

3. With respect to multiple different penny stocks' promotional campaigns he arranged for the Group between at least March 2013 and December 2016, Defendant recklessly disregarded that the Group (i) had already acquired shares of each of the stocks that Defendant promoted for the Group and (ii) planned to, and did, sell its shares into the share price and trading volume rises triggered by each campaign. Nevertheless, Defendant recklessly failed to include, in any of the promotions he arranged for the Group, any disclosure of the Group's ownership of the shares, its plans to sell, or its selling of, such shares.

4. Between April 2014 and December 2016 alone (a period whose timeliness has been preserved in its entirety by the parties' tolling agreements described at paragraph 28 below), Defendant arranged promotional campaigns for the Group concerning the following issuers (hereinafter the "Issuers"):

- a. Puget Technologies, Inc., whose ticker symbol was PUGE (hereinafter "Puget");
- b. Gankit Corporation, whose ticker symbol was GANK (hereinafter "Gankit");
- c. Nhale, Inc., whose ticker symbol was NHLE (hereinafter "Nhale");
- d. Horizon Energy Corp., whose ticker symbol was HORI (hereinafter "Horizon"); and
- e. Valmie Resources, Inc., whose ticker symbol was VMRI (hereinafter "Valmie").

5. By the conduct described herein, Defendant violated the antifraud provisions of the Securities Act of 1933 ("Securities Act") [15 U.S.C. § 77q(a)], and the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. §§ 78j(b)] and Exchange Act Rule 10b-5 [17 C.F.R.

§§ 240.10b-5]. Defendant will continue to violate the aforementioned provisions unless restrained or enjoined by this Court. Accordingly, the Commission seeks injunctive relief, civil penalties, and other appropriate and necessary equitable and ancillary relief.

JURISDICTION AND VENUE

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

7. Defendant, directly or indirectly, made use of the means and instrumentalities of interstate commerce, of the mails or of the facilities of a national securities exchange, in connection with the acts, practices, and courses of business alleged herein, certain of which occurred within the Southern District of Texas.

8. Venue in this district is proper under Section 22(a) of the Securities Act [15 U.S.C. § 77v(a)] and Section 27 of the Exchange Act [15 U.S.C. § 78aa] because certain of the acts, practices, transactions, and courses of business constituting the violations alleged herein occurred within the Southern District of Texas.

DEFENDANT

9. **Brian David Barrilleaux** (“Defendant”), age 40, is a U.S. citizen residing in Houston, Texas. During his work for the Group, Defendant, at all relevant times, (i) was often present in the Group’s Houston, Texas office space when the Group’s leaders were also present and (ii) communicated — in person, by phone and by email — with various of the Group’s leaders. Through his companies Spot Marketing, LLC and Black Diamond Media, Inc., Defendant also coordinated portions of the promotions of at least the five Issuers at issue in this case for the Group: Puget, Gankit, Nhale, Horizon, and Valmie.

THE ISSUERS

10. **Puget Technologies, Inc. (“Puget”)** was a Nevada corporation headquartered, during the relevant period, first in Fort Lauderdale, Florida, and then in Englewood, Colorado. Puget was in the business of developing “innovative cannabinoid products and therapies” for the treatment of various diseases. At all relevant times, Puget’s securities were quoted on OTC Link under the symbol “PUGE.” Puget filed periodic reports, including Forms 10-K and 10-Q, with the Commission until September 23, 2015. From June 2013 through May 2014, the Group conducted a massive promotional campaign touting Puget, portions of which Defendant arranged, that did not disclose the Group’s holdings of or plans to sell Puget stock.

11. **Gankit Corporation (“Gankit”)** was a Nevada corporation headquartered in Houston, Texas that purportedly operated an online auction website. At all relevant times, Gankit’s securities were quoted on the OTC Link under the ticker symbol “GANK.” Gankit filed periodic reports, including Forms 10-K and 10-Q, with the Commission until April 11, 2014. (On June 13, 2014, Gankit’s name and ticker symbol were changed to Nhale, Inc. and NHLE, described below.) From August 2013 through June 12, 2014, the Group conducted a massive promotional campaign touting Gankit, portions of which Defendant arranged, that did not disclose the Group’s holdings of or plans to sell Gankit stock.

12. **Nhale, Inc. (“Nhale”)**, the successor to Gankit (see above), was a Nevada corporation headquartered in Houston, Texas that purportedly engaged in the distribution of non-flame smoking devices and in the pursuit of marijuana legalization. At all relevant times, Nhale’s securities were quoted on the OTC Link under the ticker symbol “NHLE.” Nhale filed periodic reports, including Forms 10-K and 10-Q, with the Commission until January 13, 2017. From June 13, 2014 through at least January 7, 2015, the Group conducted a massive

promotional campaign touting Nhale, portions of which Defendant arranged, that did not disclose the Group's holdings of or plans to sell Nhale stock.

13. **Horizon Energy Corp.** (“**Horizon**”) was a Wyoming corporation headquartered in Gulfport, Mississippi that purported to produce solar energy products and solutions. At all relevant times, Horizon's securities were quoted on the OTC Link under the ticker symbol “HORI.” Horizon filed periodic reports, including Forms 10-K and 10-Q, with the Commission until November 12, 2014. From June 19, 2013 through at least October 20, 2014, the Group conducted a massive promotional campaign touting Horizon, portions of which Defendant arranged, that did not disclose the Group's holdings of or plans to sell Horizon stock.

14. **Valmie Resources, Inc.** (“**Valmie**”) was a Nevada corporation with its principal place of business in Houston, Texas. Originally incorporated in 2011, and quoted on OTC Link since December 2012, Valmie underwent several changes to its business plan before characterizing itself, beginning in January 2015, as a provider of unmanned aerial vehicle services, or “drones.” At all relevant times, Valmie's securities were quoted on the OTC Link under the ticker symbol “VMRI.” Valmie filed periodic reports, including Forms 10-K and 10-Q, with the Commission until April 13, 2017. The Commission suspended trading in VMRI on May 4, 2017. From at least December 2014 through November 2016, the Group conducted massive promotional campaigns touting Valmie, portions of which Defendant arranged, that did not disclose the Group's holdings of or plans to sell Valmie stock.

OTHER RELEVANT PERSONS AND ENTITIES

15. **The Group** refers to a serial penny-stock fraud ring whose leadership and/or equity partners comprised at least five individuals (Andrew Ian Farmer, Eddie D. Austin, Jr., Scott R. Sieck, John D. Brotherton, and Carolyn B. Austin), each of whom has (i) entered a

guilty plea in a related criminal case pending in this District, *United States v. Farmer, et al.*, Crim. No. 4:16-CR-408 (S.D. Tex.), had final judgment entered against them in this District on July 31, 2019, in a related civil case, pursuant to settlements with the SEC. *SEC v. Farmer, et al.*, Civil No. 4:19-CV-01774 (S.D. Tex.)(Dkt. Nos. 6-10).

16. **Black Diamond Media, Inc.** (“**Black Diamond**”) was, at all relevant times, a Texas corporation (incorporated in September 2016) owned by Defendant with its principal place of business in Houston, Texas. Defendant used Black Diamond to arrange for and fund promotions of Valmie.

17. **Spot Marketing LLC** (“**Spot Marketing**”) was, at all relevant times, a Wyoming corporation (incorporated in March 2012) owned by Defendant with its principal place of business in Houston, Texas. Defendant used Spot Marketing to arrange and fund promotions of the Issuers’ stock, including Puget, Nhale, Gankit, Horizon, and Valmie.

FACTS

18. In 2011, the Group formed, and dedicated itself to perpetrating serial, successive securities frauds with U.S. penny stocks, as alleged in the criminal and civil actions referenced in Paragraph 15 above.

19. Defendant was hired by the Group as a subordinate employee in or about March 2012. Over time, Defendant came to assume responsibility for managing portions of the Group’s stock promotion efforts.

20. From the date Defendant was hired by the Group until at least December 2016, the Group committed securities frauds with penny stocks quoted for trading on U.S. markets. Of these frauds, the five involving the Issuers occurred, in whole or in part, within the most recent five years (as modified by the parties’ tolling agreements, described at Paragraph 28 below).

21. For each of the five Issuers, the Group enlisted Defendant to arrange massive promotional campaigns urging investors to buy the stock in question. These campaigns typically included both online banner ads (also known as “click ads”) and email-blasts. Between December 2014 and November 2016, the Group caused at least 380 email-blasts to be distributed promoting Valmie, in addition to click ads, at least some of which Defendant arranged. For example, on May 5, 2015, Defendant emailed a media company on behalf of the Group to arrange a promotional campaign concerning Valmie; in that email, Defendant specifically requested a detailed proposal from the media company saying, in part, “What I need from you is a suggested plan. What spend are you suggesting, where are you going to spend it, what days are we going to run, etc. I need details [. . . that] take into account the click ad campaigns [we are already running].”

22. Between 2014 and 2016, Defendant’s Spot Marketing and Black Diamond Media entities were the primary vehicles through which—and Defendant was the primary individual through whom—the Group coordinated promotions of the Issuers’ stock.

23. Prior to launching each of the Issuers’ promotional campaigns, Defendant, in an extreme departure from the standards of ordinary care, recklessly disregarded that the Group (i) had already acquired substantial holdings of each stock being promoted and (ii) planned to sell said stock into the share price and trading volume rises that were expected to follow the dissemination of the promotional campaigns.

24. Moreover, during the course of each promotional campaign he arranged, Defendant, in an extreme departure from the standards of ordinary care, recklessly disregarded that the Group was actively selling significant quantities of the very stock being promoted, thereby trading in the completely opposite direction to that recommended in the promotions.

25. Also during the course of each promotional campaign he arranged, Defendant, in an extreme departure from the standards of ordinary care, recklessly disregarded that (i) the Group shared control over entities that it used to sell the very stocks he was promoting for the Group, (ii) he was, at the instruction of one of the Group's leaders, causing his Spot Marketing and Black Diamond entities to invoice at least three of the aforementioned Group-controlled entities for said promotional campaigns, and (iii) those Group-controlled entities were drawing on proceeds of sales of the very stocks being promoted to pay Defendant's entities' invoices for those stocks' promotional campaigns.

26. In reckless disregard of the information described in Paragraphs 23-25 above, none of the promotions Defendant arranged concerning any of the Issuers' stocks included any disclosure regarding the Group's direct or indirect ownership of, plans to sell, or selling of, any of those stocks. Moreover, Defendant sometimes specifically approved, via email to the disseminating media companies, to the promotion-producing media companies, or both, these promotions' contents. For example, on November 1, 2016, Defendant (i) sent an email stating "As long as the [promotion's] disclaimer doesn't say anything about the company [whose stock is being promoted] paying for the email, then all is approved" and (ii) subsequently sent an email confirming, after reviewing the promotion's content, "This is approved."

27. Between April 2014 and April 2017, Defendant realized ill-gotten gains from his participation in the Group's frauds, as described above, totaling at least \$142,108.74.

TOLLING AGREEMENTS

28. Between March and July 2019, Defendant entered into two separate tolling agreements with the Commission. Each tolling agreement specifies a period of time (a "tolling period") in which "the running of any statute of limitations applicable to any action or

proceeding against [Defendant] authorized, instituted, or brought by ... the Commission... arising out of the [Commission's investigation of Defendant's conduct], including any sanctions or relief that may be imposed therein, is tolled and suspended...." Each tolling agreement further provides that the Defendant "shall not include the tolling period in the calculation of the running of any statute of limitations or for any other time-related defense applicable to any proceeding, including any sanctions or relief that may be imposed therein, in asserting or relying upon any such time-related defenses." Collectively, these agreements tolled the running of any limitations period or any other time-related defenses available to the Defendant for a period of approximately five months, thereby preserving the timeliness of the Commission's claims as to all the conduct since April 1, 2014 that is alleged herein.

CLAIMS FOR RELIEF

FIRST CLAIM [Securities Fraud]

Violations of Securities Act Section 17(a)

29. Paragraphs 1 through 28 are realleged and incorporated herein by reference.

30. As described above, Defendant, acting knowingly, recklessly or negligently, in the offer or sale of Puget, Gankit, Nhale, Horizon, and/or Valmie securities, by use of the means or instruments of transportation or communication in interstate commerce or of the mails, directly or indirectly:

- a. employed devices, schemes, or artifices to defraud;
- b. obtained money or property by means of untrue statements of material facts or omissions of material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

- c. engaged in transactions, practices, or courses of business which operated or would have operated as a fraud or deceit upon the purchasers of Puget, Gankit, Nhale, Horizon, and/or Valmie securities.

31. By engaging in the foregoing conduct, Defendant violated, and unless restrained and enjoined will continue to violate, Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)].

SECOND CLAIM
[Securities Fraud]

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

32. Paragraphs 1 through 28 are realleged and incorporated herein by reference.

33. As described above, Defendant acting knowingly or recklessly, directly or indirectly, in connection with the purchase or sale of one or more of Puget, Gankit, Nhale, Horizon, and/or Valmie securities, by use of the means or instrumentalities of interstate commerce, or of the mails, or of any facility of a national exchange:

- a. employed devices, schemes, or artifices to defraud;
- b. made untrue statements of material facts or omitted to state material facts necessary 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 have operated as a fraud or deceit upon any person.

34. By engaging in the foregoing conduct, Defendant violated, and unless restrained and enjoined will continue to violate, Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Exchange Act Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5).

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court enter a Judgment that:

- (i) permanently enjoins Defendant from:
 - a. violating Securities Act Section 17(a) [15 U.S.C. § 77q(a)];
 - b. violating Exchange Act Section 10(b) [15 U.S.C. §§ 78j(b)] and Exchange Act Rule 10b-5 [17 C.F.R. §§ 240.10b-5]; and
 - c. directly or indirectly, including but not limited to, through any entity he owns or controls, engaging in any activity for the purpose of inducing or attempting to induce the purchase or sale of any security, causing any person or entity to engage in any activity for the purpose of inducing or attempting to induce the purchase or sale of any security, or deriving compensation from any activity engaged in for the purpose of inducing or attempting to induce the purchase or sale of any security, provided, however, that such injunction shall not prevent Defendant from purchasing or selling securities listed on a national securities exchange for an account that is in his own name;
- (ii) bars Defendant for a period of five years from:
 - a. participating in an offering of penny stock; and
 - b. acting as an officer or director of any public company pursuant to Exchange Act Section 21(d)(2) [15 U.S.C. § 78u(d)(2)];
- (iii) orders Defendant to pay civil penalties pursuant to Securities Act Section 20(d) [15 U.S.C. § 77t(d)] and Exchange Act Section 21(d)(3) [15 U.S.C. § 78u(d)(3)]

for all violative conduct occurring within five years of the filing of this Complaint (as extended by the tolling agreements described at paragraph 28 above);

- (iv) orders Defendant to disgorge all ill-gotten gains he received within five years of the filing of this Complaint (as extended by the tolling agreements described at paragraph 28 above) as a result of the violations alleged herein, plus prejudgment interest thereon, and
- (iv) grants such other relief as the Court deems just or appropriate.

Dated: September 17, 2019

Respectfully submitted,

s/ Matthew J. Gulde

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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
(c) Attorneys (Firm Name, Address, and Telephone Number)
Matthew J. Gulde, US Securities and Exchange Commission
801 Cherry Street, Suite 1900Fort Worth, TX 76102 (817) 978-1410

DEFENDANTS
Brian D. Barrilleaux
County of Residence of First Listed Defendant Harris
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
[] 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)
Citizen of This State PTF [] DEF []
Citizen of Another State PTF [] DEF []
Citizen or Subject of a Foreign Country PTF [] DEF []

IV. NATURE OF SUIT (Place an "X" in One Box Only)
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
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
PROPERTY RIGHTS: [] 820 Copyrights, [] 830 Patent, [] 840 Trademark
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, [] 400 State Reapportionment, [] 410 Antitrust, [] 430 Banks and Banking, [] 450 Commerce, [] 460 Deportation, [] 470 Racketeer Influenced and Corrupt Organizations, [] 480 Consumer Credit, [] 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)
[X] 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):
Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)] and Section 10(b) and 21(d)(2) of the Exchange Act
Brief description of cause:
[15 U.S.C. §78j(b) & 78u(d)(2)] & Exchange Act Rule 10b-5 thereunder [17 C.F.R. §240.10b-5]

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 September 17, 2019 SIGNATURE OF ATTORNEY OF RECORD s/Matthew J. Gulde

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.