

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. <u>1:17cv6</u>
)	
ROBERT BRACE,)	
ROBERT BRACE FARMS, Inc., and)	
ROBERT BRACE and SONS, Inc.,)	
)	
Defendants.)	

COMPLAINT

The United States of America (“United States”), by the authority of the Attorney General and at the request of the United States Environmental Protection Agency (“EPA”), files this Complaint and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action commenced under section 309(b) and (d) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(b) and (d), to obtain injunctive relief and civil penalties against Robert Brace, Robert Brace Farms, Inc., and Robert Brace and Sons, Inc. (“Defendants”), for the discharge of pollutants into waters of the United States in McKean and Waterford Townships, Erie County, Pennsylvania, without authorization by the United States Department of the Army, in violation of CWA section 301(a), 33 U.S.C. § 1311(a).

2. In this action, the United States seeks: (1) to enjoin the discharge of pollutants into waters of the United States without a permit, in violation of CWA section 301(a), 33 U.S.C. § 1311(a); (2) to require Defendants, at their own expense and at the direction of EPA, to restore

and/or mitigate the damages caused by their unlawful activities; and (3) to require Defendants to pay civil penalties as provided in 33 U.S.C. § 1319(d).

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to CWA section 309(b), 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1331, 1345, and 1355.

4. Venue is proper in the Western District of Pennsylvania pursuant to CWA section 309(b), 33 U.S.C. § 1319(b), and 28 U.S.C. § 1391(b) and (c), because the Defendants reside and/or conduct business in this District, the subject property is located in this District, and the cause of action alleged herein arose in this District.

5. Notice of the commencement of this action has been provided to the Commonwealth of Pennsylvania as required by CWA section 309(b), 33 U.S.C. § 1319(b).

THE PARTIES

6. Plaintiff United States of America, acting at the request and on behalf of the EPA, is vested with authority to bring this action under 28 U.S.C. §§ 516 and 519 and 33 U.S.C. § 1366.

7. Defendant Robert Brace is a private individual who resides and conducts business in the Western District of Pennsylvania. Mr. Brace is an officer of Defendant Robert Brace Farms, Inc., and an officer of Defendant Robert Brace and Sons, Inc. Upon information and belief, Mr. Brace resides or at one time resided at 1131 Route 97, Waterford, Erie County, Pennsylvania.

8. Defendant Robert Brace Farms, Inc., is a corporation organized under the laws of Pennsylvania with a business address of 1131 Route 97, P.O. Box 338, Waterford, Erie County,

PA 16441.

9. Defendant Robert Brace and Sons, Inc., is a corporation organized under the laws of Pennsylvania with a business address of 1131 Route 97, P.O. Box 338, Waterford, PA 16441.

10. Each Defendant is a “person” within the meaning of CWA section 502(5), 33 U.S.C. § 1362(5).

11. At all times relevant to the Complaint, one or more of the Defendants either owned or otherwise controlled the real property that is the subject of this Complaint and/or otherwise controlled the activities that occurred on such property.

STATUTORY AND REGULATORY BACKGROUND

12. CWA section 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into navigable waters except in compliance with, *inter alia*, a permit issued pursuant to CWA section 404, 33 U.S.C. § 1344.

13. CWA section 404(a), 33 U.S.C. § 1344(a), authorizes the Secretary of the Army, acting through the Chief of Engineers, U.S. Army Corps of Engineers, to issue permits for the discharge of dredged or fill material into navigable waters at specified disposal sites, after notice and opportunity for public comment.

14. CWA section 502(12), 33 U.S.C. § 1362(12), defines “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source.”

15. CWA section 502(6), 33 U.S.C. § 1362(6), defines “pollutant” to include, *inter alia*, dredged spoil, rock, sand, and cellar dirt.

16. CWA section 502(7), 33 U.S.C. § 1362(7), defines “navigable waters” as “the waters of the United States, including the territorial seas.”

17. Federal regulations implementing the CWA at 33 C.F.R. § 328.3(a)(1), (2), (5) and (7), and 40 C.F.R. § 232.2, define “waters of the United States” to include: (i) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce (“traditional navigable waters”); (ii) all inter-state waters; (iii) tributaries to such waters; and (iv) wetlands adjacent to such waters or their tributaries.¹

18. Federal regulations implementing the CWA at 33 C.F.R. § 328.3(b) and 40 C.F.R. § 232.2 define “wetlands” as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.”

19. Federal regulations implementing the CWA at 33 C.F.R. § 328.3(c) and 40 C.F.R. § 230.3(b) define “adjacent” as “bordering, contiguous, or neighboring.”

20. CWA section 502(14), 33 U.S.C. § 1362(14), defines “point source” to include “any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.”

21. CWA section 502(5), 33 U.S.C. § 1362(5), defines “person” to include “an individual [or] corporation, partnership, [or] municipality.”

22. CWA section 309(b), 33 U.S.C. § 1319(b), authorizes the commencement of a civil action for appropriate relief, including a permanent or temporary injunction, against any person who violates CWA section 301(a), 33 U.S.C. § 1311(a).

¹ Citations to 33 C.F.R. Part 328 and 40 C.F.R. Part 232 in this Complaint are to those effective through August 27, 2015. See *In re E.P.A.*, 803 F.3d 804 (6th Cir. 2015) (issuing a temporary nationwide stay of EPA and United States Army Corps of Engineers final rule defining the scope of waters covered by the CWA, effective on August 28, 2015).

23. CWA section 309(d), 33 U.S.C. § 1319(d), authorizes the commencement of an action for civil penalties against any person who violates CWA section 301(a), 33 U.S.C. § 1311(a).

24. Any person who violates CWA section 301(a), 33 U.S.C. § 1311(a), shall be subject to civil penalties of up to \$37,500 per day for each violation occurring between January 12, 2009, and November 2, 2015, and up to \$51,570 per day for violations occurring after November 2, 2015, pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), and 40 C.F.R. § 19.4 (as adjusted over time as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410), as amended by the Debt Collection Improvement Act of 1996, and most recently, by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note; Pub. L. 114-74, Section 701)).

GENERAL ALLEGATIONS

The Marsh Site

25. The real property that is subject of this Complaint comprises two contiguous Tax Parcels, 47-011-004-0-003.00 and 31-016-063.0-002.00 as identified by the Erie County Bureau of Assessment. This real estate, collectively the “Marsh Site,” is identified in Exhibit A.

26. Upon information and belief, Defendant Robert Brace purchased the Marsh Site in May 2012.

27. Upon information and belief, at all times relevant to this Complaint, the Marsh Site was owned, controlled, and/or operated by Defendants.

28. The Marsh Site comprises approximately 20.01 contiguous acres located in the Townships of McKean and Waterford, Erie County, Pennsylvania, immediately east of Sharp

Road, north of Lane Road and south of Greenlee Road.

29. The Marsh Site is situated to the north of Lane Road, directly northwest of thirty acres of wetlands subject to a court-ordered Consent Decree entered on September 23, 1996, in *United States v. Brace et al.*, Civ. No. 90-229 (W.D. Pa.), after Defendants Robert Brace and Robert Brace Farms, Inc., were found liable for CWA violations (similar to those alleged here) for the unpermitted discharge of pollutants by dredging, filling, leveling, and draining those wetlands. *See United States v. Brace*, 41 F.3d 117, 120 (3d Cir. 1994).

Aquatic Features Associated with the Marsh Site

30. Approximately 1,500 linear feet of Elk Creek flow through the Marsh Site.

31. Elk Creek is a perennial tributary that flows approximately 29.2 miles from the Marsh Site to Lake Erie.

32. Elk Creek is stocked with steelhead and brown trout. Elk Creek serves as a habitat for benthic macroinvertebrate species, which serve as food for trout and other species of fish. Elk Creek plays a role in conveying energy in the form of dissolved and particulate organic matter from the forested terrestrial area to downstream waters, including Lake Erie, where the organic matter can be utilized by the aquatic community.

33. Lake Erie is a traditionally navigable water under 33 C.F.R. § 328.3(a)(1) and 40 C.F.R. § 232.2.

34. The Marsh Site contains wetlands as defined by 33 C.F.R. § 328.3(b) and 40 C.F.R. § 232.2.

35. The impacted wetlands at the Marsh Site directly abut and have a continuous surface connection to Elk Creek.

36. The impacted wetlands at the Marsh Site, alone or in combination with similarly situated features in the region, *inter alia*, provide or provided, prior to the subject unauthorized activities, flood control and/or flood storage; provide or provided pollutant trapping and/or filtering functions; provide or provided nutrient transport; and/or maintain or maintained the chemical composition of the water, natural discharge patterns, and water quality functions that contributed to the aquatic and wildlife habitat of the Elk Creek and Lake Erie watersheds.

37. Lake Erie, Elk Creek, and the impacted wetlands at the Marsh Site are “waters of the United States” within the meaning of the CWA and the regulations promulgated thereunder at 33 C.F.R. § 328.3(a) and 40 C.F.R. § 232.2.

Unauthorized Discharges of Pollutants at the Marsh Site

38. After Defendant Robert Brace purchased the Marsh Site in May 2012, one or more of the Defendants and/or persons acting on their behalf conducted earthmoving activities, including but not limited to land-clearing, grubbing, ditching, sidecasting, and installing tile drains and a culvert pipe, impacting approximately 14 acres of wetlands abutting Elk Creek at the Marsh Site.

39. The activities described in Paragraph 38, caused by one or more of the Defendants and/or persons acting on their behalf, resulted in the unauthorized discharges of “pollutants” as defined in CWA section 502(6), 33 U.S.C. § 1362(6), including dredged and/or fill material, into the wetlands at the Marsh Site.

40. One or more of the Defendants and/or persons acting on their behalf used mechanized land-clearing and earth-moving equipment to accomplish the discharges described in Paragraph 38.

41. The Defendants did not obtain a permit from the Secretary of the Army, acting through the Chief of Engineers, U.S. Army Corps of Engineers, for the discharges of dredged or fill material into waters of the United States as required by CWA sections 301(a) and 404, 33 U.S.C. §§ 1311(a), 1344.

42. Upon information and belief, one or more of the Defendants conducted, contracted for, supervised and/or otherwise controlled the unauthorized discharges described in Paragraphs 38.

CLAIM FOR RELIEF
(CLEAN WATER ACT)

43. Plaintiff re-alleges Paragraphs 1 through 42 and incorporate those allegations by reference.

44. Defendants are persons within the meaning of CWA section 502(5), 33 U.S.C. § 1362(5).

45. Through the activities described above, Defendants and/or persons acting on their behalf discharged dredged and/or fill material into approximately 14 acres of wetlands abutting Elk Creek.

46. The wetlands at the Marsh Site constitute “waters of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and within the meaning of the federal regulations implementing the CWA at 33 C.F.R. § 328.3(a) and 40 C.F.R. §232.2.

47. The dredged or fill material that one or more of the Defendants and/or persons acting on their behalf, caused to be discharged includes, among other things, dirt, spoil, rock and sand, all of which constitute “pollutants” as defined in CWA section 502(6), 33 U.S.C. §

1362(6).

48. One or more of the Defendants and/or persons acting on their behalf used mechanized land-clearing and earth-moving equipment that resulted in the discharges. This equipment constitutes “point source[s]” as defined in CWA section 502(14), 33 U.S.C. § 1362(14).

49. Defendants did not obtain a permit from the Secretary of the Army, acting through the Chief of Engineers, U.S. Army Corps of Engineers, for the discharges of dredged or fill material into waters of the United States as required by CWA sections 301(a) and 404, 33 U.S.C. §§ 1311(a), 1344.

50. Defendants have thus violated and continue to violate CWA section 301(a), 33 U.S.C. § 1311(a), by their unauthorized discharges of dredged or fill material into wetlands that are waters of the United States at the Marsh Site.

51. Each day that such material remains in place constitutes a separate violation of CWA section 301(a), 33 U.S.C. § 1311(a).

52. Under CWA sections 309(b) and (d), 33 U.S.C. §§ 1319(b) and (d), Defendants are liable for injunctive relief and civil penalties for violating CWA section 301(a), 33 U.S.C. § 1311(a).

53. Unless enjoined, Defendants, and/or persons acting on their behalf, are likely to continue to discharge dredged or fill material into and/or to allow dredged or fill material to remain in waters of the United States at the Marsh Site in violation of CWA section 301, 33 U.S.C. § 1311.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff the United States of America respectfully requests that this Court order the following relief:

I. That the Defendants be permanently enjoined from discharging or causing the discharge of dredged or fill material or other pollutants into any waters of the United States except in compliance with the CWA;

II. That the Defendants be enjoined to undertake measures, at Defendants' own expense and at the direction of EPA, to effect complete restoration of the Marsh Site and conduct mitigation for irreversible environmental damage;

III. That the Defendants be assessed pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), a civil penalty for each day for each violation of CWA section 301(a), 33 U.S.C. § 1311(a);

IV. That the United States be awarded costs and disbursements in this action; and

V. That this Court grant the United States such other relief as the Court may deem just and proper.

Dated: 1/9/2017

Respectfully submitted,

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Acting United States Attorney
Western District of Pennsylvania

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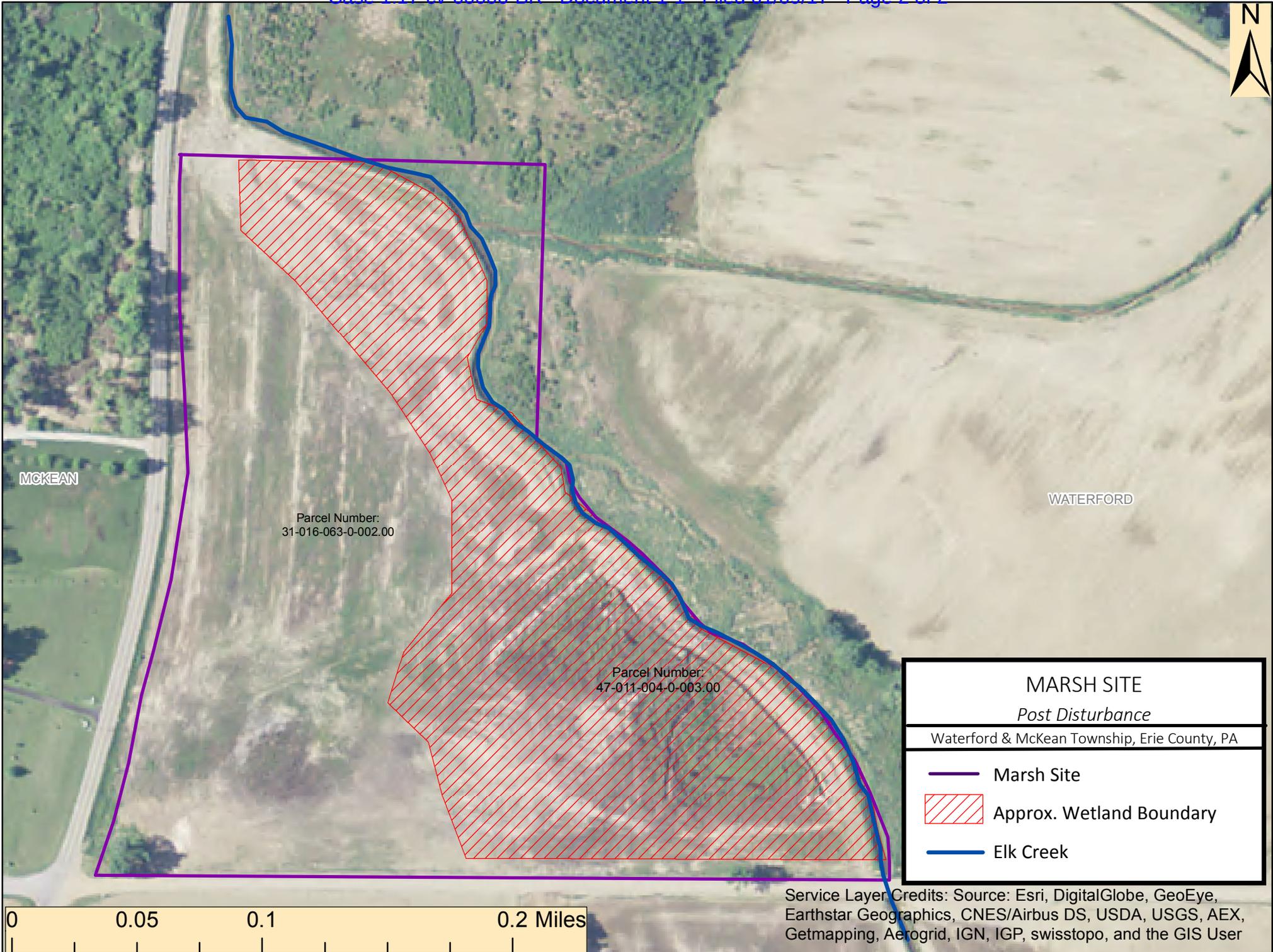
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EXHIBIT A



McKEAN

Parcel Number:
31-016-063-0-002.00

WATERFORD

Parcel Number:
47-011-004-0-003.00

MARSH SITE

Post Disturbance

Waterford & McKean Township, Erie County, PA

-  Marsh Site
-  Approx. Wetland Boundary
-  Elk Creek

0 0.05 0.1 0.2 Miles

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User

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

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

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

DEFENDANTS

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.

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, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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 (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Brief description of cause:

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 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44A REVISED June, 2009
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the (Erie Johnstown Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. This case is related to Number _____ . Short Caption _____
2. This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

I. CIVIL CATEGORY (Select the applicable category).

1. Antitrust and Securities Act Cases
2. Labor-Management Relations
3. Habeas corpus
4. Civil Rights
5. Patent, Copyright, and Trademark
6. Eminent Domain
7. All other federal question cases
8. All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. Insurance indemnity, contract and other diversity cases.
10. Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: _____

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH ÔŠPRU MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

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 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.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related 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.