

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

_____)	
Amherst H. Wilder Foundation,)	Civil Action No. _____
)	
Plaintiff,)	
v.)	COMPLAINT FOR TRADEMARK
)	INFRINGEMENT AND UNFAIR
Planned Parenthood Minnesota, North)	COMPETITION
Dakota, South Dakota,)	
)	JURY TRIAL DEMANDED
Defendant.)	
_____)	

For its Complaint against Defendant Planned Parenthood Minnesota, North Dakota, South Dakota, Plaintiff Amherst H. Wilder Foundation states and alleges as follows:

THE PARTIES

1. Plaintiff Amherst H. Wilder Foundation (“Wilder”) is a not-for-profit Minnesota corporation with its principal place of business located at 451 Lexington Parkway, St Paul, Minnesota 55104.

2. On information and belief, Defendant Planned Parenthood Minnesota, North Dakota, South Dakota (“Planned Parenthood”) is a not-for-profit Minnesota corporation with its principal place of business located at 671 Vandalia Street, St. Paul, Minnesota 55114.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction under 28 U.S.C. § 1338(a) in that this case arises under the Trademark Laws of the United States, 15 U.S.C. §§ 1051, *et seq.*, and 28 U.S.C. § 1331 (federal question).

4. This Court has subject matter jurisdiction over all claims herein arising under state law pursuant to 28 U.S.C. § 1367 in that said claims are so related to the claim under the

Trademark Laws of the United States, 15 U.S.C. §§ 1051, *et seq.*, that they form part of the same case or controversy.

5. Venue in this District is proper under 28 U.S.C. §§1391(b) and (c).

FACTS

6. For more than a century, Wilder has provided hundreds of health and human service programs dedicated to improving the lives of individuals, families, and neighborhoods. Wilder's programs touch thousands of children, families and older adults annually. Wilder's programs evolve to meet the needs of the community and include or have included, without limitation:

- Primary medical care, education, therapy and support for pregnant and parenting young women;
- Programs in the fields of childcare, education, homelessness, aging, mental health, race, and culture;
- Programs in the fields of elder care, including day care, assisted living facilities, mental health and wellness programs;
- Case management services, including coordinating legal, medical, physical, social, personal care and psychological services for transitional housing candidates; and
- Community services addressing racial inequities and disparities in health, social, and education outcomes, including the work of the African-American Babies Coalition focused on building healthy brains for children from conception through the early years of development.

7. Wilder's reach is national in scope, evidenced in part by the fact Wilder is registered to fundraise in 20 states and the District of Columbia.

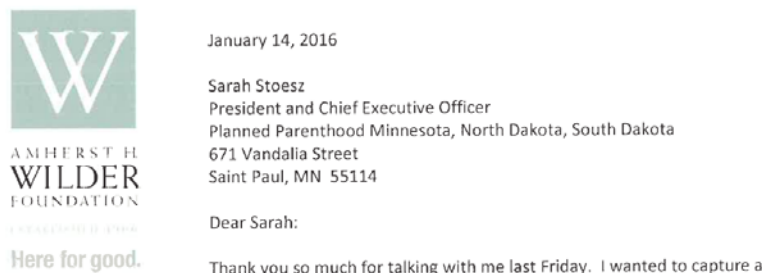
8. Wilder has been using its distinctive HERE FOR GOOD Mark in conjunction with its services and fundraising efforts continuously since at least as early as 2004. Below are representative examples of Wilder's use in commerce of its HERE FOR GOOD Mark:



(Website)



(Annual Report)



(Letterhead)

9. In addition to its well established and longstanding common law trademark rights, Wilder is also the owner of U.S. Trademark Registration No. 5,254,024 for the standard character mark “HERE FOR GOOD” covering, without limitation, “[p]ublic policy research services, namely, analysis of programs run by others in the fields of childcare, education, homelessness, aging, mental health, race, culture; design of business surveys; [p]roviding elder care, namely, day care services; providing assisted living facilities; child care services; [c]ommunity mental health services; health care services, namely, wellness programs; [and]

[p]roviding case management services, namely, coordinating legal, medical, physical, social, personal care and psychological services for transitional housing candidates.”

10. Wilder has expended substantial resources in the promotion of its HERE FOR GOOD Mark and has established significant goodwill therein. As a result, the HERE FOR GOOD Mark has become, through widespread and favorable acceptance and recognition, an asset of substantial value to Wilder. Wilder’s federally registered trademark and common law rights in the HERE FOR GOOD Mark will be referred to jointly hereinafter as the “HERE FOR GOOD Mark.”

11. Due to the continual use of the HERE FOR GOOD Mark by Wilder, the Mark acquired secondary meaning years ago. The Mark has come to indicate Wilder as the single source of the mission driven services associated with the HERE FOR GOOD Mark.

12. Without the knowledge or consent of Wilder, and beginning long after Wilder had established extensive and valuable goodwill in connection with its HERE FOR GOOD Mark, Defendant Planned Parenthood commenced to use in interstate commerce, and commerce affecting interstate commerce, the HERE FOR GOOD Mark to promote identical and/or closely related services covered by Wilder’s trademark rights. As representative examples, such services have included public education, awareness and wellness programs, including, without limitation, medical care, education, therapy and support for pregnant and parenting young women.

13. In an effort to avoid litigation and negate or minimize any adverse impact on either parties’ mission driven services, Wilder made repeated good faith efforts to reach an amicable resolution with Defendant Planned Parenthood. Defendant Planned Parenthood has rejected all such good faith efforts. Rather than transitioning away from its unauthorized and

infringing use of Wilder's HERE FOR GOOD Mark, Defendant Planned Parenthood has continued to expand and further encroach upon Wilder's well established trademark rights.

14. Without limitation, Defendant Planned Parenthood has expanded its encroaching activities to include consistent and repeated use of Wilder's HERE FOR GOOD Mark across multiple mediums, including radio advertisements, traditional billboards, social media sites such as Facebook®, Twitter®, and YouTube®, and donor solicitation correspondence.

15. Below are representative examples of Defendant Planned Parenthood's expanding and encroaching unauthorized use of Wilder's HERE FOR GOOD Mark:



(Twin Cities' Billboard)



(Portion of Planned Parenthood's Facebook® Page)



(Planned Parenthood Twitter® Post)

Up next AUTOPLAY

- Planned Parenthood is here for good.**
Planned Parenthood Minnesota, N
102 views
- The Birth Control Pill - How it Works, Benefits, Side Effects**
Planned Parenthood Minnesota, N
13K views
- Choosing the best type of birth control for your needs - Planned**
Planned Parenthood Minnesota, N
7.2K views
- Thank You from Planned Parenthood**
Planned Parenthood Minnesota, N
511 views
- Planned Parenthood Education Programs in Northern**
Planned Parenthood Minnesota, N
698 views
- Visiting Planned Parenthood in Richfield**
Planned Parenthood Minnesota, N
7K views
- The Birth Control Ring (or NuvaRing) - How it Works,**
Planned Parenthood Minnesota, N
29K views

Planned Parenthood Minnesota, North Dakota, South Dakota
Published on Nov 17, 2017

Celebrate Planned Parenthood 2017
Category: Education
License: Standard YouTube License

SUBSCRIBE

(Screenshot of Planned Parenthood YouTube® Video)



(Screenshot of Planned Parenthood YouTube® Video)

16. Defendant Planned Parenthood has intentionally, and with express notice of Wilder’s trademark rights, made the HERE FOR GOOD Mark a recurring focal point of its marketing campaigns. In addition to expanding its use of the HERE FOR GOOD Mark across multiple mediums, Defendant Planned Parenthood has utilized consistent and recurring design elements in an attempt to create an association and affinity between Defendant Planned Parenthood and Wilder’s HERE FOR GOOD Mark.

17. As one illustration of Defendant Planned Parenthood’s intentional infringement and encroaching activity, Defendant Planned Parenthood recently altered its original design and presentation of the infringing HERE FOR GOOD Mark to better accentuate, emphasize, highlight and promote “HERE FOR GOOD”:



18. Such use of the HERE FOR GOOD Mark by Defendant Planned Parenthood is without permission or authority of Wilder and is likely to cause or has caused confusion, mistake and deception as to the source, nature and quality of the mission driven services offered by both Wilder and Defendant Planned Parenthood.

19. Wilder's repeated good faith settlement efforts having failed, and Defendant Planned Parenthood's infringing and encroaching activities continuing to expand, Wilder is regrettably forced to commence the present litigation to protect its valuable trademark rights and avoid confusion, mistake and/or deception in the marketplace.

COUNT I

TRADEMARK INFRINGEMENT UNDER THE LANHAM ACT, 15 U.S.C. §§ 1051, et seq.

20. Plaintiff incorporates the preceding paragraphs as though fully set forth herein.

21. Defendant's acts constitute trademark infringement in violation of the Federal Trademark Act of 1946, specifically 15 U.S.C. § 1114(1), and of Plaintiffs' trademark rights at common law.

22. Defendant's acts of infringement have caused Plaintiff damages.

COUNT II

COMMON LAW TRADEMARK INFRINGEMENT

23. Plaintiff incorporates the preceding paragraphs as though fully set forth herein.

24. Defendant's acts constitute trademark and/or trade name infringement in violation of Plaintiff's rights at common law.

25. Defendant's acts of infringement have caused Plaintiff damages.

COUNT III

UNFAIR COMPETITION AND PASSING OFF

26. Plaintiff incorporates the preceding paragraphs as though fully set forth herein.

27. Defendant has used a mark which is identical or confusingly similar to Plaintiff's HERE FOR GOOD Mark with the intent to deceive the public into believing that services offered by Defendant are approved by, sponsored by or affiliated with Plaintiff.

28. Defendant's acts as alleged herein were committed with the intent to pass off and palm off Defendant's services as the services of Plaintiff, and with the intent to deceive and defraud the public.

29. Defendant's acts constitute unfair competition and passing off, and have caused Plaintiff damages.

30. Defendants' acts constitute violations of 15 U.S.C. § 1125 and of the common law.

COUNT IV

FALSE DESIGNATION OF ORIGIN

31. Plaintiff incorporates the preceding paragraphs as though fully set forth herein.

32. Defendant has offered and provided services through interstate commerce with the HERE FOR GOOD Mark connected therewith.

33. Defendant's use of said designation and representation constitutes a false designation of origin which is likely to cause confusion, to cause mistake and to deceive as to the affiliation, connection or association of Defendant with Plaintiff, and as to the origin, sponsorship or approval of such services by Plaintiff.

34. Defendant's acts are in violation of 15 U.S.C. § 1125 in that Defendant has used in connection with services a false designation of origin, or a false or misleading description and representation of fact, which is likely to cause confusion, to cause mistake, and to deceive as to the affiliation, connection or association of Defendant with Plaintiff and as to the origin, sponsorship and approval of Defendant's services and activities by Plaintiff.

35. Defendant's acts have caused Plaintiff damages.

COUNT V

MINNESOTA UNIFORM DECEPTIVE TRADE PRACTICES ACT

36. Plaintiff incorporates the preceding paragraphs as though fully set forth herein.

37. Defendant has used in connection with services a false designation of origin, or a false or misleading description and representation of fact, which is likely to cause confusion or mistake, and to deceive as to the origin, sponsorship and approval of Defendant's services.

38. Defendant's false designation of origin, sponsorship and approval constitutes a violation of Minn. Stat. § 325D.44 and have damaged Plaintiff.

WHEREFORE, Plaintiff prays for the following relief:

(a) That this Court issue an injunction pursuant to, without limitation, 15 U.S.C. § 1116, Minn. Stat. §§ 8.31 and 325D.45, enjoining and restraining Defendant, and its affiliates, agents, servants and employees from directly or indirectly using the HERE FOR GOOD Mark or any name or mark similar to Plaintiff's HERE FOR GOOD Mark, which is likely to cause confusion, mistake or to deceive;

(b) That this Court, pursuant to, without limitation, 15 U.S.C. § 1118, order that all products, labels, signs, prints, packages, wrappers, receptacles, and advertisements in the

possession of Defendant bearing the HERE FOR GOOD Mark, shall be delivered up and destroyed;

(c) That the Court grant Plaintiff such other and further relief as this Court may deem just and proper.

Jury Demand

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

Dated: February 2, 2018

BRIGGS AND MORGAN, P.A.

By: s/Michael M. Lafeber
Michael M. Lafeber (#242871)
2200 IDS Center
80 S. 8th Street
Minneapolis, Minnesota 55402
Phone: (612) 977-8400
Facsimile: (612) 977-8650

*Attorneys for Plaintiff Amherst H. Wilder
Foundation*

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 THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS Amherst H. Wilder Foundation</p>	<p>DEFENDANTS Planned Parenthood Minnesota, North Dakota, South Dakota</p>
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<p>(b) County of Residence of First Listed Plaintiff: Ramsey County, MN (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number)</p> <p>Michael M. Lafeber Briggs and Morgan, P.A. 2200 IDS Center 80 South 8th Street Minneapolis, MN 55402 (612) 977-8924</p>	<p>County of Residence of First Listed Defendant Ramsey County, MN (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 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)

(For Diversity Cases Only)	
PTF	DEF
Citizen of This State <input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State <input type="checkbox"/> 4
Citizen of Another State <input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 6

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

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 (Excl. 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	<table style="width:100%;"> <tr> <th style="width:50%;">PERSONAL INJURY</th> <th style="width:50%;">PERSONAL INJURY</th> </tr> <tr> <td> <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 </td> <td> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 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 </td> </tr> </table>	PERSONAL INJURY	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—Med. Malpractice <input type="checkbox"/> 365 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"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<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 checked="" type="checkbox"/> 840 Trademark	<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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
PERSONAL INJURY	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—Med. Malpractice <input type="checkbox"/> 365 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							
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY				
<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	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<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))				
			IMMIGRATION	FEDERAL TAX SUITS				
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				

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

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
 15 U.S.C. §§ 1051, *et. Seq.*

Brief description of cause: Trademark Infringement

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

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: February 2, 2018 SIGNATURE OF ATTORNEY OF RECORD: s/Michael M. Lafeber

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.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.

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. (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.

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 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.

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.