

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

PAUL PARSHALL, Individually and On )  
Behalf of All Others Similarly Situated, )

Plaintiff, )

v. )

FIRST BANCTRUST CORPORATION, )  
JACK R. FRANKLIN, JAMES D. MOTLEY, )  
DAVID W. DICK, VICK N. BOWYER, )  
JOHN P. GRAHAM, TERRY T. )  
HUTCHISON, JOSEPH R. SCHROEDER, )  
MATTHEW A. CARR, JOHN W. )  
WELBORN, HANS L. GROTELUESCHEN, )  
FIRST MID-ILLINOIS BANCSHARES, )  
INC., and PROJECT HAWKS MERGER )  
SUB LLC, )

Defendants. )

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

CLASS ACTION

JURY TRIAL DEMANDED

**COMPLAINT FOR VIOLATION OF THE SECURITIES EXCHANGE ACT OF 1934**

Plaintiff, by his undersigned attorneys, for this complaint against defendants, alleges upon personal knowledge with respect to himself, and upon information and belief based upon, *inter alia*, the investigation of counsel as to all other allegations herein, as follows:

**NATURE OF THE ACTION**

1. This action stems from a proposed transaction announced on December 11, 2017 (the “Proposed Transaction”), pursuant to which First BancTrust Corporation (“First Bank” or the “Company”) will be acquired by First Mid-Illinois Bancshares, Inc. (“Parent”) and its wholly-owned subsidiary, Project Hawks Merger Sub LLC (“Merger Sub,” and together with Parent, “First Mid”).

2. On December 11, 2017, First Bank’s Board of Directors (the “Board” or “Individual Defendants”) caused the Company to enter into an agreement and plan of merger with

First Mid, which was amended on January 18, 2018 (as amended, the “Merger Agreement”). Pursuant to the terms of the Merger Agreement, First Bank will merge with and into Merger Sub, with Merger Sub surviving as a wholly-owned subsidiary of Parent, and, subject to certain potential adjustments, First Bank’s stockholders will receive 0.80 shares of Parent common stock and \$5.00 in cash for each share of First Bank they own. Upon closing of the Proposed Transaction, the former stockholders of First Bank are expected to own approximately 11.6% of Parent’s issued and outstanding common stock.

3. On January 22, 2018, defendants filed a Form S-4 Registration Statement (the “Registration Statement”) with the United States Securities and Exchange Commission (the “SEC”) in connection with the Proposed Transaction.

4. The Registration Statement omits material information with respect to the Proposed Transaction, which renders the Registration Statement false and misleading. Accordingly, plaintiff alleges herein that defendants violated Sections 14(a) and 20(a) of the Securities Exchange Act of 1934 (the “1934 Act”) in connection with the Registration Statement.

#### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over the claims asserted herein pursuant to Section 27 of the 1934 Act because the claims asserted herein arise under Sections 14(a) and 20(a) of the 1934 Act and Rule 14a-9.

6. This Court has jurisdiction over defendants because each defendant is either a corporation that conducts business in and maintains operations within this District, or is an individual with sufficient minimum contacts with this District so as to make the exercise of jurisdiction by this Court permissible under traditional notions of fair play and substantial justice.

7. Venue is proper under 28 U.S.C. § 1391(b) because a substantial portion of the

transactions and wrongs complained of herein occurred in this District.

**PARTIES**

8. Plaintiff is, and has been continuously throughout all times relevant hereto, the owner of First Bank common stock.

9. Defendant First Bank is a Delaware corporation and maintains its principal executive offices at 114 West Church Street, Champaign, Illinois 61824. First Bank's common stock is traded on the OTCQX market under the ticker symbol "FIRT." First Bank is a party to the Merger Agreement.

10. Defendant Jack R. Franklin is the Chairman of the Board and Chief Executive Officer ("CEO") of First Bank.

11. Defendant James D. Motley is a director of First Bank.

12. Defendant David W. Dick is a director of First Bank.

13. Defendant Vick N. Bowyer is a director of First Bank.

14. Defendant John P. Graham is a director of First Bank.

15. Defendant Terry T. Hutchison is a director of First Bank.

16. Defendant Joseph R. Schroeder is a director of First Bank.

17. Defendant Matthew A. Carr is a director, and the President and Chief Lending Officer of First Bank.

18. Defendant John W. Welborn is a director of First Bank.

19. Defendant Hans L. Grotelueschen is a director of First Bank.

20. The defendants identified in paragraphs 10 through 19 are collectively referred to herein as the "Individual Defendants."

21. Defendant Parent is a Delaware corporation and a party to the Merger Agreement.

22. Defendant Merger Sub is a Delaware limited liability company, a wholly-owned subsidiary of Parent, and a party to the Merger Agreement.

**CLASS ACTION ALLEGATIONS**

23. Plaintiff brings this action as a class action on behalf of himself and the other public stockholders of First Bank (the “Class”). Excluded from the Class are defendants herein and any person, firm, trust, corporation, or other entity related to or affiliated with any defendant.

24. This action is properly maintainable as a class action.

25. The Class is so numerous that joinder of all members is impracticable. As of December 11, 2017, there were approximately 2,054,883 shares of First Bank common stock outstanding, held by hundreds, if not thousands, of individuals and entities scattered throughout the country.

26. Questions of law and fact are common to the Class, including, among others: (i) whether defendants violated the 1934 Act; and (ii) whether defendants will irreparably harm plaintiff and the other members of the Class if defendants’ conduct complained of herein continues.

27. Plaintiff is committed to prosecuting this action and has retained competent counsel experienced in litigation of this nature. Plaintiff’s claims are typical of the claims of the other members of the Class and plaintiff has the same interests as the other members of the Class. Accordingly, plaintiff is an adequate representative of the Class and will fairly and adequately protect the interests of the Class.

28. The prosecution of separate actions by individual members of the Class would create the risk of inconsistent or varying adjudications that would establish incompatible standards of conduct for defendants, or adjudications that would, as a practical matter, be dispositive of the interests of individual members of the Class who are not parties to the adjudications or would

substantially impair or impede those non-party Class members' ability to protect their interests.

29. Defendants have acted, or refused to act, on grounds generally applicable to the Class as a whole, and are causing injury to the entire Class. Therefore, final injunctive relief on behalf of the Class is appropriate.

### **SUBSTANTIVE ALLEGATIONS**

#### ***Background of the Company and the Proposed Transaction***

30. First Bank is a Delaware corporation and registered bank holding company. First Bank is engaged in the business of banking through its wholly-owned subsidiary, First Bank & Trust, IL, an Illinois chartered bank. First Bank's principal business consists of collecting retail deposits from the general public in the areas surrounding the Company's office locations and investing those deposits, together with funds generated from operations, primarily in one-to-four family residential real estate loans, multi-family real estate loans, commercial real estate loans, construction and land loans, commercial business loans and consumer loans, and in investment securities. First Bank conducts its business through its eight branch offices located in Paris, Marshall, Savoy, Rantoul, Champaign, and Martinsville, Illinois.

31. As of September 30, 2017, First Bank had total assets of approximately \$465.6 million, total gross loans, including loans held for sale, of approximately \$368.2 million, total deposits of approximately \$377.8 million and total stockholders' equity of approximately \$46.6 million.

32. On December 11, 2017, the Individual Defendants caused the Company to enter into the Merger Agreement with First Mid. Pursuant to the terms of the Merger Agreement, if the Proposed Transaction is approved by First Bank's stockholders, First Bank will merge with and into Merger Sub, and Merger Sub will survive the merger as a wholly-owned subsidiary of Parent,

and First Bank's stockholders will receive 0.80 shares of Parent common stock and \$5.00 in cash for each share of First Bank they own.

33. The merger consideration is subject to potential adjustment in four circumstances. First, if the consolidated balance sheet of First Bank prior to the closing of the Proposed Transaction reflects consolidated stockholders' equity less than \$47,100,000, for every \$50,000 shortfall thereof, the cash consideration will be reduced by \$.00339 per share.

34. Second, if the average closing price of a share of First Mid common stock is less than \$30.43 and decreases by more than 17.5% in relation to the Nasdaq Bank Index, First Bank will have the right to terminate the merger agreement unless First Mid elects to increase the exchange ratio pursuant to a formula set forth in the Merger Agreement.

35. Third, if, prior to the effective time, the number of shares of First Mid common stock are changed into a different number of shares or a different class of shares pursuant to any reclassification, recapitalization, split-up, combination, exchange of shares or readjustment, or if a stock dividend thereof shall be declared with a record date within such period, an appropriate and proportionate adjustment shall be made to the exchange ratio so as to provide the holders of First Bank common stock with the same economic effect as contemplated by the merger agreement prior to such event.

36. Fourth, if any of the foregoing adjustments to the exchange ratio would require First Mid to issue more than 19.9% of the issued and outstanding shares of First Mid common stock at the effective time of the merger, First Mid shall have the right to adjust the ratio so that First Mid would not be required to issue more than 19.9% of its outstanding common stock and to increase the cash consideration to reflect, on a per share basis, the aggregate value of the total number of shares of First Mid common stock that otherwise would have been issuable pursuant to the terms

of the Merger Agreement.

37. Upon closing of the Proposed Transaction, and assuming there are no adjustments made to the merger consideration, the former stockholders of First Bank are expected to own approximately 11.6% of Parent's issued and outstanding common stock.

***The Registration Statement Omits Material Information, Rendering It False and Misleading***

38. On January 22, 2018, defendants filed the Registration Statement with the SEC in connection with the Proposed Transaction.

39. As set forth below, the Registration Statement omits material information with respect to the Proposed Transaction, which renders the Registration Statement false and misleading.

40. The Registration Statement omits material information regarding First Bank's financial projections, Parent's financial projections, and the valuation analyses performed by the Company's financial advisor in connection with the Proposed Transaction, D.A. Davidson & Co. ("Davidson").

41. The disclosure of projected financial information is material because it provides stockholders with a basis to project the future financial performance of a company, and allows stockholders to better understand the financial analyses performed by the company's financial advisor in support of its fairness opinion. Moreover, when a banker's endorsement of the fairness of a transaction is touted to shareholders, the valuation methods used to arrive at that opinion as well as the key inputs and range of ultimate values generated by those analyses must also be fairly disclosed.

42. Significantly, the Registration Statement fails to disclose the financial projections of First Bank and Parent, despite the fact that Davidson relied upon these financial projections to

perform its valuation analyses. First Bank's stockholders are entitled to understand First Bank's and Parent's financial prospects in light of the fact that they are being asked to give up their interest in First Bank in exchange for the merger consideration, which will be comprised of a majority of Parent's stock.

43. The Registration Statement also discloses that Parent anticipates that there will be cost synergies as a result of the Proposed Transaction, but the Registration Statement fails to quantify and disclose the amount of the projected cost synergies, and whether and how they were accounted for in Davidson's valuation analyses (other than its Contribution Analysis, which did not give effect to the impact of any synergies as a result of the Proposed Transaction).

44. With respect to Davidson's First Mid Comparable Companies Analysis, the Registration Statement fails to disclose the individual multiples and financial metrics for the companies observed by Davidson in the analysis.

45. Relatedly, the Registration Statement fails to disclose whether Davidson performed a similar analysis with respect to First Bank. If Davidson did, defendants must disclose a fair summary of the analysis. If Davidson did not, defendants must disclose the reason Davidson chose not to perform such an analysis.

46. With respect to Davidson's Premium to Market Analysis and Precedent Transactions Analysis, the Registration Statement fails to disclose the individual multiples and financial metrics for the transactions observed by Davidson in each of the analyses.

47. With respect to Davidson's Net Present Value Analysis for First Bank, the Registration Statement fails to disclose: (i) the projections of First Bank through 2022 that Davidson used to perform its analysis; (ii) the specific numerical inputs and assumptions underlying the discount rate range of 10% to 12% calculated and used by Davidson in its analysis;



and (iii) the perpetuity growth rates implied by Davidson's analysis.

48. With respect to Davidson's Financial Impact Analysis, the Registration Statement fails to disclose: (i) the projections of First Bank through 2022 that Davidson used to perform its analysis; and (ii) the projections of Parent that Davidson used to perform its analysis.

49. The omission of this material information renders the "Opinion of D.A. Davidson & Co." section of the Registration Statement false and misleading.

50. The Registration Statement omits material information relating to potential conflicts of interest of Davidson. Due to the central role played by investment banks in the evaluation, exploration, selection, and implementation of strategic alternatives, stockholders are entitled to the full disclosure of investment banker compensation and all potential conflicts of interest.

51. Specifically, the Registration Statement states that, "[d]uring the two years preceding the date of this letter, we [Davidson] have provided investment banking and other financial services to First Bank for which we would have received customary compensation." The Registration Statement, however, fails to (but must) disclose the nature, timing, and terms of Davidson's prior engagements by First Bank, including the amount of compensation that Davidson has earned in connection with those services.

52. Further, the Registration Statement must disclose whether Davidson has provided any financial or advisory services to First Mid or its affiliates in the past.

53. The omission of this material information renders the Registration Statement false and misleading, including, *inter alia*, the following sections of the Registration Statement: (i) Background of the merger; and (ii) Opinion of D.A. Davidson & Co.

54. The Registration Statement omits material information regarding potential conflicts

of interest of the Company's executive officers and directors.

55. The Registration Statement fails to (but must) comply with Item 402 of SEC Regulation S-K, which requires that defendants disclose First Bank's directors' and named executive officers' compensation and golden parachute arrangements in both tabular and narrative formats.

56. Further, the Registration Statement omits material information regarding post-merger employment of the Company's executive officers. Specifically, in the joint press release announcing the Proposed Transaction, defendants announced that Individual Defendant "Matthew Carr, President of First Bank, will join First Mid in a leadership role after the closing of the acquisition." The Registration Statement, however, fails to disclose the nature, timing, and substance of any discussions or overtures regarding post-merger employment or directorships during the negotiations leading to the execution of the Merger Agreement, including who participated in the discussions. Further, defendants failed to disclose the terms of Individual Defendant Matthew Carr's post-merger employment, including the amount of compensation that he is expected to earn. This information is necessary for stockholders to understand potential conflicts of interest of management and the Board, as that information provides illumination concerning motivations that would prevent fiduciaries from acting solely in the best interests of the Company's stockholders.

57. The omission of this material information renders the Registration Statement false and misleading, including, *inter alia*, the following sections of the Registration Statement: (i) Background of the merger; and (ii) Interests of certain persons in the merger.

58. The above-referenced omitted information, if disclosed, would significantly alter the total mix of information available to First Bank's stockholders.

**COUNT I**

**Claim for Violation of Section 14(a) of the 1934 Act and Rule 14a-9 Promulgated Thereunder Against the Individual Defendants and First Bank**

59. Plaintiff repeats and realleges the preceding allegations as if fully set forth herein.

60. The Individual Defendants disseminated the false and misleading Registration Statement, which contained statements that, in violation of Section 14(a) of the 1934 Act and Rule 14a-9, in light of the circumstances under which they were made, omitted to state material facts necessary to make the statements therein not materially false or misleading. First Bank is liable as the issuer of these statements.

61. The Registration Statement was prepared, reviewed, and/or disseminated by the Individual Defendants. By virtue of their positions within the Company, the Individual Defendants were aware of this information and their duty to disclose this information in the Registration Statement.

62. The Individual Defendants were at least negligent in filing the Registration Statement with these materially false and misleading statements.

63. The omissions and false and misleading statements in the Registration Statement are material in that a reasonable stockholder will consider them important in deciding how to vote on the Proposed Transaction. In addition, a reasonable investor will view a full and accurate disclosure as significantly altering the total mix of information made available in the Registration Statement and in other information reasonably available to stockholders.

64. The Registration Statement is an essential link in causing plaintiff and the Company's stockholders to approve the Proposed Transaction.

65. By reason of the foregoing, defendants violated Section 14(a) of the 1934 Act and Rule 14a-9 promulgated thereunder.

66. Because of the false and misleading statements in the Registration Statement, plaintiff and the Class are threatened with irreparable harm.

## **COUNT II**

### **Claim for Violation of Section 20(a) of the 1934 Act Against the Individual Defendants and First Mid**

67. Plaintiff repeats and realleges the preceding allegations as if fully set forth herein.

68. The Individual Defendants and First Mid acted as controlling persons of First Bank within the meaning of Section 20(a) of the 1934 Act as alleged herein. By virtue of their positions as officers and/or directors of First Bank and participation in and/or awareness of the Company's operations and/or intimate knowledge of the false statements contained in the Registration Statement, they had the power to influence and control and did influence and control, directly or indirectly, the decision making of the Company, including the content and dissemination of the various statements that plaintiff contends are false and misleading.

69. Each of the Individual Defendants and First Mid was provided with or had unlimited access to copies of the Registration Statement alleged by plaintiff to be misleading prior to and/or shortly after these statements were issued and had the ability to prevent the issuance of the statements or cause them to be corrected.

70. In particular, each of the Individual Defendants had direct and supervisory involvement in the day-to-day operations of the Company, and, therefore, is presumed to have had the power to control and influence the particular transactions giving rise to the violations as alleged herein, and exercised the same. The Registration Statement contains the unanimous recommendation of the Individual Defendants to approve the Proposed Transaction. They were thus directly in the making of the Registration Statement.

71. First Mid also had direct supervisory control over the composition of the

Registration Statement and the information disclosed therein, as well as the information that was omitted and/or misrepresented in the Registration Statement.

72. By virtue of the foregoing, the Individual Defendants and First Mid violated Section 20(a) of the 1934 Act.

73. As set forth above, the Individual Defendants and First Mid had the ability to exercise control over and did control a person or persons who have each violated Section 14(a) of the 1934 Act and Rule 14a-9, by their acts and omissions as alleged herein. By virtue of their positions as controlling persons, these defendants are liable pursuant to Section 20(a) of the 1934 Act. As a direct and proximate result of defendants' conduct, plaintiff and the Class are threatened with irreparable harm.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, plaintiff prays for judgment and relief as follows:

A. Preliminarily and permanently enjoining defendants and all persons acting in concert with them from proceeding with, consummating, or closing the Proposed Transaction;

B. In the event defendants consummate the Proposed Transaction, rescinding it and setting it aside or awarding rescissory damages;

C. Directing the Individual Defendants to disseminate a Registration Statement that does not contain any untrue statements of material fact and that states all material facts required in it or necessary to make the statements contained therein not misleading;

D. Declaring that defendants violated Sections 14(a) and/or 20(a) of the 1934 Act, as well as Rule 14a-9 promulgated thereunder;

E. Awarding plaintiff the costs of this action, including reasonable allowance for plaintiff's attorneys' and experts' fees; and

F. Granting such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Plaintiff hereby requests a trial by jury on all issues so triable.

Dated: February 6, 2018

**RIGRODSKY & LONG, P.A.**

By: /s/ Brian D. Long

Brian D. Long (#4347)

Gina M. Serra (#5387)

300 Delaware Avenue, Suite 1220

Wilmington, DE 19801

Telephone: (302) 295-5310

Facsimile: (302) 654-7530

Email: bdl@rl-legal.com

Email: gms@rl-legal.com

*Attorneys for Plaintiff*

**OF COUNSEL:**

**RM LAW, P.C.**

Richard A. Maniskas

1055 Westlakes Drive, Suite 300

Berwyn, PA 19312

Telephone: (484) 324-6800

Facsimile: (484) 631-1305

Email: rm@maniskas.com

**CERTIFICATION OF PLAINTIFF**

I, Paul Parshall (“Plaintiff”), hereby declare as to the claims asserted under the federal securities laws that:

1. Plaintiff has reviewed the complaint and authorizes its filing.
2. Plaintiff did not purchase the security that is the subject of this action at the direction of Plaintiff’s counsel or in order to participate in any private action.
3. Plaintiff is willing to serve as a representative party on behalf of the class, either individually or as part of a group, and I will testify at deposition or trial, if necessary. I understand that this is not a claim form and that I do not need to execute this Certification to share in any recovery as a member of the class.

4. Plaintiff’s purchase and sale transactions in the First BancTrust Corporation (OTC: FIRT) security that is the subject of this action during the class period is/are as follows:

**PURCHASES**

Buy Date	Shares	Price per Share
11/3/17	10	\$21.40

**SALES**

Sell Date	Shares	Price per Share

*Please list additional transactions on separate sheet of paper, if necessary.*

5. Plaintiff has complete authority to bring a suit to recover for investment losses on behalf of purchasers of the subject securities described herein (including Plaintiff, any co-owners, any corporations or other entities, and/or any beneficial owners).

6. During the three years prior to the date of this Certification, Plaintiff has not moved to serve as a representative party for a class in an action filed under the federal securities laws.

7. Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond Plaintiff's *pro rata* share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the class as ordered or approved by the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5<sup>th</sup> day of February, 2018.

  
PAUL PARSHALL



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

Paul Parshall

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Brian D. Long, RIGRODSKY & LONG, P.A. 300 Delaware Avenue, Suite 1220, Wilmington, DE 19801 (302) 295-5310

DEFENDANTS

First BancTrust Corporation, Jack R. Franklin, James D. Motley, David W. Dick, Vick N. Bowyer, John P. Graham, Terry T. Hutchison, Joseph R. Schroeder, Matthew A. Carr, John W. Welborn, et al.

County of Residence of First Listed Defendant Champaign County, Illinois (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, 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - 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): 15 U.S.C. §§ 78n(a), 78t(a), and SEC Rule 14a-9, 17 C.F.R. 240.14a-9. Brief description of cause: Violations of Sections 14(a) and 20(a) of the Securities Exchange Act of 1934

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 02/06/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Brian D. Long

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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## 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: [Securities Class Action Filed Over Proposed Acquisition of First BancTrust by First Mid-Illinois Bancshares](#)

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