

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE**

**NASHVILLE PHARMACY SERVICES,  
LLC, individually and on behalf of all  
others similarly situated,**

**Plaintiff,**

**v.**

**MEDISCA INC. and JOHN DOES 1-10,**

**Defendants.**

**Case No.** \_\_\_\_\_

**CLASS ACTION**

**COMPLAINT**

Plaintiff, Nashville Pharmacy Services, LLC, individually and on behalf of the class defined below, alleges the following against Defendants, Medisca Inc. (“Medisca”) and John Does 1-10:

**INTRODUCTION**

1. This lawsuit challenges Medisca’s practice of sending unsolicited facsimiles.
2. The Telephone Consumer Protection Act of 1991, as amended by the Junk Fax Prevention Act of 2005, codified at 47 U.S.C. § 227 (the “Act”), and the regulations promulgated thereunder, prohibit a person or entity from faxing advertisements, or having an agent fax advertisements, without the recipient’s prior express invitation or permission. The Act provides a private right of action and provides for injunctive relief and statutory damages of \$500 per violation.
3. On information and belief, Medisca has sent facsimile transmissions of unsolicited advertisements to Plaintiff and the class in violation of the Act, including but not limited to the unsolicited fax advertisement sent to Plaintiff on or about March 1, 2018, a true and correct copy

of which is attached hereto as Exhibit A. The fax in Exhibit A describes the commercial availability or quality of Medisca's products, goods, and services. On information and belief, Medisca has sent, and continues to send, unsolicited advertisements via facsimile transmission in violation of the Act, including but not limited to the fax advertisement sent to Plaintiff.

4. Unsolicited faxes damage the recipients. A junk fax recipient loses the use of its fax machine, paper, and ink or toner. An unsolicited fax wastes the recipient's valuable time that would have been spent on something else. A junk fax interrupts the recipient's privacy. Unsolicited faxes prevent fax machines from receiving authorized faxes, prevent their use for authorized outgoing faxes, cause undue wear and tear on the recipients' fax machines, and require additional labor to attempt to discern the source and purpose of the unsolicited message.

5. On behalf of itself and all others similarly situated, Plaintiff brings this case as a class action asserting claims against Medisca under the Act. Plaintiff seeks to certify a class of recipients of the fax sent to Plaintiff and recipients of other fax advertisements sent without prior express invitation or permission, whether sent to Plaintiff or not.

6. This action seeks relief expressly authorized by the Act: (i) injunctive relief enjoining Medisca, its employees, agents, representatives, contractors, affiliates, and all persons and entities acting in concert with them, from sending unsolicited advertisements in violation of the Act; and (ii) an award of statutory damages in the minimum amount of \$500 for each violation of the Act, and to have such damages trebled, as provided by 47 U.S.C. § 227(b)(3).

### **PARTIES**

7. Plaintiff, Nashville Pharmacy Services, LLC, is a Tennessee limited liability company. Plaintiff owns and operates pharmacies in Tennessee, where it maintains telephone facsimile equipment.

8. On information and belief, Defendant Medisca Inc. is a New York corporation with its principal place of business at 4115 Claude Henri Grignon, St Laurent, Quebec, Canada, H4R-3K2, and may be served at 661 Route 3, Unit C, Plattsburgh, New York 12901.

9. John Does 1-10 are persons or entities who were involved in sending faxes to Plaintiff and the class members. John Does 1-10 will be identified through discovery but are not presently known to Plaintiff.

### **JURISDICTION AND VENUE**

10. This Court has jurisdiction under 28 U.S.C. § 1331.

11. This Court has personal jurisdiction over Medisca because Medisca transacts business in this judicial district, has solicited business in this judicial district, has made contacts within this judicial district, and/or has committed tortious acts within this judicial district.

12. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2).

### **FACTS**

13. Medisca transmitted by telephone facsimile machine an unsolicited facsimile to Plaintiff on March 1, 2018. A copy of the facsimile is attached hereto as Exhibit A.

14. Plaintiff's telephone facsimile equipment printed the fax when it was received, causing Plaintiff to lose paper and ink or toner.

15. On information and belief, Medisca receives some or all of the revenues from the sale of the products, goods, and services advertised on the facsimile, and Medisca profits and benefits from the sale of the products, goods, and services.

16. Plaintiff did not give prior express invitation or permission to Medisca to send the facsimile.

17. The facsimile does not display a proper opt-out notice as required by 47 U.S.C. § 227 and 47 C.F.R. § 64.1200.

18. On information and belief, Medisca faxed the same and other unsolicited facsimiles without proper opt-out notices to Plaintiff and at least 40 other recipients or sent the same and other advertisements by fax with the required opt-out notices but without first receiving the recipients' express invitation or permission or without having an established business relationship as defined by the Act and its regulations.

19. There is no reasonable means for Plaintiff (or any other class member) to avoid receiving unauthorized faxes. Fax machines are left on and ready to receive the urgent communications their owners desire to receive.

### **CLASS ACTION ALLEGATIONS**

20. In accordance with Fed. R. Civ. P. 23(b)(1), (b)(2), and (b)(3), Plaintiff brings this class action pursuant to the Act, on behalf of the following class of persons:

All persons who (1) on or after four years prior to the filing of this action, (2) were sent telephone facsimile messages of material advertising the commercial availability or quality of any property, goods, or services by or on behalf of Medisca, and (3) from whom Medisca did not obtain "prior express invitation or permission" to send fax advertisements, or (4) with whom Medisca did not have an established business relationship, or (5) where the fax advertisements did not include an opt-out notice compliant with 47 C.F.R. § 64.1200(a)(4)(iii).

Excluded from the class are Medisca, its employees, agents, and members of the Judiciary. Plaintiff seeks to certify a class that includes but is not limited to the fax advertisement sent to Plaintiff. Plaintiff reserves the right to amend the class definition upon completion of class certification discovery.

21. Numerosity – Fed. R. Civ. P. 23(a)(1). On information and belief, the number of persons and entities of the class is numerous and joinder of all members is impracticable. On information and belief, the number of class members is at least 40.

22. Commonality – Fed. R. Civ. P. 23(a)(2). Common questions of law and fact apply to the claims of all class members. Common material questions of fact and law include, but are not limited to, the following:

- (a) Whether Medisca sent unsolicited fax advertisements;
- (b) Whether Medisca’s faxes sent to other persons, not the Plaintiff, constitute advertisements;
- (c) Whether Medisca’s faxes advertised the commercial availability or quality of property, goods, or services;
- (d) The manner and method Medisca used to compile or obtain the list of fax numbers to which Medisca sent the fax in Exhibit A, other unsolicited faxed advertisements, or other advertisements without proper opt-out notices;
- (e) Whether Medisca faxed advertisements without first obtaining the recipient’s prior invitation or permission;
- (f) Whether Medisca sent fax advertisements knowingly;
- (g) Whether Medisca violated the provisions of 47 U.S.C. § 227 and the regulations promulgated thereunder;
- (h) Whether the faxes contain opt-out notices that comply with the requirements of 47 U.S.C. § 227(b)(1)(C)(iii), and the regulations promulgated thereunder, and the effect of the failure to comply with such requirements;

(i) Whether Medisca should be enjoined from faxing advertisements in the future;

(j) Whether Plaintiff and the other members of the class are entitled to statutory damages; and

(k) Whether the Court should award treble damages.

23. Typicality – Fed. R. Civ. P. 23(a)(3). Plaintiff’s claims are typical of the claims of all class members. Plaintiff received the same or similar fax as the faxes sent by or on behalf of Medisca advertising products, goods, and services of Medisca during the class period. Plaintiff is making the same claims and seeking the same relief for itself and all class members based upon the same federal statute. Medisca has acted in the same or in a similar manner with respect to the Plaintiff and all the class members by sending Plaintiff and each member of the class the same or similar faxes or faxes which did not contain proper opt-out notices or were sent without prior express invitation or permission.

24. Adequate Representation – Fed. R. Civ. P. 23(a)(4). Plaintiff will fairly and adequately represent and protect the interests of the class members. It is interested in this matter, has no conflicts, and has retained experienced class counsel to represent the class.

25. Need for Consistent Standards and Practical Effect of Adjudication – Fed. R. Civ. P. 23(b)(1). Class certification is appropriate because the prosecution of individual actions by class members would: (a) create the risk of inconsistent adjudications that could establish incompatible standards of conduct for Medisca, and/or (b) as a practical matter, adjudication of the Plaintiff’s claims will be dispositive of the interests of class members who are not parties.

26. Common Conduct – Fed. R. Civ. P. 23(b)(2). Class certification is also appropriate because Medisca has acted in the same or similar manner with respect to all class members thereby

making injunctive and declaratory relief appropriate. Plaintiff demands such relief as authorized by 47 U.S.C. § 227.

27. Predominance and Superiority – Fed. R. Civ. P. 23 (b)(3). Common questions of law and fact predominate over any questions affecting only individual members, and a class action is superior to other methods for the fair and efficient adjudication of the controversy because:

(a) Proof of the claims of Plaintiff will also prove the claims of the class without the need for separate or individualized proceedings;

(b) Evidence regarding defenses or any exceptions to liability that Medisca may assert and attempt to prove will come from Medisca's records and will not require individualized or separate inquiries or proceedings;

(c) Medisca has acted and is continuing to act pursuant to common policies or practices in the same or similar manner with respect to all class members;

(d) The amount likely to be recovered by individual class members does not support individual litigation. A class action will permit a large number of relatively small claims involving virtually identical facts and legal issues to be resolved efficiently in one proceeding based upon common proofs; and

(e) This case is inherently manageable as a class action in that:

(i) Medisca identified persons to receive fax transmissions and it is believed that Medisca's and/or Medisca's agents' computers and business records will enable the Plaintiff to readily identify class members and establish liability and damages;

(ii) Liability and damages can be established for Plaintiff and the class with the same common proof;

(iii) Statutory damages are provided for in the statute and are the same for all class members and can be calculated in the same or a similar manner;

(iv) A class action will result in an orderly and expeditious administration of claims and will foster economics of time, effort, and expense;

(v) A class action will contribute to uniformity of decisions concerning Medisca's practices; and

(vi) As a practical matter, the claims of the class are likely to go unaddressed absent class certification.

**CLAIM FOR RELIEF**  
**VIOLATION OF THE JUNK FAX PREVENTION ACT**  
**47 U.S.C. § 227, et seq.**

28. Plaintiff repeats and realleges each and every allegation in the preceding paragraphs of this Complaint as though fully set forth herein.

29. The Act makes it unlawful for any person to “use any telephone facsimile machine, computer or other device to send, to a telephone facsimile machine, an unsolicited advertisement . . . .” 47 U.S.C. § 227(b)(1)(C).

30. The Act defines “unsolicited advertisement” as “any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person’s prior express invitation or permission, in writing or otherwise.” 47 U.S.C. § 227(a)(5).

31. The Act requires that the senders of fax advertisements place an opt-out notice on the facsimile transmissions. The opt-out notice, among other things, must be clear and conspicuous on the first page of the transmission, must state that the recipient is entitled to opt out of receiving future fax advertisements, and must state that the sender must honor a recipient’s opt-out notice



request within 30 days and that the sender's failure to do so is unlawful.

32. Medisca sent a fax advertisement to Plaintiff on or about March 1, 2018, via a facsimile transmission from a telephone facsimile machine, computer, or other device to the telephone line and facsimile machine of Plaintiff. The fax sent to Plaintiff constituted an advertisement under the Act. Medisca failed to comply with the Act's opt-out requirements in connection with the fax. The fax sent to Plaintiff was transmitted without Plaintiff's prior express invitation or permission. Alternatively, Medisca is precluded from asserting any prior express invitation or permission and is precluded from asserting that it had an established business relationship with Plaintiff because of its failure to comply with the Act's opt-out requirements. Medisca thus violated the Act and its regulations by sending the fax advertisement via facsimile transmission to Plaintiff. Plaintiff seeks to certify a class that includes the recipients of the fax and all other faxes sent during the four years prior to the filing of this case through the present.

33. On information and belief, during the period preceding four years of the filing of this Complaint and repeatedly thereafter, Medisca has sent, via facsimile transmissions from telephone facsimile machines, computers, or other devices to the telephone facsimile machines of the class members, other faxes that constitute advertisements under the Act that were transmitted without the class members' prior express invitation or permission. Alternatively, Medisca is precluded from asserting any prior express invitation or permission and is precluded from asserting that it had an established business relationship with the class members because of its failure to comply with the Act's opt-out requirements in connection with such transmissions. Medisca thus violated the Act and the regulations promulgated thereunder. On information and belief, Medisca may be continuing to send unsolicited advertisements via facsimile transmissions in violation of the Act and the regulations promulgated thereunder, and, absent intervention by this Court,

Medisca will continue to do so in the future.

34. The Act provides a private right of action to bring this action on behalf of Plaintiff and the class to redress Medisca's violations of the Act, and provides for statutory damages. 47 U.S.C. § 227(b)(3). The Act also provides that injunctive relief is appropriate. *Id.*

35. The Act is a strict liability statute, so Medisca is liable to Plaintiff and the other class members even if their actions were only negligent.

36. Medisca knew or should have known that (a) Plaintiff and the other class members had not given prior express invitation or permission for Medisca or any other person to fax advertisements about Medisca's products, goods, or services; (b) Plaintiff and the other class members did not have an established business relationship with Medisca; (c) Medisca transmitted fax advertisements; (d) the fax advertisements did not contain proper opt-out notices; and (e) Medisca's transmission of fax advertisements that did not contain proper opt-out notices or that were sent without prior express invitation or permission was unlawful.

37. Medisca's actions caused damages to the Plaintiff and the other class members. Receiving Medisca's junk faxes caused Plaintiff and the other recipients to lose paper and toner and/or ink consumed in the printing of Medisca's faxes. Moreover, Medisca's faxes used the Plaintiff's and the other class members' telephone lines and fax machines. Medisca's faxes cost Plaintiff and the other class members time, as the Plaintiff and the other class members and their employees wasted their time receiving, reviewing, and routing Medisca's unauthorized faxes. That time otherwise would have been spent on the Plaintiff's and the other class members' business activities. Medisca's faxes unlawfully interrupted the Plaintiff's and other class members' privacy interests in being left alone.

WHEREFORE, Plaintiff and the class members pray:

A. That the Court determine that this action may be maintained as a class action under Federal Rule of Civil Procedure 23, certify the class defined herein, appoint Plaintiff as the representative of the class, and appoint Plaintiff's counsel as counsel for the class;

B. That the Court enter judgment in favor of Plaintiff and the class members and against Defendants, jointly and severally, for actual monetary losses sustained or the sum of \$500 for each violation of the Act, whichever is greater, and that the Court award treble damages of \$1,500 if the violations are found to be "willful and knowing";

C. That the Court grant Plaintiff and the class members equitable relief enjoining Medisca and its agents from additional violations of the Act; and

D. That the Court award Plaintiff and the class members pre-judgment interest, costs of this suit, and such further relief as the Court may deem just and proper.

Dated: July 20, 2018.

Respectfully submitted,

/s/ Charles Barrett

Charles Barrett (#20627)  
Benjamin C. Aaron (#34118)  
Neal & Harwell, PLC  
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baaron@nealharwell.com

# 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

NASHVILLE PHARMACY SERVICES, LLC, individually and on behalf of all others similarly situated,

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

(EXCEPT IN U.S. PLAINTIFF CASES)

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

Charles F. Barrett, Neal & Harwell, PLC, 1201 Demonbreun St., Suite 1000, Nashville, TN 37203 (615)244-1713

### DEFENDANTS

MEDISCA, and JOHN DOES 1-10

County of Residence of First Listed Defendant \_\_\_\_\_

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | 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)

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	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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  <b>LABOR</b> <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  <b>IMMIGRATION</b> <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  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <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))	<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 <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" 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	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS		
<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	<input 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	<b>Habeas Corpus:</b> <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 <b>Other:</b> <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	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		

### 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):  
47 U.S.C. § 227

Brief description of cause:  
Violation of the Telephone Consumer Protection Act

### 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 07/20/2018 SIGNATURE OF ATTORNEY OF RECORD s/Charles Barrett

### FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

## 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 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 clerk(s) 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 – 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.




**MARCH SPECIALS**

# MD DISPENSERS

## VERSATILITY REDEFINED


**TO LEARN MORE, VISIT OUR WEBSITE AT [WWW.MEDISCA.COM](http://WWW.MEDISCA.COM)**

CODL		PRODUCT	SIZE	SPECIAL	EXPIRY
1937-04	CH	CLARITHROMYCIN, USP	25 g	<del>\$63.99</del>	06/30/2020
1937-05	CH	CLARITHROMYCIN, USP	100 g	<del>\$139.99</del>	05/31/2021
1937-09	CH	CLARITHROMYCIN, USP	1 Kg	<del>\$775.99</del>	05/31/2021
0506-03	CH	CYCLOPHOSPHAMIDE, USP	5 g	<del>\$44.99</del>	10/31/2018
0506-04	CH	CYCLOPHOSPHAMIDE, USP	25 g	<del>\$184.99</del>	10/31/2018
0506-05	CH	CYCLOPHOSPHAMIDE, USP	100 g	<del>\$559.99</del>	10/31/2018
0218-03	CH	DOXEPIH HYDROCHLORIDE, USP	5 g	<del>\$11.99</del>	04/30/2022
0218-04	CH	DOXEPIH HYDROCHLORIDE, USP	25 g	<del>\$35.99</del>	11/30/2019
0218-05	CH	DOXEPIH HYDROCHLORIDE, USP	100 g	<del>\$104.99</del>	04/30/2022
0218-08	CH	DOXEPIH HYDROCHLORIDE, USP	500 g	<del>\$479.99</del>	04/30/2022
0218-09	CH	DOXEPIH HYDROCHLORIDE, USP	1 Kg	<del>\$775.99</del>	04/30/2022
0454-03	CH	PAPAVERINE HYDROCHLORIDE, USP	5 g	<del>\$7.99</del>	10/31/2021
0454-04	CH	PAPAVERINE HYDROCHLORIDE, USP	25 g	<del>\$20.99</del>	10/31/2021
0454-05	CH	PAPAVERINE HYDROCHLORIDE, USP	100 g	<del>\$71.99</del>	09/30/2022
0454-08	CH	PAPAVERINE HYDROCHLORIDE, USP	500 g	<del>\$324.99</del>	10/31/2021
0454-09	CH	PAPAVERINE HYDROCHLORIDE, USP	1 Kg	<del>\$529.99</del>	09/30/2022
2570-05	CH	TRANILAST	100 g	<del>\$224.99</del>	08/31/2020
2570-08	CH	TRANILAST	500 g	<del>\$819.99</del>	08/31/2020
0780-03	CH	SUCCIMER (DMSA)	5 g	<del>\$20.99</del>	05/31/2020
0780-01	CH	SUCCIMER (DMSA)	10 g	<del>\$39.99</del>	05/31/2020
0780-04	CH	SUCCIMER (DMSA)	25 g	<del>\$87.99</del>	05/31/2020
0780-05	CH	SUCCIMER (DMSA)	100 g	<del>\$279.99</del>	05/31/2020
0780-08	CH	SUCCIMER (DMSA)	500 g	<del>\$1069.99</del>	05/31/2020
0274-06	CH	VANCOMYCIN HYDROCHLORIDE, USP	1 g	<del>\$5.99</del>	08/30/2018 <b>SE</b>
0274-03	CH	VANCOMYCIN HYDROCHLORIDE, USP	5 g	<del>\$19.99</del>	04/30/2018 <b>SE</b>
0274-04	CH	VANCOMYCIN HYDROCHLORIDE, USP	25 g	<del>\$84.99</del>	04/30/2018 <b>SE</b>
0274-05	CH	VANCOMYCIN HYDROCHLORIDE, USP	100 g	<del>\$319.99</del>	08/30/2018 <b>SE</b>
0274-08	CH	VANCOMYCIN HYDROCHLORIDE, USP	500 g	<del>\$889.99</del>	08/30/2018 <b>SE</b>
7189-01	DEV	RECTAL SUPPOSITORY MOLD (6 x 7 mL Cavities)   Hard Anodized Aluminum Mold w/Stainless Steel Knobs, Charcoal	EA	<del>\$314.99</del>	N/A
6779-01	DEV	SUPPOSITORY MOLD (100 x 2 g Cavities)   Aluminum	EA	<del>\$299.99</del>	N/A
9022-01	DEV	SUPPOSITORY MOLD (20 x 2 g Cavities)   Aluminum	EA	<del>\$119.99</del>	N/A
6423-01	EQ	SUPPOSITORY FILLING BACKLIGHT	EA	<del>\$59.99</del>	N/A
9984-01	DEV	VAGINAL SUPPOSITORY APPLICATOR (Ø 0.45")   Plastic, Disposable, White	PK/12	<del>\$3.99</del>	N/A
9346-05	DEV	SUPPOSITORY SHELL (2.4 mL, Oval)   Disposable, White/Transparent Shells, Latex-Free	PK/100	<del>\$9.99</del>	N/A
9346-08	DEV	SUPPOSITORY SHELL (2.4 mL, Oval)   Disposable, White/Transparent Shells, Latex-Free	PK/500	<del>\$30.99</del>	N/A
9348-09	DEV	SUPPOSITORY SHELL (2.4 mL, Oval)   Disposable, White/Transparent Shells, Latex-Free	PK/1000	<del>\$59.99</del>	N/A

**CH** - Chemicals    **DEV** - Devices    **EQ** - Equipment    **SE** - Short Expiry

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