

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

DERRICK ROSE, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

FACEBOOK, INC.

Defendant.

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CASE NO.

CA 10 - 232 S

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

Plaintiff, Derrick Rose (hereafter "Rose" or "Plaintiff"), brings this action individually and on behalf of a nationwide class of all other persons similarly situated in the United States (hereafter "Class") against Facebook, Inc. (hereafter "Facebook" or "Defendant") for violations of the Stored Communications Act (hereafter "SCA"), 18 U.S.C. § 2701 *et seq* and breach of the implied covenant of good faith and fair dealing. Plaintiff seeks damages and equitable relief on his own behalf and on behalf of the Class. Plaintiff alleges the following upon personal knowledge as to his own acts, and upon information and belief based on the investigation conducted by Plaintiff's Counsel, as to all other matters:

FACTUAL ALLEGATIONS

1. Facebook is the largest internet social networking service in the United States. Plaintiff and the Class are users of Facebook's service and seek to remedy violations of their privacy rights by Facebook's recently released social network tool, named "Instant

Personalization”, a “Social Plug-in” that allows third party websites to access users’ personal information when users click on third party websites.

2. When Facebook’s Instant Personalization was first introduced, users did not have an informed choice as to whether or not to sign up for the application since Facebook automatically added the Instant Personalization application to all users of Facebook’s service as an opt-in instead of an opt-out feature. Facebook launched Instant Personalization on or about April 18, 2010 as a social networking application that broadcasts users’ personal information through the network unless users affirmatively opt-out. Once Instant Personalization was activated, Facebook accessed its user’s account and posted the user’s profile information on unrelated sites such as Pandora, Yelp and Microsoft’s Docs.

3. Facebook unilaterally changed its users privacy settings for Instant Personalization on its network without users affirmatively changing such default settings. Facebook did not adequately warn users that their information would be posted to unrelated third party websites. Nor did Facebook seek or receive informed consent and permission to do so. Therefore, Facebook, without permission, shared information about users with unrelated third party websites. Users could only avoid such sharing (i.e. after their public posting) by a complex affirmative opt-out procedure.

4. The activation of Instant Personalization and the sharing of information about users with unrelated third party websites violated users reasonable expectations of privacy. Users’ private lists of all the persons they want to share information with may be very different from what they may want to share for purposes of social networking through Facebook. Nevertheless, Facebook, without user authorization, accessed and made public the users’ profile information.

5. After April 23, 2010, Facebook changed its privacy settings for Instant Personalization to require an opt-in setting to activate Instant Personalization, however, Facebook still discloses

users information to third party websites through friends who have not disabled the service.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. §§ 1332 (a) and 1332 (d), because the amount in controversy exceeds \$5,000,000.00 exclusive of interests and costs, and more than two-thirds of the members of the putative Class are citizens of states different from that of Defendant.

7. Venue for this action properly lies in this District pursuant to 28 U.S.C. § 1391 as the named Plaintiff resides in this District and Defendant has engaged in the business in this District.

PARTIES

8. Plaintiff, Derrick Rose, is an individual who resides in East Providence, Rhode Island and is a user of Facebook's social networking service.

9. Defendant, Facebook is a Delaware corporation headquartered at Palo Alto, California and does business throughout the United States.

CLASS ACTION ALLEGATIONS

10. Plaintiff brings this action on behalf of himself and a Class of all other persons similarly situated pursuant to Fed. R. Civ. P. 23 as defined as follows:

All persons who reside in the United States and who were Facebook account users prior to April 18, 2010 and to whose accounts Facebook added its Instant Personalization social networking tool.

11. Excluded from the Class are Defendant; any parent, subsidiary, or affiliate of Defendant or any employees, officers, or directors of Defendant; legal representatives, successors, or assigns of Defendant; and any justice, judge or magistrate judge of the United States who may hear the case, and all persons related to any such judicial officer, as defined in

28 U.S.C. § 455(b).

12. **Numerosity.** The Class is so numerous and dispersed nationwide that joinder of all members is impracticable. Upon information and belief, the Class numbers in the hundreds of thousands if not millions. The exact number of Class members is unknown, but can be determined from Defendant's computerized and other records. Plaintiff reasonably estimates and believes that there are thousands of persons in the Class.

13. **Commonality.** There are numerous and substantial questions of law and fact that are common to all members of the Class, which questions predominate over any question affecting only individual Class members. The members of the Class were and continue to be subjected to the same practices of the Defendant. The common questions and principal common issues raised by Plaintiff's claims include: whether Defendant publicly shared Plaintiff and the Class' private user information with Plaintiff and the Class through its actions as described herein; whether public sharing by defendant of plaintiff and the class' private information was authorized; to what extent Defendant shared information; whether Plaintiff and the Class have been damaged as a result of the Defendant's alleged violations as alleged herein; and if so the appropriate relief for Defendant's violations; whether Defendant has violated the SCA; what are the appropriate measure of damages and remedies against Defendant for any violations of the SCA; whether Defendant breached the covenant of good faith and fair dealing; and, the nature and extent of any other remedies, and injunctive relief, to which Plaintiff and the Class are entitled.

14. **Typicality.** Plaintiff's claims are typical of the claims of all of the other Class members, because his claims are based on the same legal and remedial theories as the claims of the Class and arise from the same course of conduct by Defendant.

15. **Adequacy.** Plaintiff will fairly and adequately protect the interest of all Class members in the prosecution of this Action and in the administration of all matters relating to the claims stated herein. Plaintiff is similarly situated with, and has suffered similar injuries as, the members of the Class they seek to represent. Plaintiff has retained counsel experienced in handling class action lawsuits. Neither Plaintiff nor his counsel has any interest which might cause them not to vigorously pursue this action.

16. **Superiority.** A class action is superior to other available methods for the fair and efficient adjudication of the controversy, since individual joinder of the Class is impracticable. Even if individual Class members were able to afford individual litigation, it would be unduly burdensome to the Courts in which the individual litigation would proceed. Defendant has subjected the entire Class to the same violations as referenced herein. Accordingly, class certification is appropriate under Rule 23 because common issues of law and fact regarding Defendant's uniform violations predominate over individual issues, and class certification is a superior method of resolving these claims. No unusual difficulties are likely to be encountered in the management of this action as a class action. The Defendant has acted and continues to act in a manner that is generally applicable to all members of the Class making final injunctive relief appropriate.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Stored Communications Act, 18 U.S.C. § 2701 *et seq.*)

17. Plaintiff, on behalf of himself and the Class, hereby incorporates by reference the allegations contained in all of the preceding paragraphs of this complaint.

18. In relevant part, 18 U.S.C. § 2701(a)(1)-(2) of the SCA provides that an offense is

committed by anyone who: (1) intentionally accesses without authorization a facility through which electronic communication service is provided; or (2) intentionally exceeds an authorization to access that facility; and thereby obtains...[an] electronic communication while it is in electronic storage in such system.

19. Facebook intentionally exceeded its authorization to access and control confidential and private information relating to Plaintiff and the Class' electronic communications in violation of 18 U.S.C. § 2701 *et seq* of the SCA.

20. In relevant part, 18 U.S.C. § 2702(a) (1)-(2) of the SCA provides that a person or entity shall not: (1)...knowingly divulge to any person or entity the contents of a communication...; and (2)...shall not knowingly divulge to any person or entity the contents of any communication...

21. Section 2707 of the SCA provides for a civil cause of action and allows for damages, declaratory and equitable relief.

22. Facebook knowingly, willfully, unlawfully and intentionally without authorization divulged confidential and private information relating to Plaintiff and the Class' electronic communications in violation of 18 U.S.C. § 2701 *et seq* of the SCA.

23. Plaintiff and the Class seek damages, including, but not limited to punitive damages, declaratory and injunctive relief.

SECOND CAUSE OF ACTION

(Breach of Implied Covenant of Good Faith and Fair Dealing)

24. Plaintiff, on behalf of himself and the Class, hereby incorporates by reference the allegations contained in all of the preceding paragraphs of this complaint.

25. A covenant of good faith and fair dealing, which imposes upon each party to a contract a duty of good faith and fair dealing in its performance, is implied in every contract, including the Agreement that embodies the relationship between Facebook and its users.

26. Good faith and fair dealing is an element imposed by common law or statute as an element of every contract under the laws of every state. Under the covenant of good faith and fair dealing, both parties to a contract impliedly promise not to violate the spirit of the bargain and not to intentionally do anything to injure the other party's right to receive the benefits of the contract.

27. Plaintiff and the Class reasonably rely upon Facebook to act in good faith both with regard to the terms of the Agreement and in the methods and manner in which it carries out those terms. Bad faith can violate the spirit of the Agreement and may be overt or may consist of inaction. Facebook's inaction in failing to adequately notify Plaintiff and the Class of the release of personal information through its Instant Personalization program evidences bad faith and ill motive.

28. The Agreement is a form contract, the terms of which Plaintiff and the Class are deemed to have accepted once Plaintiff and the Class sign up with Facebook. The Agreement purports to give contractual discretion to Facebook relating to Facebook's protection of users' privacy. Facebook is subject to an obligation to exercise that discretion in good faith. The covenant of good faith and fair dealing is breached when a party to a contract uses discretion conferred by the contract to act dishonestly or to act outside of accepted commercial practices. Facebook breached its implied covenant of good faith and fair dealing by exercising bad faith in using its discretionary rights to deliberately, routinely, and systematically make users' personal profile information public by default.

29. Plaintiff and the Class have performed all, or substantially all, of the obligations imposed on them under the Agreement, whereas Facebook has acted in a manner as to evade the spirit of the Agreement, in particular by deliberately, routinely, and systematically without notifying Plaintiff and the Class of the making user profile information public. Such actions represent a fundamental wrong that is clearly beyond the reasonable expectations of the parties. Facebook has assessed excessive, unreasonable, and unnecessary overdraft fees against Plaintiff and the Class, which fees are neither set nor disclosed in accordance with the reasonable expectations of the parties and which evidence a dishonest purpose.

30. Facebooks' ill motive is further evidenced by its encouragement of participation in Instant Personalization users through opt-in privacy settings, while at the same time consciously and deliberately utilizing data mining to automatically and without notice capture private information of its members. Facebook profits from advertising revenues derived from its data mining efforts from Plaintiff and the Class.

31. The obligation imposed by the implied covenant of good faith and fair dealing is an obligation to refrain from opportunistic behavior. Facebook has breached the implied covenant of good faith and fair dealing in the Agreement through its policies and practices as alleged herein. Plaintiff and the Class have sustained damages and seek a determination that the policies and procedures of Facebook are not consonant with Facebook's implied duties of good faith and fair dealing.

REQUEST FOR RELIEF

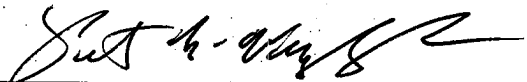
WHEREFORE, Plaintiff, Derrick Rose, on behalf of himself and the Class, request the following relief:

1. An order certifying that this action is properly brought and may be maintained as

a class action under Rule 23 of the Federal Rules of Civil Procedure, that Plaintiff be appointed as Class Representatives, and that Plaintiff's counsel be appointed Class Counsel;

2. An award of damages;
3. Declaratory and injunctive relief;
4. An award of reasonable attorneys' fees and costs;
5. Such other relief at law or equity as this court may deem just and proper.

DATED this 21th day of May, 2010.



Peter N. Wasylyk (RI Bar # 3351)
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401-861-6064 (facsimile)
E-Mail: pnwlaw@aol.com

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Portland, Oregon 97204
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508-224-4356 (facsimile)

CA 10-232

CIVIL COVER SHEET

JS-44 (Rev. 3/08 RI)

I. (a) PLAINTIFFS

DERRICK ROSE, and on behalf of others

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

(c) Attorney's (Firm Name, Address, and Telephone Number)

Law Offices of Peter N. Wasylyk 401-831-7730
1307 Chalkstone Ave., Providence, RI 02908

DEFENDANTS

FACEBOOK, INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE 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)

- (For Diversity Cases Only)
- | | | | | | |
|---|---|--------------------------------|---|--------------------------------|---------------------------------------|
| Citizen of This State | PTF <input checked="" 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 | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" 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)

<p>Admiralty</p> <p><input type="checkbox"/> 340 Marine (Injury to Seamen)</p> <p><input type="checkbox"/> 120 Marine (Other)</p> <p>Admin/Agency Appeals Other</p> <p><input type="checkbox"/> 890 Other Statutory Actions (APA Appeals, IDEA Appeals, Other)</p> <p>Bankruptcy</p> <p><input type="checkbox"/> 422 Appeal 28 U.S.C. § 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 U.S.C. § 157</p> <p>Banks and Banking</p> <p><input type="checkbox"/> 140 Negotiable Instruments</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 875 Customer Challenge to Subpoena (12 U.S.C. § 3410)</p>	<p>Civil Rights</p> <p>Constitutional Law</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 440 Other Civil Rights (Constitutionality of Federal Statutes)</p> <p>Elections and Voting</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 441 Voting</p> <p>Other - Civil Rights</p> <p><input type="checkbox"/> 440 Other Civil Rights</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 446 Americans with Disabilities</p>	<p>Immigration</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus - Alien Detainees</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p> <p>Indian Law</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p>Insurance</p> <p><input type="checkbox"/> 110 Insurance Contract</p> <p>Labor and Occupational Safety</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 730 Labor/Management Reporting and Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p>	<p>Miscellaneous Civil Cases</p> <p>Continued</p> <p><input type="checkbox"/> 650 Airline Regs.</p> <p><input type="checkbox"/> 690 Other (Forfeiture)</p> <p><input type="checkbox"/> 690 Other (Health Care)</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party (26 U.S.C. § 7609)</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination under Equal Access to Justice Act</p>	<p>Patents (Intellectual Property)</p> <p><input type="checkbox"/> 830 Patents</p> <p>Prisoner Petitions</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence (2254)</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence (2255)</p> <p><input type="checkbox"/> 530 General (Habeas)</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus and Other</p> <p><input type="checkbox"/> 550 Civil Rights (1983)</p> <p><input type="checkbox"/> 555 Prison Conditions (1983)</p>	<p>Real and Personal Property</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease and Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 290 All other Real Property</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p>	<p>RICO</p> <p><input type="checkbox"/> 470 RICO</p> <p>Social Security</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p>	<p>Mass Torts</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p>Products Liability</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 365 Personal Injury Product Liability</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>Torts and Personal Injury</p> <p>Professional Malpractice</p> <p><input type="checkbox"/> 362 Personal Injury - Med. Malpractice</p> <p>Motor Vehicle Accidents/Slip and Fall</p> <p><input type="checkbox"/> 350 Motor Vehicles</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p>Other Torts and Personal Injury incl. Asbestos cases</p> <p><input type="checkbox"/> 360 Other Personal Injury (Fed. Tort Claims Act)</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 320 Assault, Libel and Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury</p>	<p>Business and Commercial</p> <p>Anti-trust</p> <p><input type="checkbox"/> 410 Anti-Trust</p> <p>Construction Contracts</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 190 Other Contracts</p> <p>Securities Law & Stockholder Suits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p>Other - Business/Comm.</p> <p><input type="checkbox"/> 196 Franchise</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p>Consumer Credit</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 190 Other Contracts</p>	<p>Copyright & Trademark (Intellectual Property)</p> <p><input type="checkbox"/> 820 Copyright</p> <p><input type="checkbox"/> 840 Trademark</p> <p>Employment and Employee Benefits</p> <p>Employment Discrimination</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 445 Americans with Disabilities-Employment</p> <p><input type="checkbox"/> 440 Other -Civil Rights</p> <p>ERISA</p> <p><input type="checkbox"/> 791 Employment Ret. Inc. Security Act</p> <p>Other Employment Benefits</p> <p><input type="checkbox"/> 190 Other - Contract</p> <p><input type="checkbox"/> 442 Other - Employment</p> <p>Environmental Law</p> <p><input type="checkbox"/> 893 Environmental Matters</p>	<p>Miscellaneous Civil Cases</p> <p><input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment (Collections)</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excluding Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 440 Other Civil Rights (Immigration/Deportation)</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food and Drug</p> <p><input type="checkbox"/> 625 Drug related seizure of property</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 Railroad and Truck</p>
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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):
 Stored Communications Act, 18 U.S.C. Section 2701 et seq.

Brief description of cause:
 Breach of the Covenant of Good Faith and Fair Dealing for Privacy Violations

VII. REQUESTED IN COMPLAINT

Check if this is a Class Action Under F.R.C.P. 23
 DEMAND \$ _____
 JURY DEMAND: Yes No
 (Check YES only if demanded in complaint)

VIII. RELATED CASE(S) IF ANY

JUDGE _____ DOCKET NUMBER _____

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

Date 5/21/10

Signature of Attorney of Record [Handwritten Signature]

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET 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 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. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (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.)
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. NATURE OF SUIT: Place an X in the appropriate box. Make sure to select the Nature of Suit from the category which best describes the primary cause of action found in your complaint. You must select only one nature of suit.
- VIII. RELATED CASES, IF ANY: 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.

FOR OFFICE USE ONLY

Receipt # _____ Amount _____ Applying IFP _____ Judge _____ Mag. Judge _____