

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA, and
The STATE OF WISCONSIN, ex rel.
and ROSE PRESSER, APNP, individually,

Plaintiffs,

**FILED IN CAMERA
AND UNDER SEAL**

vs.

Civil Action No.:

ACACIA MENTAL HEALTH CLINIC, LLC,
a WISCONSIN LIMITED LIABILITY
COMPANY, and ABE FREUND, individually.

Defendants.

**COMPLAINT FOR VIOLATION OF THE FEDERAL FALSE CLAIMS ACT,
31 U.S.C. §§3729 – 3732 AND WISCONSIN FALSE CLAIMS ACT §20.931**

Pursuant to 31 U.S.C. §3730(b)(1) and Wis. Stats. §20.931, plaintiff Rose Presser, APNP, (“Relator”) for herself and on behalf of the United States of America and the State of Wisconsin, by her attorneys Gimbel, Reilly, Guerin & Brown LLP, brings this civil action under the Federal False Claims Act, 31 U.S.C. §3729, *et seq.*, and Wis. Stats. §20.931, *et seq.*, and under common law theories of payment by mistake and unjust enrichment, and alleges as follows:

FILING UNDER SEAL

1. Under the Act, this complaint is to be filed in camera and remain under seal for a period of at least sixty (60) days and shall not be served on Defendants until the Court so orders. The Government may elect to intervene and proceed with the action within sixty (60) days after it receives both the complaint and the material evidence and information.

JURISDICTION AND VENUE

2. This action arises under 31 U.S.C. §3729 *et seq.*, also known as the Federal False Claims Act (the "Act"), and the common law theories of payment by mistake and unjust enrichment to recover treble damages and civil penalties on behalf of the United States of America arising out of the Defendant's submission of fraudulent claims for payment to the United States Government through Medicare.

3. This action arises under Wis. Stats. §20.931 *et seq.*, also known as the Wisconsin False Claim Law (the "Law"), and the common law theories of payment by mistake and unjust enrichment to recover treble damages and civil penalties on behalf of the State of Wisconsin arising out of the Defendant's submission of fraudulent claims for payment to the State of Wisconsin through Medicaid.

4. Section 3732 of the Act provides that this Court has exclusive jurisdiction over actions brought under the Act and concurrent jurisdiction over state claims arising from transactions giving rise to the claims under the Act. In addition, jurisdiction over this action is conferred on this Court by 28 U.S.C. §1345 and 28 U.S.C. §1331 because this civil action arises under the laws of the United States.

5. Venue is proper in this district pursuant to 28 U.S.C. §1391 and §3732(a) of the Act, which provides that “any action under section 3730 may be brought in any judicial district in which the Defendant or, in the case of multiple Defendants, any one Defendant can be found, resides, transacts business, or in which any act proscribed by section 3729 occurred.” Defendant Acacia Mental Health Clinic LLC is a Wisconsin limited liability company that transacts business within the State of Wisconsin and within this judicial district, with its principal place of business being located at 6040 West Lisbon Avenue, Milwaukee, Wisconsin 53210.

CONFIDENTIAL DISCLOSURE STATEMENT

6. As required under §3730(a)(2) of the Act, Relator Presser has provided to the Attorney General of the United States and to the United States Attorney for the Eastern District of Wisconsin, simultaneous with, or prior to the filing of this complaint, a statement of all material evidence and information related to the complaint (the “Disclosure Statement”).

PARTIES TO THE ACTION

7. Plaintiff United States of America, through the Department of Health and Human Services (“HHS”) and the Health Care Financing Administration (“HCFA”), administers a Supplementary Medical Insurance Program for the Aged and Disabled, established by Part B, Title XVIII, of the Social Security Act, 42 U.S.C. §1395(j), *et seq.*, (“Medicare”). Medicare is a federal health insurance program that serves people age 65 or older, as well as certain disabled individuals.

8. Plaintiff State of Wisconsin, through the Wisconsin Department of Health and Family Services, administers the Medicaid program that provides health coverage to some low-income Wisconsin residents, families with children and pregnant women, medically needy individuals, the elderly, and people with disabilities, if state and federal guidelines are met.

9. Relator Rose Presser, APNP, (“Relator Presser”) is a United States citizen and resident of the State of Wisconsin, and brings this action on behalf of the United States of America pursuant to 31 U.S.C. §3730(b)(1). Relator Presser was employed by the defendant, Acacia Mental Health Clinic, LLC as an independent contractor, for a period of seven (7) months, employed for the purposes of providing services including psychiatric evaluations and medication management. Relator Presser brings this action based on direct and independent

knowledge acquired through her employment with the defendant, Acacia Mental Health Clinic, LLC, and is an original source of the allegations.

10. As stated above, defendant Acacia Mental Health Clinic, LLC (“Acacia”), is a Wisconsin limited liability company engaged in the business of providing certified outpatient mental health and addiction treatment for individuals who have mental health problems, behavior problems and AODA (Alcohol and Other Drug Abuse) issues, including children, adolescents, adults and families. Acacia’s principal place of business is located at 6040 West Lisbon Avenue, Suite #102, Milwaukee, Wisconsin 53210.

11. Defendant Abe Freund (“Freund”) is, upon information and belief, a United States citizen and resident of the State of New York. Upon information and belief, Freund was, at all times material to this action, the principal owner of Acacia.

FACTUAL BACKGROUND

12. Commencing with the onset of her employment, Relator Presser’s background and knowledge recognized the defendant’s policies and procedures were designed to maximize patient billings and revenues and were inconsistent with her practice knowledge as a Nurse Practitioner.

13. Upon information and belief, Acacia’s initial appointment for any patient was billed as an “assessment” under CPT billing code 90801. By definition, this

code is applied to an appointment that is a full psychological assessment by a therapist (or therapist in training), or a psychiatric medical evaluation by a psychiatrist or psychiatric nurse practitioner. In reality, the assessment that was provided initially consisted of completion of paperwork, an introduction to the rules of operation of the clinic, brief personal information and one or two screening tools.

14. Upon information and belief, Acacia patients would return for a subsequent assessment, also billed under CPT billing code 90801, to complete a psychosocial assessment with either a different, or in some cases, the same therapist.

15. Upon information and belief, Acacia patients were required to submit a UDS (urine drug screen) with each appointment, a policy determined by the owner of the clinic, not the clinician. Multiple UDS tests were collected with each of the four admission appointments and at each subsequent appointment, regardless of their status as an AODA or mental health patient. Relator Presser noted significant health concerns with the operation of the UDS room and the risk for the spread of viruses such as hepatitis and HIV, which risks were high among this group of patients.

16. Upon information and belief, Acacia patients being treated with Suboxone therapies were required to return every one to two weeks for medication refills,

which is an excessive pattern that allows Acacia to bill for additional office visits that are not medically necessary. Usual and customary health care practice is for Suboxone patients to be seen one time per month.

17. Upon information and belief, Acacia regularly required patients to see Nurse Practitioners when it is not medically necessary to do so. Upon information and belief, most Acacia patients had medical clinicians outside of Acacia, but were still regularly scheduled to be seen by Acacia's medical Nurse Practitioner for an automatic assessment and monthly routine appointments, to evaluate blood pressure, medication or insomnia issues. Duplicating services already being performed by other clinicians enabled Acacia to bill for unnecessary treatment.

18. Upon information and belief, Acacia's policy and practice was to discharge a patient who missed appointments or were not seen for a period as short as thirty days. When the patient did return to the clinic, the assessment process was restarted. This allowed Acacia to bill for additional assessments where the original assessment was still viable. Many of these re-assessments therefore, were not medically necessary and this practice was used to generate false bills to be submitted to Medicaid.

LIABILITY UNDER THE FALSE CLAIMS ACT

19. A person (defined as any individual, partnership, corporation, associations, or private organizations) is liable under the False Claims Act for knowingly making, using or causing to be made or used, a false record or statement to get a false claim paid or approved by the government. See U.S.C. §3729(a)(2).

20. A claim is any request, demand or submission:

a. Made by a recipient of money from an authority or a party to a contract with an authority, for money for services, if the United States provided any portion of the funds for the purchase of such services; provided any portion of the funds for the purchase of services; or will reimburse such recipient or party for the purchase of such services.

See 31 U.S.C. §3801(a)(3)(B).

21. A statement under the False Claims Act is any representation, record, or document made with respect to a contract with any State, political subdivision of a State, or other party, if any portion of the money under the contract comes from the Federal Government or if the Federal Government will reimburse such State, political subdivision, or party for any portion of the money under such contract.

See 31 U.S.C. §3801(a)(9)(B).

COUNT 1 AGAINST ALL DEFENDANTS - FALSE CLAIMS ACT - CONSPIRACY

22. Relator Presser realleges and incorporates paragraphs 1 through 21 of this complaint as if fully set forth herein.

23. Upon information and belief, defendants Acacia and Freund, through its various members and/or employees, agreed to defraud the United States and State of Wisconsin by using false statements and misrepresentations, for the purpose of obtaining payments made by the United States Government and the State of Wisconsin.

24. As set forth in the preceding paragraphs, Acacia and Freund knowingly violated 31 U.S.C. §3729(a)(2).

**COUNT II AGAINST ALL DEFENDANTS - FALSE CLAIMS ACT -
PRESENTATION OF FALSE STATEMENTS**

25. Relator Presser realleges and incorporates paragraphs 1 through 24 of this complaint as if fully set forth herein.

26. Upon information and belief, since on or about February 1, 2009, Acacia and Freund have knowingly billed for mental health services that do not meet the specified requirements of the American Medical Association Current Procedural Terminology (CPT) Code 90801 in order to obtain payments from the United States Government and State of Wisconsin.

27. As set forth in the preceding paragraphs, Acacia and Freund knowingly violated 31 U.S.C. §3729(a)(2), and have thereby damaged the United States Government and State of Wisconsin Government by its actions in an amount to be determined at trial.

**COUNT III AGAINST ALL DEFENDANTS - PAYMENT
UNDER MISTAKE OF FACT**

28. Relator Presser realleges and incorporates paragraphs 1 through 27 of the complaint as if fully set forth herein.

29. This is an action to recover monies paid to Acacia and Freund under a mistake of fact.

30. The United States and State of Wisconsin made payments to Acacia and Freund under the erroneous belief that the statements about the scope and nature of the medical care and treatment rendered to patients of Acacia were consistent with the applicable CPT code. The United States' and State of Wisconsin's erroneous beliefs were material to the payments made by the Governments to Acacia and Freund.

31. As a result of these mistakes of fact, the United States and State of Wisconsin paid Acacia and Freund money to which it was not entitled and the United States and State of Wisconsin have suffered damages in an amount to be determined at trial.

COUNT IV AGAINST ALL DEFENDANTS - UNJUST ENRICHMENT

32. Relator Presser realleges and incorporates paragraphs 1 through 31 of this complaint as if fully set forth herein.

33. This is an action to recover monies by which Acacia and Freund have been unjustly enriched. Due to improper and fraudulent practices carried out by

Acacia and Freund, the United States and State of Wisconsin paid Acacia and Freund monies by which Acacia and Freund have been unjustly enriched.

34. By reason of its payments, the United States and State of Wisconsin are entitled to damages in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Relator Presser respectfully asks this Court to enter judgment against Acacia and Freund as follows:

- a. That the United States and State of Wisconsin be awarded damages in the amount of three times the damages sustained by the United States and State of Wisconsin because of the false claims and fraud alleged within this Complaint, as the Civil False Claims Act, 31 U.S.C. §3729, *et seq.*, provides;
- b. That the civil penalties of \$5,500 to \$11,500 be imposed for each and every false claim that Acacia and Freund presented or caused to be presented to the United States and State of Wisconsin;
- c. That pre- and post-judgment interest be awarded, along with reasonable attorney's fees, costs and expenses which Relator Presser necessarily incurred in bringing and pressing this case;
- d. That Relator Presser be awarded the maximum amounts allowed pursuant to the False Claims Act; and
- e. That this Court award such other and further relief as it deems proper.

DEMAND FOR A JURY TRIAL

Relator Presser demands a jury trial on all claims alleged herein.

Dated this 18th day of January, 2013.

GIMBEL, REILLY, GUERIN & BROWN LLP

By:



CHRISTOPHER L. STROHBEHN

State Bar No. 1041495

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Attorneys for Relator Rose Presser

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hc/presser/c/quitamcomplaintrevised2012-12-12

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.)

Place an "X" in the appropriate box: Green Bay Division Milwaukee Division

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA, and
The STATE OF WISCONSIN, ex rel.
and, ROSE PRESSER, APNP, individually

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

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

DEFENDANTS

ACACIA MENTAL HEALTH CLINIC, LLC,
a WISCONSIN LIMITED LIABILITY
COMPANY, and ABE FREUND, individually.

County of Residence of First Listed Defendant Milwaukee
(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	PERSONAL INJURY <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	PERSONAL INJURY <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 PERSONAL PROPERTY <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 LABOR <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 IMMIGRATION <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 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input checked="" 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 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			
<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	Habeas Corpus: <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 Other: <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			

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):

31 U.S.C. §3729, et seq.

Brief description of cause:

Qui tam action involving Medicaid fraud

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

01/18/2012

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING FEE _____ JUDGE _____ MAG JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

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