

2. Defendant Paramount Coin & Collectibles LLC is a Delaware limited liability company with its principal place of business at 7251 W. Palmetto Park Road, Suite 305, Boca Raton, Florida 33433.

II. JURISDICTION & VENUE

3. This Court has subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1332(d) because this a class action with diversity between at least one class member (including Plaintiff) and one defendant and the aggregate amount of damages exceeds \$5,000,000.00, and unnamed class members are citizens across the United States. This action therefore falls within the original jurisdiction of the federal courts pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d).

4. This Court also has original subject matter jurisdiction over federal claims under 28 U.S.C. § 1332 and 18 U.S.C. § 1965 and supplemental jurisdiction over all state-law claims under 28 U.S.C. § 1367.

5. This Court has personal jurisdiction over the Defendant because Defendant maintains its principal place of business incorporated in Florida, headquartered in Boca Raton, Florida, and is at home in the state. Furthermore, Defendant has transacted business in this state, has purposefully availed itself of the state's laws and jurisdiction by soliciting customers in the state and delivering merchandise within the state, and has committed tortious acts within the state.

6. Venue is proper in this district under 18 U.S.C. § 1965 *and* 28 U.S.C. § 1391 because Defendant transacted its affairs with Plaintiff in this District, and a substantial part of the events giving rise to this action and the property that is the subject of the action is situated in this District.

III. FACTUAL ALLEGATIONS

7. Paramount is a leading distributor of coins for the US market.

8. In 2022, Plaintiff was solicited by Defendant over the telephone and email.

9. Originally, Sean Brady, Account Manager for Defendant, reached out to Mahoney and asked if he wanted to invest in certain commemorative coins. When Mahoney expressed his interest, Brady provided Mahoney with material information about several coins. Before that, Mahoney, a consumer, knew nothing about commemorative coins. Sean Brady, another Account Manager, sent many follow up correspondence soliciting Mahoney to purchase commemorative coins.

10. In light of this and the other representations, Mahoney assumed he was investing in gold and precious metals.

11. In light of these representations regarding Defendant's commemorative coins, Mahoney decided to purchase them.

12. Indeed, during these phone calls, Defendant induced Mahoney to purchase 21 rolls of coins at a price of over \$160,000.00.

13. Mahoney gave Brady his credit card number over the phone. Mahoney was not asked, told, or offered to review anything on Defendant's website or other written materials, nor was he asked to sign anything.

14. In one purchase, Mahoney paid over \$18,500 for a single roll of coin.

15. However, subsequent appraisals show that the coins are worth less than 1/3 of what Mahoney was asked to pay.

16. He was not told that the *market* value of the coins was worth substantially less than what he was buying.

17. He was not told that the market for the coins would have to double and double again for him to merely recoup the value of his purported investment.

18. He was not told that the seller knew that, based upon his purchase price, he was only purchasing the coins for novelty value, as a “keepsake” or otherwise that at the price the coins were not “investment” assets that were likely to appreciate enough to warrant the price.

19. It was never explained to him that his purchases would not result in any profit if he decided to sell the coins he thought he was purchasing to ensure financial security.

20. The foregoing are not the only examples of Defendant’s antics and deceptive sales tactics. Public sources of information are rife with victims of this scam.

21. Plaintiff Mahoney has been substantially injured because he converted available cash into these coins, which are not worth anywhere near the value of the price demanded and extracted by Defendant for them.

22. Commemorative coins are typically minted with a quarter or half ounce of a precious metal to commemorate a special event or notable person.

23. Defendant makes these available to anyone who wants to buy them.

24. Typically, their value does not fluctuate with the value of the underlying precious metal.

25. They have dubious numismatic value in the long run as investment vehicles when priced so high, and the ability to fully recoup one’s investment has never been proven.

26. Here, Mahoney purchased the coins after Defendant made misrepresentations regarding the material aspects of the coins sold, including their performance, efficacy, nature, investment value, central characteristics, liquidity, earnings potential, and profitability.

IV. CLASS ALLEGATIONS

27. This action is brought, and may be properly maintained, as a class action under Rule 23 of the Federal Rules of Civil Procedure. All requisite elements of Fed. R. Civ. P. 23(a), 23(b)(2), and 23(b)(3) are satisfied; there is a well-defined community of interests in the litigation; the proposed Class and any subclasses are ascertainable; and a single class action is the superior manner to proceed when compared to the joinder of thousands, or tens of thousands, of individual cases challenging the same practices.

28. Plaintiff brings this action individually on behalf of themselves, and on behalf of the Class and Subclass(s) defined below, for which Plaintiff is a member, under Rule 23(a), 23(b)(2), and 23(b)(3) of the Federal Rules of Civil Procedure seeking damages, restitution, injunctive and declaratory relief pursuant to the applicable laws set forth in the state law counts below.

29. The foregoing factual allegations are hereby incorporated as if fully set forth herein.

30. This action is brought on behalf of a national class, consisting of:

All ascertainable persons in the United States who purchased one or more coins from either Paramount, or any of its affiliates, successors, predecessors or assigns from 2020 until the present. Excluded from the Class are Defendant, its corporate parent, subsidiaries and affiliates, officers and directors, any entity in which Defendant has a controlling interest, and the legal representatives, assigns of any such excluded persons or entities, and the attorneys for Plaintiff herein. Also excluded from the Class are any judges presiding over these proceedings and their immediate family members (the "Class").

31. The Class Period for the Class dates back to the longest applicable statute of limitations for any claims asserted on behalf of that Class from the date this action was commenced and continues through the present and to the date of judgment.

32. **Typicality:** Plaintiff's claims are typical of other Class members' claims because Plaintiff, like every other Class member, was exposed to virtually identical conduct and was overcharged.

33. **Numerosity:** The members of the Class are so numerous that joinder of all members is impracticable. While the exact numbers of Class members are unknown to Plaintiff at this time, Plaintiff on information and belief believes that the numbers exceed 1,000.

34. **Ascertainability.** The identities of individual Class members are readily ascertainable through appropriate discovery from records maintained by Defendant and their agents.

35. **Superiority:** A class action is superior to other available methods for the fair and efficient adjudication of this controversy because joinder of all members is impracticable, the likelihood of individual Class members prosecuting separate claims is remote and individual members do not have a significant interest in individually controlling the prosecution of separate actions. No difficulty will be encountered in this case's management to preclude maintenance as a class action.

36. **Common Questions of Law and Fact Predominate:** The questions of law and fact common to the Class predominate over questions affecting only individuals. Among the questions of law and fact common to the Class are:

- ✓ Whether Defendant employed a scheme or artifice to defraud Plaintiff and the Class;
- ✓ Whether Defendant's widespread sales practices constitute a violation of Fla. Stat. § 501.204;
- ✓ Whether Defendant's widespread sales practices constitute a violation of Fla. Stat.

§ 817.06;

- ✓ Whether Defendant's policies allowed them to induce class members to pay well above market value for the coins;
- ✓ Whether Plaintiff and the Class members were overcharged;
- ✓ Whether Plaintiff and the Class members were solicited to purchase coins or failed to disclose terms in violation of Florida law;
- ✓ Whether Defendant utilized other schemes to injure Plaintiff and the Class in ways heretofore obscured;
- ✓ Whether Defendant unlawfully charged Plaintiff' and Class members' credit or debit cards;
- ✓ Whether Plaintiff and the Class are entitled to rescission;
- ✓ Whether Defendant's billing practices were fraudulent;
- ✓ Whether Defendant's profits should be disgorged and if so, the proper calculation therefor;
- ✓ Whether the Class is entitled to restitution and if so, the proper calculation of such restitution;
- ✓ Whether Defendant has been unjustly enriched at the expense of Plaintiff and the Class;
- ✓ Whether Defendant violated the Florida Uniform Deceptive Trade Practices Act;
- ✓ Whether Plaintiff and the Class is entitled to injunctive relief;
- ✓ Whether Plaintiff and the Class are entitled to damages, and if so, the proper calculation of said damages.

37. **Manageability:** The Class litigation will be manageable because all issues are identical, and individualized calculation of damages can be accomplished methodically by an expert via the use of data and information provided by Defendant and its agents.

38. **Adequacy:** Plaintiff can fairly and adequately represent the Class's interests; Plaintiff have no conflicts of interest with other Class members, and have retained counsel competent and experienced in class action and complex civil litigation.

V. CLAIMS FOR RELIEF

First Claim for Relief - Violation of the Florida Deceptive and Unfair Practices Act, F.L.A. §§ 501.204 et seq.

39. Plaintiff realleges and incorporate each allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

40. This Count is based on Defendant's deceptive and misleading conduct and common omissions of material fact.

41. Chapter 501, Fla. Stat., Florida's Deceptive and Unfair Trade Practices Act ("FDUTPA"), is remedial in nature and all broadly prohibit deceptive, unfair, and misleading practices directed at consumers in the course of business, including those alleged to have been conducted by Defendant as described herein.

42. Plaintiff and the Class are persons within the meaning of Florida's Consumer Protection Statute. Fla. Stat. § 501.203(7).

43. Defendant engaged in trade and commerce within the meaning of Fla. Stat. § 501.203(8).

44. While FDUTPA does not define "deceptive" and "unfair" it incorporates by reference the Federal Trade Commission's interpretations of these terms. The FTC has found that

a “deceptive act or practice” encompasses “a representation, omission or practice that is likely to mislead the consumer acting reasonably in the circumstances to the consumer’s detriment.”

45. The items for which Defendant charged Plaintiff are goods, services, and/or merchandise within the meaning of FDUTPA. Fla. Stat. § 501.203(8).

46. Defendant charged Plaintiff directly for the goods, services, and merchandise at issue.

47. Defendant marketed and sold coins to Plaintiff and the Class in a deceptive and misleading manner.

48. As described above, Defendant systematically and regularly engaged in selling coins, overpricing them, obfuscating and concealing their true value, and convincing an unwitting public that the coins are valuable and worth what they are charging for them.

49. Defendant violated FDUTPA by, among other things, misrepresenting the quality of the coins, including their value and future value; allowing Plaintiff and the Class to operate under an obvious mistaken belief about the value and utility of the coins; selling the coins to Plaintiff and the Class members in a manner and at a price that relied upon a misapprehension and lack of understanding about the qualities, characteristics, uses, benefits of the coins which the coins lacked; advertising the sale of certain coins with the intent to sell other coins for more money; making omissions regarding the reasons for price of the coins; representing that the consumer stands to receive an economic benefit which is contingent on an external factor (the market) without disclosing the truth about the contingency or its likelihood to occur.

50. These practices were not isolated incidents but rather the result of widespread, systematic, pervasive, and persistent conduct and business policies adopted by Defendant, which were aimed at maximizing Defendant’s revenue at the expense of its customers.

51. The practices in which Defendant engaged were likely to cause confusion in Plaintiff and members of the Class.

52. FDUTPA prohibits unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce.

53. Defendant engaged in unfair and deceptive acts and practices that violated FDUTPA, causing Plaintiff and members of Class injury and financial loss. Additionally, the risk of future injury remains unless enjoined.

54. As alleged herein, Defendant, through its employees and agents, engaged in a pattern and practice of deceptive and misleading activity, and collection of monies by way of false pretenses. Defendant engaged in deceptive, unconscionable, and/or unfair business practices by, among other things: selling coins, overpricing them, obfuscating and concealing their true value, and convincing an unwitting public that the coins are valuable and worth what they are charging for them.

55. The amounts Defendant charged, collected, and deducted from bank accounts (or otherwise billed and collected) are material terms to Defendant's customers, including Plaintiff and the Class.

56. Price is a material term to consumers. Deceptively overcharging consumers in a manner they are unlikely to detect within a short time period is a material misrepresentation or an omission of material fact to reasonable consumers in the Class. As explained in the Complaint, the misconduct described herein occurred in a regular and continuous manner and Class members were injured because Defendant maintained incentive programs for its employees and agents that provided financial incentives to engage in such conduct.

57. Defendant never told the Class that it engaged in cramming and/or maintained internal incentive programs aimed at increasing its revenues by charging its customers with overpriced coins selling coins and convincing an unwitting public that the coins are valuable and worth what they are charging for them. The omission of such facts was material, as reasonable consumers contemplating transactions with Defendant, either initially or on an ongoing basis, would have wanted to know about such practices prior to engaging in such transactions. Reasonable consumers, had they been made aware of such facts, would have acted differently, including but not limited to—if able—not purchasing the coins.

58. Defendant had a duty to disclose material facts to Plaintiff and members of the Class. The information concealed was in the exclusive possession of Defendant and not able to be obtained by Plaintiff and Class members from other sources. Additionally, Defendant made partial statements about price in the form of sales representations and billing statements. Having spoken and provided partial information, Defendant had an affirmative duty to fully disclose all facts, including the existence of internal incentive programs aimed at overcharging Plaintiff and the Class.

59. Defendant's misrepresentations were directed at and affected a broad group of consumers including Plaintiff and the Class.

60. The practices described herein were intended to, and were likely to, deceive consumers acting reasonably under the circumstances. Defendant intended Class members to rely on it to accurately sell the products requested. Defendant failed to do so and instead intentionally overcharged Plaintiff and the Class.

61. Under FDUTPA, an objective test is employed in determining whether a practice is likely to deceive a consumer acting reasonably. That is, a party asserting a deceptive trade

practice claim need not show actual reliance on the representation or omission of material fact at issue. Defendant acted with the intent that Plaintiff and members of the Class rely on its concealment, suppression, or omission, in connection with the sale or advertisement of goods and services, and therefore engaged in unlawful practices in violation of FDUTPA.

62. It is very difficult to obtain an independent public assessment of a bullion coins value. Therefore, Defendant knows that certain customers may not know that the value of the coins are not worth what Defendant is charging for them. immediately notice such discrepancies and immediately seek corrections when appropriate. Defendant seeks to exploit and take advantage of that dynamic. Defendant intended to harm competition by engaging in the foregoing conduct.

63. Plaintiff and members of the Class are thus entitled to recover damages, costs and disbursements, including costs of investigation, and reasonable attorney's fees, and receive other relief as determined by the court.

Second Claim for Relief - Violation of the Florida Statute § 817.06

64. Plaintiff realleges and incorporate each allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

65. Pursuant to Florida Statute § 817.06(1),

No person, persons, association, copartnership, or institution shall, with intent to offer or sell or in anywise dispose of merchandise, securities, certificates, diplomas, documents, or other credentials purporting to reflect proficiency in any trade, skill, profession, credits for academic achievement, service or anything offered by such person, persons, association, copartnership, corporation, or institution directly or indirectly, to the public, for sale or distribution or issuance, or with intent to increase the consumption or use thereof, or with intent to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, or ownership thereof, knowingly or intentionally make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly, to be made, published, disseminated or circulated or placed before the public in this state in a newspaper or other publication or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter or in any other way, an advertisement of any sort regarding such certificate, diploma,

document, credential, academic credits, merchandise, security, service or anything so offered to the public, which advertisement contains any assertion, representation or statement which is untrue, deceptive, or misleading.

Fla. Stat. Ann. § 817.06.

66. Defendant violated Florida Statute § 817.06(1) by misrepresenting the quality of its coins to Plaintiff and the Class in order to obtain a premium price.

67. As a result of Defendant's actions, Plaintiff and the Class have been injured.

Third Claim for Relief - Unjust Enrichment

68. Plaintiff realleges and incorporate each allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

69. By taking advantage of Plaintiff and the Class's unequal information and bargaining power, selling multiple coins to the same people, obfuscating the true nature of the coins' value and the secondary market for such coins, and targeting vulnerable purchasers, Defendant has retained the moneys charged for such coins at rates that would not prevail in an arm's length and just marketplace.

70. It would be inequitable and unjust for Defendant to retain the profits, benefits, interest, and other compensation obtained through their wrongful conduct which is in express violation of Florida law.

71. As a result of this unjust enrichment, Plaintiff and the Class seek restitution in an amount sufficient to compensate them for their losses. These losses include the amount Defendant was unjustly enriched by the excess amount(s) charged to Plaintiff and the Class.

72. Plaintiff and the Class further seek an order of this Court proportionally disgorging all profits, benefits, and other compensation obtained by Defendant from its wrongful conduct.

Fourth Claim for Relief - Injunctive Relief

73. Plaintiff realleges and incorporate each allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

74. As alleged herein, Defendant, through its employees and agents, engaged in a pattern and practice of deceptive and misleading activity, and collection of monies by way of false pretenses. Defendant engaged in deceptive, unconscionable, and/or unfair business practices by, among other things: selling coins, overpricing them, obfuscating and concealing their true value, and convincing an unwitting public that the coins are valuable and worth what they are charging for them.

75. Defendant's conduct as described above constitutes an unfair and deceptive trade practice under Fla. Stat. § 501.204 and Fla. Stat. § 817.06(1).

76. Defendant continues to engage in cramming and/or maintain internal incentive programs aimed at increasing its revenues by charging its customers with overpriced coins selling coins and convincing an unwitting public that the coins are valuable and worth what they are charging for them.

77. Plaintiff and members of the Class are thus entitled to equitable and injunctive relief, and to recover their costs, and reasonable attorney's fees.

IV. JURY TRIAL REQUESTED

78. Plaintiff, on behalf of herself and the Class members, demand a jury trial in this action for all of the claims so triable.

V. EXPEDITED DISCOVERY REQUEST

79. Plaintiff and the Class respectfully seek expedited discovery pursuant to Rule 26 of the Federal Rules of Civil Procedure.

VII. PRAYER FOR RELIEF

80. Plaintiff, on behalf of himself and the Class members, pray for the following relief:
- a. An order appointing Plaintiff as Interim Class Representative and appointing undersigned counsel as Interim Class Counsel;
 - b. An order certifying the Class, designating Plaintiff as Lead Plaintiff and undersigned counsel as Class Counsel;
 - c. An order permanently enjoining any further solicitations by Defendant;
 - d. An order of restitution and disgorgement for the Plaintiff and the Class Members;
 - e. An order for damages;
 - f. An order for punitive damages;
 - g. An order for attorney's fees, costs of suit and expenses.
 - h. An order for statutory prejudgment interest; and
 - i. All other relief that the Court believes is reasonable and just.

Dated: January 11, 2024.

Respectfully submitted,

s/Gregg I. Shavitz
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*to apply for admission pro hac vice

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

MARK MAHONEY

DEFENDANTS

PARAMOUNT COIN AND COLLECTIBLES

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

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

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

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

Attorneys (If Known)

Gregg I. Shavitz, Shavitz Law Group, P.A., 951 Yamato Rd, Suite No. 285, Boca Raton, FL 33431, Telephone: (561) 447-8888

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

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)

Grid of categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes sub-sections like PERSONAL INJURY, PERSONAL PROPERTY, HABILITATION, etc.

V. ORIGIN

- 1 Original Proceeding
2 Removed from State Court
3 Re-filed (See VI below)
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation Transfer
7 Appeal to District Judge from Magistrate Judgment
8 Multidistrict Litigation - Direct File
9 Reremanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

(See instructions): a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE:

DOCKET NUMBER:

VII. CAUSE OF ACTION 28 U.S.C. § 1332(d); Violation of the Florida Deceptive and Unfair Practices Act, F.L.A. §§ 501.204 et seq

LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE SIGNATURE OF ATTORNEY OF RECORD

01/11/2024

Handwritten signature of Gregg I. Shavitz

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

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

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

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

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

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

IV. Nature of Suit. 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. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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

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

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

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

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. 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

VIII. Requested in Complaint. Class Action. Place an “X” in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

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

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: