UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SECURITIES AND EXCHANGE COMMISSION, Plaintiff, v. DEMETRIUS L. EARLY, Defendant.	Civil Action No.: 4:25-cv-4622 Jury Trial Demanded

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

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

I. INTRODUCTION

1. From at least February 2023 through July 2023 (the "relevant period"), Demetrius L. Early ("Early" or "Defendant") was the top sales agent involved in a fraudulent, unregistered offering operated by Kevin L. Jefferson ("Jefferson") through his Cashflow Creation Club ("CCC"), an investment vehicle in which Jefferson supposedly opened leveraged foreign currency exchange ("Forex") trading accounts for investors and traded on their behalf. From at least January 2023 through December 2023, Jefferson raised over $1,000,000 from at least 67 individuals, mostly unaccredited and unsophisticated investors, and including more than ten seniors over the age of 65, and many from the African American community.

2. Early played a significant role in raising money from investors for the CCC investment opportunity. He was one of Jefferson's primary sales agents, he personally solicited at least 28 investors and was the top producing sales agent for the CCC capital raised. Jefferson paid Early and other sales agents commissions of up to 50% for their efforts.

3. In connection with the offering, Early parroted Jefferson's claim that a $10,000 to $15,000 CCC membership entitled investors to a $200,0000 account balance in a Forex trading account – that Jefferson would trade on the investor's behalf – and that Jefferson could generate 3-5% monthly returns and quadruple their money within a year through Forex currency trading.

4. In truth, the $200,000 balance appeared in accounts that allowed for simulated, not live trading, thus the $200,000 did not constitute real funds. Additionally, none of Jefferson's personal investments – or those of CCC members – ever achieved profits anywhere near the claimed 3-5% monthly returns. Jefferson also misused investor funds and failed to disclose that most of the funds were not used for investment related purposes.

5. Of the approximately $1 million raised in total as part of Jefferson's scheme, Early helped raise approximately $450,000 from the offer and sale of CCC securities and received approximately $200,000 in transaction-based compensation.

6. Early was not registered with the Commission as a broker or dealer or associated with a registered broker-dealer. Additionally, the CCC membership interests Early offered and sold to investors were not registered with the Commission, nor did they qualify for an exemption from registration.

7. As a result of the conduct alleged in this Complaint, Defendant violated Sections 5(a) and 5(c) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. §§ 77e(a) and 77e(c)] and Section 15(a)(1) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78o(a)(1)].

8. Unless enjoined, Defendant will continue to violate the federal securities laws. Among other relief, the SEC seeks permanent injunctions, disgorgement with prejudgment interest and a civil penalty against Defendant.

II. DEFENDANT

9. Early, age 52, who is a resident of Louisiana, resided in Houston, Texas at all relevant times. He is the president of We Raise Your Credit Score, Inc. and a managing member of Advanced Business Consulting LLC. Early has never associated with any entity registered with the Commission and has no regulatory disciplinary history. In 2010, Early pleaded guilty in Harris County, Texas, to theft of property with an aggregate value of $200,000 or more, a first-degree felony, for his operation of an investment scheme in which he recruited investors to purchase homes with inflated income and credit information. *See Early v. State*, 2011 WL 6015692 (Tex. App. Houston 1st Dist., Dec. 1, 2011) (affirming the trial court's imposition of criminal sentence).

III. OTHER RELEVANT INDIVIDUAL AND ENTITY

10. Jefferson, age 51, resides in Dallas, Texas. Jefferson was previously registered with the Commission, as a registered representative and investment adviser representative, and associated with several broker-dealers and registered investment advisers from 2002 through 2008. Jefferson was the subject of a 2008 cease-and-desist order issued by the Alabama Securities Commission for selling unregistered investments involving viatical settlement contracts. *See In re Lakeside Equity Partners Inc et al.,* ASC Administrative Order No. CD-2008-0031 (October 9, 2008)

11. Nu-Sun Global, Inc. (d/b/a FollowMyTrades.com) ("Nu-Sun") is an inactive (administrative dissolved) Wyoming corporation, which was solely owned and operated by Jefferson. Nu-Sun's name appears on a bank account into which Jefferson directed investors to deposit funds after Jefferson's personal brokerage account was closed. Jefferson has signatory authority over Nu-Sun's bank accounts.

IV. JURISDICTION AND VENUE

12. This Court has jurisdiction over this action pursuant to Sections 20(b), 20(d)(1), and 22(a) of the Securities Act [15 U.S.C. §§ 77t(b), 77t(d)(1), and 77v(a)] and Sections 21(d), 21(e), and 27 of the Exchange Act [15 U.S.C. §§ 78u(d), 78u(e), and 78aa].

13. Venue is proper in this District pursuant to Section 22(a) of the Securities Act [15 U.S.C. § 77v(a)] and Section 27(a) of the Exchange Act [15 U.S.C. § 78aa(a)] because certain of the transactions, acts, practices, and courses of business alleged in this Complaint occurred in this District. In addition, venue is proper in this District because the Defendant resided and conducted business within the District during the relevant period.

14. Defendant has, directly and indirectly, made use of the means or instrumentalities of interstate commerce, of the mails, and/or of the means and instruments of transportation or communication in interstate commerce in connection with the transactions, acts, practices, and courses of business alleged in this Complaint.

V. DEFENDANT'S ACTS IN VIOLATION OF THE SECURITIES LAWS

A. Jefferson's Unregistered Offering and Investment Program

15. Starting in at least January 2023 to December 2023, Jefferson individually and through Early and other sales agents offered and sold securities in the form of investment contracts to 67 investors primarily within the African American entrepreneurial community residing across 18 states—raising over $1 million.

The CCC Forex Trading Program

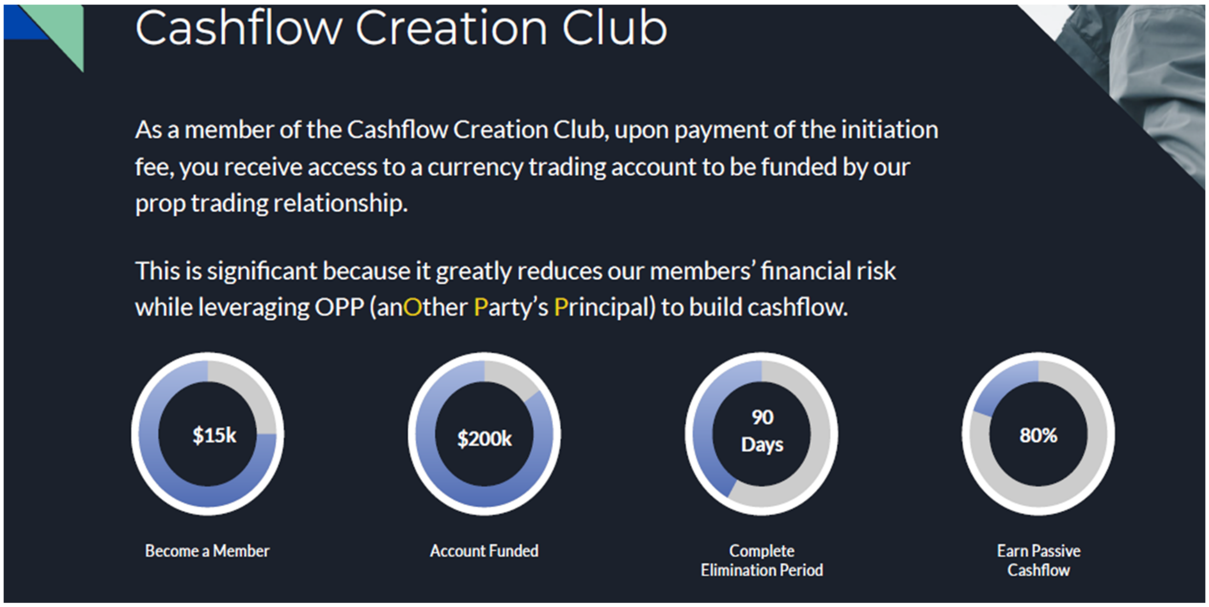
16. Jefferson, who promoted himself as the "Managing Director of Global Markets" for Nu-Sun and an expert Forex currency trader, offered investors his "Done-For-You" Forex trading program called the CCC, in which Jefferson purportedly made Forex trades on an investor's behalf without any substantive participation from the investor. Forex traders buy and

sell currencies through Forex transactions based on how they expect currency exchange rates will fluctuate. Forex traders earn profits when the value of one currency rises relative to another if they purchased the appreciating currency or suffer losses if they sold the appreciating currency.

17. The CCC membership interests Early and others offered to investors varied from approximately $10,000 and $25,000 with profits ranging from 3%-5% per month, purportedly from Jefferson's Forex trading. According to Jefferson, a $15,000 investment in a CCC membership entitled the investor to an account with a principal value of $200,000; they should expect 3-5% monthly returns of approximately $6,000 per month and expect to grow those monthly returns up to approximately $83,000 by the end of the year. Jefferson also claimed that investors should begin to see profits from their membership within 90 days of the investment.

18. During the relevant period, Jefferson operated the CCC through the trading platform of an unaffiliated, London-based third-party trading firm ("Proprietary Trading Firm"), which advertised its service as a "proprietary funded trading model." The Proprietary Trading Firm required payment of a $999 evaluation fee, which granted the account holder access to a *simulated* trading environment *and a notional principal amount* of $200,000 with which to trade. If an account holder succeeded in growing the simulated principal by 10% or more (before losing 10% or more), the Proprietary Trading Firm would ostensibly upgrade the account to one that participated in a *live trading* environment with the option to withdraw available profits after the proprietary trading firm took its cut. If the account holder failed the evaluation phase in the simulated environment, he/she had the option to restart the evaluation for an additional reset fee of $799.

19. Although individual investors' CCC membership interests were not memorialized in writing, the general terms of the investment were outlined in presentations to prospective investors including providing investors "access to a currency trading account . . . upon payment of an initiation fee" as shown in the following pitch deck:



Excerpt from Jefferson's investor pitch deck for the CCC

20. Interested prospective investors were sent a link to a registration and payment form on Jefferson's website, FMTrades.com, where an on-site link used a payment processing system to deposit funds directly into accounts controlled by Jefferson including Jefferson's personal account and Nu-Sun's business checking account—commingling pooled investor proceeds with personal funds. Jefferson instructed some investors to deposit checks or send wire transfers into Jefferson's personal or Nu-Sun's bank accounts.

21. Each investor was instructed to register for his/her own account at the Proprietary Trading Firm, and then provide the login credentials to Jefferson to facilitate Jefferson's trading of the simulated accounts. While investors could view the trading in their simulated accounts,

they did not make any trades of their own but relied instead on Jefferson and his professed Forex expertise to make the trades for them.

22. In certain circumstances, many investors' funds were pooled with other investors' capital for Jefferson to trade Forex and return profits to them on a pro rata basis. However, Jefferson made material misrepresentations about the true nature of the CCC investment opportunity including false projections of profitability, among other false claims.

23. The membership interests in CCC that Jefferson and Early offered are investment contracts under *SEC v. W.J. Howey Co.,* 328 U.S. 293, 298-99 (1946), and are therefore securities within the meaning of the Securities Act and the Exchange Act. With respect to these investments, there was (a) an investment of money; (b) in a common enterprise; (c) based on the expectation of profits to be derived from the entrepreneurial or managerial efforts of others. Investors looked solely to Jefferson to produce returns based upon his alleged Forex trading expertise, and Jefferson's assurance that he could generate 3%-5% per month in investors' accounts opened with the Proprietary Trading Firm.

<u>Jefferson's Material Misrepresentations to Investors</u>

24. During the relevant period, Jefferson made material misrepresentations to investors and prospective investors about the profitability of the CCC investment opportunity and the use of investor funds.

25. Jefferson misleadingly told investors that a $15,000 investment in a CCC membership entitled the investor to an account with a principal value of $200,000. He falsely claimed that investors should begin to see profits from their membership within 90 days of the investment. Jefferson further told investors they should expect 3-5% monthly returns of

approximately $6,000 per month and expect to grow those monthly returns up to approximately $83,000 by the end of the year.

26. In truth, Jefferson was making Forex trades in simulated accounts in the names of investors that reflected a $200,000 balance for simulated trading. This amount therefore did not represent real funds that could be withdrawn by Jefferson or the investor.

27. Additionally, Jefferson did not successfully conduct profitable Forex trades in a live trading environment on behalf of investors. Jefferson's success rate on his Forex trading in investors' accounts was so poor that almost every investor failed to profit at all, let alone achieve Jefferson's projected levels of monthly income.

28. During the relevant period, Jefferson raised over $1,000,000 from investors purportedly for his CCC investment opportunity. While Jefferson used approximately $170,000 of investor funds towards purported investment-related expenses, he diverted the vast majority of investor funds to pay undisclosed sales commissions to sales agents, including over $200,000 to Early, and for his own personal expenses.

B. Early's Offer and Sale of Securities in Unregistered Transactions and While Acting As An Unregistered Broker

29. Beginning in at least February 2023 through July 2023, Early personally solicited at least 28 investors on behalf of Jefferson and the CCC investment program, including seven investors over the age of 65.

30. Early solicited unsophisticated investors who had little-to-no experience with Forex trading, typically via promotional videos (including those publicly available on YouTube), video conference, and other seminars.

31. Early told investors that a $10,000 to $15,000 CCC membership entitled investors to a $200,0000 account balance in a Forex trading account operated by Jefferson. On occasion,

Early attended Jefferson's investor presentations to vouch for the purported investment, answer questions, and describe the investment opportunity to prospective investors.

32. Early also touted Jefferson's expertise in investor meetings they attended jointly and on an episode of Early's web series featuring Jefferson as a guest, telling his viewers, "with the program that [Jefferson] is presenting, he's going to trade for you, employ your money, and you could become a millionaire in a very short period of time." Early asked those same viewers, "why not give it to [Jefferson] who's proven he can get 10% on a return?"

33. In recruitment meetings during the relevant period, Early also declared success as a CCC member despite not ever being able to withdraw profits from his funded trading account.

34. Early sent interested prospective investors a link to a registration and payment form on Jefferson's website, FMTrades.com, where Jefferson used a processing system to deposit funds directly into accounts under Jefferson's control.

35. While many of the CCC investors paid $15,000 for a CCC membership interest, on several occasions Early negotiated a higher amount for the same investment from individuals he personally solicited. For example, Investor 1 from Indiana paid $20,000 for one membership interest; Investor 2 from Missouri paid $25,000 for one membership interest; and Investor 3 from Ohio paid $45,000 for two membership interests.

36. For his participation in the CCC offering, Jefferson often paid Early a 50% commission for every successful investment Early solicited. In total, Jefferson paid Early just over $205,000 in compensation tied to the total amount of capital Early raised.

37. While soliciting investors, Early did not inquire about investors' net worth or financial or securities-related sophistication.

38. In the course of the offering, Early, without registering as a broker-dealer or associating with or acting under the supervision of a registered broker-dealer, actively solicited and located investors, handled customer funds and securities, provided marketing materials to prospective investors, and advised investors on the merits of the investment. As a result, Early was operating as an unregistered securities broker-dealer.

VI. CLAIMS FOR RELIEF

COUNT I

Violations of Sections 5(a) and 5(c) of the Securities Act [15 U.S.C. §§ 77e(a) and 77e(c)]

39. Plaintiff repeats and incorporates by reference Paragraphs 1 through 38 of this Complaint as if set forth verbatim herein.

40. By engaging in the conduct described above, Defendant directly or indirectly, singly or in concert with others:

a. made use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell a security, through the use or medium of any prospectus or otherwise, without a registration statement in effect as to such security; and/or

b. carried or caused to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale, without a registration statement in effect as to such security; and/or

c. made use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise, any security without a registration statement having been filed.

41. By reason of the foregoing, Defendant has violated, and unless enjoined, is reasonably likely to continue to violate, Sections 5(a) and 5(c) of the Securities Act [15 U.S.C. §§ 77e(a) and 77e(c)].

COUNT II

Violations of Section 15(a)(1) of the Exchange Act
[15 U.S.C. § 78o(a)(1)]

42. Plaintiff repeats and incorporates by reference Paragraphs 1 through 38 of this Complaint as if set forth verbatim herein.

43. By engaging in the conduct described above, Defendant acted as a broker within the meaning of Section 3(a)(4) of the Exchange Act [15 U.S.C. § 78c(4)], and made use of the mails or any means or instrumentality of interstate commerce to effect transactions in, or to induce or attempt to induce the purchase or sale of, a security without being registered with the Commission as a broker or dealer or as an associated person of a registered broker or dealer, in accordance with Section 15(b) of the Exchange Act.

44. By reason of the foregoing, Defendant has violated, and unless enjoined, is reasonably likely to continue to violate, Section 15(a)(1) of the Exchange Act [15 U.S.C. § 78o(a)(1)].

VII. PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that the Court find that Defendant committed the violations of the federal securities laws alleged in the Complaint, and:

A. Permanent Injunction

Permanently enjoin Defendant from future violations of Sections 5(a), 5(c) of the Securities Act [15 U.S.C. §§ 77e(a), 77e(c)], and Section 15(a)(1) of the Exchange Act [15 U.S.C. § 78o(a)(1)].

B. Conduct-Based Injunction

Permanently enjoin Defendant from directly or indirectly, including, but not limited to, through any entity owned or controlled by him, participating in the issuance, purchase, offer, or sale of any security, provided, however, that such injunction shall not prevent him from purchasing or selling securities for his own personal account.

C. Broker Dealer Injunction

Permanently enjoin Defendant from directly or indirectly acting as or being associated with any broker or dealer. For purposes of this injunction, a person is associated with a broker or dealer if such person is a partner, officer, director, or branch manager of such broker or dealer (or occupies a similar status or performs similar functions), directly or indirectly controls or is controlled by, or is under common control with, such broker or dealer, or is an employee of such broker or dealer.

D. Disgorgement and Prejudgment Interest

Order Defendant to disgorge all ill-gotten gains or proceeds received, with prejudgment interest thereon, resulting from the conduct alleged in this Complaint, pursuant to Sections 21(d)(3), 21(d)(5), and 21(d)(7) of the Exchange Act [15 U.S.C. §§ 78u(d)(3), 78u(d)(5), and 78u(d)(7)].

E. Civil Penalty

Order Defendant to pay a civil penalty, pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)].

F. Further Relief

Grant such other and further relief as the Court may deem just, equitable, and proper.

G. 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 29, 2025

Respectfully submitted,

/s/Keefe M. Bernstein
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JS 44 (Rev. 03/24)

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)*

Keefe M. Bernstein, Esq., SEC, 801 Cherry St., Ste. 1900, Fort Worth, TX 76102; (817) 900-2607
Pascale, Guerrier, Esq., and Dan Cristol, Esq., SEC, 801 Brickell Ave., Ste. 1950, Miami, FL 33131; (305) 982-6300

DEFENDANTS

Demetrius L. Early

County of Residence of First Listed Defendant Harris
(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)*

- [x] 1 U.S. Government Plaintiff
- [ ] 3 Federal Question *(U.S. Government Not a Party)*
- [ ] 2 U.S. Government Defendant
- [ ] 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)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury
☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
☐ 365 Personal Injury - Product Liability
☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 440 Other Civil Rights
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/ Accommodations
☐ 445 Amer. w/Disabilities - Employment
☐ 446 Amer. w/Disabilities - Other
☐ 448 Education

PRISONER PETITIONS
Habeas Corpus:
☐ 463 Alien Detainee
☐ 510 Motions to Vacate Sentence
☐ 530 General
☐ 535 Death Penalty
Other:
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition
☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Management Relations
☐ 740 Railway Labor Act
☐ 751 Family and Medical Leave Act
☐ 790 Other Labor Litigation
☐ 791 Employee Retirement Income Security Act

IMMIGRATION
☐ 462 Naturalization Application
☐ 465 Other Immigration Actions

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☐ 835 Patent - Abbreviated New Drug Application
☐ 840 Trademark
☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
☐ 375 False Claims Act
☐ 376 Qui Tam (31 USC 3729(a))
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 485 Telephone Consumer Protection Act
☐ 490 Cable/Sat TV
☒ 850 Securities/Commodities/ Exchange
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 893 Environmental Matters
☐ 895 Freedom of Information Act
☐ 896 Arbitration
☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 950 Constitutionality of State 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. §§ 77e(a) and 77e(c); and U.S.C. § 78o(a)(1)

Brief description of cause:
Violation of federal securities laws.

VII. REQUESTED IN COMPLAINT:

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

DEMAND $ permanent injunction disgorgement, prejudgment interest, civil penalty

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):
JUDGE ______ DOCKET NUMBER ______

DATE
September 29, 2025

SIGNATURE OF ATTORNEY OF RECORD
/s/ Keefe M. Bernstein

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 cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

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