



**U.S. Department of Justice**

**Thomas A. Marino**  
*United States Attorney*  
*Middle District of Pennsylvania*

**William J. Nealon Federal Building -  
Suite 311**  
235 N. Washington Avenue  
P.O. Box 309  
Scranton, PA 18501-0309  
(570) 348-2800  
FAX (570) 348-2816/348-2830

**Harrisburg Federal Building and  
Courthouse, Suite 220**  
228 Walnut Street  
P.O. Box 11754  
Harrisburg, PA 17108-1754  
(717) 221-4482  
FAX (717) 221-4582/221-2246

**Herman T. Schneebeli Federal Building  
Suite 316**  
240 West Third Street  
Williamsport, PA 17701-6465  
(570) 326-1935  
FAX (570) 326-7916

Please respond to: Harrisburg

November 26, 2003

Donald Swope, Esq.  
50 East Market Street  
Hellam, Pa. 17406

Re: United States v. Lee-Ann Gile

Dear Mr. Swope:

I am writing to follow up on our discussions regarding your client. Enclosed please find a copy of the consent decree entered by the Court in this matter, permanently enjoining your client from serving as an officer or employee of a labor organization.

I trust that this information will be of assistance to you. Please do not hesitate to contact me if you have any questions concerning this matter.

Sincerely,

THOMAS A. MARINO  
UNITED STATES ATTORNEY

BY:

Martin C. Carlson  
MARTIN C. CARLSON  
FIRST ASSISTANT U.S. ATTORNEY

cc: Jose Rivera

U.S. Department of Labor  
The Curtis Center, Suite 760 West  
170 South Independence Mall West  
Philadelphia, Pa. 19106-3310

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CIVIL NO. 1:03-CV-2112  
:   
VS. : (Judge Rambo)  
:   
LEE ANN GILE :

FILED  
HARRISBURG  
NOV 25 2003  
MARY E. D'ANDREA, CLERK  
Per.   
DEPUTY CLERK

CONSENT JUDGMENT

AND NOW, this 25 day of November, 2003,  
in accordance with the Stipulation executed by the  
parties, IT IS ORDERED as follows:

1. The defendant, LEE ANN GILE, is permanently enjoined from participating as an officer or employee of any labor union whose activities are regulated in any fashion by the United States Department of Labor, Office of Labor-Management Standards.
2. It is understood by the defendant that violations of this Order may be punished as contempt of court and may subject the defendant to fine or imprisonment.
3. In light of the entry of this consent judgment, the clerk is directed to close this file.

  
United States District Judge



**U.S. Department of Justice**

**Thomas A. Marino**  
*United States Attorney*  
*Middle District of Pennsylvania*

**William J. Nealon Federal Building**  
**Suite 311**  
**235 N. Washington Avenue**  
**P.O. Box 309**  
**Scranton, PA 18501-0309**  
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**Suite 316**  
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**Williamsport, PA 17701-6465**  
**(570) 326-1935**  
**FAX (570) 326-7916**

Please respond to: Harrisburg

November 24, 2003

Donald Swope, Esq.  
50 East Market Street  
Hellam, Pa. 17406

Re: United States v. Lee-Ann Gile

Dear Mr. Swope:

Enclosed please find the civil pleadings which we have filed in the above-captioned case seeking to permanently enjoin your client from participating as an officer or employee of any labor organization regulated by the United States Department of Labor. Thank you for your cooperation in resolving this matter.

I trust that this information will be of assistance to you. Please do not hesitate to contact me if you have any questions concerning this matter.

Sincerely,

THOMAS A. MARINO  
UNITED STATES ATTORNEY

BY: Martin C. Carlson  
MARTIN C. CARLSON  
FIRST ASSISTANT U.S. ATTORNEY

cc: Jose Rivera  
U.S. Department of Labor  
Office of Labor Management Standards  
The Curtis Center, Suite 760 West  
170 South Independence Mall West  
Philadelphia, Pa. 19106-3310

UNITED STATES DISTRICT COURT

MIDDLE

District of

PENNSYLVANIA

UNITED STATES OF AMERICA

SUMMONS IN A CIVIL CASE

v.

LEE ANN GILE

CASE NUMBER: 1:03-CV-2112

TO: (Name and address of Defendant)

See Complaint

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Martin C. Carlson  
U.S. Attorney's Office  
228 Walnut St.  
Room 217 Federal Building  
Harrisburg, PA 17108

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on 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 complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Mary E. D'Andrea

CLERK



(By) DEPUTY CLERK

November 21, 2003

DATE

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER (PRINT)	TITLE

*Check one box below to indicate appropriate method of service*

- Served personally upon the defendant. Place where served: \_\_\_\_\_
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- Returned unexecuted: \_\_\_\_\_
- Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date Signature of Server

\_\_\_\_\_  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**Keefer, Susan**

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**From:** PAMDEfilingstat@pamd.uscourts.gov**Sent:** Friday, November 21, 2003 4:30 PM**To:** pamd\_ecf\_nef@pamd.uscourts.gov**Subject:** Activity in Case 1:03-cv-02112-SHR UNITED STATES OF AMERICA v. Gile**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.****U.S. District Court****Middle District of Pennsylvania****Notice of Electronic Filing**

The following transaction was received from Martin C. Carlson entered on 11/21/2003 at 4:29 PM EST and filed on 11/21/2003

**Case Name:** UNITED STATES OF AMERICA v. Gile**Case Number:** 1:03-cv-2112**Filer:** UNITED STATES OF AMERICA**Document Number:** 1**Docket Text:**

COMPLAINT against Lee Ann Gile, filed by UNITED STATES OF AMERICA. (Attachments: # (1) Civil Cover Sheet)(ch, )

The following document(s) are associated with this transaction:

**Document description:**Main Document**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1027698419 [Date=11/21/2003] [FileNumber=317723-0] [4d9d2883685f74a6d93a0a81ef4b81ddc59408e09ef908a71d424358e860c12fae406e07b565f3122da282ade23dfa5706068a7fe5c207e05dff0bd353ce71c8]]

**Document description:**Civil Cover Sheet**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1027698419 [Date=11/21/2003] [FileNumber=317723-1] [641406de0ea6c3ed4ea14d397757fca71f2fc534a35abf2e6894d82b95ae6b0c1955f7f4a1684f846b09096634c16cba498c7bcc1528bebdbc674e8301d5e8062]]

**1:03-cv-2112 Notice will be electronically mailed to:**

Martin C. Carlson Martin.Carlson@USDOJ.gov, Susan.Keefer@USDOJ.gov

**1:03-cv-2112 Notice will not be electronically mailed to:**

11/24/2003

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CIVIL NO.  
:   
vs. : (Judge \_\_\_\_\_)  
:   
LEE ANN GILE : Electronically Filed

COMPLAINT

The United States of America, by its undersigned counsel alleges the following:

1. The United States brings this action pursuant to 18 U.S.C. § 1345 to enjoin alleged frauds by the defendant, LEE ANN GILE, and to obtain such additional equitable relief as is warranted to prevent any continuing or substantial injury to the United States or to any other persons or class of persons.
2. This court has subject matter jurisdiction over this action by virtue of 28 U.S.C. § 1345.
3. On or about September 2003, the United States was informed that the defendant, LEE ANN GILE, allegedly defrauded a labor union organization while serving as treasurer of that organization by willfully

embezzling approximately \$1,300 of funds, money and credits of this labor union.

4. In lieu of criminal prosecution in this matter, GILE has expressed a willingness, through her attorney, to consent to the entry of an order permanently enjoining her participating as an officer or employee of any labor union whose activities are regulated in any fashion by the United States Department of Labor, Office of Labor-Management Standards, an order which GILE understands would be punishable as a contempt of court if violated.

5. WHEREFORE, the United States requests that this court enter an order:

(A) Enjoining the defendant, LEE ANN GILE, from participating as an officer or employee of any labor union whose activities are regulated in any fashion by the United States Department of Labor, Office of Labor-Management Standards.

(B) Providing such other equitable relief as  
is warranted to prevent any further injury to the  
United States or any other persons or class of persons.

Respectfully submitted,

THOMAS A. MARINO  
UNITED STATES ATTORNEY

BY: Martin C. Carlson  
MARTIN C. CARLSON  
FIRST ASSISTANT U.S. ATTORNEY  
228 Walnut Street, Suite 220  
Harrisburg, PA 17108  
Telephone: (717)221-4482  
Fax: (717)221-4582  
Martin.Carlson@USDOJ.gov  
PA Bar #33396

Dated: \_\_\_\_\_, 2003

**Keefer, Susan**

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**From:** PAMDEfilingstat@pamd.uscourts.gov

**Sent:** Friday, November 21, 2003 4:31 PM

**To:** pamd\_ecf\_nef@pamd.uscourts.gov

**Subject:** Activity in Case 1:03-cv-02112-SHR UNITED STATES OF AMERICA v. Gile

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

**U.S. District Court**

**Middle District of Pennsylvania**

Notice of Electronic Filing

The following transaction was received from ch, entered on 11/21/2003 at 4:31 PM EST and filed on 11/21/2003

**Case Name:** UNITED STATES OF AMERICA v. Gile

**Case Number:** 1:03-cv-2112

**Filer:** UNITED STATES OF AMERICA

**Document Number:** 2

**Docket Text:**

STIPULATION by UNITED STATES OF AMERICA. (Attachments: # (1))(ch, )

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1027698419 [Date=11/21/2003] [FileNumber=317729-0] [89732425b1fd44b7a39bb233c2eb5315107b257f8a4c3e53745d0dabaf939462a0f19e415c5b45b5bf2193c4a2fbb20563fc2b8e673aebc70e6080c00346af7f]]

**Document description:**

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1027698419 [Date=11/21/2003] [FileNumber=317729-1] [54cc2a7cfa307dbd54eb829f4bbc9e1abe2b54db30d139ea336b3082f4437037d816dbe31e7a38b530dd5e6d5babe65640008113fc2e19a3c5b710a79d5f6dd7]]

**1:03-cv-2112 Notice will be electronically mailed to:**

Martin C. Carlson Martin.Carlson@USDOJ.gov, Susan.Keefer@USDOJ.gov

**1:03-cv-2112 Notice will not be electronically mailed to:**

11/24/2003

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CIVIL NO.  
:   
vs. : (Judge \_\_\_\_\_)  
:   
LEE ANN GILE : (Electronically Filed)

STIPULATION IN COMPROMISE

The United States of America and the defendant in the above-captioned case enter into the following stipulation in compromise of the above-captioned case:

Whereas the defendant, LEE ANN GILE, has been identified as an alleged participant in the willful misapplication of union funds; and

Whereas the United States and the defendant both seek to prevent and avoid any further misapplications of this type.

It is stipulated and agreed as follows:

1. The defendant waives the requirement of service of process by the United States Marshal, agrees that service may be made on the defendant by serving counsel through the United States mails and agrees that the United States District Court for the Middle District of

Pennsylvania may enter an order in the form attached permanently enjoining the defendant, LEE ANN GILE, from participating as an officer or employee of any labor union whose activities are regulated in any fashion by the United States Department of Labor, Office of Labor-Management Standards.

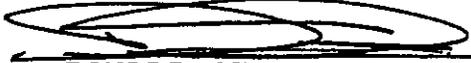
2. The defendant waives the applicable statute of limitations, speedy trial requirements, or equitable defenses such as laches to any other civil action or criminal prosecution should the defendant violate this agreement.

3. It is further stipulated and agreed that any violation of the injunction by the defendant would subject her to the penalties of contempt of court which would include fines and/or imprisonment to be determined by the court.

  
\_\_\_\_\_  
LEE ANN GILE

THOMAS A. MARINO  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
MARTIN C. CARLSON  
FIRST ASSISTANT U.S. ATTORNEY

  
\_\_\_\_\_  
DONALD SWOPE, ESQUIRE  
Counsel for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CIVIL NO.  
:   
vs. : (Judge \_\_\_\_\_)  
:   
LEE ANN GILE :

CONSENT JUDGMENT

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2003,  
in accordance with the Stipulation executed by the  
parties, IT IS ORDERED as follows:

1. The defendant, LEE ANN GILE, is permanently enjoined from participating as an officer or employee of any labor union whose activities are regulated in any fashion by the United States Department of Labor, Office of Labor-Management Standards.

2. It is understood by the defendant that violations of this Order may be punished as contempt of court and may subject the defendant to fine or imprisonment.

3. In light of the entry of this consent judgment, the clerk is directed to close this file.

\_\_\_\_\_  
United States District Judge

# CIVIL COVER SHEET

Electronically Filed

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.)

<b>I. (a) PLAINTIFFS</b> UNITED STATES OF AMERICA	<b>DEFENDANTS</b> LEE ANN GILE
<b>(b) County of Residence of First Listed Plaintiff</b> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>County of Residence of First Listed</b> YORK (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
<b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> UNITED STATES ATTORNEY MIDDLE DISTRICT OF PENNSYLVANIA Harrisburg Federal Building & Courthouse, Suite 220 228 Walnut St., Harrisburg, PA 17108 (717) 221-4482	<b>Attorneys (If Known)</b> DONALD B. SWOPE, ESQ. 50 EAST MARKET STREET HELLAM, PA. 17406

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1 DEF Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2 DEF Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 DEF Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4 DEF Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5 DEF Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
<b>CONTRACT</b> <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 Jdgmnt <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	<b>TORTS</b> <b>PERSONAL INJURY</b> <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 <b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <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 <b>LABOR</b> <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	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <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"/> 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 <input checked="" type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts in Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <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		

**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  
  7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 28 U. S. C. 1345, 18 U.S.C. 1345, ACTION TO ENJOIN FRAUD

**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 \_\_\_\_\_ SIGNATURE OF ATTORNEY OF RECORD Martin C. Carlson

FOR OFFICE USE ONLY

**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 IV 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.

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.