002155141
25	Info Hash: D35DE91797823D90CFD9EAB5A55CF23E8D37AB3A File Hash: 5357F350DC180E4750FE7271AC4CB372166EC9146B7D55BDECAD6AD041C6872F	04/08/2019 01:07:58	Blacked	12/31/2018	01/22/2019	PA0002147686
26	Info Hash: ACBDD08C545834892EEAFD5EF53A55AB8EDA2C54 File Hash: 160445254AD0BAFD690EDD3A186D4149572E03AB12D0FEF4518913C9B9C33A32	04/08/2019 01:07:32	Tushy	09/23/2018	11/01/2018	PA0002143415

Work	Hashes	UTC	Site	Published	Registered	Registration
27	Info Hash: 209ADEA84CE0566D845611964D4E17054104ACA5 File Hash: 26D62C8E68E8F836767793C21578E0E8BDC144BDF06DBE36D9097A9ECD9B3F9E	04/08/2019 01:06:58	Tushy	08/29/2018	10/16/2018	PA0002127775
28	Info Hash: 5FA59DD2A87C8333BF37865F57F8DD8429250516 File Hash: 26D181357D18F58D64D4BC97CD1F8D78F6C4D413F030998D2E921674F15F5796	04/01/2019 04:43:40	Blacked	03/31/2019	05/28/2019	PA0002200773
29	Info Hash: C20D8CE638A46CD39FA65004C565F7F85846691D File Hash: EA5B48145CBAF733479368D9256BC9D6AA8EC5702C56014718B4A1CBA7E39563	03/29/2019 10:59:36	Blacked Raw	03/28/2019	05/28/2019	PA0002200777
30	Info Hash: 779753F42EEA2591736DEE2CA3695A883C331DEF File Hash: 1C05AE409927DAA3879277BAB61705EE03739533FA5C3983955F627A92D53E4F	03/25/2019 03:59:42	Blacked Raw	09/04/2018	11/01/2018	PA0002143430
31	Info Hash: 2ECA2A086E105B1E695945BB1550A80974C30119 File Hash: A0C87B3C1BD1B48CA7BB5B46E1F540573483BE03522CC154792A0A48818FA33F	03/25/2019 03:34:12	Tushy	07/25/2018	09/05/2018	PA0002134601
32	Info Hash: 996E11959FDACCFCE44EDD34E399D46BA85EB40 File Hash: 89741C0F8B7A4045D2A317551E0ED9EA3FFA5C3E84E6C512098D036B7119C5B9	03/25/2019 03:31:59	Vixen	09/06/2018	11/01/2018	PA0002143433
33	Info Hash: 3AF342FFAE34E88BB4EDFE585C8B5917F5C64C5E File Hash: B8FF037D08567BCE9CDCD7F453A121721F9EAE87AD7B0DB0BABC133C84C2F3D7	03/24/2019 05:07:21	Blacked Raw	03/23/2019	04/08/2019	PA0002164877
34	Info Hash: 1CCBC6C7CE98A25E56E3889858509EA20DB098D9 File Hash: BA759C444E650A10930A039828D016D87A371428C4572B3C5A6E0E1515AFE075	03/16/2019 00:40:02	Vixen	03/15/2019	04/08/2019	PA0002164872
35	Info Hash: 80913E87A900C670E37328581117BA00BE50D3D6 File Hash: EE47FBD83263A2AC2072ABD9AE870F99C5B1D3DA2B4935A0F7FEA96A71A09941	03/11/2019 02:00:13	Blacked Raw	03/08/2019	04/29/2019	PA0002169934

Work	Hashes	UTC	Site	Published	Registered	Registration
36	Info Hash: E45A6B4528991F78582E8B9500C1FD1433019AC4 File Hash: A07A3AFFD81F0202070E9232490CB179560F449AC86E18C70AE1EE46010B737E	03/11/2019 01:38:12	Blacked	03/06/2019	03/31/2019	PA0002163978

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

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

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

DEFENDANTS

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 columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes sub-sections like PERSONAL INJURY, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, LABOR, IMMIGRATION, BANKRUPTCY, 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):

Brief description of cause:

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 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE