

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
JUL 25 2005
CLERK'S OFFICE
DETROIT

In Re:

DOW CORNING LITIGATION

Civil Action No. 00-CV-00001

MASTER DOCKET

HONORABLE DENISE PAGE HOOD

CASE MANAGEMENT ORDER NO. 4A
(Class 15 Claim of Province of Manitoba)

This Case Management Order ("CMO") No. 4A is entered pursuant to the Amended Joint Plan of Reorganization, as effective June 1, 2004 (the "Plan"), the Litigation Facility Agreement ("LFA"), and this Court's continuing jurisdiction over claims asserted against the DCC Litigation Facility, Inc. (the "Facility"), which is predicated, *inter alia*, on Article III of the United States Constitution, the Bankruptcy Code, Proofs of Claim that were previously filed, and various provisions of the Plan and LFA including, but not limited to, Sections 8.7.1, 8.7.3, 8.7.7, 8.7.8, 5.13.1, 5.13.3, 5.13.4, and 5.13.5 of the Plan and Sections 5.02(c), 5.02(e), 6.01, and 6.05 of the LFA.

Section 5.13.5 of the Plan states that any Class 15 (Government Payor) Claim not settled or estimated for distribution on or before the Confirmation Date shall be channeled to the Facility for purposes of Claim liquidation.

Section 5.02(c) of the LFA states that claims in Class 15 that were not allowed or estimated before the Confirmation Date shall be resolved by litigation. Section 6.05 of the LFA states that claims in Class 15 that have been channeled to the Facility for resolution shall be dealt with in accordance with the terms of the Case Management Orders.

This CMO No. 4A supplements prior CMOs issued by the Court. CMO No. 4A governs the Class 15 Claim of the Province of Manitoba, which is channeled to the Facility pursuant to the Plan and the LFA. This Order may be supplemented to provide more specific procedures (consistent with the terms of this Order and the Plan) as the contours of the litigation involving Class 15 Claims become better known and more fully developed.

The Court orders as follows:

1. Required Procedure for Commencing Litigation Against the Facility Based on a Class 15 Manitoba Claim

(a) The Claims Administrator of the Settlement Facility – Dow Corning Trust shall send a Notice Letter to the Class 15 Province of Manitoba Claimant. The Notice Letter shall inform said claimant of the Effective Date of the Plan. The Notice Letter will include a copy of this CMO No. 4A and a copy of the civil cover sheet attached hereto as Exhibit A.

(b) Class 15 Province of Manitoba Claimant, should it wish to pursue litigation against the Facility, shall commence an action against the Facility by filing with the Clerk of this Court a complaint and a civil cover sheet within 90 days of the date of the Notice Letter and by paying the applicable filing fee. The caption of the complaint and page 2 of the civil cover sheet will identify that the complaint relates to a Class 15 Claim.

(c) Upon receipt of the complaint, civil cover sheet, and filing fee, the Clerk of this Court shall assign each Class 11, 14, 14A, 15 and 17 Case a docket number. Each case shall identify the action as a Class 11, 14, 14A, 15 or 17 respectively, in order to distinguish the Class 11, 14, 14A, 15 and 17 Cases from the Opt-Out or Non-Settling Tort Cases.

(d) Within 30 days of the date of the filing of the complaint, the Class 11, 14, 14A, 15 or 17 Claimant will serve a copy of the complaint on the Facility at: DCC Litigation Facility, Inc., P.O. Box 2089, Midland, MI, 48541-2089, by regular U.S. mail. The Class 11, 14, 14A, 15 or 17 Claimant will include, along with a copy of the complaint, a request to waive service of the summons. The Facility will waive service of the summons and will return the waiver to the Claimant or his/her counsel within 30 days.

(e) The Facility will file and serve an answer or other responsive pleading to each complaint filed by a Class 11, 14, 14A, 15 or 17 Claimant within 60 days after service of the complaint.

(f) Absent proof that a Class 11, 14, 14A, 15 or 17 Claim had not accrued as of the 90-day deadline following the date of the Notice Letter, the failure by a Class 11, 14, 14A, 15 or 17 Claimant to timely file and serve a complaint in accord with the requirements set forth in Sections 1(b) and (d) above may, absent good cause, forever bar any and all claims and causes of actions by Class 11, 14, 14A, 15 and 17 Claimants.

2. General Sequence of Cases

Pending subsequent orders by the Court concerning the scheduling and management of Class 11, 14, 14A, 15 and 17 Cases, the Class 11, 14, 14A, 15 and 17 Cases shall proceed toward certification for trial according to the following sequence: (1) notice and filing period; (2) claim description, analysis, and review; (3) consolidated motion practice, if applicable and necessary; (4) pre-trial settlement procedures, including ADR; (5) case-specific discovery; and (6) trial.

3. Initial Claim Description and Review

(a) Due to the unique and individualized nature of each Class 11, 14, 14A, 15 and 17 Claim, the standardized Claimant Questionnaire discussed in CMO Nos. 1-2 for the Opt-Out or Non-Settling Tort Claimants will not be used in the Class 11, 14, 14A, 15 and 17 Cases. However, if the Class 15 Province of Manitoba Claimant timely files a complaint against the Facility, it shall complete and serve upon the Facility, within 180 days of the date of the filing of the complaint, a "Claim Summary and Description" concerning its Class 15 Claim. This Claim Summary and Description shall include a written description of the Claim, the legal and/or statutory bases supporting the Claim, the relevant facts, including relevant dates, giving rise to the Claim, the individuals and/or witnesses with knowledge or information concerning the Claim (including name, address, and contact information), and a statement of the claimed damages. If the Class 15 Claim is based on contribution or indemnity, or is otherwise related to any other underlying claim, cause of action, judgment, or settlement, the Claim Summary and Description shall also include similar information concerning the underlying claim, cause of action, judgment, or settlement. The Claim Summary and Description shall also include copies of all potentially relevant documents and records including, but not limited to, bills, invoices, checks, memoranda, correspondence, pleadings, orders, judgments, or settlements.

(b) Failure to serve on the Facility a complete and accurate Claim Summary and Description within 180 days of the date of the Notice Letter may, absent good cause shown, and upon motion by the Facility, constitute grounds for dismissal of a Class 11, 14, 14A, 15 or 17 Case. However, because the Class 15 Province of Manitoba Claim involves sub-summaries for each of approximately 500 patients, the failure to timely file a complete and accurate Claim Summary and Description for any one patient will not invalidate the entire Class 15 Province of Manitoba Claim.

(c) The purpose of the Claim Summary and Description is to enable the Facility to understand, analyze, and evaluate the Class 11, 14, 14A, 15 or 17 Claim. If the information provided by a Class 11, 14, 14A, 15 or 17 Claimant in the Claim Summary and Description is incomplete or otherwise insufficient for this purpose, the Facility will send a letter to the Class 11, 14, 14A, 15 or 17 Claimant identifying the deficiencies in the Claim Summary and Description. If the Class 15 Manitoba Claimant then fails to remedy the deficiencies in the Claim Summary and Description within 60 days from the date of the deficiency letter, the Case may, upon motion by the Facility, be subject to sanctions and/or dismissal.

(d) Upon receipt of the Claim Summary and Descriptions from the Class 11, 14, 14A, 15 and 17 Claimants who have timely commenced an action against the Facility in accord with the procedures outlined in Section 1 above, the Facility shall conduct a preliminary analysis of the Class 11, 14, 14A, 15 and 17 Cases. This analysis shall be completed within 210 days from the date of the Notice Letter described in Section 1(a) above and a summary report regarding the Class 11, 14, 14A, 15 and 17 Cases will be provided by the Facility to the Special Master and others as designated by the Court. The Special Master will then make a recommendation to the Court concerning future scheduling and sequencing of the Class 11, 14, 14A, 15 and 17 Cases.

4. Completed Discovery

Hundreds of depositions of plaintiffs, corporate representatives and experts have been taken in MDL-926 and related state court proceedings. In addition, millions of documents are available for inspection through the MDL Depository in Birmingham, Alabama. The documents are also available on CD-ROM Disks.

These documents and depositions are available to the parties for use in individual trials in accordance with the Rules of Evidence and various orders of the MDL Court. Additional non-case specific discovery will only be conducted if it is recommended by the Special Master and authorized by the Court.

The report of the 706 Panel appointed in the MDL proceeding, together with the record associated with the 706 Panel process (including any depositions), similarly will be available to the parties for use in individual trials in accordance with the Rules of Evidence and various orders of the MDL Court.

5. Case Specific Discovery

Besides the Claim Summary and Description discussed in Section 3 above, and until the Facility completes its preliminary analysis and report concerning the Class 11, 14, 14A, 15 and 17 Cases, and this Court issues a further order regarding the scheduling and sequencing of the Class 11, 14, 14A, 15 and 17 Cases, no other case-specific discovery shall be conducted by the Facility or the Claimants in the Class 11, 14, 14A, 15 and 17 Cases unless leave is obtained from the Special Master to conduct case-specific discovery out of the sequence described in Section 2 above.

Due to Manitoba Personal Health Information Act (PIIA) patient privacy restrictions, it is hereby ordered that Province of Manitoba is authorized to produce patient records relating to its Claim, but that the Facility must treat such records and information confidentially, and such records and information shall be used only for purposes of this litigation, shall be treated as confidential and not divulged to anyone other than the Facility, its counsel, staff and experts on a need-to-know basis or to any mediator also on a need-to-know basis, shall be filed under seal and not divulged in court or a court filing unless advance notice and an opportunity to be heard are first given to the Province of Manitoba.

6. Miscellaneous

The provision contained in Sections 13-16 of CMO No. 1 shall apply to the Class 11, 14, 14A, 15 and 17 Cases as if fully re-written and re-stated here.

ORDERED this the **JUL 25 2005** day of _____ 2005


DENISE PAGE HOOD
United States District Judge

2652.2 10000-060

JS 44 (Rev. 1/04)

CIVIL COVER SHEET County in which this action arose _____

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 THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS Dow Corning Class: _____</p> <p>(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) _____</p>	<p>DEFENDANTS</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) _____</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:33%;">PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business In This State</td> <td style="width:33%;">PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2</td> <td>Incorporated and/ Principal Place of Business In Another State</td> <td>PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and/ Principal Place of Business In Another State	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4										
Citizen of Another State	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and/ Principal Place of Business In Another State	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <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 (Excl. 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	<p>PERSONAL INJURY</p> <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	<p>PERSONAL INJURY</p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personnel Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395f) <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)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS --Third Party 26 USC 7609	<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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<p>REAL PROPERTY</p> <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	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<p>PRISONER PETITIONS</p> <input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security 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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 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
 7 Appeal to District Judge from Magistrate Judgment

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 F.R.C.P. 23

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 _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

- Yes
- No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

- Yes
- No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

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

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

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

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

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

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

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

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

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 dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

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.