

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

ALYSSA FOSTER,

Plaintiff,

vs.

**ORGANON USA, INC., ORGANON
PHARMACEUTICALS USA, INC., ORGANON
INTERNATIONAL, INC., AKZO NOBEL NV,
SCHERING-PLOUGH CORPORATION,
MERCK & COMPANY, INC.**

Defendants.

CIVIL ACTION NO. 12-3435 (SDW)

**COMPLAINT AND
JURY DEMAND**

Plaintiff, by and through counsels, and for her complaint against Defendants, alleges as follows:

PARTIES AND JURISDICTION

1. Plaintiff, ALYSSA FOSTER, is a citizen of the state of Pennsylvania.
2. Plaintiff seeks an amount in controversy in excess of \$75,000.00, exclusive of interest and costs.
3. Defendant, ORGANON USA, INC., is a global pharmaceutical company engaged in the business of creating, manufacturing, marketing, distributing, labeling, researching, developing and selling medicines in the field of women's health, including the contraceptive, NuvaRing ("ring").
4. Defendant, ORGANON USA, INC., is or at pertinent time was a wholly owned subsidiary and the largest pharmaceutical business unit of Defendant, AKZO NOBEL NV.
5. Defendant, ORGANON PHARMACEUTICALS USA, INC., is a foreign corporation authorized to and actually transacting business in the State of New Jersey, with its principal place of business located at 56 Livingston Avenue, Roseland, New Jersey 07068.
6. Defendant, ORGANON PHARMACEUTICALS USA, INC., is a global pharmaceutical company engaged in the business of creating, manufacturing, marketing, distributing, labeling, researching, developing and selling medicines in the field of women's health,

including the contraceptive, NuvaRing.

7. Defendant, ORGANON PHARMACEUTICALS USA, INC., is or at pertinent time was a wholly owned subsidiary and a pharmaceutical business unit of Defendant, AKZO NOBEL NV.

8. Defendant, ORGANON INTERNATIONAL, INC., is a foreign corporation authorized and actually transacting business in the State of New Jersey, with its principal place of business located at 56 Livingston Avenue, Roseland, New Jersey 07068.

9. Defendant, ORGANON INTERNATIONAL, INC., is a global pharmaceutical company engaged in the business of creating, manufacturing, marketing, distributing, labeling, researching, developing and selling medicines in the field of women's health, including the contraceptive, NuvaRing.

10. Defendant, ORGANON INTERNATIONAL, INC., is or at pertinent time was a wholly owned subsidiary and a pharmaceutical business unit of Defendant, AKZO NOBEL NV.

11. Defendant, AZKO NOBEL NV, is a global Fortune 500 Company incorporated and existing under the laws of The Netherlands.

12. Defendant, AZKO NOBEL NV, individually and through its wholly owned subsidiaries, including Defendants herein, and the trading of its stock on NASDAQ regularly transacts or solicits business, engages in a persistent course of conduct, and derives substantial revenue from goods used or consumed in the State of New Jersey.

13. Defendant, AZKO NOBEL NV, individually and through its wholly owned subsidiaries, including Defendants herein, is a company engaged in the business of creating, manufacturing, marketing, distributing, labeling, researching, developing and selling medicines in the field of women's health, including the contraceptive, NuvaRing.

14. Defendant, SCHERING-PLOUGH CORPORATION, acquired the above named defendants in 2007 and assumed the liabilities attendant thereto, and has its principal place of doing business in New Jersey.

a. In 2008, Defendant, SCHERING-PLOUGH, acquired defendant ORGANON PHARMACEUTICAL USA, INC.; caused it to be dissolved as a corporation; and made it a subsidiary. In so doing, Defendant SCHERING-PLOUGH assumed the liabilities of ORGANON PHARMACEUTICAL USA, INC., as pleaded in this complaint.

b. In 2009, Defendant, MERCK & CO., INC., which has its principal place of doing business in New Jersey, acquired Defendant, SCHERING-PLOUGH CORPORATION, and assumed the liabilities attendant to both SCHERING-PLOUGH CORPORATION and the previously named ORGANON Defendants, plus became liability for injuries which the said product caused after it took control of it.

15. This court has jurisdiction over this action pursuant to 28 U.S.C. §1332 because there is complete diversity of citizenship between the parties, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

16. Venue in this district is appropriate under 28 U.S.C. §1391 because defendants have their principal places of doing business here.

FACTUAL BACKGROUND

17. Plaintiff, ALYSSA FOSTER, was born on July 02, 1989.

18. Pursuant to prescription, plaintiff, ALYSSA FOSTER utilized Defendants' ring product from approximately February 2010 to June 2010.

19. Defendants marketed, promoted and advertised the ring product to physicians and to the public as equally or more safe than oral contraceptive pills, whereas it was less safe than the pill, as defendants knew.

20. Defendants marketed, promoted and advertised the ring product as presenting less of a risk of thrombotic side effects than other means of contraception because of its relatively low amount of estrogen in an attempt to disguise the fact that it had a high level of a dangerous third-generation progestin, capable to causing thrombotic side effects.

21. Defendants failed to warn prescribing physicians and the public that the ring product was associated with more thrombotic events than the pill.
22. Defendants failed to provide proper and full information as to safety to the Food and
23. Drug Administration, which regulated the sale of the ring, and thereby avoided having appropriate warnings and cautions added to its labeling and advertising.
24. Defendants obtained permission to market the ring product by presenting safety data derived from studies on the pill and failed to do proper clinical investigation with actual users of the ring product.
25. In actuality, as Defendants knew but failed to disclose, the ring product released a continuous stream of hormones (progestin and estrogen) into the body of the user, and at a higher level than the pill provided, and more than defendants stated were being released into the blood stream in its promotional literature.
26. Plaintiff, ALYSSA FOSTER, in or about June 2010 sustained an injury due to her use of NuvaRing, namely a pulmonary embolism.
27. As a further result Plaintiff, ALYSSA FOSTER, incurred damages, both special and general.
28. Plaintiff, ALYSSA FOSTER, and her prescribing health care providers were unaware of the increased risk of the use of the ring and would have used and prescribed other methods for birth control if they have been so informed.
29. Up until the time that Plaintiff, ALYSSA FOSTER, was injured, the Food and Drug Administration had never forbidden the defendants from mentioning the subjects about enhanced risks stated above, nor had it ever prevented defendants from enlarging on their warnings about thrombotic risks associated with the use of the ring product.

FIRST CAUSE OF ACTION - STRICT PRODUCT LIABILITY

30. The said ring product was defective and unreasonably dangerous when defendants placed it into the stream of commerce.
31. The defects in the ring product were a proximate cause of the injuries suffered by

Plaintiff, ALYSSA FOSTER, and the damages thereby incurred.

32. By engaging in the said conduct, defendants have become strictly liable to Plaintiff, ALYSSA FOSTER, pursuant to applicable state law.

33. Defendants' ring product was defective and unreasonably dangerous when Defendants placed it into the stream of commerce, in violation of the New Jersey Product Liability Act, N.J.S.A. 2 A:58C-1 et seq.

34. Said conduct of Defendants was so willful, wanton, malicious, reckless and in such disregard for the consequences as to reveal a conscious indifference to the clear risk of death or serious bodily injury and merits the imposition of punitive damages.

35. As of the Defendants' said conduct, plaintiff, ALYSSA FOSTER, has sustained general and special damages in the amount of TEN MILLION (\$10,000,000.00) DOLLARS.

SECOND CAUSE OF ACTION - BREACH OF WARRANTY

36. Plaintiff repeats and realleges paragraphs of the Complaint designated 30-35.

37. Defendants have breached applicable warranties, express and implied, including safety, pursuant to applicable state law and are therefore liable to Plaintiff.

THIRD CAUSE OF ACTION - NEGLIGENCE

38. Plaintiff repeats and realleges paragraphs of the Complaint designated 30-35 and 37.

39. Defendants were negligent in designing, manufacturing, inspecting, testing, labeling, monitoring, promoting, distributing and selling the product, pursuant to applicable state law.

40. Defendants are therefore liable to Plaintiff.

41. The conduct of Defendants was so willful, Defendants was so willful, wanton, malicious, reckless and in such disregard for the consequences as to reveal a conscious indifference to the clear risk of death or serious bodily injury and merits the imposition of punitive damages.

FOURTH CAUSE OF ACTION - FRAUD AND MISREPRESENTATION

42. Plaintiff repeats and realleges paragraphs of the Complaint designated 30-35, 37, 39-41.

43. Defendants deliberately and carelessly made false and misleading statements about the safety of the product, on which plaintiff and her prescribing doctor relied to her detriment.

44. Defendants concealed research which it did or had done for it, or changed it before presentation to the FDA or for publication so as to minimize health hazard, and caused to be published articles unjustifiably representing the safety of the product.

FIFTH CAUSE OF ACTION-CONSUMER FRAUD

45. Plaintiff repeats and realleges paragraphs of the Complaint designated 30-35, 37, 39-41, 43-44.

46. Defendants, through their agents, servants and/or employees violated the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., through their design, manufacture, testing, distribution, promotion and sale of the ring product by engaging in one or more of the following unlawful practices: unconscionable commercial practices, deception, fraud, false pretenses, false promises, misrepresentations, and/or the knowing concealment, suppression or omission of material facts with the intent that Plaintiff herein and other users would rely upon such concealment, suppression or omission and otherwise pursuant to applicable state law.

47. As a direct and proximate result of the wrongful acts and conduct of the Defendants, as described above, Plaintiff, ALYSSA FOSTER, was caused to suffer serious and permanent injuries; was caused to suffer great pain and will in the future be caused to suffer great pain; was caused to incur medical expenses and will in the future be caused to incur medical expenses; was caused to lose time from her employment and will in the future be caused to lose time from her employment; and was caused to suffer and will in the future continue to suffer an adverse and material change in her quality of life.

WHEREFORE, Plaintiff demands Judgment on this Court against the Defendants, individually, jointly, severally, or in the alternative, for compensatory damages, exemplary damages, attorney's fees, costs of suit and all such other and further relief as the Court deems just and proper.

WHEREFORE, Plaintiff demands judgment against defendants, severally and jointly:

- a. Compensatory damages on all Causes of Action;
- b. Punitive damages against on all Causes of Action;
- c. All together with interest, costs and disbursements;
- d. Such other and further relief as this Court deems just and proper.

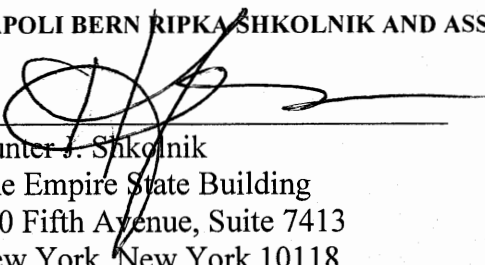
JURY DEMAND

Plaintiff request trial by jury for all issues.

Dated: June 5, 2012

NAPOLI BERN RIPKA SHKOLNIK AND ASSOCIATES, LLP

By: _____


Hunter J. Shkolnik
The Empire State Building
350 Fifth Avenue, Suite 7413
New York, New York 10118
212.267.3700
Hunter@napolibern.com
Attorneys for Plaintiff

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

ALYSSA FOSTER,

Plaintiff,

vs.

**ORGANON USA, INC., ORGANON
PHARMACEUTICALS USA, INC., ORGANON
INTERNATIONAL, INC., AKZO NOBEL NV,
SCHERING-PLOUGH CORPORATION,
MERCK & COMPANY, INC.**

Defendants.

CIVIL ACTION NO. _____

SUMMONS IN A CIVIL ACTION

TO: (Defendant's name and address):

AKZO NOBEL NV
820 Bear Tavern Road
West Trenton, New Jersey 08628

SCHERING-PLOUGH CORPORATION
2000 Galloping Hill Road
Kenilworth, New Jersey 07033

ORGANON USA, INC.
ORGANON PHARMACEUTICALS USA, INC.
ORGANON INTERNATIONAL, INC.
MERCK & COMPANY, INC.
1 Merck Drive
Whitehouse Station, New Jersey 08889

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

Hunter J. Shkolnik
Napoli Bern Ripka Shkolnik & Associates, LLP
350 Fifth Avenue, Suite 7413
New York, New York 10118

an answer to the compliant which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the compliant. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK



**Napolibern
RipkaShkolnik LLP**
ATTORNEYS AT LAW

12-3435 (JDW)

DORI MILNER, ESQ
DMILNER@NAPOLIBERN.COM

June 5, 2012

Via: Federal Express

United States District Court
District of New Jersey
50 Walnut Street
Newark, NJ 07102
Attention: Clerk's Office, Room 4015

rec'd 6-6-12

Re: Alyssa Foster – Complaint

Dear Clerk of the Court:

Enclosed please find an original civil cover sheet, summons and complaint along with a check in the amount of \$350.00 to be filed. Also, enclosed please find a copy of the civil cover sheet, summons and complaint along with a return envelope. Please return a stamped filed copy of the civil cover sheet, summons and complaint in the return envelope provided.

If you have any questions please do not hesitate to contact me at (212) 267-3700. Thank you.

Sincerely,
NAPOLI BERN RIPKA SHKOLNIK & ASSOCIATES, LLP

Dori Milner, Esq.

Encls.

12-3435 (SDW)

JS 44 (Rev. 09/11)

CIVIL COVER SHEET

The JS 44 civil coversheet 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

ALYSSA FOSTER

DEFENDANTS

Organon USA, Inc. et al

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

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

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

(c) Attorneys (Firm Name, Address, Telephone Number, and Email Address)
Hunter J. Shkolnik

Napoli Bern Ripka Shkolnik, LLP
350 Fifth Avenue, Suite 7413, New York, New York 10118

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)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<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	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	PERSONAL INJURY <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical 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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<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 type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <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"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <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	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <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"/> 560 Civil Detainee - Conditions of Confinement			

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1332

Brief description of cause:
Personal injury due to defective medication.

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 6/5/2012 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44 Reverse (Rev. 09/11)

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.