UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

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|) Civil Action No |
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PLAINTIFF FEDERAL TRADE COMMISSION'S COMPLAINT FOR PERMANENT INJUNCTION AND OTHER RELIEF

Plaintiff, the Federal Trade Commission (FTC or Commission) for its Complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission

Act (FTC Act), 15 U.S.C. § 53(b), and Section 814 of the Fair Debt Collection Practices Act

(FDCPA), 15 U.S.C. § 1692l, to obtain permanent injunctive relief, rescission or reformation of

contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other

equitable relief for Defendants' acts or practices in violation of Section 5(a) of the FTC Act, 15

U.S.C. § 45(a), and the FDCPA, 15 U.S.C. § 1692-1692p.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a), 53(b), and 16921(a).

3. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c), and 15 U.S.C.
§ 53(b). Defendants reside in and transact business in this District.

PLAINTIFF

4. The Commission is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The Commission enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The Commission also enforces the FDCPA, 15 U.S.C. § 1692-1692p, which prohibits deceptive, abusive, and unfair debt collection practices.

5. The Commission is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and the FDCPA, and to secure such equitable relief as may be appropriate in each case, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. §§ 53(b), 56(a)(2)(A), and 16921(a). Section 814 of the FDCPA further authorizes the Commission to use all of the functions and powers of the Commission under the FTC Act to enforce compliance by any person with the FDCPA. 15 U.S.C. § 16921.

DEFENDANTS

6. Defendant Municipal Recovery Services Corporation ("WED"), also doing business as Warrant Enforcement Division, is a Texas corporation with its principal place of business at 5353 Alpha Road, Suite 210, Dallas, Texas 75240. WED transacts or has transacted business in this District and throughout the United States. 7. Defendant Marcos A. Nieto, also known as Mark Nieto ("Nieto"), is the sole owner and employee of WED. Nieto also serves as the company's President and CEO and executes contracts on behalf of the company. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of WED set forth in this Complaint. Nieto resides in this District, and, in connection with the matters alleged here, transacts or has transacted business in this District and throughout the United States.

COMMERCE

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

DEFENDANTS' BUSINESS ACTIVITIES

9. Since at least 2009, Defendants have engaged in third-party debt collection of past-due municipal utility bills, traffic tickets, fines, and other debts owed to municipalities in Texas and Oklahoma.

10. Municipalities that have employed WED's collection services sign agreements with the company. Nieto executed these collection agreements on behalf of WED, as the company's President.

11. In numerous instances, Defendants have mailed one or more letters or postcards to consumers who owed municipal utility bills, court fines, and other debts.

12. In numerous instances, the collection letters or postcards that Defendants have mailed to consumers, including consumers who owe court-imposed municipal debt and municipal utility debt, prominently displayed a seal with a star and the name "Warrant

Enforcement." The collection letters and postcards have represented that they are from a municipal court.

COLLECTION OF COURT-IMPOSED MUNICIPAL DEBT

13. In collecting court-imposed municipal debts, Defendants have employed a threephase collection letter process. Each phase in the process has represented that the likelihood of the consumer's arrest for failing to pay the alleged debt has escalated.

14. Defendants' Phase 1 letter (a sample of which is attached as Exhibit A), entitled "NOTICE OF OUTSTANDING WARRANTS," has stated, among other things, that:

a. "failure to take care of outstanding warrants may result in running a great risk of arrest at any time;" and

b. "IN THE STATE OF . . . WARRANTS ARE ENCORCEABLE BY A POLICE OFFICER AT ANYTIME."

[emphasis in original]

15. Defendants' Phase 2 letter (a sample of which is attached as Exhibit B), entitled "WARRANT FOR YOUR ARREST," has stated, among other things, that:

a. "A DECISION HAS BEEN SET FORTH BY THE COURT TO ACTIVELY PURSUE ALL OUTSTANDING WARRANTS."

- b. "The following actions may be a direct result of your negligence:
 - i. Arrest at your home or office
 - ii. Jail confinement for a considerable amount of time
 - iii. Vehicle impoundment
 - iv. Inability to renew your driver's license."

[emphasis in original]

16. Defendants' Phase 3 letter (a sample of which is attached as Exhibit C), entitled **"FINAL NOTICE BEFORE ARREST**," has stated, among other things, that:

a. "CRIMINAL WARRANTS FOR YOUR ARREST HAVE BEEN ISSUED;" and

b. "WARRANT OFFICERS HAVE BEEN GIVEN YOUR <u>CURRENT</u> ADDRESS BEING HELD ON FILE."

[emphasis in original]

COLLECTION OF MUNICIPAL UTILITY DEBTS

17. In numerous instances, Defendants have mailed consumers a postcard (a sample of which is attached as Exhibit D), in an attempt to collect a utility bill.

18. The postcard that Defendants have mailed to consumers who owed municipal

utility debts, prominently displayed a seal with a star and the name "Warrant Enforcement." The

postcard represented that it is from a municipal court.

19. In numerous instances, the postcard that Defendants have mailed to consumers

who owed utility bills, contained false statements and threats, including, among other things:

PAY YOUR FINE NOW – AVOID GOING TO JAIL[.]

*WARNING: IF YOU MAIL PAYMENT, YOUR WARRANT(S) WILL REMAIN ACTIVE AND YOU REMAIN SUBJECT TO ARREST UNTIL PAYMENT IS RECEIVED & POSTED BY THE APPROPRIATE COURT.

NOTICE OF OUTSTANDING WARRANTS

This notice is to inform you of possible outstanding warrants for your arrest, our records indicate this debt is significantly over due.

WITHIN THE STATE OF OKLAHOMA, WARRANTS ARE ENFORCABLE BY A POLICE OFFICER AT ANYTIME

[emphasis in original]

20. The postcard that Defendants have mailed to consumers, requested that payments be made "Payable to WARRANT ENFORCEMENT," and listed the company's Alpha Road address in Dallas, Texas. Defendants' postcard further directed consumers who have "additional inquiries regarding this notice" or would like to "obtain information regarding possible warrants" to call a toll-free number, (800) 897-7508.

21. In numerous instances, while attempting to collect past-due utility debts, Defendants have failed to provide consumers with a statutorily required notice, either orally in their initial communication with the consumer or in writing within five days of the initial oral communication, setting forth the following: a) the amount of the alleged debt; b) the name of the creditor to whom the purported debt is owed; c) a statement that unless the consumer disputes the debt, the debt will be assumed valid; d) a statement that if the consumer disputes all or part of the debt in writing within 30 days, the debt collector will obtain verification of the debt and mail it to the consumer; and e) a statement that, upon the consumer's written request within the 30-day period, the debt collector will provide the name and address of the original creditor, if different from the current creditor.

VIOLATIONS OF THE FTC ACT

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

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

<u>COUNT ONE</u> False or Unsubstantiated Statements Used to Collect Debts

24. In numerous instances in connection with the collection of debts, Defendants have

represented, directly or indirectly, expressly or by implication, that:

- a. Consumers will be arrested or jailed if they fail to promptly pay Defendants;
- b. Consumers will have their vehicle impounded; and
- c. Consumers will be unable to renew their driver's license.

25. In truth and in fact, in numerous instances in which Defendants have made the representations set forth in paragraph 24 of this Complaint, these representations have been false, or Defendants have not had a reasonable basis for the representations at the time Defendants made them.

26. Therefore, Defendants' representations as set forth in Paragraph 24 of thisComplaint constitute deceptive acts or practices in violation of Section 5 of the FTC Act, 15U.S.C. § 45(a).

<u>COUNT TWO</u> False Statements Used to Collect Debts

27. In numerous instances in connection with the collection of debts, Defendants have represented, directly or indirectly, expressly or by implication, that:

- a. Defendants' communications are from a municipal court;
- b. Consumers have committed a crime by having an unpaid debt; and
- c. Consumers have outstanding arrest warrants against them.

28. In truth and in fact, in numerous instances in which Defendants have made the representations set forth in Paragraph 27 of this Complaint:

a. Defendants' communications were not from a municipal court;

b. Consumers have not committed a crime by having an unpaid debt; and

c. Consumers did not have outstanding arrest warrants against them.

29. Therefore, Defendants' representations set forth in Paragraph 27 of this Complaint are false and misleading and constitute deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

VIOLATIONS OF THE FDCPA

30. In 1977, Congress passed the FDCPA, 15 U.S.C. § 1692 *et seq.*, which became effective on March 20, 1978, and has been in force since that date. Section 814 of the FDCPA, 15 U.S.C. § 1692*l*, provides that a violation of the FDCPA shall be deemed an unfair or deceptive act or practice in violation of the FTC Act, and further authorizes the Commission to use all of its functions and powers under the FTC Act to enforce compliance with the FDCPA by any debt collector. The authority of the Commission in this regard includes the power to enforce the provisions of the FDCPA in the same manner as if the violation of the FDCPA were violations of a Commission trade regulation rule.

31. Defendants are "debt collectors" as defined in Section 803(6) of the FDCPA,15 U.S.C. § 1692a(6).

32. A "consumer," as defined in Section 803(3) of the FDCPA, 15 U.S.C. § 1692a(3), is "any natural person obligated or allegedly obligated to pay any debt."

33. A "debt," as defined in Section 803(5) of the FDCPA, 15 U.S.C. § 1692a(5), is "any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been

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reduced to judgment." Municipal utility bills are "debts" within the meaning of Section 803(5) of the FDCPA.

34. Section 807 of the FDCPA, 15 U.S.C. § 1692e, prohibits debt collectors from using any false, deceptive, or misleading representations or means in connection with the collection of any debt. Without limiting the general application of Section 807, the section includes sixteen subsections specifying conduct that violates the section.

- a. Section 807(4), 15 U.S.C. § 1692e(4), prohibits the false representation or implication that nonpayment of any debt will result in arrest or imprisonment of the person.
- Section 807(7), 15 U.S.C. § 1692e(7), prohibits the false representation or implication that the consumer committed any crime in order to disgrace the consumer.
- c. Section 807(9), 15 U.S.C. § 1692e(9), prohibits the use or distribution of any written communication which simulates or is falsely represented to be a document issued by any court or which creates a false impression as to its source.

35. Section 808 of the FDCPA, 15 U.S.C. § 1692f, prohibits debt collection from using unfair or unconscionable means to collect or attempt to collect any debt. Without limiting the general application of Section 808, the section includes eight subsections specifying conduct that violates the section. Section 808(7) precludes debt collectors from communicating with consumers through the use of a postcard.

36. Section 809(a) of the FDCPA, 15 U.S.C. § 1692g(a), demands that debt collectors send consumers a written notice containing certain information about the debt within five days of

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the initial communication with a consumer in connection with the collection of any debt, unless that information is contained in the initial communication or the consumer has paid the debt.

37. Section 814(a) of the FDCPA, 15 U.S.C. § 1692*l*(a), provides that a violation of the FDCPA shall be deemed an unfair or deceptive act or practice in violation of the FTC Act, and authorizes the Commission to use all of its functions and powers under the FTC Act to enforce compliance with the FDCPA by any debt collector.

<u>COUNT THREE</u> False Statements Used to Collect Debts

38. In numerous instances, in connection with the collection of municipal utility debts covered by the FDCPA, Defendants directly or indirectly, expressly or by implication have used false, deceptive, or misleading representations or means, in violation of Section 807 of the FDCPA, 15 U.S.C. § 1692e, including, but not limited to:

- (a) Falsely representing or implying that nonpayment of a debt will result in the arrest or imprisonment of any person, in violation of Section 807(4) of the FDCPA, 15 U.S.C. § 1692e(4);
- (b) Falsely representing or implying that a consumer committed a crime in order to disgrace the consumer, in violation of Section 807(7) of the FDCPA, 15 U.S.C.
 § 1692e(7); and
- (c) Using or distributing a written communication which simulates or is falsely represented to be a document authorized, issued, or approved by any court, official, or agency of the United States or any State, or which creates a false impression as to its source, authorization, or approval, in violation of Section 807(9) of the FDCPA, 15 U.S.C. § 1692e(9).

<u>COUNT FOUR</u> Communication about a Debt by Postcard

39. In numerous instances, in connection with the collection of municipal utility debts covered by the FDCPA, Defendants have used a postcard to communicate with persons about a debt, in violation of Section 808(7) of the FDCPA, 15 U.S.C. § 1692f(7).

<u>COUNT FIVE</u> Failure to Provide Statutorily Required Notice

40. In numerous instances, in connection with the collection of municipal utility debts covered by the FDCPA, Defendants have failed to provide consumers, either in the initial communication or a written notice sent within five days after the initial communication, with information about the debt and the right to dispute the debt, in violation of Section 809(a) of the FDCPA, 15 U.S.C. § 1692g(a).

CONSUMER INJURY

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

THIS COURT'S POWER TO GRANT RELIEF

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

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court, as authorized by Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

A. Enter a permanent injunction to prevent future violations of the FTC Act and the FDCPA by Defendants;

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

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

Respectfully submitted,

JONATHAN E. NUECHTERLEIN General Counsel

DAMA J. BROWN Regional Director

LUÍS H. GALLEGOS Oklahoma Bar No. 19098 THOMAS B. CARTER, Texas Bar No. 03932300 REID A. TEPFER Texas Bar No. 24079444

Federal Trade Commission 1999 Bryan Street, Suite 2150 Dallas, Texas 75201 (214) 979-9383; lgallegos@ftc.gov (214) 979-9372; tcarter@ftc.gov (214) 979-9395; rtepfer@ftc.gov (214) 953-3079; (fax)

Attorneys for Plaintiff FEDERAL TRADE COMMISSION

Dated: December 24, 2015



WARRANT ENFORCEMENT

Dallas, TX 75240



City of Municipal Court

<u>Warrant Enforcement Office</u> 1-800-306-9190 Monday – Friday 8:00 a.m. – 8:00 p.m. Saturday 8:00 a.m. – 12:00 p.m.

NOTICE OF OUTSTANDING WARRANTS

Dear

This letter is to inform you of outstanding warrants for your arrest, our records indicate this debt is significantly over due. Failure to take care of outstanding warrants may result in running a great risk of arrest at any time. The objective of this correspondence is to give you every opportunity to resolve your obligation.

WITHIN THE STATE OF TEXAS, WARRANTS ARE ENFORCEABLE BY A POLICE OFFICER AT ANYTIME.

To resolve this matter immediately, you must mail or personally deliver your fines and court cost **Payable to the City of Example**. Enclosed is a return envelope for your convenience. You must detach the voucher below along with your *cashiers check* or *money order* (*No personal checks*). Should there be any additional inquiries regarding this notice, or if you would like to obtain information regarding possible warrants and see other payment options, **please call toll free1-800-306-9190 or visit <u>MYTICKETPAY.NET</u> to resolve this matter.**

| Municipality: | City of | | Municipal Court |
|----------------------|---------|--|-----------------|
|----------------------|---------|--|-----------------|

Warrant Number:

Total Amount Due: \$

| | PLEASE INCLUDE VOUCHER WITH PAYMENT |
|--------------------------------------|-------------------------------------|
| Municipality | City of |
| Warrant Number | Amount Enclosed : |
| Total Amount Due | |
| | |
| City of Attn: Municipal C , TX | Municipal Court ourt TX 1 |

EXHIBIT A



City of Municipal Court

 Warrant Enforcement Office

 1-800-897-7508

 Monday – Friday

 8:00 a.m. – 8:00 p.m.

 Saturday 8:00 a.m. – 12:00 p.m.



WARRANT FOR YOUR ARREST

Dear

Our records indicate that you have continued to ignore our recent attempts to resolve this urgent matter.

A DECISION HAS BEEN SET FORTH BY THE COURT TO ACTIVELY PURSUE ALL OUTSTANDING WARRANTS. A WARRANT ROUND-UP IS COMING.

The following actions may be a direct result of your negligence:

- Arrest at your home or office
- > Jail confinement for a considerable amount of time
- > Vehicle impoundment
- Inability to renew your driver's license

To have these warrants withdrawn you must take immediate action.

To resolve this matter immediately, you must mail or personally deliver your fines and court cost *Payable to Warrant Enforcement*. Enclosed is a return envelope for your convenience. You must detach the voucher below along with your *cashiers check* or *money order*, *Personal Check*. Should there be any additional inquiries regarding this notice, or if you would like to obtain information regarding possible warrants, *please call toll free* **1-800-897-7508**. Credit Card Payments accepted @ MyTicketPay.com

| Municipality: | City of |
|---------------|---------|
| Warrant Numl | ber(s): |
| Total Amount | Due: § |

| Municipality | City of | |
|---|---------|-------------------|
| Warrant Number | | Amount Enclosed : |
| Total Amount Due | | Amount Enclosed. |
| <i>Mail Payment To</i> . Warrant Enforce | | |

EXHIBIT B



WARRANT ENFORCEMENT 5353 Alpha Rd. | office 210 Dallas, TX 75240

FINAL NOTICE



City of Municipal Court

<u>Warrant Enforcement Office</u> 1-800-897-7508 Monday – Friday 8:00 a.m. – 8:00 p.m. Saturday 8:00 a.m. – 12:00 p.m.

FINAL NOTICE BEFORE ARREST

Dear

We have spent a considerable amount of time and effort in helping you resolve this matter. You have been advised of the embarrassing consequences regarding your non-compliance.

CRIMINAL WARRANTS FOR YOUR ARREST HAVE BEEN ISSUED

YOU HAVE IGNORED THESE NOTICES AND HAVE DONE NOTHING TO RESOLVE THIS URGENT MATTER.

WARRANT OFFICERS HAVE BEEN GIVEN YOUR <u>CURRENT</u> ADDRESS BEING HELD ON FILE. THIS IS THE FINAL ATTEMPT TO RESOLVE THIS.

To resolve this matter immediately, you must mail or personally deliver your fines and court cost *Payable to Warrant Enforcement*. Enclosed is a return envelope for your convenience. You must detach the voucher below along with your *personal check*, *cashiers check* or *money order*. Should there be any additional inquiries regarding this notice, or if you would like to obtain information regarding possible warrants, *please call toll free* **1-800-897-7508**.

Municipality: City of

Municipal Court

Warrant Number(s):

Total Amount Due:

PLEASE INCLUDE VOUCHER WITH PAYMENT

| Municipality Ci | ty of | | |
|---|--------|-------------------|------------|
| Warrant Number | | Amount Enclosed : | |
| Total Amount Due | | Amount Enclosed | |
| <i>Mail Payment To:</i> Warrant Enforceme Attn: Payment Proce 5353 Alpha Rd Suite Dallas, Texas 75240 | essing | , TX | MRSC 00041 |

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City of Municipal Court 1-800-897-7508

NOTICE OF OUSTANDING WARRANTS

This notice is to inform you of possible outstanding warrants for your arrest, our records indicate this debt is significantly over due. Failure to take care of outstanding warrants may result in running a great risk of arrest at any time. The objective of this correspondence is to give you every opportunity to resolve your obligation.

WITHIN THE STATE OF OKLAHOMA, WARRANTS ARE ENFORCEABLE BY A POLICE OFFICER AT ANYTIME.

To resolve this matter immediately, you must mail or personally deliver your fines and court cost Payable to WARRANT ENFORCEMENT.

Located at 5353 Alpha Rd. Suite 210 Dallas, TX 75240. Should there be any additional inquiries regarding this notice, or if you would like to obtain information regarding possible warrants, please call toll free 1-800-897-7508.

JS 44-TXND (Rev 12/12) Case 3:15-cv-04064-N Document 12 Cover Sheet Page 1 of 2 PageID 19

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 Federal Trade Commmission | | | | DEFENDANTS Municipal Recovery Services Corporation, d/b/a Warrant Enforcemen Division, and Marcos Anthony Nieto, individually and as an officer of Municipal Recovery Services Corporation | | | | |
|---|---|--|--------------|--|---|--|--|--|
| (h) County of Desidence of | | | | | • | | Delles | |
| (b) County of Residence of | XCEPT IN U.S. PLAINTIFF CA | (SES) | | County of Residence | | ed Defendant | Dallas | |
| (22 | | | | NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED | | | | |
| (c) Attorneys (Firm Name, A | Address, and Telephone Numbe | r) | | Attorneys (If Known) | | | | |
| Reid Tepfer, Federal Tra 1999 Bryan St., Ste. 2150 Dallas, TX 75201 | de Commission, (214) | | | pro se | | | | |
| II. BASIS OF JURISDI | CTION (Place an "X" in C | One Box Only) | | | RINCIPA | L PARTIES | (Place an "X" in One Box for Plaintiff and One Box for Defendant) | |
| ☑ 1 US Government Plaintiff | 3 Federal Question (U.S. Government Not a Party) | | | | TF DEF | Incorporated or Pr of Business In T | PTF DEF | |
| □ 2 U S Government Defendant | ☐ 4 Diversity (Indicate Citizensh | ip of Parties in Item III) | Citiz | en of Another State | 2 2 | Incorporated and I of Business In A | | |
| | | | | en or Subject of a reign Country | 3 3 | Foreign Nation | | |
| IV. NATURE OF SUIT | | | | | D (D | | | |
| CONTRACT ☐ 110 Insurance | PERSONAL INJURY | D <u>RTS</u> PERSONAL INJUR | | DRFEITURE/PENALTY 25 Drug Related Seizure | | NKRUPTCY eal 28 USC 158 | OTHER STATUTES □ 375 False Claims Act | |
| □ 120 Marine | 310 Airplane | 365 Personal Injury - | - | of Property 21 USC 881 | □ 423 With | drawal | □ 400 State Reapportionment | |
| 130 Miller Act 140 Negotiable Instrument | 315 Airplane Product Liability | Product Liability 3 67 Health Care/ | □ 69 | 00 Other | 28 U | JSC 157 | 410 Antitrust 430 Banks and Banking | |
| 150 Recovery of Overpayment & Enforcement of Judgment | 320 Assault, Libel & | Pharmaceutical Personal Injury | | | PROPE | RTY RIGHTS | □ 450 Commerce □ 460 Deportation | |
| □ 151 Medicare Act | 330 Federal Employers' | Product Liability | | | 830 Pater | nt | 470 Racketeer Influenced and | |
| 152 Recovery of Defaulted Student Loans | Liability 340 Marine | 368 Asbestos Personal Injury Product | | | □ 840 Trad | emark | Corrupt Organizations 480 Consumer Credit | |
| (Excludes Veterans) □ 153 Recovery of Overpayment | 345 Marine Product Liability | Liability PERSONAL PROPER | TV 🗖 71 | LABOR | SOCIAL 861 HIA | (1205ff) | 490 Cable/Sat TV 850 Securities/Commodities/ | |
| of Veteran's Benefits | 350 Motor Vehicle | 370 Other Fraud | | Act | 🗖 862 Blac | k Lung (923) | Exchange | |
| 160 Stockholders' Suits 190 Other Contract | 355 Motor Vehicle Product Liability | 371 Truth in Lending 380 Other Personal | □ 72 | 20 Labor/Management Relations | 863 DIW 864 SSIE | C/DIWW (405(g)) Title XVI | ▶ 890 Other Statutory Actions □ 891 Agricultural Acts | |
| 195 Contract Product Liability 196 Franchise | 360 Other Personal Injury | Property Damage 385 Property Damage | | 0 Railway Labor Act | □ 865 RSI | (405(g)) | 893 Environmental Matters 895 Freedom of Information | |
| | 362 Personal Injury - | Product Liability | | Leave Act | | | Act | |
| REAL PROPERTY | Medical Malpractice CIVIL RIGHTS | PRISONER PETITION | | 00 Other Labor Litigation 01 Employee Retirement | FEDER. | AL TAX SUITS | 896 Arbitration 899 Administrative Procedure | |
| 210 Land Condemnation 220 Foreclosure | 440 Other Civil Rights 441 Voting | Habeas Corpus: 463 Alien Detainee | | Income Security Act | | s (US Plaintiff efendant) | Act/Review or Appeal of Agency Decision | |
| 230 Rent Lease & Ejectment | □ 442 Employment | 510 Motions to Vacate | ; | | 🗖 871 IRS- | -Third Party | 950 Constitutionality of | |
| 240 Torts to Land 245 Tort Product Liability | □ 443 Housing/ Accommodations | Sentence 530 General | | | 26 U | JSC 7609 | State Statutes | |
| 290 All Other Real Property | □ 445 Amer w/Disabilities - | 535 Death Penalty Other: | 1 46 | IMMIGRATION 52 Naturalization Application | | | | |
| | Employment 446 Amer w/Disabilities - | 540 Mandamus & Oth | | 5 Other Immigration | | | | |
| | Other Other 448 Education | 550 Civil Rights 555 Prison Condition | | Actions | | | | |
| | | 560 Civil Detainee - Conditions of | | | | | | |
| | | Confinement | | | | | | |
| | n One Box Only) moved from 3 the Court | Remanded from Appellate Court | | stated or D 5 Transf bened Anoth (specify | er District | □ 6 Multidistr Litigation | | |
| | Cite the U.S. Civil Sta | tute under which you a | re filing (1 | Do not cite jurisdictional sta | tutes unless di | versity): | 0 0 10001 | |
| VI. CAUSE OF ACTIO | Brief description of ca | use: | | 3(b), and Section 81 S.C. § 45(a), and the | | | | |
| VII. REQUESTED IN | | IS A CLASS ACTION | | EMAND \$ | | | if demanded in complaint: | |
| COMPLAINT: | UNDER RULE 2 | | | | J | URY DEMAND: | : 🗇 Yes 🕱 No | |
| VIII. RELATED PENI IF ANY | DING OR CLOSED (See instructions): | CASE(S) JUDGE | | | DOCKE | ET NUMBER | | |
| DATE | | SIGNATURE OF AT | FORNEY (| OF RECORD | | | | |
| 12/24/15 | | Reid Tepfer | | | | | | |
| FOR OFFICE USE ONLY | | | | | | | | |
| · | MOUNT | APPLYING IFP | | JUDGE | | MAG JU | | |
| Print | Save As | | | | | | Reset | |

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 of the United States are target affected by the state state.

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

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 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 clerk(s) 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 six 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.

- 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 a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or a similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

Attorney Signature. Date and sign the civil cover sheet.