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Attorneys for Plaintiffs Dwinell, LLC d/b/a Dwinell Country Ales, and North First Industries, Inc., d/b/a Varietal Beer Co.,

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

JANE ROBERTS, an individual;
STEFAN YAUCHZEE, an individual;
DWINELL, LLC, D/B/A DWINELL
COUNTRY ALES, a Washington LLC; and
NORTH FIRST INDUSTRIES, INC., D/B/A
VARIETAL BEER CO., a Washington
corporation.

Plaintiffs,

vs.

ROCKY GRIPTON, chief of Idaho alcohol
beverage control, RAUL LABRADOR,
Attorney General of Idaho,

Defendants.

Case No. _____

COMPLAINT

1 Plaintiffs make the following allegations based upon information and belief, except for the
2 allegations pertaining to Plaintiffs, which are based upon personal knowledge.
3

4 **INTRODUCTION**

5 This is a civil rights action brought pursuant to 42 U.S.C. § 1983 challenging the
6 constitutionality of Idaho laws, rules and practices that allow small in-state beer producers to self-
7 distribute their products directly to Idaho retailers, bars and restaurants without using a separate
8 wholesaler, but prohibit similarly situated out-of-state beer producers from doing so. The Plaintiffs
9 seek a declaratory judgment that this scheme discriminates against out-of-state beer producers in
10 violation of the dormant Commerce Clause. They seek an injunction prohibiting Idaho state
11 officials from enforcing the ban and requiring them to permit out-of-state beer producers to self-
12 distribute their products to Idaho retailers upon terms equivalent to those given to in-state
13 producers.
14

14 **JURISDICTION**

15 1. This Court has jurisdiction to hear this case pursuant to 28 U.S.C. §§ 1331 and
16 1343(a)(3), which confer original jurisdiction on federal district courts to hear suits alleging the
17 violation of rights and privileges under the United States Constitution.

18 2. The Court has the authority to grant declaratory and other relief pursuant to 28
19 U.S.C. §§ 2201 and 2202.
20

20 **PLAINTIFFS**

21
22 3. Consumer Plaintiff Jane Roberts is a resident of Pocatello, Idaho. She is over the
23 age of twenty-one and is legally permitted to purchase, receive, possess, and drink beer at her
24 residence. She is a beer collector and desires to purchase special beers that are difficult to locate.
25 As a consumer of fine and artisanal beer, she would like to purchase craft beer from out-of-state
26 beer producers in Washington which would be added to her beer collection and have those beers
27 shipped to her residence in Idaho, but Idaho laws, rules, and practices prohibit the out-of-state beer
28 producers from doing so.

6. North First Industries, Inc. operates a brewery in Sunnyside, Washington, under the name of Varietal Beer Co. (hereafter “Varietal Beer”). It is licensed as a brewer by the State of Washington and the federal Alcohol & Tobacco Tax and Trade Bureau. It produces beer and distributes it to retailers, restaurants, and bars within the states of Washington and Oregon. It is seeking to distribute its beer in Idaho.

7. Rocky Gripton is the Chief of the Idaho Alcohol Beverage Control Bureau, a division of the Idaho State Police. His office enforces Idaho alcohol laws, including those related to licensing and distribution of beer, pursuant to the authority given by I.C. § 23-804 and Id. Admin. R. 11.05.01.011.01.

9. The defendants are sued in their official capacity for injunctive relief.

FIRST CAUSE OF ACTION
(Commerce Clause Violation)

10. Plaintiffs repeat and re-allege paragraphs 1-9 as if fully set out herein.

11. Idaho Code § 23-1003(f) authorizes the issuance of a wholesaler license to a brewery located in Idaho producing fewer than 30,000 barrels annually, which allows it to self-distribute its beer to retailers.

12. The wholesaler privileges are given to Idaho brewers at no additional cost.

13. Self-distribution costs a brewery less than distribution through a separate wholesaler and gives the brewer control over the cost to retailers.

14. Self-distribution ensures that an Idaho brewery can distribute its products to retailers state-wide even if it cannot find a wholesaler willing to carry its beer, and without interruptions caused by independent wholesaler decisions about carrying, marketing, and pricing the beer.

15. Some Idaho breweries have obtained this wholesale license and self-distribute their beer to retailers, restaurants, and bars in Idaho.

16. Plaintiff Dwinell is located in the State of Washington and licensed as a brewer by Washington. It produces fewer than 30,000 barrels of beer annually.

17. Dwinell is not eligible for an Idaho wholesale license under I.C. § 23-1003(f) because it does not hold an Idaho brewer's license under § 23-1003(a), a brewer's retail license under § 23-1003(d), or a brewer's pub license under § 23-1003(e).

18. Plaintiff Varietal Beer Co. is located in the State of Washington and licensed as a brewer in Washington. It produces fewer than 30,000 barrels of beer annually.

19. Varietal Beer Co. is not eligible for an Idaho wholesale license under I.C. § 23-1003(f) because it does not hold an Idaho brewer's license under § 23-1003(a), a brewer's retail license under § 23-1003(d), or a brewer's pub license under § 23-1003(e).

20. Dwinell and Varietal Beer Co. are permitted to self-distribute their beer under the laws of the State of Washington.

21. The licenses described in paragraphs 19 and 21 are issued only to brewers physically located in Idaho and approved by an Idaho city or county.

22. No other Idaho license or permit is available to brewers located outside Washington that would allow them to self-distribute their beer to retailers, restaurants and bars in Idaho without using a separate wholesaler.

23. Without a wholesale license, it is unlawful for a brewer to self-distribute its beer to Idaho retailers under I.C. § 23-1055(a), and a person doing so may be charged with a crime under § 23-602. Any criminal conduct on the part of Dwinell and Varietal Beer Co. subjects it to the denial, suspension, revocation or nonrenewal of its Washington license under RCW 66-24-010.

24. Wholesalers charge fees to distribute beer, so the use of a separate wholesaler raises the cost of beer to the purchaser and reduces the profit to the brewer.

25. Dwinell and Varietal Beer Co. have lost profits because of the ban on direct self-distribution to Idaho retailers.

26. Because Idaho brewers can self-distribute their beer to Idaho retailers without incurring the cost of using a separate wholesaler, they have a competitive advantage over similarly situated brewers from other states, including Dwinell and Varietal Beer Co.

27. Beer purchased directly from the brewer has economic and business advantages including avoiding the wholesaler cost markup, eliminating the risk that the wholesaler will carry insufficient stock of the beer, facilitating direct communication with the brewery concerning supply issues, and ensuring that the beer will be properly handled and refrigerated between the brewery and the retailer.

28. Dwinell and Varietal Beer Co. would distribute their beer directly to Idaho retailers, restaurants, and bars if permitted to do so.

29. Dwinell and Varietal Beer Co. would obtain an Idaho license, submit records, remit Idaho taxes on beer distributed to retailers in the state, and comply with other nondiscriminatory state regulations if required to do so.

30. Plaintiffs cannot complete the transactions described in paragraph 28 because Idaho law prohibits them.

31. The prohibition against self-distribution by out-of-state beer producers discriminates against out-of-state entities, protects the economic interests of Idaho wholesalers, and shields Idaho brewers from interstate competition in violation of the Commerce Clause of the United States Constitution.

32. The prohibition against self-distribution by out-of-state beet producers advances no public health or safety purpose that could not be served by nondiscriminatory alternatives, including monitoring sales at Idaho retailers, and therefore is not protected by the Twenty-first Amendment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs seek the following relief:

A. Judgment declaring that the provisions in I.C. §§ 23-1055(a) and 23-1055(d) that prohibit out-of-state brewers producing fewer than 30,000 barrels of beer annually from selling directly to Idaho retailers are unconstitutional under the Commerce Clause.

B. Judgment declaring that the provisions in I.C. §§ 23-1003(d) and 23-1003(e) that limit the issuance of brewer's retail and brewer's pub licenses to breweries located in the state of Idaho are unconstitutional under the Commerce Clause.

C. An injunction prohibiting defendants from enforcing those laws against out-of-state brewers and requiring them to allow out-of-state brewers to self-distribute their products to Idaho retailers, restaurants, and bars upon terms equivalent to those imposed on in-state brewers.

1 D. Plaintiffs do not request that the defendants be enjoined from requiring out-of-state
2 brewers to obtain the same no-cost wholesale license it requires for in-state brewers or comply
3 with the same 30,000 barrel production limit it imposes on in-state brewers.
4

5 E. Plaintiffs do not request that the State of Idaho be enjoined from collecting any taxes
6 due on beer sold directly from a brewer to a retailer.

7 F. An award of attorney's fees, costs, and expenses pursuant to 42 U.S.C. § 1988.

8 G. Such other relief as the Court deems appropriate.

9 DATED this 4th day of August, 2023.

10 RACINE OLSON, PLLP

11
12 By: /s/ Heidi Buck Morrison
13 HEIDI BUCK MORRISON
14

15
16
17 DATED this 4th day of August, 2023.

18 EPSTEIN SEIF PORTER & BEUTEL

19
20
21 By: /s/ Robert D. Epstein
22 ROBERT D. EPSTEIN

23 DATED this 4th day of August, 2023.

24 EPSTEIN SEIF PORTER & BEUTEL

25
26 By: /s/ James A. Tanford
27 JAMES A. TANFORD
28

for the

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

V.

Defendant(s)

Signature of Clerk or Deputy Clerk

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:

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

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
)
)
)
)
)
)
)
)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

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:

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

Jane Roberts, Stefan Yauchzee, Dwinell LLC, North First Industries.

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

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

Heidi Buck Morrison, Racine Olson, PLLP, 201 E. Center St., Pocatello, ID 83201, 208-232-6101

DEFENDANTS

Rocky Gripton, Raul Labrador

County of Residence of First Listed Defendant **Ada**
(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)

- | | 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)

Click here for: [Nature of Suit Code Descriptions.](#)

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 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 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 type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <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 (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <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 <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	CIVIL RIGHTS <input checked="" 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 PRISONER PETITIONS 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 - 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):
42 USC 1983

Brief description of cause:

Constitutional challenge to Idaho Code 23-1055(a) and (d) and Idaho Code 23-1003(d) and (e); request for injunctive relief

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

08/04/2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ Heidi Buck Morrison

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 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.