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7 *Attorneys for Plaintiff and the*  
8 *Putative Class*

9  
10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12  
13 **C.H., individually, and on behalf**  
14 **of all others similarly situated,**

15 **Plaintiff,**

16 v.

17 **TANDEM DIABETES CARE,**  
18 **INC.,**

19 **Defendant.**

) **Case No.: '20CV0634 JM LL**  
) \_\_\_\_\_

) **COMPLAINT FOR DAMAGES AND**  
) **INJUNCTIVE RELIEF FOR**  
) **VIOLATIONS OF**

) **(1) THE CONFIDENTIALITY OF**  
) **MEDICAL INFORMATION**  
) **ACT, CIVIL CODE §§ 56 ET**  
) **SEQ. (“CMIA”)**

) **(2) NEGLIGENCE**

) **JURY TRIAL DEMANDED**

1 Named Plaintiff C.H. (“Plaintiff”), using pseudonyms used to protect the  
2 privacy of the named Plaintiff, bring this class action on behalf of themselves  
3 individually and all others similarly situated, by and through their attorneys, against  
4 Defendant TANDEM DIABETES CARE, INC. (“TDC” or “Defendant”) and allege  
5 upon information and belief as follows:

## 6 INTRODUCTION

7  
8 1. Under the Confidentiality of Medical Information Act, Civil Code §§  
9 56, *et seq.* (hereinafter referred to as the “CMIA”), Plaintiff C.H., and all other  
10 persons similarly situated, had a right to keep their personal medical information  
11 provided to Defendant TANDEM DIABETES CARE, INC., (“Defendant”)  
12 confidential. The short title of the CMIA states, “The Legislature hereby finds and  
13 declares that persons receiving health care services have a right to expect that the  
14 confidentiality of individual identifiable medical information derived by health  
15 service providers be reasonably preserved. It is the intention of the Legislature in  
16 enacting this act, to provide for the confidentiality of individually identifiable  
17 medical information, while permitting certain reasonable and limited uses of that  
18 information.” The CMIA specifically provides that “a provider of health care,  
19 health care service plan, or contractor shall not disclose medical information  
20 regarding a patient of the provider of health care or an enrollee or subscriber of a  
21 health care service plan without first obtaining an authorization....” Civil Code. §  
22 56.10(a). The CMIA further provides that “Every provider of health care, health  
23 care service plan, pharmaceutical company, or contractor who creates, maintains,  
24 preserves, stores, abandons, destroys, or disposes of medical records shall do so in  
25 a manner that preserves the confidentiality of the information contained therein.  
26 Any provider of health care, health care service plan, pharmaceutical company, or  
27 contractor who negligently creates, maintains, preserves, stores, abandons,  
28

1 destroys, or disposes of medical records shall be subject to the remedies ... provided  
2 under subdivisions (b) ... of Section 56.36.” Civil Code § 56.101(a).

3 2. Civil Code § 56.36(b) provides Plaintiff, and all other persons similarly  
4 situated, with a private right to bring an action against Defendant for violation of  
5 Civil Code § 56.101 by specifically providing that “[i]n addition to any other  
6 remedies available at law, any individual may bring an action against any person or  
7 entity who has negligently released confidential information or records concerning  
8 him or her in violation of this part, for either or both of the following: (1) ... nominal  
9 damages of one thousand dollars (\$1,000). In order to recover under this paragraph,  
10 *it shall not be necessary that the plaintiff suffered or was threatened with actual*  
11 *damages.* (2) The amount of actual damages, if any, sustained by the patient.”  
12 (Emphasis added.)

13 3. This class action is brought on behalf of Plaintiff and a putative class  
14 (“the Class”) defined as:

15 Subclass 1:

16  
17 All citizens of the State of California who received medical care from  
18 TANDEM DIABETES CARE, INC. whose identities, personal data,  
19 and medical information were contained in an email account  
20 discovered on or about January 17, 2020.

21 Subclass 2:

22 All citizens who received medical care from TANDEM DIABETES  
23 CARE, INC. whose identities, personal data, and medical  
24 information were contained in an email account discovered on or  
25 about January 17, 2020.  
26  
27  
28

1           4. As alleged in greater detail below, Defendant discovered on or about  
2 on January 17, 2020, that certain confidential patient data was disseminated to  
3 unauthorized and undisclosed third parties. Plaintiff and other similarly situated  
4 members of the putative class were patients, receiving or received medical care  
5 from Defendant. Plaintiff and other patients relied on Defendant not only to aid  
6 them in procuring life- saving treatments, but to keep their personal medical  
7 information, including their identities, medical record numbers, parent and  
8 guardians' names, and descriptions of the imaging study, and the names of the  
9 referring physician strictly confidential as required by the CMIA and other  
10 applicable laws. As alleged more fully below, Defendant negligently created,  
11 maintained, preserved, and stored Plaintiff' and the Class members' confidential  
12 medical information without Plaintiff' and the Class members' prior written  
13 authorization, which constitutes an unauthorized release of their confidential  
14 medical information in violation of Civil Code § 56.101 of the CMIA. Because  
15 Civil Code § 56.101 allows for the remedies and penalties provided under Civil  
16 Code § 56.36(b), Plaintiff seeks for himself/herself individually and on behalf of all  
17 others similarly situated, nominal damages from Defendant in the amount of one  
18 thousand dollars (\$1,000) for each violation under Civil Code §56.36(b)(1).  
19 Additionally, Plaintiff, individually an on behalf of all others similarly situated,  
20 seek injunctive relief.

21           5. Plaintiff makes these allegations on information and belief, with the  
22 exception of those allegations that pertain to a plaintiff, or to a plaintiff's counsel,  
23 which Plaintiff alleges on personal knowledge.

24           6. While many violations are described below with specificity, this  
25 Complaint alleges violations of the statute cited in its entirety.

26           7. Unless otherwise indicated, the use of any Defendant's name in this  
27 Complaint includes all agents, employees, officers, members, directors, heirs,  
28

1 successors, assigns, principals, trustees, sureties, subrogees, representatives, and  
2 insurers of that defendant named.

3  
4 **JURISDICTION AND VENUE**

5 8. This Court has jurisdiction over this action under 28 U.S.C. § 1332(d)  
6 of the Class Action Fairness Act (“CAFA”) because the amount in controversy  
7 exceeds the sum or value of \$5,000,000, exclusive of interest and costs, with at  
8 least one member of the proposed Class being a citizen of a different state than  
9 Defendant.

10 9. Venue is appropriate in the United States District Court for the Southern  
11 District of California pursuant to 28 U.S.C. § 1391 for the following reasons: (i)  
12 Defendant lists their principal place of business in California, as being located in  
13 San Diego. (ii) the conduct complained of herein occurred within this judicial  
14 district; and (iii) many of the acts and transactions giving rise to this action  
15 occurred in this district because Defendant:

- 16
- 17 a) is authorized to conduct business in this district and has intentionally  
18 availed itself to the laws and markets within this district;
  - 19 b) does substantial business within this district;
  - 20 c) is subject to personal jurisdiction with this district because it has  
21 availed itself of the laws and markets within this district; and
  - 22 d) the harm to Plaintiff C.H. occurred within this district.

23 **PARTIES**

24 10. Plaintiff C.H. is a resident and citizen and resident of the State of  
25 California, and is a person receiving and/or received medical care by Defendant. At  
26 all times relevant to this action, Plaintiff C.H. was a patient of Defendant.  
27  
28

1 11. Defendant TANDEM DIABETES CARE, INC. is a domestic  
2 healthcare provider under the laws of the State of California with a principal place  
3 of business and/or headquarters located at 11075 Roselle Street, San Diego, CA  
4 92121.

5 **FACTUAL ALLEGATIONS**  
6

7 12. Plaintiff incorporate by reference all of the above paragraphs of this  
8 complaint as if fully stated herein.

9 13. Plaintiff C.H. is a person who received and/or are currently receiving  
10 medical care from Defendant.

11 14. Defendant TANDEM DIABETES CARE, INC. is a provider of health  
12 care services including products surrounding the treatment of diabetes. Defendant  
13 is a health care provider under the laws of the State of California with a principal  
14 place of business and/or headquarters located at 11075 Roselle Street, San Diego,  
15 CA 92121.

16 15. On or about January 17, 2020, Defendant determined that a large  
17 number of patients' personal information was accessed by one or more unauthorized  
18 third parties through a "phishing" incident. The personal and private information  
19 of Defendant's patients improperly disclosed. That information included, but is not  
20 limited to, patient names, social security numbers and other private, confidential  
21 patient information.

22 16. As a medical care provider, Defendant was privy to Plaintiff's  
23 confidential medical information. As a custodian of the private health information  
24 of its clients, the Defendant is required by state law to ensure that such information  
25 is not disclosed or disseminated without the clients' consent.

26 17. Among the services that Defendant provides, it is pertinent that  
27 authorized medical professionals have access to their clients' confidential medical  
28

1 information in the system, and to subsequently access the private health information  
2 of individuals receiving health care services from Defendant.

3 18. On or about January 17, 2020, Defendant sent a letter notifying patients  
4 of the data breach. The letter was signed by TDC President and CEO, John Sheridan  
5 stating that their records were comprised when an unknown, unauthorized third party  
6 accessed patients' personal information through a "phishing" incident. Defendant  
7 requires patients to provide detailed information about their health care, as well as  
8 access to their medical records. At all relevant times, all people were patients  
9 receiving health care services from Defendant.

10 19. Defendants' investigation has been unable to determine whether  
11 Plaintiff's and the Class members' personal information may have been accessed by  
12 one or more additional persons and to date has not disclosed the identity of the  
13 individual(s) who may have improperly accessed Plaintiff's and the Class members'  
14 patient information. Further, the information about Plaintiff and the Class that may  
15 have been inappropriately accessed have included Plaintiff's and the Class members'  
16 billing and insurance information, patient referral information, and appointment  
17 records.

## 18 CLASS ACTION ALLEGATIONS

19  
20 20. Plaintiff brings this action on behalf of himself/herself individually and  
21 on behalf of all others similarly situated. The putative class ("the Class") that  
22 Plaintiff seeks to represent is composed of two subclasses:

### 23 Subclass 1:

24 All citizens of the State of California who received medical care  
25 from TANDEM DIABETES CARE, INC. whose identities,  
26 personal data, and medical information were contained in an email  
27 account discovered on or about January 17, 2020.  
28

1           Subclass 2:

2           All citizens who received medical care from TANDEM  
3           DIABETES CARE, INC. whose identities, personal data, and  
4           medical information were contained in an email account  
5           discovered on or about January 17, 2020.

6           21.       Excluded from the Class are any of Defendant’s officers, directors,  
7           employees, affiliates, legal representatives, attorneys, heirs, and assigns, and any  
8           entity in which Defendant has a controlling interest. Judicial officers presiding over  
9           this case, its staff, and immediate family members, are also excluded from the Class.

10          22.       The members of the Class are so numerous that joinder of all members  
11          is impracticable. While the exact number of the Class members is unknown to  
12          Plaintiff at this time, such information can be ascertained through appropriate  
13          discovery, from records maintained by Defendant.

14          23.       There is a well-defined community of interest among the members of  
15          the Class because common questions of law and fact predominate, Plaintiff’s claims  
16          are typical of the members of the class, and Plaintiff can fairly and adequately  
17          represent the interests of the Class.

18          24.       Common questions of law and fact exist as to all members of the Class  
19          and predominate over any questions affecting solely individual members of the  
20          Class. Among the questions of law and fact common to the Class are:

- 21               a) Whether Plaintiff and the Class had their medical information recorded  
22               onto Defendant’s internet portal or platforms on or before January 17,  
23               2020.
- 24               b) Whether Defendant’s publishing Plaintiff’s and the Class’ medical  
25               information on the internet that was being stored on an email account,  
26               accessible to anyone without the need for decryption or entry of a  
27               password, was permissible without the prior written authorization of  
28               Plaintiff and the Class, as required by Civil Code § 56.10 of the CMIA;



1 c) Whether Defendant’s publishing Plaintiff’s and the Class’ medical  
2 information on the Internet that was being stored on an email account,  
3 accessible to anyone without the need for decryption or entry of a  
4 password, was permissible without written authorization from the  
5 Plaintiff and the Class under any exemption under Civil Code §  
6 56.10(c);

7 d) Whether Defendant’s publishing Plaintiff’s and the Class’ medical  
8 information on the Internet that was being stored on an email account,  
9 accessible to anyone without the need for decryption or entry of a  
10 password, constitutes a release of Plaintiff’s and the Class’ confidential,  
11 individual identifiable medical information in violation of Civil Code  
12 §56.101 of the CMIA; and

13 e) Whether Plaintiff and the Class are entitled to nominal and/or statutory  
14 damages.

15 25. Plaintiff’s claims are typical of those of the other Class members  
16 because Plaintiff, like every other Class member, were exposed to virtually identical  
17 conduct and are entitled to nominal damages of one thousand dollar (\$1,000) per  
18 violation pursuant to Civil Code §§ 56.101 56.36(b)(1), and actual damages, if any,  
19 per violation pursuant to Civil Code §§ 56.101, 56.36(b)(2).

20 26. Plaintiff will fairly and adequately protect the interests of the Class.  
21 Moreover, Plaintiff have no interest that is contrary to or in conflict with those of  
22 the Class they seek to represent during the Class Period. In addition, Plaintiff has  
23 retained competent counsel experienced in class action litigation to further ensure  
24 such protection and intend to prosecute this action vigorously.

25 27. The prosecution of separate actions by individual members of the Class  
26 would create a risk of inconsistent or varying adjudications with respect to  
27 individual members of the Class, which would establish incompatible standards of  
28 conduct for the Defendant in the State of California and would lead to repetitious

1 trials of the numerous common questions of fact and law in the State of California.  
2 Plaintiff know of no difficulty that will be encountered in the management of this  
3 litigation that would preclude its maintenance as a class action. As a result, a class  
4 action is superior to other available methods for the fair and efficient adjudication  
5 of this controversy.

6 28. Proper and sufficient notice of this action may be provided to the Class  
7 members through direct mail.

8 29. Moreover, the Class members’ individual damages are insufficient to  
9 justify the cost of litigation, so that in the absence of class treatment, Defendant’s  
10 violations of law inflicting substantial damages in the aggregate would go  
11 unremedied without certification of the Class. Absent certification of this action as  
12 a class action, Plaintiff and the members of the Class will continue to be damaged  
13 by the unauthorized release of their individual identifiable medical information.

14 **CAUSES OF ACTION**

15 **Count I**

16 **Violations of the Confidentiality of Medical Information Act (“CMIA”)**

17 **California Civil Code §§ 56, et seq.**

18  
19 30. Plaintiff incorporates by reference all of the above paragraphs of this  
20 complaint as if fully stated herein.

21 31. Defendant is a “licensed health care professional,” within the meaning  
22 of Civil Code § 56.05(h), and maintained and continues to maintain “medical  
23 information,” within the meaning of Civil Code § 56.05(j), of “patients” of the  
24 Defendant, within the meaning of Civil Code § 56.05(k).

25 32. Plaintiff and the Class are “patients” of Defendant within the meaning  
26 of Civil Code § 56.05(k) and are “endanger[ed]” within the meaning of Civil Code  
27 § 56.05(e) because Plaintiff and the Class fear that disclosure of their medical  
28 information could subject them to harassment or abuse. Furthermore, Plaintiff and

1 the Class, as patients of Defendant, had their individually identifiable “medical  
2 information,” within the meaning of Civil Code § 56.05(j), created, maintained,  
3 preserved, and stored on Defendant’s computer network, and were patients in  
4 March 3, 2020.

5 33. By making Defendant’s email account accessible to third parties,  
6 Defendant negligently created, maintained, preserved, stored, and then exposed  
7 Plaintiff and the Class members’ individual identifiable “medical information,”  
8 within the meaning of Civil Code § 56.05(j), including Plaintiff’s and the Class  
9 members’ names, genders, date of birth, medical record numbers, parent and  
10 guardians’ names, descriptions of the imaging study and the names of the referring  
11 physician, on the Defendants’ internal internet portal maintained by Defendant.

12 34. Defendant allowed Plaintiff’s and the Class members’ medical  
13 information to become publicly available on the Internet by publishing it on an  
14 email account which was accessed by unidentified unauthorized third parties.

15 35. Defendant allowed to be published Plaintiff’s and the Class members’  
16 medical information through one of Defendant’s email accounts, without the prior  
17 written authorization of Plaintiff and the Class, as required by Civil Code § 56.10  
18 of the CMIA.

19 36. Defendant’s failure to obtain the written consent of Plaintiff and the  
20 Class before allowing to be published Plaintiff’s and the Class members’ medical  
21 information that was being stored on an email account, accessible to anyone without  
22 the need for decryption or entry of a password, without the prior written  
23 authorization of Plaintiff and the Class, constitutes a negligent release of Plaintiff’s  
24 and the Class members’ confidential, individual identifiable “medical information”  
25 to an unauthorized person or persons in violation of Civil Code § 56.101 of the  
26 CMIA and the common law.

27 37. Furthermore, Defendant’s publishing Plaintiff’s and the Class  
28 members’ medical information on the Internet that was being stored on an email

1 account, was not permissible without written authorization from the Plaintiff and  
2 the Class under any exemption under Civil Code § 56.10(c).

3 38. As a result of Defendant’s above-described conduct, Plaintiff and the  
4 Class have suffered damages from the unauthorized release of their individual  
5 identifiable “medical information” made unlawful by Civil Code §§ 56.10, 56.101.

6 39. Because Civil Code § 56.101 allows for the remedies and penalties  
7 provided under Civil Code § 56.36(b), Plaintiff, individually and for each member  
8 of the Class, seek nominal damages of one thousand dollars (\$1,000) for each  
9 violation under Civil Code §56.36(b)(1), and actual damages suffered, if any,  
10 pursuant to Civil Code § 56.36(b)(2) and damages provided by the common law.

11 **PRAYER FOR RELIEF**

12  
13 WHEREFORE, Plaintiff respectfully requests the Court grant Plaintiff and the  
14 Class the following relief against Defendant:

- 15
- 16 • That the Court determine that this action may be maintained as a Class Action
  - 17 by certifying this case as a Class Action as to both Subclass 1 and 2;
  - 18 • That the Court appoint Plaintiff to serve as the Class Representative in this
  - 19 matter and appoint Plaintiff’s Counsel as Class Counsel;
  - 20 • That Plaintiff and the Class be awarded prejudgment interest, reasonable
  - 21 attorneys’ fees, and costs of suit pursuant to Code of Civil Procedure § 1021.5
  - 22 and California Civil Code § 1780, and/or any other applicable law;
  - 23 • That Defendant’s wrongful conduct alleged herein be adjudged and decreed
  - 24 to violate the statutes and laws asserted herein;
  - 25 • That Plaintiff and the Class be awarded injunctive relief prohibiting such
  - 26 conduct in the future;
- 27  
28

**For Count I**

**Violations of Cal. Civ. Code §§ 56, et seq. (CMIA)**

- An award of nominal damages in the amount of \$1,000.00 per violation to each of the named Plaintiff individually and to each member of the Class pursuant to Cal. Civ. Code § 56.36(b)(1);
- An award of actual damages according to proof per violation pursuant to Cal. Civ. Code § 56.36(b)(2); and
- Any and all further relief that this Court deems just and proper.

**For Count II**

**Negligence**

- As alleged in this complaint, Defendant undertook care of confidential medical information and personal information belonging to Plaintiff and the putative class, then breached its legal duty by failing to maintain adequate technological safeguards, falling below the standard of care in the technological industry, directly and proximately causing foreseeable risk of patient data loss and harm and identity theft and other economic losses, in amounts to be decided by the jury.

Respectfully submitted,

Dated: April 1, 2020

**SWIGART LAW GROUP, APC**

/s/ Joshua B. Swigart

Joshua B. Swigart

*Attorneys for Plaintiff*

*and the Putative Class*

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
C.H., individually, and on behalf of all others similarly situated,
(b) County of Residence of First Listed Plaintiff Los Angeles
(c) Attorneys (Firm Name, Address, and Telephone Number)
Joshua B. Swigart (SBN 225557), Swigart Law Group, APC
2221 Camino del Rio S., Ste. 308, San Diego, CA 92108
866-219-3343

DEFENDANTS
Tandem Diabetes Care, Inc.,
County of Residence of First Listed Defendant San Diego
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
Unknown '20CV0634 JM LL

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 X 1
Citizen of Another State X 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 X 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)
X 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):
28 U.S.C. § 1332
Brief description of cause:
California medical data breach

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 10,000,000.00
CHECK YES only if demanded in complaint: JURY DEMAND: X Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE DOCKET NUMBER

DATE 04/01/2020 SIGNATURE OF ATTORNEY OF RECORD /s/ Joshua B. Swigart

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. 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 – 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.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Tandem Diabetes Care Hit with Class Action Lawsuit After 'Phishing Incident' Exposed Patient Information](#)

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