

IN UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
Civil Division

FILED  
CIVIL BUSINESS OFFICE  
CENTRAL DIVISION  
2014 NOV 18 P 1:48 PM  
CLERK SUPERIOR COURT  
SAN DIEGO COUNTY, CA  
NOV 18 14 PM 1:22

DR. JUDY MIKOVITS  
140 Acacia Ave, #5  
Carlsbad CA 92008

Plaintiff,

v.

THE WHITTEMORE PETERSON  
INSTITUTE  
University of Nevada, Reno MS 0552  
1664 N. Virginia St.  
Reno, NV 89557-0552

Defendant.

14 CV 2797 BEN WVG

Civil Action No. [REDACTED]  
Complaint for Violations 31 U.S.C. §  
3730(h) (False Claims Act Retaliation)

FILED  
NOV 24 2014  
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

original

INTRODUCTION

1. Plaintiff Dr. Judy Mikovits, individually, on her own behalf, files this complaint against Defendant the Whittemore Peterson Institute (WPI) to recover damages, penalties, and attorney's fees for violations of the federal False Claims Act anti-retaliation provisions, 31 U.S.C. §§ 3730(h).

2. Mikovits began working for WPI in 2006.

3. WPI is a research institute founded by Harvey and Annette Whittemore to study neuroimmune diseases, in particular Chronic Fatigue Immune Dysfunction Syndrome (CFIDS).

4. In or around the summer of 2011, Dr. Mikovits discovered that one of the researchers at WPI, Vincent Lombardi, had been using federally-funded research materials for use in research for a for-profit entity owned by the Whittemores, VIPDx.

NOV 18 14 PM 1:22

1           5.       Dr. Mikovits informed Lombardi and the Whittemores about the  
2 perceived misappropriation of federal funds.

3           6.       Dr. Mikovits demanded that Lombardi cease the misappropriation of  
4 these resources, and refused to provide these resources to him.

5           7.       Dr. Mikovits also co-authored a paper asserting that product of the  
6 Whittemores' for-profit entity, VIPDx, was based on contaminated research.

7           8.       Shortly after reporting these problems, Mikovits was terminated on  
8 September 29, 2011.

9           9.       Within weeks of her termination, on November 18, Mikovits was arrested  
10 on criminal charges for alleged failure to hand over documents to which WPI claimed  
11 title.

12          10.       Mikovits was held in jail without bail until November 22, 2014 for being a  
13 "fugitive from justice."

14          11.       Despite Mikovits's incarceration, the Whittemores and WPI pressed  
15 forward with civil claims against Mikovits, resulting in an injunction requiring Mikovits  
16 to hand over the documents that precipitated the arrest.

17          12.       As a result of failure to comply with the order because of concerns for the  
18 safety of patient data, Dr. Mikovits lost the civil case on default judgment.

19          13.       In the resulting bankruptcy proceeding, WPI successfully claimed that  
20 Mikovits owed the Institute \$5.5 million.

21          14.       The set of proceedings WPI commenced against Dr. Mikovits were  
22 intended to retaliate against Mikovits because of her role in furthering a potential qui  
23 tam proceeding, and seeking to stop perceived fraud against the government.

24          15.       The proceedings commenced and prosecuted by WPI and the  
25 Whittemores succeeded in blackballing and bankrupting Mikovits.

26

27

## JURISDICTION AND VENUE

NOV 18 14 PM 1:22

1           16.    This Court has subject matter jurisdiction over this action under 28 U.S.C.  
2 § 1331 and 31 U.S.C. § 3732(a).

3           17.    This Court has personal jurisdiction over Defendants pursuant to 31  
4 U.S.C. § 3732(a) because Defendants transact business in this judicial district.

5           18.    Venue is proper in this Court under 28 U.S.C. §1391(c) and 1395(a), and 31  
6 U.S.C. § 3732(a) because Plaintiff is a resident of this district and because Defendants  
7 transact business within this judicial district.

8

9

**PARTIES**

10

11 *The Whittemore Peterson Institute and the Whittemores*

12           19.    Harvey Whittemore and Annette Whittemore are well-known wealthy  
13 socialites in the state of Nevada.

14           20.    Harvey Whittemore is widely considered one of the most influential  
15 citizens of Nevada.

16           21.    Harvey Whittemore's is also a prolific fundraiser for Nevada politicians.

17           22.    In addition to this, Harvey Whittemore is a lawyer who was a lobbyist for  
18 the gaming industry in Nevada, as well as the petrochemical industry.

19           23.    Annette Whittemore is a socialite known for throwing lavish, well-  
20 attended parties.

21           24.    The Whittemore Peterson Institute is an organization founded by the  
22 Whittemores to study a condition known as Chronic Fatigue Immune Dysfunction  
23 Syndrome (CFIDS).

24           25.    CFIDS is poorly understood, but is the term for a set of symptoms  
25 including malaise after exertion; unrefreshing sleep, generalized muscle and joint pain,  
26 sore throat, abnormal headaches, cognitive difficulties, chronic and severe mental and  
27 physical exhaustion, and other symptoms in a previously healthy and active person.

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1           26.    The Whittemores have a daughter named Andrea who suffers from  
2 (CFIDS).

3           27.    Andrea Whittemore is severely impacted by the condition.

4           28.    Harvey Whittemore and Annette Whittemore sought a cure for their  
5 daughter's illness.

6           29.    Mr. and Mrs. Whittemore decided to endow the University of Nevada  
7 with enough funds to open a research laboratory to research treatments and cures for  
8 CFIDS.

9           30.    Together, with another prominent doctor named Peterson, the  
10 Whittemores founded the Whittemore Peterson Institute (WPI).

11          31.    WPI is a non-profit 501(c)(3) organization at the University of Nevada.

12          32.    Annette Whittemore was the president and CEO of WPI.

13          33.    Harvey Whittemore was also heavily involved with the administration of  
14 the organization.

15

16 ***Dr. Judy Mikovits***

17          34.    The Whittemores tapped plaintiff, Dr. Judy Mikovits, to head up the  
18 research of WPI.

19          35.    Dr. Mikovits had more than 20 years' experience at NIH and was the CSO  
20 of a biotech company in Santa Barbara, CA.

21          36.    Dr. Mikovits was well-known and highly regarded as an immunologist  
22 and virologist, developing cancer therapies targeting viral causes of immune deficiency.

23          37.    WPI hired Dr. Mikovits as the research director.

24          38.    Dr. Mikovits was the only principal investigator at the institute.

25          39.    Dr. Mikovits did most of the Institutes's work, including writing and  
26 winning grants to fund the research.

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**FACTUAL ALLEGATIONS**

*Dr. Mikovits publishes research on XMRV*

40. In 2009 Dr. Mikovits and her colleague, Dr. Frank Ruscetti isolated a retrovirus known as XMRV (Xenotropic murine leukemia virus-related virus) from humans for the first time and associated it with CFIDS,

41. Dr. Mikovits’s research was published in the Journal, *Science*.

42. This paper was the subject of many international news articles due to the potential impact for those suffering from CFIDS and related problems.

43. Those suffering from CFIDS and other diseases started to contact WPI looking hoping for more and better information on the disease.

*The Whittemores commercialize an XMRV diagnostic test*

44. After the publication of Dr. Mikovits’s work on XMRV, the Whittemores developed and commercialized a diagnostic test for XMRV.

45. They sold this test from a Whittemore-owned company known as VIPDx (Viral Immune Pathology Diagnostics).

*Dr. Mikovits attract government research money*

46. As Dr. Mikovits’s work progressed in the laboratory, links were anticipated between XMRV and other neuroimmune diseases such as fibromyalgia, chronic Lyme disease, atypical multiple sclerosis and autism spectrum disorder.

47. Under Dr. Mikovits’s direction, WPI grew from a small foundation to an internationally recognized center for the study of neuroimmune diseases.

48. As a result of the intense attention that Dr. Mikovits’s lab was receiving, Dr. Mikovits began to attract federal funds from the National Institutes of Health (NIH) and the United States Department of Defense.

NOV 18 '14 PM 1:22

1 49. The Department of Defense was interested in the implications of the  
2 research for Gulf War Syndrome.

3

4 *Dr. Mikovits learn of contamination of her research*

5 50. In the late summer of 2011, Dr. Mikovits discovered that there were  
6 discrepancies in the previously published research on XMRV.

7 51. Dr. Mikovits had participated in several multi-center studies, including  
8 one to determine the threat to the blood supply.

9 52. No one could detect XMRV, and Dr. Mikovits's colleague Bob Silverman of  
10 the Cleveland Clinic identified contamination in samples from WPI.

11 53. Silverman began to doubt the scientific integrity of Dr. Mikovits's recently  
12 published work.

13 54. Dr. Mikovits learned from Silverman that contaminated samples were sent  
14 by Dr. Mikovits's postdoctoral fellow, Vincent C. Lombardi in late March of 2009.

15 55. This occurred without Dr. Mikovits's knowledge and against strict orders.

16 56. Dr. Mikovits also discovered Lombardi had done little to no work in at  
17 least a year on NIH grants for which he was being paid 50% of his salary.

18 57. The other 50% of his salary was for his work with VIPDx, the for-profit  
19 company selling the XMRV diagnostic test.

20

21 *Lombardi uses grant-funded materials for profit*

22 58. Lombardi took reagents from Dr. Mikovits's lab that were paid for by the  
23 grant.

24 59. Lombardi used grant-funded reagents in his for-profit work at VIPDx.

25 60. Lombardi worked in the VIPDx building several miles away from the WPI  
26 research center, and claimed that he conducted his grant-related work at the VIPDx  
27 building for convenience.

NOV 18 14 PM 1:22

1           61.    Dr. Mikovits asked Lombardi repeatedly for his data, which he refused to  
2 provide.

3           62.    Dr. Mikovits ultimately determined he had made up the data he provided  
4 Dr. Mikovits.

5           63.    No one else at the institute was able to replicate Lombardi's data.

6           64.    In an email on July 27, 2014, Dr. Mikovits alerted Lombardi to theft of Dr.  
7 Mikovits's materials.

8           65.    In that email, Dr. Mikovits accused Lombardi and another employee  
9 named Svetlana of misappropriating materials.

10

11 *Dr. Mikovits confronts Lombardi and the Whittemores about data problems*

12           66.    When Dr. Mikovits approached Lombardi, he became instantly defensive,  
13 citing proprietary information belonging to VIPDx.

14           67.    Dr. Mikovits then went directly to Harvey Whittemore, telling him all  
15 work and diagnostic testing must stop and collaborators must be notified immediately  
16 of the potential problems with the original data.

17           68.    Dr. Mikovits emailed Harvey Whittemore and Annette Whittemore on or  
18 about July 8, 2011 and demanded that Lombardi's access to the research lab be  
19 immediately suspended.

20           69.    Harvey Whittemore took over management of Lombardi and told Dr.  
21 Mikovits not to divulge any information to anyone until he permitted it.

22           70.    Dr. Mikovits refused that order and told her colleague Dr. Ruscetti  
23 immediately.

24           71.    Dr. Mikovits told the Whittemores to stop funding Lombardi or any  
25 VIPDx staff from NIH grants.

26           72.    Dr. Mikovits demanded several times in July and August to see all the  
27 accounting on the annual progress report for the grants.

NOV 18 '14 PM 1:22

1 *Dr. Mikovits is terminated*

2 73. On August 1, 2011, when the data for the last phase of the blood working  
3 group was unblinded, it revealed that the tests being done were not valid.

4 74. Dr. Mikovits told Harvey Whittemore and Annette Whittemore to stop the  
5 testing at VIPDx.

6 75. Annette Whittemore instructed Dr. Mikovits by email to change the data  
7 in order to preserve the project and the thousands of tests done in the past two years.

8 76. Mike Busch, head of the blood working group, came to Reno to vouch for  
9 Dr. Mikovits's integrity and tour the labs.

10 77. Busch wrote a letter to Annette Whittemore saying he was "disturbed by  
11 what he saw in the clinical lab."

12 78. Harvey Whittemore and Annette Whittemore threatened Dr. Mikovits and  
13 her research assistant and student Max Pfof and Frank Ruscetti if Dr. Mikovits co-  
14 authored a paper showing the flaws of the VIPDx diagnostic test for XMRV.

15 79. The paper was published on September 23, 2011 with Pfof and Dr.  
16 Mikovits as co-authors.

17 80. Despite being asked to do so by Annette Whittemore and Harvey  
18 Whittemore, Dr. Mikovits refused to permit Lombardi access to reagents and resources  
19 purchased for the NIH grant.

20 81. Dr. Mikovits was fired on Thursday September 29th, 2011 for "insolence  
21 and insubordination."

22

23 *Dr. Mikovits's lab is locked down*

24 82. Within an hour of Dr. Mikovits's termination, her labs—accessed by key  
25 card—were locked down by the University of Nevada.

26 83. Lombardi texted Pfof and Dr. Mikovits's staff and said there had been a  
27 shake up and no one was to enter the lab.



1 84. Annette and Harvey Whittemore were in Washington, DC.

2 85. Annette Whittemore sent an email to the staff giving them a week off with  
3 pay.

4 86. The lab and Dr. Mikovits's office were cleaned out in that time period.

5 87. Dr. Mikovits left that day with nothing in her hands and all data locked in  
6 the labs and office.

7 88. The keys to Dr. Mikovits's office were locked in her lab.

8 89. Dr. Mikovits had her keycard with her, but could not access it or her office  
9 after 6pm on September 29th, 2011.

10

11 ***Dr. Mikovits is accused of theft***

12 90. On November 2, 2011, Dr. Mikovits was accused of stealing a laptop and  
13 19 laboratory notebooks, which were all Dr. Mikovits's property.

14 91. Dr. Mikovits refused to sign a document sent to her home in late October  
15 telling Dr. Mikovits to return these items to WPI, along with any copies of any data.

16 92. Dr. Mikovits had no idea where they were.

17 93. Dr. Mikovits also assert that they were her own intellectual property and  
18 her personal property, as Dr. Mikovits had purchased all notebooks, flashdrives and  
19 personal computers.

20 94. The laboratory notebooks represented the totality of Dr. Mikovits's work,  
21 including that done prior to her work with WPI.

22

23 ***WPI files suit against Dr. Mikovits***

24 95. On November 4, 2011, WPI filed a lawsuit against Dr. Mikovits.

25 96. In that suit they alleged breach of contract, trade secret misappropriation,  
26 conversion, breach of implied covenant of good faith and fair dealing, and sought  
27 specific performance and replevin against Dr. Mikovits.

1           97.    On November 7, 2011, WPI filed a motion for a temporary restraining  
2 order seeking the return of the computer and all copies of the Dr. Mikovits's lab  
3 notebooks.

4           98.    The judge entered the TRO against Dr. Mikovits.

5           99.    On November 9, 2011, service was made of the complaint and TRO.

6           100.   Dr. Mikovits was not home because she was away on a boating trip.

7           101.   Dr. Mikovits returned to her home on November 13, 2011 to find the  
8 summons and complaint on the porch of Dr. Mikovits's house.

9           102.   On November 14, 2011, Dr. Mikovits contacted and hired an attorney.  
10

11 ***Dr. Mikovits is put in jail without bail***

12           103.   On November 18, 2011, while on Dr. her way to meet with her new  
13 attorney, Dr. Mikovits was arrested at her home at 1:00 PM by California and University  
14 of Nevada campus police.

15           104.   Dr. Mikovits was taken to the Ventura County Jail where she was held  
16 until November 22, 2011.

17           105.   Because Dr. Mikovits was considered a "fugitive from justice" based on  
18 Dr. Mikovits's going to longtime home in California, there was a bail hold placed upon  
19 her.

20           106.   The bail bondsman reported to Dr. Mikovits's attorney that he had never  
21 seen anything like this happen before.

22           107.   Dr. Mikovits's attorneys filed an opposition to the motion for preliminary  
23 injunction asserting that Dr. Mikovits did not have possession or control of any  
24 misappropriated property.

25

26 ***Dr. Mikovits misses a hearing while in jail***

27



1           126. Plaintiff reasserts and incorporates by reference all paragraphs set forth  
2 above as if restated herein.

3           127. As set forth above, and in connection with the foregoing scheme, Dr.  
4 Mikovits reasonably believed defendant WPI submitted, or caused to be submitted,  
5 false claims for payment by the United States in violation of the FCA.

6           128. Dr. Mikovits engaged in activity protected under the FCA by engaging in  
7 lawful acts in the furtherance of a *qui tam* action under the FCA and other efforts to stop  
8 Defendants' violation of the FCA.

9           129. During her employment, Dr. Mikovits reported activity that she  
10 reasonably believed evidenced violations of the rules applicable to the institute's  
11 federally grants.

12           130. Dr. Mikovits also repeatedly urged the Whittemores to cease funding  
13 Vincent Lombardi, who Dr. Mikovits reasonably believed was stealing federally funded  
14 research materials for use at VIPDx, a for-profit entity.

15           131. Mikovits also participated in the publication of a paper that demonstrated  
16 the Whittemores' for-profit arm, VIPDx, was selling diagnostic tests for a virus which  
17 did not exist in humans.

18           132. Dr. Mikovits's protected activity motivated, at least in part, WPI's decision  
19 to terminate her.

20           133. Following Dr. Mikovits's termination, WPI and the Whittemores  
21 continued to take adverse actions against her by pressing criminal charges, resulting in  
22 the arrest and jailing of Dr. Mikovits.

23           134. The Whittemores and WPI further took adverse action against Mikovits  
24 following her termination by filing and prosecuting a civil case against Mikovits, which  
25 directly led to Dr. Mikovits filing for bankruptcy.

26

27

1           135. The Whittemores and WPI further took adverse action against Mikovits by  
2 filing a \$5.5 million claim against Whittemore in bankruptcy proceedings, forcing  
3 Mikovits to liquidate the entirety of her assets.

4           136. To redress the harms he has suffered as a result of the acts and conduct of  
5 WPI in violations of 31 U.S.C. § 3730(h), Dr. Mikovits is entitled to damages including  
6 two times the amount of back pay, interest on back pay, and any other damages  
7 available by law including litigation costs and reasonable attorneys' fees.

8  
9

**PRAYER FOR RELIEF**

10           137. WHEREFORE, the plaintiff Dr. Judy Mikovits prays that judgment be  
11 entered against Defendants for violation of the False Claims Act as follows:

12           138. In favor of the Relator for the maximum amount pursuant to 31 U.S.C. §  
13 3730(h) to include two times the amount of back pay, interest on back pay, reasonable  
14 expenses, attorney's fees, and costs incurred by the Relator;

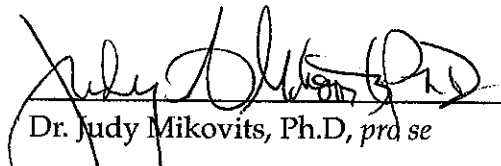
15           139. For all costs of the False Claims Act civil action; and

16           140. In favor of the Relator and the United States for further relief as this court  
17 deems just and equitable.

18  
19

Respectfully Submitted,

20  
21  
22

  
\_\_\_\_\_  
Dr. Judy Mikovits, Ph.D, *pro se*

23  
24  
25  
26  
27

One version of this complaint prepared by  
David Scher  
The Employment Law Group, P.C.  
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**JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Mikovits hereby

demands a jury trial.

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**  
 DR. JUDYA, MIKOVIS

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

**(c) Attorneys (Firm Name, Address, and Telephone Number)**  
 140 ACACIA AVE #5  
 CARLSBAD CA 92008

**DEFENDANTS**  
 WHITTEMORE PETERSON INST

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

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

**Attorneys (If Known)**

**FILED**  
 NOV 24 2014  
 CLERK US DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA  
 BY [REDACTED] DEPUTY

**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		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Incorporated or Principal Place of Business In This State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>

**IV. NATURE OF SUIT (Place an "X" in One Box Only)**

CONTRACTS	TORTS	CONDEMNATION	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	<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 checked="" type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<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)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input checked="" type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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>PRISON/DETENTION</b> <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			

**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

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
31 U.S.C. § 3730

Brief description of cause:  
RETALIATION WHISTLE BLOWER TERMINATION DEFORMATION

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ 750,000    CHECK YES only if demanded in complaint.    JURY DEMAND:  Yes     No

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

DATE November 24, 2014    SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

FOR OFFICE USE ONLY

RECEIPT # 68271    AMOUNT \$400.00    APPLYING IFP (circle)    JUDGE \_\_\_\_\_    MAG. JUDGE \_\_\_\_\_

11.24.14



## 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 six boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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.



Court Name: USDC California Southern  
Division: 3  
Receipt Number: CAS068221  
Cashier ID: nsiefken  
Transaction Date: 11/24/2014  
Payer Name: Judy Mikovits

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CIVIL FILING FEE  
For: Judy Mikovits  
Case/Party: D-CAS-3-14-CV-002796-001  
Amount: \$400.00

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CREDIT CARD  
Amt Tendered: \$400.00

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Total Due: \$400.00  
Total Tendered: \$400.00  
Change Amt: \$0.00

There will be a fee of \$53.00  
charged for any returned check.