

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.

SECURITIES AND EXCHANGE COMMISSION,)
)
)
Plaintiff,)
v.)
)
PATRICK G. ROONEY, JOHN R. ROONEY, and)
POSITRON CORPORATION)
)
Defendants.)
<hr/>	

COMPLAINT

Plaintiff Securities and Exchange Commission alleges as follows:

I. INTRODUCTION

1. Beginning in August 2012, Defendants Patrick G. Rooney, John R. Rooney, and Positron Corporation engaged in a fraudulent market manipulation scheme involving the stock of Positron Corporation. As part of the scheme, John Rooney and Patrick Rooney, Positron's CEO, worked with two purported corrupt stock promoters. The Defendants paid one of the corrupt promoters so that he and his purported buying group would purchase shares of Positron stock in the open market. Unbeknownst to the Defendants, the corrupt promoters were both witnesses cooperating with the FBI.

2. The Defendants engaged in this scheme in an effort to artificially manipulate the market for Positron stock by: (1) falsely generating the appearance of market interest in the stock; (2) inducing public purchases of the stock; and (3) artificially increasing the stock's trading price and volume.

3. As a result of the conduct described in this Complaint, the Defendants violated Section 10(b) and Rule 10b-5(a) and (c) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78j(b) and 17 C.F.R. § 240.10b-5(a) and (c). Unless restrained and enjoined, the Defendants are reasonably likely to continue to violate the federal securities laws.

4. The Commission respectfully requests that the Court enter: (a) a permanent injunction restraining and enjoining the Defendants from violating the federal securities laws; (b) an order directing the Defendants to pay civil money penalties; (c) an order barring Patrick and John Rooney from participating in any offering of a penny stock; and (d) an order barring Patrick Rooney 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 or that is required to file reports pursuant to Section 15(d) of the Exchange Act.

II. DEFENDANTS

5. During the relevant time period, Patrick Rooney was Positron's CEO and Chairman of the Board. He resides in Oak Brook, Illinois. In December 2013 in an unrelated case, a judgment was entered against him by consent, enjoining him from future violations of Sections 206(1), 206(2) and 206(4) of the Investment Advisers Act of 1940 and Rules 206(4)-8(1) and (a)(2) thereunder, Section 17(a) of the Securities Act of 1933, and Sections 10(b) and 13(d)(1) of the Exchange Act and Rules 10b-5 and 13d-1 thereunder. SEC v. Patrick G. Rooney, et al., Civil Action No. 11-CV-8264 (N.D. Ill. 2011). In July 2014, the Court entered an order barring him from operating a private investment fund and from serving as an officer or director of any public company, except for Positron. In addition, he was ordered to pay \$715,700 in disgorgement plus prejudgment interest, and a \$715,700 civil penalty. In January 2014,

administrative proceedings were instituted against Rooney. In re Patrick G. Rooney, Advisers Act Rel. No. 3751 (Jan. 8, 2014). In July, the administrative law judge issued an Initial Decision barring Rooney from the securities industry.

6. During the relevant period, John Rooney – the brother of Patrick Rooney – acted as a stock promoter for Positron. John Rooney resides in Jupiter, Florida. In January 2004 in an unrelated case, a final judgment was entered against John Rooney, by consent, permanently enjoining him from future violations of Sections 10(b) and 14(e) of the Exchange Act and Rules 10b-5 and 14e-3 thereunder. SEC v. Adrian A. Alexander, et al., Civil Action No. 00-cv-7290- (S.D.N.Y). The following month, an administrative order was entered against Rooney, barring him from association with any broker or dealer with the right to reapply after five years. In re John Ryan Rooney, Exchange Act Rel. No. 49179 (Feb. 3, 2004).

7. During the relevant time period, Positron was a Texas corporation with principal offices in Westmont, Illinois. Positron purported to be a nuclear medicine healthcare company specializing in the field of cardiac Positron Emission Tomography imaging. Its common stock was quoted on the OTC Link under the symbol “POSC” at all relevant times. Positron’s common stock is registered with the Commission pursuant to Section 12(g) of the Exchange Act, and the company is subject to Section 13(a) reporting obligations.

8. Positron’s stock is a “penny stock” as defined by the Exchange Act. At all times relevant to this Complaint, the stock’s shares traded at less than two cents per share. During the same time period, Positron’s stock did not meet any of the exceptions to penny stock classification pursuant to Section 3(a)(51) and Rule 3a51-1 of the Exchange Act. For example, Positron’s stock did not trade on a national securities exchange and was not an “NMS stock,” as defined in 17 C.F.R. § 242.600(b)(47). Furthermore, Positron did not have net tangible assets

(i.e., total assets less intangible assets and liabilities) in excess of \$5,000,000; and did not have average revenue of at least \$6,000,000 for the last three years. *See* Exchange Act, Rule 3a51-1(g).

III. JURISDICTION AND VENUE

9. The Court has jurisdiction over this action pursuant to Sections 21(d) and 27 of the Exchange Act, 15 U.S.C. §§ 78u(d) and 78aa.

10. This Court has personal jurisdiction over the Defendants, and venue is proper in the Southern District of Florida, because John Rooney resides in the District and, also, many of the Defendants' acts and transactions constituting violations of the Exchange Act occurred in the District. For example, on August 22, 2012, John Rooney met with one of the cooperating witnesses ("CW1") in Palm Beach County to discuss the manipulation scheme. Patrick Rooney called John Rooney and spoke with him during that meeting. Also, on August 24, 2012, John Rooney met with both cooperating witnesses (collectively referred to as "CWs") in Palm Beach County to further plan the scheme. Furthermore, throughout the fraud, John Rooney and Patrick Rooney communicated with the CWs via telephone, email, or text messages on dozens of occasions while the CWs were located within the District.

11. The Defendants, directly or indirectly, made use of the means or instruments of transportation or communication in interstate commerce, or of a means or instrumentality of interstate commerce, or of the mails, in connection with the conduct alleged in this Complaint.

IV. THE FRAUDULENT SCHEME

12. In August 2012, John Rooney began discussions with CW1 about a possible market transaction involving Positron stock.

13. On August 22, 2012, John Rooney and CW1 had a face-to-face meeting to discuss

the plan to artificially increase the volume and share price of Positron stock. CW1 agreed to introduce John Rooney to a business associate ("CW2") who purportedly operated a buying group.

14. The three met two days later, on August 24, during which time they agreed that CW2 and his buying group would buy shares of Positron stock on the open market. In return, CW2 would receive a cash inducement payment of 20% of the dollar amount of stock purchased. Specifically, they discussed that CW2 and his buying group would purchase \$20,000 worth of Positron stock, and that John Rooney would pay CW2 an inducement payment of \$4,000.

15. During the meeting, John Rooney stated that "we just want [the float] cleaned up." The parties agreed that CW2 would be provided with advance copies of Positron press releases and that they would coordinate the issuance of the press releases with the fraudulent buying.

16. John Rooney said he would contact his brother Patrick, and John and the two CWs agreed CW1 would arrange for Patrick Rooney to provide them with drafts of upcoming news. CW2 told John Rooney his buying group would begin purchasing the stock the day before the company planned to issue a news release, commenting, "that's the whole point with front running the news. . . when people see volume coming in before a story, it makes the story that much more credible." John Rooney responded, "I agree."

17. Also during the August 24 meeting, John Rooney and the CWs discussed that CW2 would receive an inducement payment of 20%. Specifically, CW2 and his buying group would purchase \$20,000 worth of stock and then receive \$4,000 in return.

18. The next day, on August 25, CW1 emailed Patrick Rooney, mentioning the previous day's meeting between him, John Rooney, and CW2. He asked Patrick Rooney to

provide him with drafts of upcoming press releases or headlines of those upcoming press releases to forward to CW2, who would then start buying Positron stock with his buying group.

19. Two days later, on August 27, John Rooney told CW2 he was waiting to hear from Patrick Rooney "if it's a go for tomorrow." That day, Patrick Rooney emailed CW1, from his Positron email account, headlines of upcoming press releases. CW1 then responded to Patrick Rooney that he had forwarded the information to CW2 who would "... get started tomorrow."

20. That same day, CW2 emailed John Rooney that CW1 sent him what he needed so "we will start in the morn and do our best. . . I'll call you when we're done for the day and you can wire me the 4g then . . . "

21. On August 28, the FBI purchased a total of 700,000 shares of Positron stock in the open market for a total cost of approximately \$7,400. The FBI's purchases constituted approximately 27% of the volume of Positron stock for that day.

22. On September 5, 2012, John Rooney emailed CW2, with a copy to CW1, saying "[y]ou want to try and finish up today I have someone that wants to buy but ill [sic] wait for you."

23. On September 6, 2012, Positron issued a positive press release to the public. Two days later, on September 8, CW1 emailed Patrick Rooney that he spoke to CW2, everything was fine, and that CW2's "... group will put up a bid for 1 million shares the first thing [M]onday morning [on September 10]."

24. On September 10, 2012, CW1 and Patrick Rooney sent text messages to each other about the fraudulent buying, in which CW1 discussed the price CW2 was going to bid for the Positron stock, and Patrick Rooney asked about the trading.

25. That same day, the FBI purchased a total of 210,000 shares of Positron stock in

the open market for a total principal cost of approximately \$2,100. The FBI's purchases constituted approximately 14% of the volume of Positron stock for the day.

26. On September 11, 2012, CW1 sent a text message to Patrick Rooney saying that CW2's "group has approx. 2 million shares. He's waiting on the wire then he will get going on round two which hopefully will be bigger."

27. During the next few weeks, from late September through mid-October, 2012, Positron issued additional positive press releases.

28. Throughout September and October, CW1 repeatedly communicated with both John and Patrick Rooney, asking them to pay CW2 the agreed-upon cash inducement payment. CW1 sent Patrick and John Rooney CW2's account information.

29. In response, Patrick Rooney texted CW1 that he had sent John Rooney \$4,000 to pay CW2, and that "I feel that we can not pay this guy direct" or "I don't want posc to do direct."

30. In October 2012, Patrick Rooney sent CW1 a text message telling him he had forwarded the \$4,000 inducement payment to his brother John to pay CW2. However, John Rooney deposited \$1,000 into CW2's purported bank account as the inducement payment. Neither of the CWs received the remaining \$3,000 inducement payment.

COUNT I

Fraud in Violation of Section 10(b) and Rule 10b-5(a) and (c) of the Exchange Act

31. The Commission realleges and incorporates paragraphs 1 through 30 of its Complaint.

32. Beginning in August 2012, the Defendants, directly and indirectly, by use of the

means and instrumentality of interstate commerce, and of the mails in connection with the purchase or sale of securities, knowingly, willfully or recklessly:

- (a) employed devices, schemes or artifices to defraud; or
- (b) engaged in acts, practices and courses of business which have operated, are now operating and will operate as a fraud upon the purchasers of such securities.

33. By reason of the foregoing, the Defendants, directly or indirectly violated and, unless enjoined, are reasonably likely to continue to violate, Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5(a) and (c), 17 C.F.R. § 240.10b-5(a) and (c).

RELIEF REQUESTED

WHEREFORE, the Commission respectfully requests that the Court:

I.

Declaratory Relief

Declare, determine, and find that the Defendants have committed the violations of the federal securities laws alleged in this Complaint.

II.

Permanent Injunctive Relief

Issue a Permanent Injunction restraining and enjoining the Defendants, their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, and each of them, from violating Section 10(b) and Rule 10b-5(a) and (c) of the Exchange Act, as indicated above.

III.

Penalties

Issue an Order directing the Defendants to pay civil money penalties pursuant to Section 21(d) of the Exchange Act, 15 U.S.C. § 78(d)(3).

IV.

Penny Stock Bar

Issue an Order barring John Rooney and Patrick Rooney from participating in any offering of penny stock, pursuant to Section 21(d) of the Exchange Act, 15 U.S.C. § 78u(d), for the violations alleged in this Complaint.

V.

Officer and Director Bar

Issue an Order pursuant Section 21(d)(2) of the Exchange Act, 15 U.S.C. § 78u(d)(2), barring Patrick Rooney 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 or that is required to file reports pursuant to Section 15(d) of the Exchange Act.

VI.

Further Relief

Grant such other and further relief as may be necessary and appropriate.

VII.

Retention of Jurisdiction

Further, the Commission respectfully requests that the Court retain jurisdiction over this action in order to implement and carry out the terms of all orders and decrees that it may enter, or to entertain any suitable application or motion by the Commission for additional relief within the jurisdiction of this Court.

Dated: September 30, 2014

Respectfully submitted,

By:



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JS 44 (Rev. 12/12)

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

DEFENDANTSPATRICK G. ROONEY, JOHN R. ROONEY AND
POSITRON CORPORATION, Defendants

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

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

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

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Christine Nestor, Esq., (305) 982-6367
Securities and Exchange Commission
801 Brickell Avenue, Suite 1800, Miami, FL 33131

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 type="checkbox"/> 4 |
| Citizen of Another State | <input 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 (Excludes 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 - Medical Malpractice	PERSONAL INJURY <input 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/Management 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 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <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 checked="" 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 Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <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):
15 U.S.C. § 78j(b), and 17 C.F.R. § 240.10b-5(a) and (c).

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

SIGNATURE OF ATTORNEY OF RECORD

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 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.

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: