

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

FEDERAL ELECTION COMMISSION, )  
999 E Street, N.W. )  
Washington, DC 20463, )  
 )  
Plaintiff, )

v. )

No. \_\_\_\_\_ )

CHRISTINE O'DONNELL, )  
29 Red Leaf Road )  
Moorestown, NJ 08057, )

COMPLAINT FOR CIVIL PENALTY, )  
DECLARATORY, INJUNCTIVE, AND )  
OTHER APPROPRIATE RELIEF )

FRIENDS OF CHRISTINE O'DONNELL, )  
P.O. Box 3987 )  
Wilmington, DE 19807, )

and )

MATTHEW MORAN, )  
in his official capacity as Treasurer of )  
Friends of Christine O'Donnell, )  
c/o Friends of Christine O'Donnell )  
P.O. Box 3987 )  
Wilmington, DE 19807, )

Defendants. )

**PLAINTIFF FEDERAL ELECTION COMMISSION'S  
COMPLAINT FOR CIVIL PENALTY, DECLARATORY,  
INJUNCTIVE, AND OTHER APPROPRIATE RELIEF**

1. In 2010 and 2011, defendants converted at least \$20,000 in campaign contributions given to Friends of Christine O'Donnell, the authorized committee of Christine O'Donnell in her 2010 campaign for United States Senate from Delaware, to the personal use of Christine O'Donnell. Friends of Christine O'Donnell paid rent and utilities for a Greenville, Delaware townhouse that the Committee leased from January 2010 to March 2011 and used as its headquarters. Christine O'Donnell resided on the floors above the campaign office.

O'Donnell allegedly reimbursed Friends of Christine O'Donnell for a small portion of the costs for the townhouse, but the use of campaign funds for rent or utility payments for any part of a federal candidate's personal residence constitutes unlawful personal use. The Federal Election Commission seeks a declaration that this conversion of funds violated 52 U.S.C. § 30114(b), a permanent injunction against future similar violations by defendants, an order requiring Christine O'Donnell to disgorge the converted funds, and the assessment of appropriate civil penalties against defendants.

### **JURISDICTION AND VENUE**

2. This action seeks declaratory, injunctive, and other appropriate relief pursuant to the express authority granted by Congress to the Federal Election Commission in the Federal Election Campaign Act of 1971, as amended ("Act" or "FECA"), codified at 52 U.S.C. §§ 30101-146 [former 2 U.S.C. §§ 431-57].<sup>1</sup>

3. This Court has jurisdiction over this suit pursuant to 28 U.S.C. § 1345 as an action brought by an agency of the United States expressly authorized to sue by an act of Congress. 52 U.S.C. §§ 30107(a)(6), 30109(a)(6)(A).

4. A substantial part of the acts or omissions giving rise to this suit occurred in this district and venue is properly found in the United States District Court for the District of Delaware pursuant to 28 U.S.C. § 1391(b) and 52 U.S.C. § 30109(a)(6)(A).

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<sup>1</sup> Until recently, FECA's provisions were found in Title 2 of the United States Code. Those provisions have now been moved to new Title 52. The alleged violations and many of the administrative actions in this matter occurred prior to this change. A full transfer table is available at [http://uscode.house.gov/editorialreclassification/t52/Reclassifications\\_Title\\_52.html](http://uscode.house.gov/editorialreclassification/t52/Reclassifications_Title_52.html).

## THE PARTIES

5. Plaintiff Federal Election Commission (“Commission” or “FEC”) is the independent agency of the United States government with exclusive jurisdiction over the administration, interpretation, and civil enforcement of FECA. *See* 52 U.S.C. §§ 30106(b)(1), 30107(a), 30109. The Commission is authorized to institute investigations of possible violations of the Act, 52 U.S.C. § 30109(a)(1)-(2), and to initiate civil actions in the United States district courts to obtain judicial enforcement of the Act, 52 U.S.C. §§ 30107(e), 30109(a)(6).

6. Defendant Christine O’Donnell was a candidate, within the meaning of 52 U.S.C. § 30101(2), for the United States Senate from Delaware in 2010.

7. Defendant Friends of Christine O’Donnell (“O’Donnell Committee” or “Committee”) was and is a political committee of Christine O’Donnell within the meaning of 52 U.S.C. § 30101(4). Ms. O’Donnell designated Friends of Christine O’Donnell as her authorized principal campaign committee, within the meaning of 52 U.S.C. § 30101(5)-(6), for the 2010 election for United States Senator representing Delaware. As such, Friends of Christine O’Donnell was authorized to receive contributions and make expenditures on behalf of the candidate, Christine O’Donnell. 52 U.S.C. § 30102(e)(1)-(2). No expenditure by or on behalf of the O’Donnell Committee could or can be made without the authorization of the Committee’s treasurer or his or her agent. *See* 52 U.S.C. §§ 30102(a), 30103(b)(4).

8. Defendant Matthew Moran is the treasurer of Friends of Christine O’Donnell. Moran has been the treasurer of the O’Donnell Committee since at least October 2010. Moran is named as a defendant in his official capacity only.

## RELEVANT STATUTORY AND REGULATORY PROVISIONS

9. FECA provides that contributions accepted by a candidate may be used by the candidate for, *inter alia*, “otherwise authorized expenditures in connection with the campaign for Federal office of the candidate.” 52 U.S.C. § 30114(a)(1).

10. The Act provides that contributions or donations described in 52 U.S.C. § 30114(a) “shall not be converted by any person to personal use.” 52 U.S.C. § 30114(b)(1).

11. The Act defines “personal use” as the use of a contribution or donation “to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign or individual’s duties as a holder of Federal office.” 52 U.S.C. § 30114(b)(2).

12. Personal use includes, *inter alia*, payments of home mortgages, rent, or utilities. 52 U.S.C. § 30114(b)(2); 11 C.F.R. § 113.1(g)(1)(i)(E) (defining personal use to include the use of campaign funds for “[m]ortgage, rent or utility payments . . . [f]or any part of any personal residence of the candidate or a member of the candidate’s family.”). The allocation or pro rata sharing of such expenses is prohibited: “[T]he rule draws a clear line, and avoids the need to allocate expenses associated with the residence between campaign and personal use.” Expenditures; Reports by Political Committees; Personal Use of Campaign Funds; Final Rule, 60 Fed. Reg. 7862, 7865 (Feb. 9, 1995). The candidate “retains the option of using his or her personal residence in the campaign, so long as it is done at no cost to the committee.” *Id.*

## FACTUAL BACKGROUND

13. In early January 2010, Friends of Christine O’Donnell rented a three-bedroom townhouse located in Greenville Place at 1242 Presidential Drive, Greenville, Delaware, from Mid-Atlantic Realty Co., Inc. for a term ending on March 31, 2011. Under the rental agreement

and addendum, the security deposit was \$99 and the pro-rated rent for January 8, 2010 to January 31, 2010 was \$1,316. Beginning in February 2010, the rental rate was \$1,645 per month for fourteen months, but a portion of the monthly rent (\$235) was deferred (i.e., due and payable only if the lessee defaulted). Thus, the net rent payable each month beginning in February 2010 was \$1,410. Payments required under the rental agreement totaled at least \$21,155.

14. The O'Donnell Committee used the Greenville townhouse as its headquarters during O'Donnell's 2010 campaign for United States Senate. The Committee continued to use the townhouse after the November 2010 general election.

15. Christine O'Donnell lived on the floors of the Greenville townhouse above the campaign office for at least ten months.

16. Friends of Christine O'Donnell paid rent and utilities for the townhouse, including payments to Comcast for communications services and to Delmarva Power for electricity. According to the O'Donnell Committee's reports to the FEC of receipts and disbursements, the Committee paid \$101.20 to Mid-Atlantic Realty on January 5, 2010 and \$1,318.20 to Mid-Atlantic Realty on January 8, 2010. There were additional payments to Mid-Atlantic Realty and payments to the utilities throughout 2010 and into early 2011. Those payments were in excess of \$20,000.

17. Christine O'Donnell allegedly reimbursed Friends of Christine O'Donnell for a portion of the costs for the townhouse rent and utilities. The O'Donnell Committee's reports of receipts and expenditures for 2010 and 2011 list reimbursements by Christine O'Donnell to the O'Donnell Committee of \$770 for rent and utilities on each of the following dates: April 14, 2010; June 28, 2010; August 4, 2010; September 27, 2010; and March 28, 2011.

### ADMINISTRATIVE PROCEEDINGS

18. On September 20, 2010, the Commission received an administrative complaint alleging that Christine O'Donnell and Friends of Christine O'Donnell had violated FECA by spending more than \$20,362 in campaign funds to pay rent and utility payments that were the personal obligations of Christine O'Donnell. The complaint was designated by the Commission as Matter Under Review ("MUR") 6380 for administrative purposes. *See* 52 U.S.C. § 30109(a)(1).

19. By letter dated September 29, 2010, the Commission notified defendants that the complaint had been filed and provided defendants with a copy of the administrative complaint in MUR 6380. On December 3, 2010 and July 22, 2011, the Commission received responses from Christine O'Donnell and Friends of Christine O'Donnell. *See* 52 U.S.C. § 30109(a)(1).

20. After reviewing the then available information, on May 22, 2012 the Commission voted 6-0 to find "reason to believe" that Christine O'Donnell, Friends of Christine O'Donnell, and Matt Moran (in his official capacity as treasurer of Friends of Christine O'Donnell) had violated former 2 U.S.C. § 439a(b) [now 52 U.S.C. § 30114(b)]. *See* 52 U.S.C. § 30109(a)(1)-(2). The Commission notified defendants of its reason-to-believe determination by letter dated June 1, 2012.

21. The Commission's General Counsel notified defendants by letter dated June 2, 2014, that the General Counsel was prepared to recommend that the Commission find "probable cause" to believe that the defendants had violated former 2 U.S.C. § 439a(b) [now 52 U.S.C. § 30114(b)]. *See* 52 U.S.C. § 30109(a)(3). The General Counsel also provided defendants with a brief stating the position of the General Counsel on the legal and factual issues of the matter. The defendants filed a response with the Commission dated July 8, 2014.

22. After reviewing the information available, on November 18, 2014 the Commission voted 6-0 to find probable cause to believe that Christine O'Donnell, Friends of Christine O'Donnell, and Matthew Moran (in his official capacity as treasurer of Friends of Christine O'Donnell) had violated 52 U.S.C. § 30114(b). *See* 52 U.S.C. § 30109(a)(4)(A).

23. The Commission notified defendants of its November 18, 2014 findings by letter dated November 20, 2014, and, for a period of not less than 30 days, endeavored to correct the violations through informal methods of conference, conciliation and persuasion. *See* 52 U.S.C. § 30109(a)(4)(A).

24. Unable to secure acceptable conciliation agreements with defendants, on January 2, 2015 the Commission voted 6-0 to authorize filing this suit against defendants. *See* 52 U.S.C. § 30109(a)(6).

25. The Commission has satisfied all of the jurisdictional requirements in the Act that are prerequisites to filing this action.

#### **FIRST CAUSE OF ACTION**

26. Paragraphs 1 through 25, inclusive, are incorporated herein by reference.

27. The O'Donnell Committee's disbursements of Committee funds for the rent and utilities of a townhouse in which Christine O'Donnell lived converted those funds to personal use, because the use of campaign funds for rent or utility payments for any part of the candidate's personal residence constitutes personal use.

28. At least \$20,000 in O'Donnell Committee funds were converted to the personal use of Christine O'Donnell.

31. By converting Friends of Christine O'Donnell's funds to the personal use of the candidate Christine O'Donnell, defendants Christine O'Donnell, Friends of Christine O'Donnell,

and Matthew Moran (in his official capacity as treasurer of Friends of Christine O'Donnell) violated 52 U.S.C. § 30114(b).

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff Federal Election Commission prays that this Court:

A. Declare that defendants Christine O'Donnell, Friends of Christine O'Donnell, and Matthew Moran (in his official capacity as treasurer of Friends of Christine O'Donnell) violated 52 U.S.C. § 30114(b) by converting more than \$20,000 in Friends of Christine O'Donnell funds to the personal use of Christine O'Donnell;

B. Order defendant Christine O'Donnell to disgorge an amount equal to the disbursements made by the Friends of Christine O'Donnell for the personal use of Christine O'Donnell;

C. Permanently enjoin defendants Christine O'Donnell, Friends of Christine O'Donnell, and Matthew Moran (in his official capacity as treasurer of Friends of Christine O'Donnell) from converting Friends of Christine O'Donnell funds to the personal use of Christine O'Donnell;

D. Assess an appropriate civil penalty against each of the defendants: for each violation not to exceed the greater of \$7,500 or the amount of any contributions or expenditures involved, *see* 52 U.S.C. § 30109(a)(6)(B), 11 C.F.R. § 111.24(a)(1);

E. Award plaintiff Federal Election Commission its costs in this action; and

F. Grant plaintiff Federal Election Commission such other relief as may be appropriate.

Respectfully submitted,

Lisa J. Stevenson  
Deputy General Counsel – Law

/s/ Kevin Deeley  
Kevin Deeley (kdeeley@fec.gov)  
Acting Associate General Counsel

/s/ Harry J. Summers  
Harry J. Summers (hsummers@fec.gov)  
Assistant General Counsel

/s/ Robert W. Bonham III  
Robert W. Bonham III (rbonham@fec.gov)  
Senior Attorney

/s/ Seth Nesin  
Seth Nesin (snesin@fec.gov)  
Attorney

January 5, 2015

FOR THE PLAINTIFF  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463  
(202) 694-1650

# 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

Federal Election Commission

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

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

### DEFENDANTS

O'Donnell, Christine  
Friends of Christine O'Donnell  
Moran, Matthew, in his official capacity as Treasurer

County of Residence of First Listed Defendant Burlington County, NJ  
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 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	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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  <b>LABOR</b> <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  <b>IMMIGRATION</b> <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  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <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))	<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 type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" 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	CIVIL RIGHTS	PRISONER PETITIONS		FEDERAL TAX SUITS	
<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	<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	<b>Habeas Corpus:</b> <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 <b>Other:</b> <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		<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

### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
52 U.S.C. §§ 30109(a)(6)

Brief description of cause:  
Civil action for violations of Federal Election Campaign Act

### 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: 01/05/2015 SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

#### FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_

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## 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.