

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI, OXFORD DIVISION**

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**HOWARD LAWRENCE GUTHRIE, JR.,  
Individually, and as Executor of the  
ESTATE OF HOWARD LAWRENCE  
GUTHRIE, and on Behalf of All Wrongful  
Death Beneficiaries of HOWARD LAWRENCE  
GUTHRIE, Deceased,**

**Plaintiff,**

**v.**

**No. 3:13-CV-244-MPM-SAA  
JURY DEMANDED**

**QUITMAN COUNTY HOSPITAL, LLC;  
QUITMAN COUNTY NURSING HOME  
HOLDINGS, LLC; QUITMAN COUNTY  
NURSING HOME, LLC; JAMES EDWARD  
WARRINGTON, M.D.; and  
JIM PANG, JR., M.D.,**

**Defendants.**

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**COMPLAINT FOR PERSONAL INJURY AND WRONGFUL DEATH**

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COMES NOW the Plaintiff Howard Lawrence Guthrie, Jr., individually, and as Executor of the Estate of Howard Lawrence Guthrie, and on behalf of all wrongful death beneficiaries of Howard Lawrence Guthrie, deceased, and files this complaint for personal injury and wrongful death, stating as follows:

1. Plaintiff Howard Lawrence Guthrie, Jr. is an adult resident citizen of Phillips County, Arkansas. He is the surviving son and next of kin of Howard Lawrence Guthrie, deceased. On or about May 23, 2012, Plaintiff was appointed Executor of the Estate of Howard Lawrence Guthrie, pending in the Circuit Court of Phillips County, Arkansas.

2. At all times relevant herein, Defendant Quitman County Hospital, LLC was a for-profit company, organized and existing under the laws of the State of Mississippi, with its principal place of business in Marks, Mississippi. Defendant, at all times relevant herein, was conducting and doing business in Marks, Mississippi, where patients were received and treated at Quitman County Hospital & Nursing Home. While caring for and treating Howard Lawrence Guthrie, the acts performed by physicians, nurses, and other agents and employees of Defendant were in connection with their duties at Quitman County Hospital & Nursing Home and they were acting within the scope of their employment and/or agency. Accordingly, Defendant is responsible and vicariously liable for the negligent acts and omissions of its physicians, nurses, agents and/or employees, as hereinafter described, under the doctrines of *respondeat superior*, apparent agency, actual agency, and express agency.

3. At all times relevant herein, Defendant Quitman County Nursing Home Holdings, LLC was a for-profit company, organized and existing under the laws of the State of Mississippi, with its principal place of business in Marks, Mississippi. Upon information and belief, Defendant, at all times relevant herein, was conducting and doing business in Marks, Mississippi, where patients were received and treated at Quitman County Hospital & Nursing Home. While caring for and treating Howard Lawrence Guthrie, the acts performed by physicians, nurses, and other agents and employees of Defendant were in connection with their duties at Quitman County Hospital & Nursing Home and they were acting within the scope of their employment and/or agency. Accordingly, Defendant is responsible and vicariously liable for the negligent acts and omissions of its physicians, nurses, agents and/or employees, as hereinafter described, under the doctrines of *respondeat superior*, apparent agency, actual agency, and express agency.

4. At all times relevant herein, Defendant Quitman County Nursing Home, LLC was a for-profit company, organized and existing under the laws of the State of Mississippi, with its principal place of business in Marks, Mississippi. Upon information and belief, Defendant, at all times relevant herein, was conducting and doing business in Marks, Mississippi, where patients were received and treated at Quitman County Hospital & Nursing Home. While caring for and treating Howard Lawrence Guthrie, the acts performed by physicians, nurses, and other agents and employees of Defendant were in connection with their duties at Quitman County Hospital & Nursing Home and they were acting within the scope of their employment and/or agency. Accordingly, Defendant is responsible and vicariously liable for the negligent acts and omissions of its physicians, nurses, agents and/or employees, as hereinafter described, under the doctrines of *respondeat superior*, apparent agency, actual agency, and express agency.

5. Upon information and belief, at all times relevant herein, Defendant James Edward Warrington, M.D. (hereinafter “Dr. Warrington”) was a resident of Mississippi and was duly licensed to practice medicine by the State of Mississippi. Dr. Warrington practiced medicine at Quitman County Hospital & Nursing Home in Marks, Mississippi, where patients were received and treated. Dr. Warrington was, upon information and belief, at all relevant times an employee and/or agent of Quitman County Hospital, LLC, Quitman County Nursing Home Holdings, LLC, and Quitman County Nursing Home, LLC, and did further independently practice medicine.

6. Upon information and belief, at all times relevant herein, Defendant Jim Pang, Jr., M.D. (hereinafter “Dr. Pang”) was a resident of Mississippi and was duly licensed to practice medicine by the State of Mississippi. Dr. Pang practiced medicine at Quitman County Hospital & Nursing Home in Marks, Mississippi, where patients were received and treated. Dr. Pang was,

upon information and belief, at all relevant times an employee and/or agent of Quitman County Hospital, LLC, Quitman County Nursing Home Holdings, LLC, and Quitman County Nursing Home, LLC, and did further independently practice medicine.

7. The acts and omissions giving rise to this lawsuit all occurred in Marks, Quitman County, Mississippi. This Court has proper jurisdiction and venue over this action and the parties hereto pursuant to 28 U.S.C. §§ 1332 and 1391. This lawsuit is timely filed pursuant to applicable Mississippi law.

8. Plaintiff has complied with the provisions of Miss. Code Ann. § 15-1-36 by mailing written notice of claim to all Defendants giving notice of Plaintiff's intention to file this lawsuit for medical negligence. The notice requirements of Miss. Code Ann. § 15-1-36 have been satisfied.

9. Howard Guthrie was admitted to Quitman County Hospital & Nursing Home from his home on March 1, 2012, with dementia and complaints of increasing confusion and anger. Mr. Guthrie was admitted by Dr. Pang, who ordered that he receive the following medication: Risperdal, 1 mg by mouth three times a day; Haldol, 2 mg by mouth or injection every 4 hours as needed for agitation; and Ativan, 1 mg by mouth or injection every 4 hours as needed for agitation. Risperdal, Haldol, and Ativan are all sedatives that can be used to treat psychiatric disorders.

10. On March 6, 2012, following a report of increased confusion, an order was issued for Mr. Guthrie to receive Seroquel, 50 mg by mouth at bedtime. The order also increased Mr. Guthrie's dosage of Risperdal to 2 mg by mouth three times a day. Upon information and belief, this order was given by Dr. Warrington. Seroquel is a sedative that can be used to treat psychiatric disorders.

11. On March 9, 2012, Mr. Guthrie was administered 6 mg of Risperdal, 1 mg of Ativan, and 50 mg of Seroquel. On March 10, 2012, he was administered 6 mg of Risperdal, 1 mg of Ativan, 50 mg of Seroquel, and 2 mg of Haldol.

12. On March 11, 2012, Dr. Pang ordered that Mr. Guthrie's Ativan be increased to 2 mg by mouth or injection every 4 hours as needed and that his Haldol be increased to 5 mg by mouth or injection every 4 hours as needed. On March 11, 2012, Mr. Guthrie was administered 6 mg of Risperdal, 4 mg of Ativan, 50 mg of Seroquel, and 5 mg of Haldol. Upon information and belief, these medications were being used to chemically restrain Mr. Guthrie.

13. On March 13, 2012, an order was issued to decrease Mr. Guthrie's dosage of Risperdal to 1 mg by mouth three times a day. Upon information and belief, this order was given by Dr. Warrington.

14. On March 14, 2012, Mr. Guthrie was administered 3 mg of Risperdal, 2 mg of Ativan, and 50 mg of Seroquel.

15. An order was issued on March 15, 2012 to increase Mr. Guthrie's dosage of Seroquel to 100 mg by mouth at bedtime. Upon information and belief, this order was given by Dr. Warrington. On March 15, 2012, Mr. Guthrie was administered 3 mg of Risperdol, 4 mg of Ativan, 100 mg of Seroquel, and 5 mg of Haldol. Upon information and belief, these medications were being used to chemically restrain Mr. Guthrie. On March 16, 2012, he was administered 3 mg of Risperdol.

16. Dr. Warrington saw Mr. Guthrie on the morning of Saturday, March 17, 2012 and noted:

This patient is still very heavily sedated this morning. I was not able to arouse him by calling his name. During a sternal rub it did change his respirations a bit. When I did sit him up he did open his eyes, but I do think it is going to take a little while for his sedation to wear off. He did

get Haldol and Ativan Thursday night and has been sleeping heavily since then. . . . At this point we are holding all sedative medications. I will be monitoring him very closely and will follow up with him in the morning.

17. By 11:00 a.m. on the morning of March 17, 2012, Mr. Guthrie was ordered transferred to the Emergency Room at Quitman County Hospital. Upon arrival in the Emergency Room, it was noted that Mr. Guthrie had developed a fever, increased white blood cell count and that he was unresponsive to verbal or tactile stimuli. He was diagnosed with septic shock with coma. Due to respiratory failure, Mr. Guthrie was intubated. Around 7:00 p.m., Mr. Guthrie was ordered transferred by air ambulance to Baptist Hospital in Memphis, Tennessee for a higher level of care.

18. Upon arrival at Baptist Hospital, Mr. Guthrie was diagnosed with healthcare associated pneumonia with acute respiratory distress, acute renal failure, severe protein-calorie malnourishment, and septic shock. He was transferred to the intensive care unit.

19. On March 18, 2012, Mr. Guthrie was seen for an internal medicine consult, at which time the physician noted that Mr. Guthrie had been “overly sedated” at Quitman County Hospital & Nursing Home. The following day, on March 19, 2012, he was seen for an infectious disease consult, at which time the physician noted that Mr. Guthrie’s respiratory arrest was “due to oversedation.”

20. Having not regained responsiveness and still being ventilator dependent, Mr. Guthrie went into cardiopulmonary arrest on March 24, 2012. He was revived briefly, but upon the advice of the physicians, Mr. Guthrie’s family elected to allow him to pass away as comfortably as possible. Mr. Guthrie died on March 24, 2012.

21. Defendants knew or should have known that the amount and combination of drugs that were ordered and administered to Mr. Guthrie, including Risperdal, Haldol, Ativan,

and Seroquel, would likely result in serious adverse events, including respiratory failure and death. As a direct and proximate result of the amount and combination of drugs that he was ordered and administered, Mr. Guthrie suffered respiratory failure and died. As a direct and proximate result of Defendants ordering and administering these medications and using them as a chemical restraint, Mr. Guthrie suffered injuries and death.

22. The evaluation and treatment of Mr. Guthrie by Defendants was below acceptable standards of care, skill, and diligence. Accordingly, the treatment and evaluation amounted to medical negligence. The medical negligence of Defendants included, but was not limited to:

- (a) failing to exercise reasonable care and diligence in the application of knowledge, skill, care, and ability in the treatment and evaluation of Howard Lawrence Guthrie;
- (b) failing to exercise their best medical judgment in their care and treatment of Howard Lawrence Guthrie;
- (c) failing to comply with the applicable standard of care;
- (d) ordering an amount and combination of drugs, including Risperdal, Haldol, Ativan, and Seroquel, that was likely to result in serious adverse events;
- (e) administering an amount and combination of drugs, including Risperdal, Haldol, Ativan, and Seroquel, that was likely to result in serious adverse events; and
- (f) such other negligent acts and omissions as may be shown at trial.

23. As a direct and proximate result of the negligence of Defendants, Howard Lawrence Guthrie suffered severe injuries and death. The injuries and damages sustained by Mr. Guthrie include, but are not limited to:

- (a) Physical pain and suffering;
- (b) Mental and emotional pain and suffering;
- (c) Permanent injury;
- (d) Medical expenses;
- (e) Loss of enjoyment of life;
- (f) Death;
- (g) Funeral and burial expenses; and
- (h) All damages available to him under the law.

24. As a direct and proximate result of the negligence of Defendants, Plaintiff Howard Lawrence Guthrie, Jr. has suffered a loss of society and consortium with his father, for which he is entitled to recover under the law.

25. Plaintiff specifically reserves the right to amend this Complaint and plead further in this cause.

**WHEREFORE, PREMISES CONSIDERED, PLAINTIFF PRAYS:**

1. That he be awarded damages in the amount within the jurisdictional limits of this Court and in excess of the sum of \$75,000.00, such amount to include, but not be limited to, compensatory damages, prejudgment and postjudgment interest, attorneys' fees, expenses, and the costs of the Court; and

2. That he be awarded all other relief to which he may be entitled.

**Plaintiff demands a jury trial as to all issues in this case.**



Respectfully submitted,

BURCH, PORTER & JOHNSON, PLLC

By: s/Frank B. Thacher, III  
Frank B. Thacher, III (MS Bar #101866)  
130 North Court Avenue  
Memphis, Tennessee 38103  
(901) 524-5000

Attorneys for Plaintiff

**CERTIFICATE OF CONSULTATION**

Pursuant to Miss. Code Ann. § 11-1-58, I do hereby certify that I have reviewed the facts of this case and consulted with at least one expert qualified pursuant to the Mississippi Rules of Civil Procedure and the Mississippi Rules of Evidence who is qualified to give expert testimony as to standard of care or negligence and who I reasonably believe is knowledgeable in the relevant issues involved in this particular action, and I have concluded, on the basis of such review and consultation, that there is a reasonable basis for the commencement of this action.

s/ Frank B. Thacher, III

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

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

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Frank B. Thacher, III  
130 North Court Avenue  
Memphis, Tennessee 38103 901-524-5000

**DEFENDANTS**

County of Residence of First Listed Defendant Quitman County, MS  
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | 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<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input checked="" type="checkbox"/> 362 Personal Injury - Medical Malpractice | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education  | <b>PRISONER PETITIONS</b><br><b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><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. §§ 1332 and 1391  
Brief description of cause:  
Medical Malpractice

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 10/02/2013

SIGNATURE OF ATTORNEY OF RECORD  
/s Frank B. Thacher, III, (MSB 101866)

**FOR OFFICE USE ONLY**

RECEIPT # 1036164 AMOUNT \$400.00

APPLYING IFP

JUDGE MPM

MAG. JUDGE

SAA

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

### Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If 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 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.