IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

ZACHARY DRUMM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
I.Q. DATA INTERNATIONAL, INC.,	)	
	)	
Defendant.	)	

PLAINTIFF'S COMPLAINT

Plaintiff, ZACHARY DRUMM ("Plaintiff"), by and through his attorneys, Hormozdi Law Firm, LLC, alleges the following against Defendant, I.Q. DATA INTERNATIONAL, INC. ("Defendant"):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA").
2. Count II of Plaintiff's Complaint is based on the North Carolina Collection Agency Act, § 58-70, *et seq.* ("NCCAA").
3. Count III Plaintiff's Complaint is based on the Electronic Funds Transfer Act, 15 U.S.C. § 1693 et seq. ("EFTA").

JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1337, 1367, and 15 U.S.C. § 1692k (FDCPA).

5. Jurisdiction of this Court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

6. 28 U.S.C. § 1367 grants this Court supplemental jurisdiction over the state claim alleged herein.

7. Venue and personal jurisdiction in this District are proper because Defendant does or transacts business within this District, and a material portion of the events at issue occurred in this District.

PARTIES

8. Plaintiff is a natural person residing in the City of Gastonia, Gaston County, North Carolina.

9. Plaintiff is a consumer as that term is defined by the FDCPA and NCCAA.

10. Plaintiff allegedly owes a debt as that term is defined by FDCPA and NCCAA.

11. Defendant is a debt collector as that term is defined by FDCPA and NCCAA.

12. Defendant attempted to collect a consumer debt from Plaintiff.

13. Defendant is a business corporation and national debt collection agency headquartered in the City of Bothell, Snohomish, State of Washington.

14. Defendant's business includes, but is not limited to, collecting on unpaid, outstanding account balances.

15. Defendant attempted to collect a debt within the State of North Carolina.

16. When an unpaid, outstanding account is placed with Defendant it is assigned a file number.

17. The principal purpose of Defendant's business is the collection of debts allegedly owed

to third parties.

18. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.

19. During the course of its attempts to collect debts allegedly owed to third parties, Defendant sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or electronic mail, and initiates contact with alleged debtors via various means of telecommunication, such as by telephone and facsimile.

20. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

21. Defendant is attempting to collect an alleged debt from Plaintiff originating with Villas at Marlin Bay Apartments – Lake Wylie, Account No. ending in 205-2.

22. Plaintiff's alleged debt arises from transactions for personal, family, and household purposes.

23. Within the past year of Plaintiff filing this Complaint, Defendant placed calls to Plaintiff on Plaintiff's telephone number at 704-349-3021, in an attempt to collect the alleged debt.

24. Defendant calls Plaintiff from, at least, 704-626-2149, 704-626-2148, 704-626-2150, and 704-709-5521, which are several of Defendant's telephone numbers.

25. On or about December 18, 2024, Defendant began to call Plaintiff to collect the alleged debt.

26. On or about December 18, 2024, Plaintiff answered Defendant's call and spoke to one of Defendant's representatives.

27. During the above referenced call:

    a. Defendant's collector, Kimberly, attempted to collect the alleged debt from Plaintiff;

    b. Plaintiff told Kimberly he could make payments of $200.00 per week;

    c. Kimberly urged Plaintiff to take out a personal loan to pay the alleged debt; and

    d. Kimberly asked Plaintiff to contact Defendant the following day to discuss the loan application.

28. Despite having discussed the alleged debt, Defendant proceeded to call Plaintiff on at least seven occasions within the following seven consecutive days in an attempt to collect the alleged debt.

29. On December 18, 2024, Plaintiff's counsel sent a notice of representation of counsel and cease-and-desist letter to Defendant via email, which Defendant received. (Exhibit A).

30. Despite Defendant having received notice that Plaintiff was represented by counsel in connection with the alleged debt and having received a written cease-and-desist request, Defendant continued to call Plaintiff in an attempt to collect on the alleged debt. (Exhibit B).

31. On or about December 20, 2024, Defendant unilaterally withdrew $200.00 from Plaintiff's personal checking account.

32. Defendant did not have Plaintiff's written authorization to withdraw the aforementioned funds from Plaintiff's personal checking account.

33. The natural consequences of Defendant's actions were to unjustly condemn and vilify Plaintiff for his non-payment of the alleged debt.

34. The natural consequences of Defendant's actions were to produce an unpleasant and/or

hostile situation between Defendant and Plaintiff.

35. The natural consequences of Defendant's actions were to cause Plaintiff mental distress.

36. Defendant's actions constitute an invasion of Plaintiff's individual privacy and Plaintiff has suffered a concrete and particularized injury to his legally protected interest of his individual privacy.

37. Defendant's above-referenced conduct further affected Plaintiff in a personal and individualized way by causing Plaintiff to experience anger, stress, worry, frustration, embarrassment, and emotional distress.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

38. Plaintiff repeats and re-alleges paragraphs one (1) through thirty-seven (37) of Plaintiff's Complaint as the allegations in Count I of Plaintiff's Complaint.

39. Defendant violated the FDCPA based on the following:

    a. Defendant violated § 1692c(a)(2) of the FDCPA when Defendant communicated with Plaintiff despite Plaintiff being represented by an attorney with regard to the alleged debt;

    b. Defendant violated § 1692c(c) of the FDCPA when Defendant communicated with Plaintiff despite receiving a written cease-and-desist request from Plaintiff's counsel;

    c. Defendant violated § 1692d of the FDCPA by engaging in conduct that the natural consequence of which was to harass, oppress, and abuse in connection with the collection of an alleged debt when Defendant employed such debt collection tactics in an attempt to collect the alleged debt;

    d. Defendant violated § 1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number when Defendant called Plaintiff at least seven times in seven days, after having already communicated with Plaintiff;

e. Defendant further violated § 1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number when Defendant continued to call Plaintiff after receiving a written cease-and-desist request from Plaintiff's counsel;

f. Defendant violated § 1692e of the FDCPA by its use of any false, deceptive, or misleading representation or means in connection with the collection of any debt when Defendant created the false impression on Plaintiff that Defendant could withdraw funds from Plaintiff's personal checking account without authorization and impunity;

g. Defendant violated § 1692e(10) of the FDCPA by its use of any false, deceptive, or misleading representation or means in connection with the collection of any debt when Defendant created the false impression on Plaintiff that Defendant could withdraw funds from Plaintiff's personal checking account without authorization and impunity;

h. Defendant violated § 1692f of the FDCPA by its use of unfair or unconscionable means to collect or attempt to collect any debt, when Defendant engaged in all of the foregoing misconduct;

i. Defendant violated § 1692f(1) of the FDCPA by its collection of any amount unless such amount is expressly authorized by the agreement creating the debt or permitted by law, when Defendant withdrew at least $200.00 in unauthorized payments from Plaintiff's personal checking account without Plaintiff's authorization; and/or

j. Defendant violated § 1692g(b) of the FDCPA by engaging in collection activities and communications that overshadowed or were inconsistent with the disclosure of the consumer's right to dispute the debt when Defendant's collector urged that Plaintiff take out a personal loan to pay the alleged debt.

WHEREFORE, Plaintiff, ZACHARY DRUMM, respectfully requests judgment be entered against Defendant, I.Q. DATA INTERNATIONAL, INC., for the following:

40. Statutory damages of $1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k;

41. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k; and

42. Any other relief that this Honorable Court deems appropriate.

COUNT II:
DEFENDANT VIOLATED THE
NORTH CAROLINA COLLECTION AGENCY ACT

43. Plaintiff repeats and re-alleges paragraphs one (1) through thirty-seven (37) of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.

44. Defendant violated the North Carolina Collection Agency Act based on the following:

a. Defendant violated § 58-70-100(3) of the North Carolina General Statutes by causing a telephone to ring or engaging any person in telephone conversation with such frequency as to be unreasonable or to constitute a harassment to the person under the circumstances when Defendant called Plaintiff at least seven times in seven consecutive days, after having already communicated with Plaintiff about the alleged debt;

b. Defendant further violated § 58-70-100(3) of the North Carolina General Statutes by causing a telephone to ring or engaging any person in telephone conversation with such frequency as to be unreasonable or to constitute a harassment to the person under the circumstances when Defendant continued to call Plaintiff after receiving a written cease-and-desist request from Plaintiff's counsel; and/or

c. Defendant violated § 58-70-115(3) of the North Carolina General Statutes when Defendant continued to call Plaintiff after receiving a written cease-and-desist request from Plaintiff's counsel.

45. Defendant's actions constituted an unfair act by engaging in the above-referenced misconduct in or affecting commerce because Defendant is collecting on a consumer debt and proximately caused Plaintiff's injuries.

WHEREFORE, Plaintiff, ZACHARY DRUMM, respectfully requests judgment be entered against Defendant, I.Q. DATA INTERNATIONAL, INC., for the following:

46. Actual damages and civil penalties of not less than $500.00 nor greater than $4,000.00 per violation pursuant to North Carolina General Statute § 58-70-130;

47. Punitive damages pursuant to North Carolina General Statute § 58-70-130;

48. Costs and reasonable attorneys' fees; and

49. Any other relief that this Honorable Court deems appropriate.

COUNT III:
DEFENDANT VIOLATED THE ELECTRONIC FUND TRANSFER ACT

50. Plaintiff repeats and re-alleges paragraphs one (1) through thirty-seven (37) of Plaintiff's Complaint as the allegations in Count III of Plaintiff's Complaint.

51. Section 907(a) of the EFTA, 15 U.S.C. § 1693e(a), provides that a "preauthorized electronic fund transfer from a consumer's account may be authorized by the consumer only in writing, and a copy of such authorization shall be provided to the consumer when made."

52. Section 903(9) of the EFTA, 15 U.S.C. § 1693a(9), provides that the term "preauthorized electronic fund transfer" means "an electronic fund transfer authorized in advance to recur at substantially regular intervals."

53. Section 205.10(b) of Regulation E, 12 C.F.R. § 205.10(b), provides that "[p]reauthorized electronic fund transfers from a consumer's account may be authorized only by a writing signed or similarly authenticated by the consumer. The person that obtains the authorization shall provide a copy to the consumer."

54. Section 205.10(b) of the Federal Reserve Board's Official Staff Commentary to Regulation E, 12 C.F.R. § 205.10(b), Supp. I, provides that "[t]he authorization process should evidence the consumer's identity and assent to the authorization." *Id.* at ¶10(b), comment 5. The Official Staff Commentary further provides that "[a]n authorization is valid if it is readily identifiable as such and the terms of the preauthorized transfer are clear and readily understandable." *Id.* at ¶10(b), comment 6.

55. Defendant has debited Plaintiff's bank account without obtaining a written authorization signed or similarly authenticated from Plaintiff for preauthorized electronic fund

transfers from Plaintiff's account, thereby violating Section 907(a) of the EFTA, 15 U.S.C. § 1693e(a), and Section 205.10(b) of Regulation E, 12 C.F.R. § 205.10(b).

WHEREFORE, Plaintiff, ZACHARY DRUMM, respectfully requests judgment be entered against Defendant, I.Q. DATA INTERNATIONAL, INC., for the following:

56. Actual damages to be determined at trial pursuant to the Electronic Fund Transfer Act.
57. Statutory damages of $1,000.00 pursuant to the Electronic Fund Transfer Act, § 916(a)(2)(A);
58. Costs and reasonable attorneys' fees pursuant to the Electronic Fund Transfer Act, § 916(a)(3); and
59. Any other relief that this Honorable Court deems appropriate.

Respectfully submitted,

May 5, 2025 By: /s/ Shireen Hormozdi

Shireen Hormozdi
Hormozdi Law Firm, PLLC
North Carolina Bar No. 47432
1770 Indian Trail Road
Norcross, GA 30093
Tel: 678–395-7795
Cell: 678-960-9030
Fax: 866-929-2434
shireen@norcrosslawfirm.com

EXHIBIT A

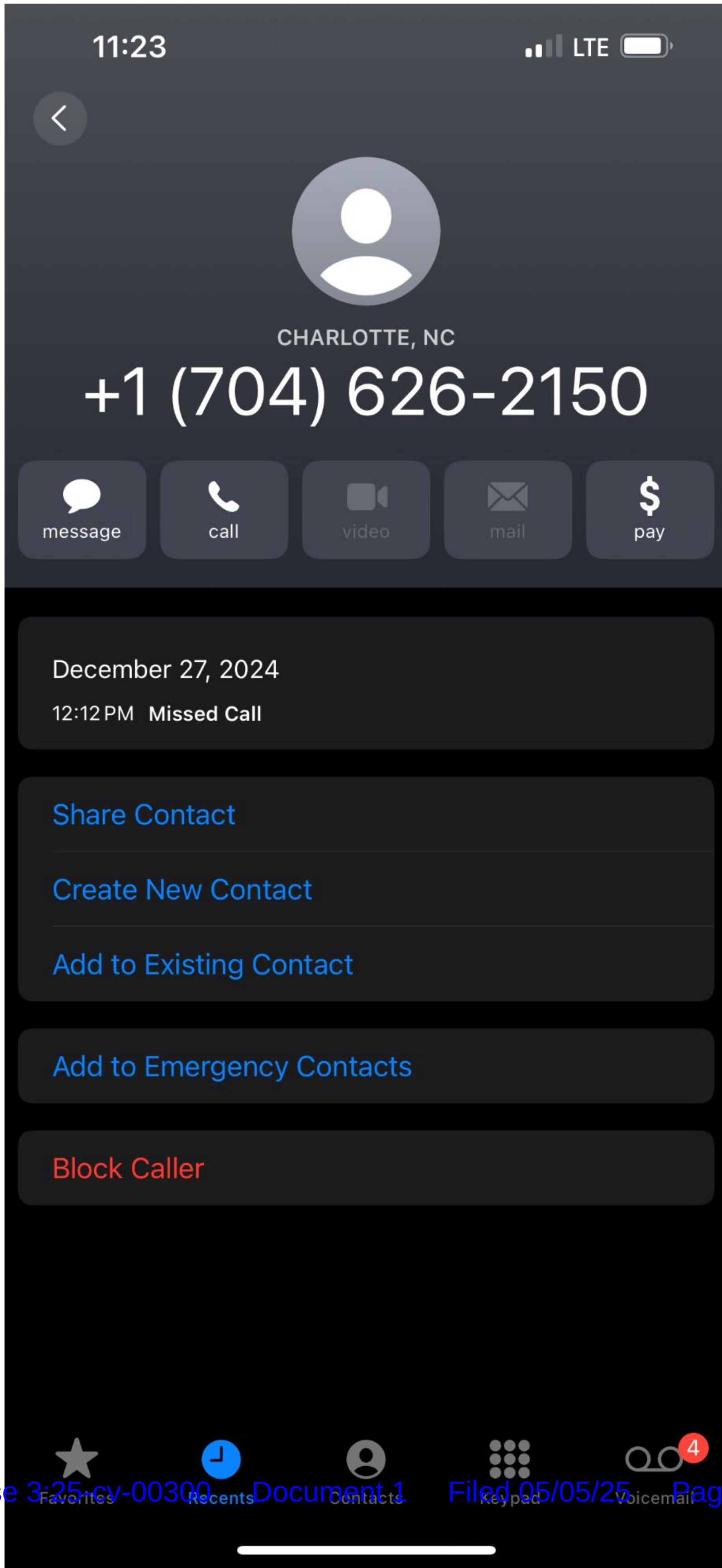
From:	Val Lugo
To:	14256092103@fax.com
Subject:	Our Client, Zachary Drumm
Date:	Wednesday, December 18, 2024 11:37:00 AM

To Whom it May Concern:

Please note that Agruss Law Firm, LLC represents Zachary Drumm (Ph. 704-349-3021) in an FDCPA claim against IQ Data International. Please cease all communications with our client and any third parties associated with this account. Thank you.

Sincerely,
Valeria Lugo | Case Evaluation Specialist
1301 W 22nd St, Suite 711, Oak Brook, IL 60523
Tel: 312-561-4227 | Fax: 312-253-4451

EXHIBIT B


11:23
LTE
CHARLOTTE, NC
+1 (704) 626-2150
message
call
video
mail
pay
December 27, 2024
12:12 PM Missed Call
Share Contact
Create New Contact
Add to Existing Contact
Add to Emergency Contacts
Block Caller
4
Favorites
Recents
Contacts
Keypad
Voicemail

JS 44 (Rev. 03/24)

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

ZACHARY DRUMM

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Shireen Hormozdi / Hormozdi Law Firm, PLLC
1770 Indian Trail Road, Norcross, GA 30093
Ph: 678–395-7795 / Email: shireen@norcrosslawfirm.co

DEFENDANTS

I.Q. DATA INTERNATIONAL, INC.

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
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 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)* *(For Diversity Cases Only)*

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☒ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

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)***:
Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA")

Brief description of cause:
Plaintiff alleges Defendants violated the FDCPA in connection with their attempts to collect a debt from Plaintiff.

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: May 5, 2025

SIGNATURE OF ATTORNEY OF RECORD: /s/ Shireen Hormozdi

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP 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 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.
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 cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

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