

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

DORON A. TAVLIN, AFSHIN
FARAHAN, and DAVID J.
GANTMAN,

Defendants.

Civil Action No. _____

COMPLAINT

Plaintiff Securities and Exchange Commission (“SEC”) alleges as follows:

SUMMARY OF THE ACTION

1. This case involves unlawful insider trading by Defendants Doron A. Tavlin (“Tavlin”), Afshin Farahan (“Farahan”), and David J. Gantman (“Gantman”) (collectively, “Defendants”) in the securities of Mazor Robotics Ltd. (“Mazor”). While working as a Mazor executive, Tavlin was involved in discussions regarding the potential acquisition of Mazor by Medtronic PLC (“Medtronic”) (the “Mazor Acquisition”). In August 2018, Tavlin tipped material nonpublic information to his friend, Farahan, regarding the Mazor Acquisition in violation of the duty of trust and confidence that Tavlin owed to Mazor. Tavlin encouraged Farahan to buy Mazor securities quickly and to invest money on Tavlin’s behalf.

2. Farahan then tipped his friend, Gantman, about the Mazor Acquisition. Over the next several weeks, Farahan and Gantman made multiple purchases of Mazor securities, including stock and call options.

3. On the evening of September 20, 2018, Medtronic announced its plan to acquire Mazor (the “Announcement”), and Mazor’s stock price rose by 10% the next day. Farahan and Gantman realized approximately \$500,000 in combined trading profits. Farahan later gave Tavlin a \$25,000 kickback in exchange for the Mazor information.

4. Following the trading, Tavlin, Farahan, and Gantman took steps to conceal their illegal conduct. Months later, in response to an inquiry into potential insider trading, Tavlin concealed his relationship with Farahan and notified Farahan about the inquiry. Farahan also notified Gantman of the inquiry. During the SEC’s pre-filing investigation, Gantman concealed his relationship with Tavlin.

5. By engaging in the conduct alleged in this complaint, Defendants Tavlin, Farahan, and Gantman violated the antifraud provisions of the federal securities laws, specifically, Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated under the Exchange Act, 17 C.F.R. § 240.10b-5.

JURISDICTION AND VENUE

6. The Court has jurisdiction over this action pursuant to Sections 21(d)(1), 21(d)(3)(A), 21A and 27(a) of the Exchange Act, 15 U.S.C. §§ 78u(d), 78u-1 & 78aa.

7. The SEC brings this action under Section 21(d) and 21A of the Exchange Act, 15 U.S.C. §§ 78u(d) and 78u-1. Defendants, directly or indirectly, made use of the means or instrumentalities of interstate commerce, of the mails, or of the facilities of a national securities exchange in connection with the transactions, acts, practices and courses of business alleged in this complaint.

8. Venue is proper in this district pursuant to Section 27(a) of the Exchange Act, 15 U.S.C. § 78aa(a), because certain of the transactions, acts, practices and courses of conduct constituting violations of the federal securities laws occurred within this district. In addition, venue is proper in this district because Defendants Gantman and Tavlin reside in this district.

DEFENDANTS

9. **Doron A. Tavlin**, age 67, resides in Minneapolis, Minnesota. Tavlin was a consultant supporting Medtronic’s Ventures and Corporate Development Team between January 2016 and October 2017; was Mazor’s Vice President, Business Development from October 2017 through early 2019; and is currently an executive for a medical device company.

10. **Afshin Farahan**, age 55, resides in Pacific Palisades, California, and owns and operates rug businesses in Minnesota.

11. **David J. Gantman**, age 56, resides in Mendota Heights, Minnesota, and is a licensed insurance agent and senior benefits consultant at a large insurance company.

OTHER RELEVANT ENTITIES

12. **Mazor Robotics Ltd.** was a medical device company headquartered in Israel with a U.S. location in Orlando, Florida. Its securities were quoted on NASDAQ under the symbol, “MZOR,” until December 2018, when it was acquired by Medtronic.

13. **Medtronic Public Limited Company**, is a medical technology company headquartered in Ireland, with its primary operational offices in Minneapolis, Minnesota. Medtronic’s common stock is listed on the New York Stock Exchange under the symbol “MDT.”

FACTS

A. **Background**

1. **Relationships Among the Defendants**

14. Tavlin and Farahan met in or around the early 2000s, when Tavlin came into Farahan’s Minneapolis-area rug store and the two men discussed the fact that Tavlin knew Farahan’s father. Tavlin and Farahan formed a close personal friendship over the next several years. Farahan has provided money to Tavlin’s adult son at Tavlin’s request, and has employed Tavlin’s godchild for several years.

15. At all times relevant to this complaint, Farahan lived in the Los Angeles area, but traveled to Minnesota because he continued to operate rug businesses in the Minneapolis area. Tavlin resided in the Minneapolis area, but traveled to Los Angeles to visit his son. When Farahan traveled to Minnesota, he stayed at Tavlin's home, and when Tavlin traveled to Los Angeles, he stayed at Farahan's home.

16. Farahan and Gantman met in the early 1990s when Gantman came into Farahan's rug store. Their relationship grew deeper over the years, and by the early 2010s, they were close enough that Farahan gave Gantman money when Gantman was struggling financially. In or around 2011, Farahan gave Gantman approximately \$10,000, and in or around 2017, he gave Gantman \$5,000. In both instances, Gantman later paid him back. During their friendship, Farahan and Gantman exchanged stock trading ideas.

17. Gantman and Tavlin met through Farahan on several occasions, and at times exchanged direct e-mail correspondence.

2. Tavlin's Employment at Mazor and Medtronic

18. In January 2016, Tavlin signed a consulting agreement with Medtronic that outlined several services he would provide, including managing Medtronic's Israeli investments.

19. In or around May 2016, Medtronic and Mazor entered into an Exclusive Lead Sharing and Distribution Agreement. Tavlin's work for Medtronic included discussions with Mazor executives regarding the relationship between the two companies.

20. In October 2017, Tavlin left Medtronic and joined Mazor as its Vice President, Business Development reporting to its CEO. Mazor announced Tavlin's appointment to the newly created position in a press release attached to a Form 6-K filed with the SEC on October 13, 2017.

B. Tavlin Owed a Duty of Trust and Confidence to Mazor

21. As an officer of Mazor, Tavlin owed a duty of trust and confidence to

the company. He was also subject to Mazor's insider trading policy, which specified that "neither an [employee] nor any of his/her relatives may buy or sell any securities of the [c]ompany or engage in any other action to take advantage of, *or pass on to others*, [material non-public information]." (emphasis added).

22. Tavlin was aware of these policies and his duty of trust and confidence to Mazor. Upon accepting his offer of employment from Mazor, Tavlin acknowledged in writing that he had received, understood and agreed to comply with Mazor's Employee Handbook, which included the insider trading policy.

C. The Mazor Acquisition

23. One of Tavlin's key responsibilities as Mazor's Vice President, Business Development was "[i]dentifying and developing Business Development Activities to enrich the Mazor and Medtronic partnership." Because of his position at Mazor, he was significantly involved in discussions between Mazor and Medtronic regarding the Mazor Acquisition. In fact, in October 2018, he stated in an e-mail that he "led the Mazor transaction with Medtronic."

24. Beginning no later than January 10, 2018, Tavlin knew that information regarding the Mazor Acquisition was material nonpublic information. In addition to having already received and acknowledged Mazor's insider trading policy, Mazor's CEO e-mailed Tavlin and another Mazor executive on January 10, 2018 regarding the Mazor Acquisition, stating in his first bullet point, "[t]he process must be managed in extreme confidentiality."

25. On July 29, 2018, Mazor's CEO reported to Mazor's board of directors that he expected Medtronic executives to present a proposed transaction with Mazor to Medtronic's board of directors in August 2018.

26. On August 9, 2018, Tavlin sent Mazor's CEO an e-mail with the subject line, "Call me." In the e-mail, Tavlin explained that he had met with Medtronic's Vice President of Corporate Development, one of the primary Medtronic executives responsible for negotiating the terms of the Mazor Acquisition, and that the meeting

was “very important.”

D. Tavlin Tipped Farahan in Breach of His Duty to Mazor

27. On Friday, August 10, 2018, Farahan flew to Minneapolis and stayed at Tavlin’s home until he flew back to Los Angeles on Thursday, August 16, 2018.

28. During his stay, Tavlin tipped Farahan that Mazor was about to be acquired, that Farahan should purchase shares quickly, and that the information was confidential. Tavlin told Farahan he could be fired for providing Farahan with this information. Tavlin also asked Farahan to invest in Mazor on Tavlin’s behalf.

29. At the time, Farahan knew that Tavlin was a Mazor executive. Based on the source and nature of the information Tavlin provided to Farahan, Farahan understood that Tavlin was sharing material nonpublic information, and understood that he would be required to pay Tavlin for the Mazor information in the future.

30. After Tavlin told Farahan about the Mazor Acquisition, but before Farahan went back to Los Angeles, Gantman visited Farahan at Farahan’s rug store and the two men began discussing stocks. Farahan told Gantman about the Mazor Acquisition. He also told Gantman that Tavlin was the source of information, that Tavlin worked at Mazor, and that the information was confidential. Based on his relationship with Farahan, Gantman already knew that Tavlin and Farahan were close friends.

E. Trading in Advance of the Mazor Announcement

31. Farahan placed illegal trades on the basis of the material nonpublic information that Tavlin had tipped to him. Gantman also used the material nonpublic information he obtained from Farahan to place illegal trades.

32. On Monday, August 13, 2018 at approximately 10:08 a.m. CST, Farahan purchased 2,000 shares of Mazor stock for \$95,000.

33. The same day, at approximately 2:39 p.m. CST, Tavlin and Farahan had a three-minute phone conversation. Immediately following the phone conversation, at approximately 2:43 p.m. CST, Farahan purchased another 2,000 Mazor shares for

\$93,500.

34. Two days later, on Wednesday, August 15, 2018 at approximately 9:41 a.m. CST, Gantman made a one-minute call to Farahan. Farahan called him back at approximately 11:33 a.m. CST, and the two men spoke for seven minutes.

35. A few hours later, beginning at 2:06 p.m. CST, Gantman purchased 5,000 Mazor shares for \$213,850.

36. Between August 16 and September 17, 2018, Farahan continued to buy Mazor stock in his personal brokerage account and in an account in the name of one of his rug businesses. In total, he purchased \$1,031,597 of Mazor stock in advance of the Announcement. He bought 15,000 shares for \$702,597 using his personal account, and 7,000 shares for \$329,000 using the business account.

37. Between August 17 and September 10, 2018, Gantman continued to buy Mazor securities, but instead of buying more stock, he purchased call options – betting that Mazor’s stock price would go up in the near term. By doing so, he increased his chances of a bigger return if the stock price went up, but also increased the risk of losing money if Mazor’s stock price did not rise enough by the time his options expired.

38. Gantman purchased options with expiration dates of September 21, October 19, and November 16, 2018, all with \$50 strike prices, and all at times when Mazor stock was trading lower than \$50 per share. This meant that the call options Gantman purchased were “out-of-the-money” at the time of purchase, and therefore cheaper and riskier than other options.

39. In total, Gantman purchased \$287,083 worth of Mazor securities, spending \$213,850 on stock and \$73,233 on out-of-the-money call options.

F. The Announcement

40. On September 20, 2018, at approximately 5:57 p.m. CST, Mazor announced that it had agreed to be acquired by Medtronic for \$58.50 per share. The next morning, Mazor’s stock price opened at \$58, up more than 10% from the prior

day's closing price of \$52.75.

41. Farahan sold all of his Mazor shares on September 21, 2018. His total trading profits were approximately \$247,500, consisting of \$169,503 from his personal account and \$78,050 from the business account.

42. After the Announcement, Gantman sold all of the Mazor securities in his account on September 21, 2018. His total profits were approximately \$255,562, consisting of \$76,975 from trading Mazor stock and \$178,587 from trading Mazor options.

G. Defendants' Efforts to Conceal Their Fraud

1. Tavlin Denies Knowing Farahan During a FINRA Inquiry

43. On October 4, 2018 at 10:14 a.m. CST, one of Tavlin's colleagues at Mazor sent him an e-mail regarding an inquiry by the Financial Industry Regulatory Authority ("FINRA") into trading around the Announcement. The colleague informed Tavlin of the inquiry and asked him to supply his home address and additional detail about the chronology of events leading up to the Announcement.

44. Approximately six minutes later, at 10:20 a.m. CST, Tavlin called Farahan and the call lasted for four minutes. At 10:52 a.m. CST, Farahan called Gantman and the call lasted for one minute. Gantman called Farahan back at 1:45 p.m. CST, and the call lasted for one minute.

45. On December 19, 2018, FINRA provided Mazor's outside counsel with a list that included the names of certain traders who had purchased Mazor securities before the Announcement (the "Name Recognition List"), and asked that everyone who had knowledge of the Mazor Acquisition in advance of the Announcement review the list and identify anyone they knew. Both Farahan and Gantman were on the list.

46. On January 8, 2019 at 2:57 a.m. CST, Mazor's Israel-based in-house counsel sent an e-mail to designated Mazor personnel, including Tavlin, with the Name Recognition List attached. The e-mail instructed each recipient to respond,

either confirming that they knew no individuals or entities on the list or providing additional information if they did.

47. The same morning, at 10:37 a.m. CST, Tavlin called Farahan. Farahan called Tavlin back at 10:41 a.m. CST, and the two spoke for eight minutes. Tavlin told Farahan that Farahan's name was on the list, and that Tavlin did not plan on identifying him as someone he knew. Tavlin then sent Farahan the list via text or e-mail.

48. About an hour after the call with Farahan, Tavlin responded to the e-mail from Mazor's legal counsel stating that he did not have relationships with any "entities" on the list, concealing his relationship with Farahan and Gantman.

49. When Farahan reviewed the Name Recognition List, he recognized Gantman's name. He then called Gantman and informed Gantman that he was on the list.

50. On January 16, 2019, Mazor's outside counsel provided FINRA with the names of all Mazor employees who reported knowing anyone on the Name Recognition List. Tavlin's name was not included.

2. Farahan Gives Tavlin a Kickback for the Tip

51. In or around October 2019, during breakfast at a restaurant in Minnesota, Tavlin told Farahan he needed money and asked Farahan for money in exchange for the Mazor Acquisition information that Tavlin had provided to Farahan in August 2018. Farahan used one of his company accounts to write Tavlin a check for \$25,000. The check was dated October 25, 2019, and Tavlin cashed it on October 28, 2019.

3. Gantman Conceals His Relationship with Tavlin

52. Gantman provided conflicting statements regarding his relationship with Tavlin. On January 27, 2021, he represented to SEC staff that he had "not had any correspondence, e-mails, or conversations with Doron Tavlin."

53. But during his March 2, 2021 testimony with the staff, Gantman

admitted that Farahan had introduced him to Tavlin, and that he had spoken with Tavlin in person several times in the past, but not for six or seven years. He went on to explain that he knew Tavlin was in the medical field because he had looked him up on LinkedIn around the time Farahan introduced them. He also stated, “I can make one thing certain to you and on the record. I never had any communications with Mr. Tavlin. So I will be very clear about that.”

54. However, Gantman had in fact e-mailed Tavlin in December 2017, introducing Tavlin to another person. In the e-mail addressed to Tavlin and the other person, Gantman wrote, “[y]ou’re two of my friends that will likely share some common interests and good conversation.”

55. On January 28, 2022, Gantman changed his story again, representing to SEC staff that he “had no direct or indirect communication with Doron Tavlin since 2014 or prior,” and “had no knowledge of Doron Tavlin’s professional occupation just before or after [he] purchased Mazor stock.”

FIRST CLAIM FOR RELIEF

Violations of Section 10(b) of the Exchange Act and Rule 10b-5

(Against All Defendants)

56. The SEC realleges and incorporates by reference paragraphs 1 through 55 above.

57. Tavlin learned material nonpublic information through his work as a Mazor executive. Tavlin knew or was reckless in not knowing, that the information he possessed concerning the potential acquisition of Mazor was material nonpublic information.

58. At all relevant times, Tavlin had a relationship of trust and confidence with Mazor that required him to keep nonpublic information regarding the Mazor Acquisition confidential. Tavlin knew, consciously avoided knowing, or was reckless in not knowing, that he owed Mazor a duty of trust or confidence to keep the material nonpublic information he possessed concerning the potential acquisition of

Mazor confidential. Tavlin breached that duty by tipping his close friend Farahan about the Mazor Acquisition, by encouraging Farahan to purchase Mazor securities quickly, and by asking Farahan to trade on his behalf.

59. Tavlin tipped Farahan concerning the Mazor Acquisition with the intent to benefit his close friend, Farahan. Tavlin also expected a monetary benefit from Farahan in exchange for the material nonpublic information, which Tavlin later received in the form of a \$25,000 check.

60. At the time he traded in the securities of Mazor and tipped his friend Gantman, Farahan knew or was reckless in not knowing, that he was in possession of material nonpublic information.

61. Farahan also knew, consciously avoided knowing, or was reckless in not knowing, the material nonpublic information about the Mazor Acquisition that Tavlin had disclosed to him was disclosed in breach of a fiduciary duty, or similar relationship of trust and confidence.

62. Farahan tipped Gantman with the intention that Gantman would use the information to trade Mazor securities and knew, consciously avoided knowing, or was reckless in not knowing, that Gantman would trade.

63. Farahan received a personal benefit from tipping Gantman because he made a gift of information to a close friend.

64. Gantman knew or was reckless in not knowing that the information Farahan tipped to him was material and nonpublic. Gantman also knew, consciously avoided knowing, or was reckless in not knowing that the information was passed in breach of a duty or relationship of trust and confidence.

65. By engaging in the conduct described above, Defendants Tavlin, Farahan, and Gantman, directly or indirectly, in connection with the purchase or sale of a security, by the use of means or instrumentalities of interstate commerce, of the mails, or of the facilities of a national securities exchange: (a) employed devices, schemes, or artifices to defraud; (b) made untrue statements of a material fact or

omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or (c) engaged in acts, practices, or courses of business which operated or would operate as a fraud or deceit upon other persons.

66. By engaging in the conduct described above, Defendants Tavlin, Farahan, and Gantman violated, and unless restrained and enjoined will continue to violate, Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rules 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

PRAYER FOR RELIEF

WHEREFORE, the SEC respectfully requests that the Court:

I.

Issue findings of fact and conclusions of law that Defendants committed the alleged violations.

II.

Issue judgments, in forms consistent with Rule 65(d) of the Federal Rules of Civil Procedure permanently enjoining Defendants Tavlin, Farahan, and Gantman and their officers, agents, servants, employees and attorneys, and those persons in active concert or participation with any of them, who receive actual notice of the judgment by personal service or otherwise, and each of them, from violating Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

III.

Order Defendants Tavlin, Farahan, and Gantman to disgorge all funds received from their illegal conduct, together with prejudgment interest thereon pursuant to Exchange Act Sections 21(d)(5) and 21(d)(7) [15 U.S.C. §§ 78u(d)(5) and 78u(d)(7)].

IV.

Order Defendants Tavlin, Farahan, and Gantman to pay a civil penalty under Section 21A of the Exchange Act, 15 U.S.C. § 78u-1.

V.

Enter an order against Defendant Tavlin pursuant to Section 21(d)(2) of the Exchange Act, 15 U.S.C. § 78u(d)(2), prohibiting him from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act, 15 U.S.C. § 78l, or that is required to file reports pursuant to Section 15(d) of the Exchange Act, 78 U.S.C. § 78o(d).

VI.

Retain jurisdiction of this action in accordance with the principles of equity and the Federal Rules of Civil Procedure in order to implement and carry out the terms of all orders and decrees that may be entered, or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court.

VII.

Grant such other and further relief as this Court may determine to be just and necessary.

Dated: July 6, 2022

Respectfully Submitted,

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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

SECURITIES AND EXCHANGE COMMISSION

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Craig Baune, Assistant United States Attorney, District of Minnesota, 600 U.S. Courthouse, 300 S Fourth St, Minneapolis, MN 55414, (612) 664-5600

DEFENDANTS

DORON A. TAVLIN, AFSHIN FARAHAN, and DAVID J. GANTMAN

County of Residence of First Listed Defendant Hennepin (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 US Government Plaintiff, 2 US 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)

Table with columns for Plaintiff (PIF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, HABAES CORPUS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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 - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. § 78j(b) Brief description of cause: Violations of the Federal Securities Laws

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 July 6, 2022 SIGNATURE OF ATTORNEY OF RECORD s/ Craig Baune

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- 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.
 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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.