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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *EE* DEPUTY

1 JOHN M. MCCOY III, Cal. Bar No. 166244
 E-mail: mccoym@sec.gov
 2 FINOLA H. MANVELIAN, Cal. Bar No. 180681
 Email: manvelianf@sec.gov
 3 JESSICA R. PUATHASNANON, Cal. Bar No. 208074
 E-mail: puathasanonj@sec.gov
 4 WILLIAM G. BERRY, Cal. Bar No. 206348
 E-mail: berryw@sec.gov

5 Attorneys for Plaintiff
 6 Securities and Exchange Commission
 Rosalind R. Tyson, Regional Director
 7 Andrew G. Petillon, Associate Regional Director
 5670 Wilshire Boulevard, 11th Floor
 8 Los Angeles, California 90036-3648
 Telephone: (323) 965-3998
 9 Facsimile: (323) 965-3908

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 12 **UNITED STATES DISTRICT COURT**
 13 **SOUTHERN DISTRICT OF CALIFORNIA**

14
 15 SECURITIES AND EXCHANGE
 16 COMMISSION,

17 Plaintiff,

18 vs.

19 MICHAEL F. CROWLEY, JR.,

20 Defendant.
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Case No. **'08 CV 1388** J RBB

**COMPLAINT FOR VIOLATIONS
 OF THE FEDERAL SECURITIES
 LAWS**

CR

1 Plaintiff Securities and Exchange Commission (the "Commission") alleges
2 as follows:

3 **JURISDICTION AND VENUE**

4 1. This Court has jurisdiction over this action pursuant to Sections 20(b),
5 20(d)(1), and 22(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C.
6 §§ 77t(b), 77t(d)(1), and 77v(a), and Sections 21(d)(1), 21(d)(3)(A), 21(e), and 27
7 of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. §§ 78u(d)(1),
8 78u(d)(3)(A), 78u(e) and 78aa. Defendant has directly or indirectly made use of
9 the means or instrumentalities of interstate commerce, of the mails, or of the
10 facilities of a national securities exchange in connection with the transactions, acts,
11 practices and courses of business alleged in this Complaint.

12 2. Venue is proper in this district pursuant to Section 22(a) of the
13 Securities Act, 15 U.S.C. § 77v(a), and Section 27 of the Exchange Act, 15 U.S.C.
14 § 78aa, because defendant resided within this district during the relevant time
15 period and certain of the transactions, acts, practices and courses of conduct
16 constituting violations of the laws alleged in this Complaint occurred within this
17 district.

18 **SUMMARY**

19 3. This case involves financial fraud at SeraCare Life Sciences, Inc.
20 ("SeraCare") by its former chief executive officer, Defendant Michael F. Crowley,
21 Jr. ("Crowley").

22 4. SeraCare was based in Oceanside, California during the relevant time
23 period and operates as a supplier and manufacturer of biological products (such as
24 blood and plasma) for the biotechnology and pharmaceutical industry.

25 5. Crowley failed to disclose material information in SeraCare's
26 disclosures for the first quarter of fiscal year 2005 regarding a canceled bill and
27 hold sale that represented almost 11% of its quarterly net income before taxes.

28 6. Specifically, at the end of SeraCare's first quarter of 2005, Crowley

1 was informed that a major customer had canceled a material portion of a bill and
2 hold sale that accounted for almost 11% of SeraCare's net income before taxes for
3 the period. In spite of this knowledge, on February 9, 2005, Crowley certified
4 SeraCare's quarterly report filed on Form 10-Q for the quarter ended December 31,
5 2004 ("SeraCare's 2005 First Quarter Form 10-Q"), even though it failed to
6 disclose any information about the canceled portion of the sale. That misleading
7 filing was then incorporated by reference in registration statements filed on Forms
8 S-8 by SeraCare on February 25, 2005 in connection with the offering of 600,000
9 shares of SeraCare common stock.

10 7. Crowley also made statements during SeraCare's quarterly conference
11 call and in the Company's quarterly earnings release touting SeraCare's record
12 sales and net income for the period, again without disclosing the canceled sale.
13 The quarterly earnings release was attached to a Form 8-K filed by SeraCare on
14 February 9, 2005 ("SeraCare's February 9, 2005 Form 8-K"), which was also
15 incorporated in SeraCare's February 25, 2005 Form S-8 registration statements.

16 8. Crowley aided and abetted SeraCare's uncharged violations of Section
17 13(a) of the Exchange Act and Rules 12b-20, 13a-11, and 13a-13 thereunder.
18 Crowley also violated Section 17(a)(2) and (3) of the Securities Act and Rule 13a-
19 14 of the Exchange Act.

20 DEFENDANT

21 9. Defendant Michael F. Crowley, Jr. is a resident of San Diego,
22 California. Crowley was the chief executive officer of SeraCare from 2002 until
23 he was terminated in March 2006.

24 RELEVANT ENTITY

25 10. SeraCare Life Sciences, Inc. is a Delaware corporation that is
26 currently based in West Bridgewater, Massachusetts. During the relevant time
27 period, SeraCare's principal headquarters were in Oceanside, California and its
28 common stock was registered pursuant to Section 12(g) of the Exchange Act and

1 listed on the Nasdaq National Market. From at least 2004 through at least March
2 2006, SeraCare's fiscal year ended on September 30.

3 **FACTUAL ALLEGATIONS**

4 **Crowley's Failure To Disclose Material Information About A Canceled Sale**

5 11. Approximately two weeks before the end of fiscal year 2004,
6 SeraCare acquired substantially all of the assets of Boston Biomedica, Inc. ("BBI")
7 for about \$30 million. The acquisition almost doubled the size of SeraCare.

8 12. In December 2004, SeraCare's newly acquired BBI division secured a
9 major sale with Roche Diagnostics, a key customer that agreed to purchase
10 \$454,080 worth of product under a bill and hold arrangement.

11 13. On February 8, 2005 -- one day before SeraCare's Form 10-Q was
12 filed and a scheduled earnings release was due -- a representative from Roche
13 notified SeraCare's head of sales that Roche no longer wanted to take the product
14 under bill and hold arrangements. Instead, Roche wanted to pay for the product as
15 it was received throughout calendar year 2005.

16 14. Given the significant size of the sale, SeraCare's head of sales
17 immediately notified Crowley by email of his conversation with Roche, and
18 suggested that SeraCare "reverse" the sale and not book it as revenue for the first
19 quarter of 2005. Specifically, the over \$300,000 in unearned revenue for the
20 Roche sale accounted for 10.7% of SeraCare's net income before taxes for the
21 quarter. Nevertheless, Crowley insisted that the full sale remain booked in the first
22 quarter as a bill and hold sale without disclosing the canceled sale in the quarterly
23 filing (on Form 10-Q), earnings release (on Form 8-K), and earnings call on the
24 following day.

25 15. The February 9, 2005 earnings release acknowledges that SeraCare's
26 tremendous growth in sales was primarily driven by its recent acquisition of BBI,
27 but fails to disclose that revenue accounting for almost 11% of SeraCare's net
28 income before taxes for the quarter had just been canceled. The earnings release

1 also quotes Crowley touting the Company's "record sales, operating income and
2 net income" for the period.

3 16. In addition, Crowley spoke during the February 9, 2005 earnings call
4 with analysts and trumpeted SeraCare's "triple-digit growth" in revenue for the
5 quarter and the Company's "doubled" net income, without disclosing the canceled
6 sale with Roche.

7 17. Crowley was also substantially involved in preparing, reviewing, and
8 approving SeraCare's 2005 First Quarter Form 10-Q and its February 9, 2005
9 Form 8-K before they were filed with the Commission.

10 18. Crowley signed and certified SeraCare's 2005 First Quarter Form
11 10-Q and signed SeraCare's February 9, 2005 Form 8-K even though they were
12 materially misleading because they failed to disclose that Roche had canceled a
13 portion of a bill and hold sale that represented almost 11% of SeraCare's net
14 income before taxes for the period.

15 19. Crowley knew, or should have known, that both SeraCare's 2005 First
16 Quarter Form 10-Q and its February 9, 2005 Form 8-K were materially misleading.

17 20. SeraCare filed Form S-8 registration statements on February 25, 2005,
18 which Crowley also signed, in connection with the offering of 600,000 shares of its
19 common stock. By statute, SeraCare's Form S-8 registration statements
20 incorporated by reference SeraCare's 2005 First Quarter Form 10-Q and February
21 9, 2005 Form 8-K.

22 **FIRST CLAIM FOR RELIEF**

23 **FRAUD IN THE OFFER OR SALE OF SECURITIES**

24 **Violations of Section 17(a)(2) and (3) of the Securities Act**

25 21. The Commission realleges and incorporates by reference ¶¶ 1 through
26 20 above.

27 22. Defendant, by engaging in the conduct described above, directly or
28 indirectly, in the offer or sale of securities by the use of means or instruments of

1 transportation or communication in interstate commerce or by the use of the mails:

2 (a) obtained money or property by means of untrue statements of a
3 material fact or by omitting to state a material fact necessary in
4 order to make the statements made, in light of the
5 circumstances under which they were made, not misleading;
6 and

7 (b) engaged in transactions, practices, or courses of business which
8 operated or would operate as a fraud or deceit upon the
9 purchaser.

10 23. By engaging in the conduct described above, defendant violated, and
11 unless restrained and enjoined will continue to violate, Section 17(a)(2) and (3) of
12 the Securities Act, 15 U.S.C. § 77q(a).

13 **SECOND CLAIM FOR RELIEF**

14 **VIOLATIONS OF COMMISSION PERIODIC**
15 **REPORTING REQUIREMENTS**

16 **Violations of Section 13(a) of the Exchange Act,**
17 **and Rules 12b-20, 13a-11, and 13a-13 thereunder**

18 24. The Commission realleges and incorporates by reference ¶¶ 1 through
19 20 above.

20 25. SeraCare violated Section 13(a) of the Exchange Act and Rules 12b-
21 20, 13a-11, and 13a-13 thereunder, by filing with the Commission materially
22 misleading reports on Form 10-Q and on Form 8-K on February 9, 2005 for the
23 quarter ended December 31, 2004.

24 26. Defendant knowingly provided substantial assistance to SeraCare's
25 violation of Section 13(a) of the Exchange Act and Rules 12b-20, 13a-11, and 13a-
26 13 thereunder.

27 27. By engaging in the conduct described above and pursuant to Section
28 20(e) of the Exchange Act, 15 U.S.C. § 78t(e), defendant aided and abetted

1 SeraCare's violations, and unless restrained and enjoined will continue to aid and
2 abet violations, of Section 13(a) of the Exchange Act, 15 U.S.C. § 78m(a), and
3 Rules 12b-20, 13a-11, and 13a-13 thereunder, 17 C.F.R. §§ 240.12b-20, 240.13a-
4 11, and 240.13a-13.

5 **THIRD CLAIM FOR RELIEF**

6 **FALSE CERTIFICATION**

7 **Violations of Exchange Act Rule 13a-14**

8 28. The Commission realleges and incorporates by reference ¶¶ 1 through
9 20 above.

10 29. Defendant certified the quarterly report filed by SeraCare on Form 10-
11 Q for the quarter ended December 31, 2004 that, among other things, he reviewed
12 the report and, based on his knowledge, the report (i) did not contain any untrue
13 statement of material fact or omit to state a material fact necessary to make the
14 statements made, in light of the circumstances under which such statements were
15 made, not misleading and (ii) included financial statements and other financial
16 information which fairly presented, in all material respects, SeraCare's financial
17 condition, results of operations and cash flows.

18 30. By engaging in the conduct alleged above, defendant violated, and
19 unless restrained and enjoined will continue to violate, Exchange Act Rule 13a-14,
20 17 C.F.R. § 240.13a-14.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, the Commission respectfully requests that the Court:

- 23 (a) Issue findings of fact and conclusions of law that defendant
24 committed the violations alleged and charged herein.
- 25 (b) Issue judgments, in a form consistent with Fed. R. Civ. P. 65(d),
26 permanently enjoining defendant and his agents, servants, employees, attorneys,
27 and those persons in active concert or participation with him, who receive actual
28 notice of the order by personal service or otherwise, from violating Section

1 17(a)(2) and (3) of the Securities Act and Rule 13a-14 of the Exchange Act, and
2 aiding and abetting violations of Section 13(a) of the Exchange Act and Rules 12b-
3 20, 13a-11, and 13a-13 thereunder.

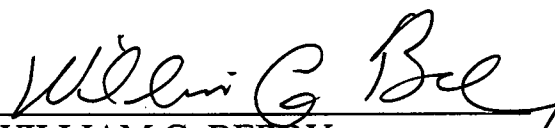
4 (c) Order defendant to pay civil penalties under Section 20(d) of the
5 Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the Exchange Act, 15
6 U.S.C. § 78u(d)(3).

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

12 (e) Grant such other and further relief as this Court may determine to be
13 just and necessary.

14
15 DATED: July 31, 2008

Respectfully submitted,

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17 
18 WILLIAM G. BERRY
19 Attorneys for Plaintiff
20 Securities and Exchange Commission
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ORIGINAL

JS 44 (Rev. 11/04)

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
 U.S. SECURITIES AND EXCHANGE COMMISSION

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
 William G. Berry, Esq. (323) 965-3998
 U.S. Securities and Exchange Commission

DEFENDANTS
 MICHAEL F. CROWLEY, JR. **FILED** *ea*

County of Residence of First Listed Defendant **San Diego** County
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES USE THE LOCATION OF THE LAND INVOLVED
 SOUTHERN DISTRICT OF CALIF.

08 CV 1388 RBB
 Attorneys (If Known) **BY:** Charles G. La Bella **DEPUTY**
 La Bella & McNamara, LLP

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 (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY - Med. Malpractice <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 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"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <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	<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	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <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
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"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS: <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <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	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <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	

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 (Do not cite jurisdictional statutes unless diversity):
 15 U.S.C. § 77q(a), 15 U.S.C. § 78m(a), 17 C.F.R. §§ 240.12b-20, 240.13a-11, 240.13a-13, and 240.13a-14

Brief description of cause:
 The complaint alleges violations of the antifraud provisions of the federal securities laws.

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: **7-31-08**

SIGNATURE OF ATTORNEY OF RECORD: *William G. Berry*

FOR OFFICE USE ONLY

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

CR

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.