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9 *Attorneys for Plaintiff Cheryl Mattley*

10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 CHERYL MATTLEY, on Behalf of Herself and )  
13 All Other Persons Similarly Situated, )  
14 )  
15 Plaintiff, )  
16 )  
17 v. )  
18 )  
19 KRAFT HEINZ FOODS COMPANY, )  
20 )  
21 Defendant. )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

CASE NO.:

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

1 Plaintiff Cheryl Mattley (“Plaintiff”), by her attorneys, alleges upon personal knowledge as  
2 to her own acts, and as to all other matters upon information and belief based upon, *inter alia*, the  
3 investigation made by and through her attorneys.

4 **INTRODUCTION**

5 1. Plaintiff brings this action on behalf of herself and a class of all consumers in the  
6 United States who purchased Defendant Kraft Heinz Food Company’s (henceforth “Kraft”) Kraft-  
7 branded Parmesan cheese (the “Class”).

8 2. Plaintiff and the Class have been harmed by Kraft’s misleading and improper  
9 marketing of its Kraft-branded Parmesan cheese (the “Products”). In particular, and as alleged in  
10 greater detail below, Kraft brazenly markets and advertises the Products as containing “100% Grated  
11 Parmesan Cheese,” in oversize bold print that covers practically the entire face of the Product’s  
12 container. However, as Kraft is well aware, the Products contain cellulose, a filler. Thus, Kraft’s  
13 “100” claim is simply false and misleading. As such, Plaintiff seeks damages, equitable relief and/or  
14 disgorgement for Defendant’s illegal conduct.

15 3. Plaintiff asserts claims individually and on behalf of all others similarly situated  
16 under the Unfair Competition Law, California *Business and Professions Code* §§ 17200, *et seq.*  
17 (“UCL” or “Section 17200”) and the Consumers Legal Remedies Act, California *Civil Code* §§ 1750  
18 *et seq.* (the “CLRA”).

19 **JURISDICTION AND VENUE**

20 4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §  
21 1332(d)(2), because the matter in controversy, upon information and belief, exceeds \$5,000,000,  
22 exclusive of interests and costs, and this matter is a class action in which class members are citizens  
23 of a different state than that of Defendant. As such, the amount in controversy exceeds the  
24 jurisdictional minimum of this Court.

25 5. This Court also has jurisdiction over Defendant because it does sufficient business in  
26 California, and has sufficient minimum contacts with California or otherwise intentionally avail  
27

1 itself of the markets within California through sales and marketing, to render the exercise of  
2 jurisdiction by this Court permissible under traditional notions of fair play and substantial justice.

3 6. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391, because the acts of  
4 Defendant occurred in this Judicial District. Moreover, the misconduct at issue had effects in this  
5 County. Venue is also proper in this County because Kraft sells and distributes the Products to  
6 consumers within this County.

7 **THE PARTIES**

8 7. Plaintiff Cheryl Mattley purchased various sizes of the Product on many occasions  
9 during the last four years, and even prior, and was damaged by Defendant’s mislabeling and  
10 improper marketing of the Product as alleged herein. Plaintiff Cheryl Mattley is currently a resident  
11 of Bakersfield, California.

12 8. Defendant Kraft Heinz Foods Company (“Kraft), which manufactures and distributes  
13 the Product, is a an American worldwide food company located in Pittsburgh Pennsylvania. Kraft  
14 currently has 13 different brands valued at \$500 million or more each. Kraft’s principle executive  
15 offices are located at 1 PPG Place, Suite 3200, Pittsburgh, Pennsylvania 15222.

16 **CLASS ACTION ALLEGATIONS**

17 9. Plaintiff brings this lawsuit, both individually and as a class action on behalf of  
18 similarly situated customers of Kraft, pursuant to *Federal Rule of Civil Procedure* 23(a) and (b).  
19 The proposed “Class” consists of:

20 All individuals in the United States who purchased Kraft-branded Parmesan cheese labeled  
21 as “100% Grated Parmesan Cheese.” Excluded from the proposed Class are Defendant, its  
22 respective officers, directors, and employees, and any entity that has a controlling interest in  
23 Defendant. Plaintiff reserves the right to amend the Class definition as necessary.

24 10. **Numerosity:** Upon information and belief, the Class comprises thousands of  
25 consumers throughout the United States and is so numerous that joinder of all members of the Class  
26 is impracticable. While the exact number of Class members is presently unknown and can only be  
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1 ascertained through discovery, Plaintiff reasonably believes that there are at least tens of thousands  
2 of Class members.

3 11. **Common Question of Law and Fact Predominate:** There are questions of law and  
4 fact common to the Class, which predominate over any individual issues, including, but not limited  
5 to:

- 6 (A) Whether Defendant engaged in the conduct alleged herein;  
7 (B) Whether Defendant's practices were deceptive, unfair, improper and/or  
8 misleading;  
9 (C) Whether Defendant's conduct as alleged herein violated the UCL, California  
10 *Business & Professions Code* §§ 17200 *et seq.*;  
11 (D) Whether Defendant's conduct violated the CLRA, California *Civil Code* §§  
12 1750 *et seq.*;  
13 (E) Whether Plaintiff and Class members have sustained monetary loss and the  
14 proper measure of that loss; and  
15 (F) Whether Plaintiff and Class members are entitled to declaratory and injunctive  
16 relief.

17 12. **Typicality:** Plaintiff's claims are typical of the claims of the members of the Class.  
18 Plaintiff and all members of the Class have been similarly affected by Defendant's common course  
19 of conduct since they all relied on Defendant's representations concerning the Product and  
20 purchased the Product based on those representations.

21 13. **Adequacy of Representation:** Plaintiff will fairly and adequately represent and  
22 protect the interest of the Class. Plaintiff has retained counsel with substantial experience in  
23 handling complex class action litigation. Plaintiff and her counsel are committed to prosecuting this  
24 action vigorously on behalf of the Class and have the financial resources to do so.

25 14. **Superiority of the Class Action:** A class action is superior to all other available  
26 methods for the fair and efficient adjudication of this lawsuit, because individual litigation of the  
27 claims of all Class members is economically unfeasible and procedurally impracticable. While the  
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1 aggregate damages sustained by the Class are likely in the millions of dollars, the individual  
2 damages incurred by each Class member resulting from Defendant's wrongful conduct are too small  
3 to warrant the expense of individual suits. The likelihood of individual Class members prosecuting  
4 their own separate claims is remote, and even if every Class member could afford individual  
5 litigation, the court system would be unduly burdened by individual litigation of such cases.  
6 Individual members of the Class do not have a significant interest in individually controlling the  
7 prosecution of separate actions, and individualized litigation would also present the potential for  
8 varying, inconsistent, or contradictory judgments, and would magnify the delay and expense to all of  
9 the parties and to the court system because of multiple trials of the same factual and legal issues.  
10 Plaintiff knows of no difficulty to be encountered in the management of this action that would  
11 preclude its maintenance as a class action. In addition, Defendant has acted or refused to act on  
12 grounds generally applicable to the Class and, as such, final injunctive relief or corresponding  
13 declaratory relief with regard to the members of the Class as a whole is appropriate.

14 15. Unless a class is certified, Defendant will retain monies it took from Plaintiff and the  
15 proposed Class by means of its unlawful conduct. Unless an injunction is issued, Defendant will  
16 continue to commit the alleged violations, and the members of the Class and the general public will  
17 continue to be misled.

18 **Risk of Inconsistent or Dispositive Adjudications and the Appropriateness**

19 **of Final Injunctive or Declaratory Relief**

20 **(Fed. R. Civ. P. 23(b)(1) And (2))**

21 16. In the alternative, this action may properly be maintained as a class action, because:

22 (a) the prosecution of separate actions by individual Class members would create a risk  
23 of inconsistent or varying adjudication with respect to individual Class members, which would  
24 establish incompatible standards of conduct for the Defendant; or

25 (b) the prosecution of separate actions by individual Class members would create a risk  
26 of adjudications with respect to individual members of the Class which would, as a practical matter,  
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1 be dispositive of the interests of other Class members not parties to the adjudications, or  
2 substantially impair or impede their ability to protect their interests; or

3 (c) the Defendant has acted or refused to act on grounds generally applicable to the  
4 Class, thereby making appropriate final injunctive or corresponding declaratory relief with respect to  
5 the Class as a whole

6 **Issue Certification**

7 **(Fed. R. Civ. P. 23(c)(4))**

8 17. In the alternative, common questions of fact and law, including those set forth above  
9 are appropriate for issue certification.

10 **FACTUAL ALLEGATIONS**

11 18. According to Kraft, it is “a globally trusted producer of delicious foods.” Kraft’s  
12 website further states in pertinent part:

13 Our family of trusted products were developed over a century ago by entrepreneurs  
14 who created quality foods and placed consumer satisfaction first.<sup>1</sup>

15 19. In pursuit of its mantra, Kraft makes numerous products with a variety of claims and  
16 representations. For example, its Kraft-branded Parmesan cheese is labeled as “100% Grated  
17 Parmesan Cheese.” This misleading marketing claim consumes practically the entire front  
18 packaging of the Product.

19 20. Parmesan cheese contains three simple ingredients: milk, salt, and rennet (a natural  
20 enzyme).

21 21. However, the Product contains additional fillers which makes such “100%”  
22 advertising false and misleading on its face. In fact, in small print on the back of the Product, it is  
23 clear that the Product includes “cellulose fillers to prevent caking and potassium sorbate to protect  
24 flavor.” Moreover, consumers have no idea of the percentage of fillers contained in the Product.

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<sup>1</sup> See <http://www.kraftheinzcompany.com/company.htm>



1 from Sam's Club and Vons in Bakersfield, California. Plaintiff paid approximately \$10.00 for a 24  
2 ounce size of the Product.

3 27. Below is a picture of the Product purchased by Plaintiff:  
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28. Had the Product been accurately and properly represented to the consuming public, she would not have bought the Product for the price she paid. Plaintiff would consider purchasing the Product in the future for a lower price if the product is truthfully advertised.

29. Thus, since Kraft misrepresented and failed to accurately represent the true nature of the Product, Defendant has improperly deprived Plaintiff of funds thereby causing her to suffer damages and injury in fact.



**FIRST CAUSE OF ACTION**

**Unfair Business Practices Act**

***California Business & Professions Code §§ 17200 et seq.***

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30. Plaintiff, on behalf of herself and on behalf of all others similarly situated, realleges and incorporates herein by reference each of the foregoing paragraphs.

31. The Unfair Business Practices Act defines unfair business competition to include any “unfair,” “unlawful,” or “fraudulent” business or practice. Cal. Bus. & Prof. Code §§ 17200, *et seq.* Unfair competition also includes “unfair, deceptive, untrue or misleading advertising.” The Act also provides for injunctive relief and restitution for violations.

32. Throughout the relevant time period, Defendants committed acts of unfair competition, as defined by *Business & Professions Code* §§ 17200, *et seq.*, by falsely labeling the Product.

33. Defendant’s conduct is unfair in that the harm to Plaintiff and the Class arising from it outweighs the utility, if any, of those practices.

34. Defendant’s practices constitute unlawful business practices in violation of the UCL because, among other things, they violate laws and regulations including 21. C.F.R. § 161.190(c), the Consumers Legal Remedies Act, California Civil Code §§ 1750, *et seq.*, and California’s False Advertising Law, Cal. Bus. & Prof. Code §§ 17500, *et seq.*

35. Defendant’s conduct was fraudulent and likely to deceive reasonable consumers in that Defendant omitted and/or failed to disclose material facts regarding the Product. Defendant’s failure to properly and adequately disclose the true nature of its Product constitutes deception by omission. Defendants had a duty to disclose these material facts.

36. The facts concealed and omitted are material facts in that a reasonable consumer would have considered them important in deciding whether or not to purchase the Product.

37. As a result of Defendant’s practices, Plaintiff suffered injury in fact and lost money or property. As a direct and proximate result of the acts and practices alleged above, pursuant to *California Business & Professions Code* §17203, Plaintiff and the Class are therefore entitled to: (a)

1 an Order requiring Defendant to cease the acts of unfair competition alleged herein; (b) full  
2 restitution of all monies paid to Defendant as a result of its deceptive practices, including, but not  
3 limited to, disgorgement of all profits derived from the sale of the Product; (c) interest at the highest  
4 rate allowable by law; and (d) the payment of Plaintiff's attorneys' fees and costs pursuant to, *inter*  
5 *alia*, California Code of Civil Procedure §1021.5.

6 **SECOND CAUSE OF ACTION**

7 **Unfair Business Practices Act**

8 **California Business & Professions Code §§ 17500 et seq.**

9 38. Plaintiff, on behalf of herself and on behalf of all others similarly situated, realleges  
10 and incorporates herein by reference each of the foregoing paragraphs.

11 39. The conduct and actions of Defendant complained of herein constitute false  
12 advertising in violation of the False Advertising Law ("FAL"). Cal. Bus. & Prof. Code §§ 17500, *et*  
13 *seq.*

14 40. Among other things, Defendant made representations regarding the Product at issue  
15 that it knew, or should have known, were deceptive and likely to cause reasonable consumers to buy  
16 the Product in reliance upon said representation. Defendant intended for Plaintiff and Class  
17 members to rely on its representations and Plaintiff and Class members did rely on Defendant's  
18 representations.

19 41. Defendant committed such violations of the FAL with actual knowledge or  
20 knowledge fairly implied on the basis of objective circumstances.

21 42. As a result of Defendant's wrongful conduct, Plaintiff suffered injury in fact and lost  
22 money or property.

23 43. Accordingly, Plaintiff, on behalf of herself and all others similarly situated, seeks  
24 equitable relief in the form of an order requiring Defendant to refund Plaintiff and Class members  
25 monies paid for the Product, and injunctive relief in the form of an order prohibiting Defendant from  
26 engaging in the alleged misconduct described herein, as prayed for hereunder.  
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3 **THIRD CAUSE OF ACTION**

4 **Deceptive Practices**

5 **Consumers Legal Remedies Act, California *Civil Code* §§ 1750 *et seq.***

6 44. Plaintiff, on behalf of herself and on behalf of all others similarly situated, realleges  
7 and incorporates herein by reference each of the foregoing paragraphs.

8 45. At all relevant times, Plaintiff and each proposed Class member was a “consumer,” as  
9 that term is defined in Civil Code § 1761(d).

10 46. At all relevant times, the Product constituted “goods,” as that term is defined in Civil  
11 Code § 1761(a).

12 47. At all relevant times, Kraft was a “person,” as that term is defined in Civil Code §  
13 1761(c).

14 48. At all relevant times, Plaintiff’s and each proposed Class Member’s purchase of  
15 Product constituted a “transaction,” as that term is defined in Civil Code § 1761(e).

16 49. Defendant’s practices, acts, policies, and course of conduct violated the CLRA in that  
17 Defendant’s represented that the Product had characteristics, uses and benefits which it does not  
18 have, in violation of § 1770(a)(5) of the CLRA.

19 50. Defendant’s practices, acts, policies, and course of conduct violated the CLRA in that  
20 Defendant improperly represented that the Product was of a particular standard, quality, or grade, in  
21 violation of § 1770(a)(7) of the CLRA.

22 51. Defendant’s practices, acts, policies, and course of conduct violated the CLRA in that  
23 Defendant represented that the Product had characteristics with the intent not to sell them as  
24 advertised, in violation of § 1770(a)(9) of the CLRA.

25 52. Defendant’s practices, acts, policies, and course of conduct violated the CLRA in that  
26 Defendant represented that a transaction confers or involves rights, remedies, or obligations which it  
27 does not have, in violation of § 1770(a)(14) of the CLRA.

28 53. Plaintiff seeks restitution of all monies received by Defendant as a result of its  
improper sale of the misleading Product as provided in California Civil Code § 1780. Plaintiff is

1 informed and believes that the amount of said restitution is unknown at this time, but will seek relief  
2 to amend this complaint at the time of trial when the same has been ascertained.

3 54. Plaintiff seeks injunctive relief for the CLRA claims alleged in this Complaint.  
4 Plaintiff's counsel has served on Defendant, contemporaneously with the filing of this Complaint, a  
5 CLRA notice letter in accordance with California Civil Code § 1782(a). Plaintiff will amend this  
6 Complaint to assert claims for additional relief under the CLRA in the event Defendants do not  
7 rectify these issues within the appropriate time period outlined in the CLRA.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff requests on behalf of herself and other members of the Class, for  
10 judgment against Defendant as follows:

11 1. For preliminary and permanent injunctive relief enjoining Defendant, its agents,  
12 servants and employees, and all persons acting in concert with the Defendant, from engaging in, and  
13 continuing to engage in, the unfair, unlawful and/or fraudulent business practices alleged above and  
14 that may yet be discovered in the prosecution of this action;

15 2. For certification of the putative Class;

16 3. For restitution and disgorgement of all money or property wrongfully obtained by  
17 Defendant by means of their herein-alleged unlawful, unfair, and fraudulent business practices;

18 4. Recovery of the amounts by which Defendant has been unjustly enriched;

19 5. For an accounting by Defendant for any and all profits derived by Defendant from its  
20 herein-alleged unlawful, unfair and/or fraudulent conduct and/or business practices;

21 6. For attorneys' fees and expenses pursuant to all applicable laws including, without  
22 limitation, California *Code of Civil Procedure* § 1021.5 and the common law private attorney  
23 general doctrine; and

24 7. For costs of suit; and for such other and further relief as the Court deems just and  
25 proper.

26 **JURY DEMAND**

27 Plaintiff hereby demands a trial by jury.

1 Dated: March 31, 2016

**GLANCY PRONGAY & MURRAY LLP**

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*Attorneys for Plaintiff Cheryl Mattley*

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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
CHERYL MATTLEY, on Behalf of Herself and All Other Persons Similarly Situated,
(b) County of Residence of First Listed Plaintiff Bakersfield, CA
(c) Attorneys (Firm Name, Address, and Telephone Number)
MARC L. GODINO (#182689), GLANCY PRONGAY & MURRAY LLP
1925 Century Park East, Suite 2100, Los Angeles, CA 90067
Telephone: (310) 201-9150

DEFENDANTS
KRAFT HEINZ FOODS COMPANY,
County of Residence of First Listed Defendant Pittsburgh, PA
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)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and checkboxes.

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
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):
28 U.S.C. § 1332(d)(2)
Brief description of cause:
Unfair Business Practices Act, CA Business & Professions Code §§17200 & 17500, Deceptive Practices

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 Sallie Kim DOCKET NUMBER 3:16-cv-01552-SK

DATE 03/31/2016 SIGNATURE OF ATTORNEY OF RECORD s/ Marc L. Godoni

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)
(Place an "X" in One Box Only)
SAN FRANCISCO/OAKLAND SAN JOSE EUREKA

## 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.