

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**Case No.** \_\_\_\_\_

STRIKE 3 HOLDINGS, LLC, a limited liability  
company,

Plaintiff,

v.

JOHN DOE infringer identified as using IP  
address 47.205.38.135, an individual,

Defendant.

\_\_\_\_\_ /

**COMPLAINT-ACTION FOR DAMAGES FOR  
PROPERTY RIGHTS INFRINGEMENT AND DEMAND  
FOR JURY TRIAL – INJUNCTIVE RELIEF SOUGHT**

Plaintiff, Strike 3 Holdings, LLC (“Strike 3” or “Plaintiff”), brings this Complaint against Defendant John Doe infringer identified as using IP address 47.205.38.135, [REDACTED] (“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.
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 33 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"), Frontier Communications ("Frontier"), to discover the identity of the subscriber assigned IP address 47.205.38.135, 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, [REDACTED], is 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 33 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 titles of the works 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 IP address 47.205.38.135 to infringe on its copyrighted works.

48. In response to Plaintiff's subpoena, the ISP indicated that IP address 47.205.38.135 was assigned to a person located at the residence identified in paragraph 12 above during at least one date of infringement.

49. Although Defendant is not the subscriber, 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 47.205.38.135 involving works other than Plaintiff's copyrighted works. Collectively, this evidence is referred to as the "Additional Evidence."

51. [REDACTED].

52. [REDACTED].

53. [REDACTED]:

a. [REDACTED];

b. [REDACTED];

c. [REDACTED];



- d. [REDACTED];
- e. [REDACTED];
- f. [REDACTED];
- g. [REDACTED];
- h. [REDACTED]; and
- i. [REDACTED].

54. [REDACTED]:

- a. [REDACTED];
- b. [REDACTED];
- c. [REDACTED];
- d. [REDACTED];
- e. [REDACTED];
- f. [REDACTED];
- g. [REDACTED];
- h. [REDACTED]; and
- i. [REDACTED].

## COUNT I

### **Direct Copyright Infringement**

55. The allegations contained in paragraphs 1-54 are hereby re-alleged as if fully set forth herein.

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

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

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

59. 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).

60. 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: June 2, 2020

Respectfully submitted,

**MAMONE VILLALON**  
*Counsel for Plaintiff Strike 3  
Holdings, LLC*

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*Counsel for Plaintiff*

## Exhibit A to the Complaint

Location: Bradenton, FL  
Total Works Infringed: 33

IP Address: 47.205.38.135  
ISP: Frontier Communications

Work	Hashes	UTC	Site	Published	Registered	Registration
1	Info Hash: 728FEEBA350EC584BC7E9E2759A64F759E9B7855 File Hash: AD5470EFA8A5C85886C8855DB48558326273F73168397DFFC88EE5E6B5BB1A2A	01/18/2020 10:13:15	Vixen	01/04/2020	01/27/2020	PA0002223959
2	Info Hash: 716BD92E139BE2039209B3F8C494B7A8356E4774 File Hash: D02255E8C093E98B712A51334068B516A9B2B7C10B0482D76261E8C7712FE1E0	02/08/2020 23:00:24	Blacked Raw	11/21/2018	12/18/2018	PA0002141915
3	Info Hash: 9E7AC67ED84D7D04BF3CC582B9C85202AE696326 File Hash: F2A48655FBEF5FF6669D03A8713DF2668EB11CC499D2C41070BF7E2378288216	01/25/2020 18:26:00	Blacked	04/05/2017	06/05/2017	PA0002052859
4	Info Hash: 81CEC78AE99A723C68332182E337F15D1D260069 File Hash: 6B874CEB340A267D580C6408BB5D0AFCA61276AC3FCF7EC21E47A16380A4D672	01/25/2020 10:56:40	Vixen	09/01/2019	09/17/2019	PA0002216134
5	Info Hash: FF4AA172EC0D469A97A0693DDBA0DC1A4ECC701C File Hash: 3DECF0AAB8057B9C37D101B6C483E9EF52900F7E0F64F19DB44D782FD9354CF9	01/25/2020 00:35:27	Blacked Raw	12/23/2019	01/03/2020	PA0002219636
6	Info Hash: D2B4C2613F8E4D42CDA01E8D2703FBBDE0C97200 File Hash: E405FE35A132796271E2ADBEA8A8C4C82459515753C2BB36CE694B726C3CF3A3	01/25/2020 00:06:59	Blacked	03/21/2019	04/17/2019	PA0002186999
7	Info Hash: EE28F83E62FD7A6475AED2E4FBFF5F4277A2292 File Hash: FF26F69D0417FC6B0EFAA46549E74C087F79F58326D2C7EC70309C521246AEBB	01/11/2020 23:24:58	Tushy	01/11/2020	02/03/2020	PA0002236483
8	Info Hash: 07D7E8C01244DE2B45F694EC522F904112E41652 File Hash: F6C94D6998748450D8FE3D90ACC23DDE25CE1AE0F6D60F71E636BB4878029876	01/05/2020 02:02:07	Vixen	08/12/2017	08/17/2017	PA0002048373

Work	Hashes	UTC	Site	Published	Registered	Registration
9	Info Hash: D9E51CBADB018443501D1837F04D54706B6427B6 File Hash: 5325427638E9D81AEA23E3641734D4667A64366966A28B9D3AF3B7F16B394D24	12/29/2019 01:41:01	Blacked Raw	10/29/2018	12/10/2018	PA0002145837
10	Info Hash: EA453D71D70ABD9D5973766D63CCA60D90E10536 File Hash: 09D7D1B995F174ED3218D78E03D8B1FA9D13BB1D9658504640E2AFA60FFB8592	12/22/2019 17:19:30	Blacked	12/21/2019	01/03/2020	PA0002219632
11	Info Hash: 425B69EBF37AF69ECEF370C54A0B8F23AB28C401 File Hash: 7C0FB3C1BB3F1DF8CAAC603A4D2F6E76DC9BDB04138DC2CBABB665BADAE3B47B	12/22/2019 00:05:32	Vixen	06/28/2019	08/27/2019	PA0002213233
12	Info Hash: 6A9C3A31CC22405729F230BE6332DE0A31F7BB38 File Hash: DE864C21C0DFA3742AEC23B95F6C8923074845FBA3A4CD279078B5046D7C4BE7	12/21/2019 23:59:28	Vixen	12/20/2018	01/22/2019	PA0002147683
13	Info Hash: 650637F4C368482C7EBB844370A51B7A377FFF4E File Hash: FB58A2DB49CA236939770FD0A452DFCE1EA693EC4AC27864344BC1EAB54371E6	12/15/2019 18:30:22	Blacked Raw	01/17/2019	02/22/2019	PA0002155141
14	Info Hash: D35DE91797823D90CFD9EAB5A55CF23E8D37AB3A File Hash: 5357F350DC180E4750FE7271AC4CB372166EC9146B7D55BDECAD6AD041C6872F	12/15/2019 18:28:14	Blacked	12/31/2018	01/22/2019	PA0002147686
15	Info Hash: B32F801C60CBF97AEAC7342AD563D34DDCFC228C File Hash: 79D5BFD438E9B59F937689D76AB3CDE9A5851E28C7894A456A1604E6263C8C08	12/08/2019 04:04:02	Tushy	12/07/2019	12/17/2019	PA0002217666
16	Info Hash: FE8DD34DB8CD2E7E7BFA80D91BD090D627D7990A File Hash: F24F5A9D2C6ACEBD5B2067AECD36BE016C17E6A91089BECEF267587CF3AD331F	12/07/2019 18:34:05	Blacked Raw	06/06/2018	07/14/2018	PA0002128447
17	Info Hash: E1C7277B3B893153064CC9E439E48147D940C64F File Hash: 850AC65387644C9E92B21C6C36EDEA25EFAD700F3DB2E86434AA41123B536A35	12/01/2019 01:37:28	Blacked	05/20/2019	08/02/2019	PA0002192291

Work	Hashes	UTC	Site	Published	Registered	Registration
18	Info Hash: 72A1E3BF06A14C51D5B94015C5BB3C509B381699 File Hash: 3592A9D20AC5312D6034B66F17F68545754793226D2FE6F46E570F43593032E2	11/30/2019 22:42:05	Blacked	04/20/2019	05/28/2019	PA0002200782
19	Info Hash: 6E0F067BAC9311459A5DDBA3448E955F8E2C25CD File Hash: D2A32709EA34CA08650D3BD0520ACFB1017577CE211E9E0388F55CF149571142	11/30/2019 18:44:19	Tushy	05/31/2019	06/17/2019	PA0002181300
20	Info Hash: BE3C7E08A25F7E1BAB1ADBA3B168C1BF40ABB688 File Hash: 7A4B8C70A6F3D5B0F06DF3D99A020C7E8C143C66AF5E11450359BE856AD50A77	11/23/2019 19:52:30	Blacked Raw	12/28/2017	01/24/2018	PA0002101763
21	Info Hash: CD8618EED714855D34A7C9855FF48459EEFC19E9 File Hash: EB08A4BA3B4CB230C755314B682EDBF4E44BD95A8CFA29CA36280E9AD153B27A	11/23/2019 15:07:23	Blacked	11/21/2019	12/09/2019	PA0002216266
22	Info Hash: 0075912858F26F4B9B02968E5B9913617E3F3830 File Hash: D19DE7E11241A54E88C807833D4C62AB0E74BF1D7C22D6D23A6E3AFBBFB0412C	11/23/2019 10:57:10	Blacked	11/11/2019	11/27/2019	PA0002213994
23	Info Hash: AC0D6DB5C1BFA1C878C0CB39E540711FD9D0329B File Hash: 7FBF72A8572F656BD3105990E36D3952FEA247E0D5743D1213B53B9186420259	11/17/2019 21:49:30	Tushy	11/17/2019	11/27/2019	PA0002213996
24	Info Hash: EC9A2EEA29FBDDC848A1ABBD00237BCF3B8E3C9D File Hash: 57DDE108747BF06C316FC18BF23D9910CBDF9CBC2F0B53D09B3CAB4295549A1E	11/16/2019 08:16:56	Vixen	10/31/2019	11/15/2019	PA0002211917
25	Info Hash: 72A7FDEB188736A60CD05E8EC28E9EBBDC00883D File Hash: 98BD87B3C2A1609BC8B116546007CA40E6C69C2318A7D79260DE010976C30A7C	11/10/2019 00:58:16	Vixen	04/14/2019	05/28/2019	PA0002200761
26	Info Hash: DDE59C875C7FEDB150E58E51ACFF8D33FDB2CF72 File Hash: B1EAEAD5B5D4AA4102D4A0D46CF8206B6D4E3C6E2EAD3BAFD1BD26D336683604	11/09/2019 23:13:36	Blacked Raw	05/22/2019	07/17/2019	PA0002188299

Work	Hashes	UTC	Site	Published	Registered	Registration
27	Info Hash: F7584EAD8BB810CD75BB8B1AC568E48EE5CC21A0 File Hash: B520ACEA749A3A476BF843A6477E83EEEF03C2FB032653664139EBF800AD87A1	11/09/2019 19:20:28	Blacked Raw	12/18/2018	02/02/2019	PA0002155391
28	Info Hash: BE81E9385BE96BFE0CC8586CA9C0CDFE15350378 File Hash: 63C97779826CD03F4CDF32830358C6AE61FFCFD833D0BB145C3A81ED3AB87EA3	10/26/2019 21:49:49	Vixen	10/26/2019	11/05/2019	PA0002227099
29	Info Hash: D61C5F04FDAB44544326F33150221B2E8A0538C6 File Hash: F7ED0A21D7D25CB64D9CF0FF0D1F4369811D155597EE8EBFB953CB35E69BB5A9	10/26/2019 17:51:06	Tushy	03/22/2019	04/08/2019	PA0002164887
30	Info Hash: B604F494AB8CCF0F462655C534FB209B4D86E8A3 File Hash: E4B2D26741E5832FCD58CC296E6598F185F73B2F0A5C24B92197FA20F4456F89	08/27/2019 01:37:09	Blacked Raw	07/21/2019	08/27/2019	PA0002213243
31	Info Hash: FD6144A5AFBEBD0CD9289B9DF35EADBCF124A035 File Hash: 829D6412707F891385AF6D5D9F69B5AD482B7B98A9A32076BD46AF58D55F6B74	08/12/2019 11:29:37	Vixen	03/25/2019	04/16/2019	PA0002187577
32	Info Hash: 576A4437D472390C262B8740FC8804E887587AE0 File Hash: F8262F2B67B0468A2D9718D69433ECEA0C79480775A13AD1AEFC9355CAA3890F	08/12/2019 10:19:44	Blacked	06/19/2019	08/27/2019	PA0002213298
33	Info Hash: A66C9C655E360338BD35653F211606B8DDC42727 File Hash: FD1AF2E638532BF05E7C3294DCE59C3CB84A554F0BC6154C167F7B215833937A	08/12/2019 09:42:32	Tushy	04/11/2019	05/11/2019	PA0002173890



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 categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, PERSONAL INJURY, FORFEITURE/PENALTY, 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

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related 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.