UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

CRIMINAL ACTION NO. 4:17CR-00012-JHM

UNITED STATES OF AMERICA **PLAINTIFF**

V.

DOYCE BARNES **DEFENDANT**

ORDER

This matter is before the Court on a motion by Defendant, Doyce Barnes, to exclude certain portions of the testimony of the Government's Expert William Keep's proposed testimony [DN 168]. Defendants, Jason Syn, Richard Anzalone, Faraday Hosseinipour, and Dennis Dvorin, have adopted the motion to exclude [DN 170, DN 172, DN 180, DN 193]. The United States responded [DN 176]. Barnes filed a reply [DN 192]. Fully briefed, this matter is ripe for decision.

I. BACKGROUND

On July 11, 2018, the grand jury returned a Superseding Indictment against Richard Maike, Angela Leonard, Doyce Barnes, Richard Anzalone, Faraday Hosseinipour, Dennis Dvorin, and Jason Syn. The Superseding Indictment alleges that between February 6, 2013, and continuing to September 30, 2014, Maike, Barnes, Anzalone, Hosseinipour, Dvorin, and Syn engaged in a $25 million dollar "pyramid" scheme, operating under the name Infinity 2 Global or I2G, by representing that investors would receive a return on investment based upon an on-line internet gaming site called i2gcasino.com. The Superseding Indictment further alleges that these Defendants falsely represented that I2G was generating massive profits from its on-line internet gambling site and that the public could share in the profits through the purchase of a $5,000 "Emperor" position at I2G. The Superseding Indictment asserts that these claims were false and

that I2G was operating as a fraudulent pyramid scheme in which inflated returns were paid to early promoters in order to induce later victim-investors to invest in the company. (Superseding Indictment [DN 96] at ¶¶ 1-2.) The Superseding Indictment charges Defendants (with the exception of Angela Leonard) with conspiracy to commit mail fraud under 18 U.S.C. § 1349. Richard Maike is also charged with eight counts of money laundering under 18 U.S.C. § 1957 and two counts of tax evasion under 26 U.S.C. § 7201. (Id. at ¶¶ 19-35.) Angela Leonard is charged with three counts of aiding and abetting money laundering under 18 U.S.C. § 1957. (Id. at ¶¶ 22-24.)

II. DISCUSSION

In support of its claims against Defendants, the United States indicates its intent to call as an expert witness, Dr. William Keep, who was asked to examine the business model, marketing materials, and documentation pertaining to I2G. Dr. Keep has a doctoral degree in Marketing with minors in Business Ethics and Psychometrics from Michigan State University. Dr. Keep specializes in retailing, business ethics, multilevel marketing, direct selling, and pyramid schemes. Along with a senior economist with the Federal Trade Commission, Dr. King published the first academic paper offering a methodology for identifying an illegal product-based pyramid scheme. Dr. King is currently the Dean of the School of Business and Vice President for Academic Affairs at the College of New Jersey and has taught for over 25 years. Barnes moves the Court to exclude certain portions of Dr. King's opinions and testimony at trial arguing that his opinions and testimony do not meet the standards of Federal Rules of Evidence 702 and Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993). Defendants Syn, Anzalone, Hosseinipour, and Dvorin join in this motion.

Rule 702 provides that "[a] witness who is qualified as an expert by knowledge, skill,

experience, training, or education may testify in the form of an opinion or otherwise if: (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (b) the testimony is based on sufficient facts or data; (c) the testimony is the product of reliable principles and methods; and (d) the expert has reliably applied the principles and methods to the facts of the case." Under Rule 702, the trial judge acts as a gatekeeper to ensure that expert evidence is both reliable and relevant. Mike's Train House, Inc. v. Lionel, L.L.C., 472 F.3d 398, 407 (6th Cir. 2006) (citing Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137 (1999)).

> Parsing the language of the Rule, it is evident that a proposed expert's opinion is admissible, at the discretion of the trial court, if the opinion satisfies three requirements. First, the witness must be qualified by "knowledge, skill, experience, training, or education." Fed. R. Evid. 702. Second, the testimony must be relevant, meaning that it "will assist the trier of fact to understand the evidence or to determine a fact in issue." Id. Third, the testimony must be reliable. Id.

In re Scrap Metal Antitrust Litig., 527 F.3d 517, 528-29 (6th Cir. 2008). "Rule 702 guides the trial court by providing general standards to assess reliability." Id.

In determining whether testimony is reliable, the Court's focus "must be solely on principles and methodology, not on the conclusions that they generate." Daubert, 509 U.S. at 595. The Supreme Court identified a non-exhaustive list of factors that may help the Court in assessing the reliability of a proposed expert's opinion. These factors include: (1) whether a theory or technique can be or has been tested; (2) whether the theory has been subjected to peer review and publication; (3) whether the technique has a known or potential rate of error; and (4) whether the theory or technique enjoys "general acceptance" within a "relevant scientific community." Id. at 592–94. This gatekeeping role is not limited to expert testimony based on scientific knowledge, but instead extends to "all 'scientific,' 'technical,' or 'other specialized' matters" within the scope

of Rule 702. Kumho Tire Co., 526 U.S. at 147. Whether the Court applies these factors to assess the reliability of an expert's testimony "depend[s] on the nature of the issue, the expert's particular expertise, and the subject of his testimony." Kumho Tire Co., 526 U.S. at 150 (quotation omitted). Any weakness in the underlying factual basis bears on the weight, as opposed to admissibility, of the evidence. In re Scrap Metal Antitrust Litig., 527 F.3d at 530 (citation omitted). See also Brooks v. Caterpillar Global Mining Am., LLC, 2017 WL 5633216, at *1–2 (W.D. Ky. Nov. 22, 2017).

Barnes moves to exclude certain portions of the testimony of Dr. Keep arguing that (1) several of Dr. Keep's opinions are based on incorrect statements concerning the law; (2) Keep's opinions that I2G shares certain characteristics in common with other, unrelated multilevel marketing companies that have either been prosecuted or were sued civilly by private plaintiff's or regulators is irrelevant to whether I2G constitutes a pyramid scheme under Sixth Circuit law and is unreliable; (3) Dr. Keep's opinions concerning the "Emperor" position are speculative and not based on any sort of methodology or specialized knowledge; and (4) several of Keep's opinions are not based on "sufficient facts or data" and are not the "product of reliable principles and methods" applied to the facts of this case.

A. Exclude Incorrect Statements of Law

The Superseding Indictment alleges that Defendants "engaged in a $25 million dollar 'pyramid' scheme, operating under the name Infinity 2 Global or I2G, by representing that investors would receive a return on investment based upon an on-line internet gaming site called i2gcasino.com." (Superseding Indictment ¶ 1.) The Superseding Indictment further charges that Defendants "falsely represented that Infinity 2 Global . . . was generating massive profits from its online internet gambling site and that the public could share in such profits through the purchase

of a $5,000 'Emperor' position in I2G," while in fact I2G's "purported profits were bogus, and I2G was operating as a fraudulent pyramid scheme in which inflated returns were paid to early promoters in order to induce later victim-investors to invest in the company." (Id. at ¶ 2.) The Superseding Indictment asserts that I2G also offered non-Emperor plans where members purchased Earning Ranks. A portion of the new member fee, $19.95, was for access to I2G's "product," the I2G Touch. According to the Superseding Indictment, "[s]elling the I2G product alone generated no commissions for an I2G member. Instead, new members could earn commissions through various recruitment bonuses, leadership pools, and through I2G's Binary Income compensation scheme through which [a member] generated commission payments by recruiting new members to buy into the company who then become part of the recruiter's 'downline.'" (Id. at ¶ 11.)

In examining the company, Dr. Keep in his expert report explains that I2G is comprised of essentially two linked multilevel marketing (MLM) business models with common characteristics of "(1) rewards based on endless chain recruitment and (2) misrepresentation of the nature of the opportunity and the possibility of earning rewards." (DN 168-2.) Dr. Keep opines that both business models—I2G Emperor Position and I2G non-Emperor Positions—are illegal MLMs and discusses the characteristics of both models (Id.)

Barnes concedes that there is an appropriate role for expert testimony in this case to aid the jury in determining whether the particular plan meets the definition of a pyramid scheme as defined under United States v. Gold Unlimited, Inc., 177 F.3d 472, 478 (6th Cir. 1999). However, Barnes argues that Dr. Keep's proposed opinions do not shed any light on whether I2G meets this definition. According to Barnes, under Gold Unlimited, a pyramid scheme will be found only where there is a reward paid for recruitment that is *unrelated* to the sale of the product to *ultimate*

users. Barnes seeks to exclude Dr. Keep's opinion that one of the characteristics of I2G, which is consistent with a business organization based upon endless chain recruitment, is that I2G commissions and bonuses were derived primarily from the ongoing recruitment of new participants. (DN 168-1 at 6.) Barnes maintains that payments to I2G were *related* to the I2G Touch product and, therefore, cannot be legally characterized as a pyramid scheme as defined under Gold Unlimited.

Additionally, Barnes contends that Dr. Keep's testimony that I2G is a pyramid scheme because "[f]ew if any distributor rewards derive[d] from rewards from products and/or services purchased by customers outside of the distributors network" and because "[t]he incentive structure fail[ed] to distinguish between distributor purchases for their own consumption and purchases made by non-distributor customers" should likewise be excluded. (DN 168-1 at 8.) Citing Gold Unlimited and a 2004 Federal Trade Commission Advisory Opinion, Barnes maintains Dr. Keep's opinion that internal sales of the product to individuals who are also distributors for I2G do not count as sales to ultimate users or are somehow indicative of a pyramid scheme are in conflict with the relevant legal precedent.

First, addressing the latter issue first and in contrast to Barnes' argument, the 2004 FTC Staff Advisory Opinion regarding pyramid scheme analysis is consistent with Dr. Keep's testimony and relevant case law. The Opinion states:

> Much has been made of the personal, or internal, consumption issue in recent years. In fact, the amount of internal consumption in any multi-level compensation business does not determine whether or not the FTC will consider a plan a pyramid scheme. The critical question for the FTC is whether the revenues that primarily support the commissions paid to all participants are generated from purchases of goods and services that are not simply incidental to the purchase of the right to participate in a money-making venture.

(James A. Kohm, Federal Trade Comm'n, Staff Advisory Opinion—Pyramid Scheme Analysis

(Jan. 14, 2014, https://www.ftc.gov/system/files/documents/advisory_opinions/staff-advisory-opinion-pyramid-scheme-analysis/040114bizopp-pyramid.pdf)). Thus, the issue in the present case is whether the revenues that supported I2G's commissions were generated from the purchase of goods and services that were not simply an incidental part of the right to participate in revenue sharing in I2G's online casino venture. Here, Dr. Keep opines that the structure and incentives of the non-Emperor position reveals no apparent retail customers or users for the I2G Touch beyond the distribution network; and the distributors' purchase of the "product" is primarily for the purpose of qualifying them for recruitment rewards and incentives which is characteristic of pyramid schemes.

Second, the Court rejects Barnes' argument that Dr. Keep's expert testimony is based on incorrect statements of law. Barnes' contention that because payments to I2G were *related* to the I2G Touch product, the company cannot be legally characterized as a pyramid scheme as defined under Gold Unlimited is merely an argument to be advanced by Barnes and his expert at trial. Dr. Keep's expert testimony does not deny the existence of the I2G Touch, but characterizes the "sale" of that product as incidental to the purchase of the right to participate in the MLM. Essentially, it appears that Dr. Keep will opine that the participants did not earn profit from the sale of the I2G Touch, but instead earned profit from recruitment of new members.

Additionally, the Court would note that the definition of "pyramid scheme" cited by Barnes as having been adopted by the Sixth Circuit is actually the definition of "pyramid scheme" originally given by the district court in its jury instruction. The Court instructed the jury that

> [a] pyramid scheme is any plan, program, device, scheme, or other process characterized by the payment by participants of money to the company in return for which they receive the right to sell a product and the right to receive in return for recruiting other participants into the program rewards which are unrelated to the sale of the product to ultimate users.

Id. In reviewing the charge for plain error, the Sixth Circuit held that "it appears that the district court properly defined 'pyramid scheme.'" Id. at 481. A closer review of the Sixth Circuit's opinion in Gold Unlimited reveals a much broader discussion of illegal multilevel marketing programs that is relevant in this case. In fact, other district courts have utilized that discussion in Gold Unlimited as a basis for their jury instructions, as opposed to limiting the definition of pyramid scheme utilized by the district court in Gold Unlimited. For example, in United States v. Benson, 79 F. App'x 813, 823 (6th Cir. 2003), the Sixth Circuit approved an instruction based on this language from Gold Unlimited:

> MLM . . . programs survive by making money off product sales, not new recruits. In contrast, "pyramid schemes" reward participants for inducing other people to join the program; over time, the hierarchy of participants resembles a pyramid as newer, larger layers of participants join the established structure. Ponzi schemes operate strictly by paying earlier investors with money tendered by later investors. No clear line separates illegal pyramid schemes from legitimate multilevel marketing programs; to differentiate the two, regulators evaluate the marketing strategy (e.g., emphasis on recruitment versus sales) and the percent of product sold compared with the percent of commissions granted.

Id. (quoting Gold Unlimited, 177 F.3d at 475).

The law is clear that an illegal pyramid scheme or ponzi scheme constitutes a scheme to defraud. United States v. Gold Unlimited, Inc., 177 F.3d 472, 484 (6th Cir. 1999). The question presented in this case is whether Defendants engaged in a pyramid or ponzi scheme or in a legitimate activity. Expert opinion regarding the characteristics of I2G's business models—I2G Emperor Position and I2G non-Emperor Positions—and whether these models possess characteristics of legitimate MLMs or illegal pyramid or ponzi schemes are proper testimony under FRE 702 and Daubert and will aid the jury in determining whether Defendants engaged in a scheme to defraud.

B. Exclude Testimony Regarding other MLMs and Characteristics of Pyramid Schemes

Barnes argues that Dr. Keep's reliance on so-called "characteristics" of other MLM companies accused of being pyramid schemes renders his entire analysis unreliable under Rule 702 and irrelevant under Rule 403 because (1) the characteristics of other MLM companies that have been historically involved in civil actions or regulatory cases have no relevance to the question of whether I2G meets the definition of a pyramid scheme in Gold Unlimited; (2) the comparison of I2G to other MLM companies sued as pyramid schemes fails to meet Rule 702's requirement that an expert's testimony consists of "scientific, technical, or other specialized knowledge;" (3) the comparison of I2G to other MLMs is not based on "reliable principles and methods" as required by Rule 702(c) and is a methodological flaw.

In response, the United States represents that it does not intend to elicit testimony from Dr. Keep that specific companies were successfully prosecuted as illegal pyramid schemes. Instead, the United States argues that Dr. Keep should be permitted to testify generally about characteristics which have been found to constitute a pyramid scheme.

In light of the representation that Dr. Keep will not testify regarding specific companies that were successfully prosecuted as illegal pyramid schemes, the Court agrees with the United States. As an expert in the field of multi-level marketing companies, Dr. Keep may testify on the basis of his own experience and knowledge of the industry. Dr. Keep may appropriately testify regarding background information about the industry and explain the industry practice in direct marketing sales, including factors used by regulators and other industry experts to distinguish a multi-level marketing structure from an illegal pyramid or ponzi scheme. Courts have consistently permitted such expert testimony. See, e.g., United States v. Gold Unlimited, Inc., 177 F.3d 472,

484 (6th Cir. 1999); United States v. Cantwell, 41 F. App'x 263, 272 (10th Cir. 2002) (expert witness testimony established that the "linear pay program" had critical elements of a pyramid scheme, in that participants' profits depended on recruiting new participants and the program faced a serious saturation problem). See also First Tenn. Bank Nat. Ass'n v. Barreto, 268 F.3d 319, 335 (6th Cir. 2001) (affirming the admissibility of an expert's opinion regarding whether the plaintiff followed prudent banking practices where the expert's testimony was based on his "own practical experiences throughout forty years in the banking industry . . . ."); Deere & Co. v. FIMCO Inc., 239 F. Supp. 3d 964, 983 (W.D. Ky. 2017) (allowing experts in the agricultural equipment industry to give opinions based upon their existing knowledge and experience in the agricultural industry); Sierra Enterprises Inc. v. SWO & ISM, LLC, 264 F. Supp. 3d 826, 836–37 (W.D. Ky. 2017) ("Opinions formed through 'practical experiences . . . in [a particular] industry . . . do not lend themselves to scholarly review or to traditional scientific evaluation.' But such evidence remains reliable under the guidelines established by Daubert, and the Sixth Circuit has unequivocally rejected arguments otherwise.").

C. Exclude Opinions concerning the Emperor Package

Barnes moves to exclude Dr. Keep's opinion regarding the Emperor Package set forth in paragraphs 6-12 of his report characterizing those opinions as speculative and arguing that those opinions ignore critical facts. Specifically, Barnes objects to Dr. Keep's statements that online casinos typically spend $500 per newly acquired customer and to join the online casino promoted by I2G the customer "would forego the $500 benefit commonly available at existing online casinos." (DN 168-2, ¶¶ 7-9.) Barnes argues that Dr. Keep does nothing to independently verify this factual information and then leaps to a second faulty assumption—that no customer would want to join the online casino promoted by I2G because that customer would forgo the $500 benefit

commonly available at existing online casinos. According to Barnes, because this purely speculative premise is the foundation of Dr. Keep's criticisms of the Emperor position, Dr. Keep's opinions should be excluded.

To the extent that Barnes criticizes the facts relied upon by Dr. Keep or his alleged omissions of critical facts, the Court finds that Dr. Keep's utilization of the factual information in question or his "omissions" of certain facts are "best addressed through vigorous cross-examination." Davis ex rel. Estate of Price v. Roane County, Tenn., 2015 WL 6738174, *7 ("as to Defendants' claims that she ignored the facts of this case, the Court feels that such factual matters, the weight or lack of weight she assigned to them and the effect, if any, on her opinions are best addressed through vigorous cross-examination"). "Weakness in the factual basis of an expert witness' opinion simply bears on the weight of the evidence, not its admissibility." Dow Corning Corp. v. Weather Shield Mfg., Inc., 2011 WL 2490962, at *9–12 (E.D. Mich. June 22, 2011) (citing United States v. L.E. Cooke Co., 991 F.2d 336, 342 (6th Cir. 1993)).

Additionally, Barnes complains that Dr. Keep's reliance on an "FBI analysis" that showed the I2G online casino actually lost money is inappropriate because Dr. Keep did not "vouchsafe the reliability of the data" on which he relied. A review of Dr. Keep's report suggest that he relied on investigative materials provided to him by the FBI. Dr. Keep's reliance on such reports in forming his opinions does not warrant striking his testimony. An expert witness typically relies on a broad source of information, and government experts in criminal matters normally rely on criminal investigative reports and factual information supplied by law enforcement in forming an opinion. See, e.g., United States v. Ligambi, 902 F. Supp. 2d 718, 722-723 (E.D. Pa. Nov. 2, 2012). Once again, any weakness in the factual basis of Dr. Keep's opinion bears on the weight of the evidence and is best addressed through cross-examination.

D. Exclude Portions of Keep's Testimony that Fail to Satisfy Rule 702.

1. Statements Concerning I2G

Barnes seeks to exclude "incorrect" statements made concerning I2G. For example, Barnes maintains that Dr. Keep seems to suggest that Emperors could not receive payment for gambling on the online casino outside the United States unless additional recruitment outside of the United States occurred. Specifically, in paragraph 12 of his report, Dr. Keep indicates that "in practice Emperors received rewards for recruiting others within a structure that necessarily requires ongoing recruitment as the only apparent path for rewards." (Keep Report, ¶ 12.) Barnes contends that this is incorrect because individuals outside the United States had the ability to use the online casino regardless of whether they had become affiliated with I2G. Additionally, Barnes complains that Dr. Keep incorrectly criticizes I2G for allegedly having "[n]o apparent retail customers or uses for the I2G Touch beyond the distributor network." (Id., ¶ 14.) According to Barnes, the I2G plan provided that every purchaser of I2G's products or services became eligible to make money based on sales. Thus, the ability to earn commissions was a perk that resulted from a consumer purchase, not the other way around. Once again, to the extent Barnes criticizes the facts relied upon by Dr. Keep, the Court finds that these "factual matters, the weight or lack of weight [he] assigned to them and the effect, if any, on [his] opinions are best addressed through vigorous cross-examination." Davis, 2015 WL 6738174, *7.

2. Opinions Not Based on Sufficient Facts or Data

Barnes also argues that Dr. Keep's opinions that certain statements were made to individuals "to induce joining" I2G are unverifiable (Keep's Report, ¶¶12, 16) and, therefore, Dr. Keep's concession that the statements were unverifiable means that he lacks information sufficient to determine whether the alleged statement was true. It would appear to the Court that Dr. Keep

identified examples of misrepresentations or "unverifiable claims" made by Defendants in furtherance of the conspiracy that support his opinion that distributor rewards for the Emperor position were derived from the ongoing recruitment of new participants who join. (Id. at ¶12.) Additionally, Dr. Keep opines that unverifiable claims such as the ones made by the Defendants in the present case are characteristic of illegal MLMs. (Id. at ¶¶16-17.) Once again, as an expert in the field of multi-level marketing companies, Dr. Keep may testify on the basis of his own experience and knowledge of the industry. Additionally, in as much as Barnes contends that Dr. Keep relies on incorrect factual information, any weakness in the factual basis of Dr. Keep's opinion bears on the weight of the evidence and is best addressed through cross-examination.

3. Qualification to Offer Certain Opinions

Barnes argues that Dr. Keep is unqualified to offer certain opinions. Specifically, Barnes argues that Dr. Keep's criticism of the "market value" of I2G's products is not appropriate because he has no expertise to analyze the operation or valuation of tech products. To the extent that there is any gap in Dr. Keep's qualifications or knowledge, that issue goes to the weight, not the admissibility of his opinions. See Faughn v. Upright, Inc., 2007 WL 854259, at *4 (W.D. Ky. Mar. 15, 2007) (quoting Robinson v. GEICO Ins. Co., 447 F.3d 1096, 1100 (8th Cir. 2006)); United States v. An Easement & Right-of Way Over 3.11 Acres of Land, More or Less, in Warren Cty., Kentucky, 2015 WL 9275740, at *3 (W.D. Ky. Dec. 18, 2015). Furthermore, any issue Barnes has with Dr. Keep's background can be effectively flushed out through cross-examination. Daubert, 509 U.S. at 596. To be sure, Barnes is free to address whether I2G's products are merely incidental to the MLM through the use of its own expert testimony, as well as through vigorous cross-examination of Dr. Keep. See Salmon v. Old Nat. Bank, 2012 WL 4213643, at *3 (W.D. Ky. Sept. 19, 2012).

Finally, in addressing all the objections to Dr. Keep's expert testimony, the Court is mindful that "the trial court's role as gatekeeper is not intended to serve as a replacement for the adversary system." Fed. R. Evid. 702, advisory committee's note (2000 amendments). As the Supreme Court in Daubert stated: "Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence." 509 U.S. at 595 (citing Rock v. Arkansas, 483 U.S. 44, 61 (1987)). See also Daugherty v. Chubb Grp. of Ins. Companies, 2011 WL 5525738, at *2 (W.D. Ky. Nov. 14, 2011) ("Once the court is satisfied this [Daubert] standard has been met, the expert's testimony 'should be tested by the adversary process—competing expert testimony and active cross-examination—rather than excluded from jurors' scrutiny for fear that they will not grasp its complexities or satisfactorily weigh its inadequacies.'") (citations omitted). Here, many of Barnes' objections can be explored and challenged during cross-examination. The Court concludes that the alleged shortcomings of Dr. Keep's testimony do not provide a basis for barring his testimony. See Caine v. Barge, 2013 WL 1966381, at *2 (N.D. Ill. May 10, 2013); United States v. Whittle, 2016 WL 4433685, at *4 (W.D. Ky. Aug. 18, 2016).

For these reasons, the Court finds that Dr. Keep's opinions satisfy Rule 702 and Daubert and survive Barnes' motion.

III. CONCLUSION

For the reasons set forth above, **IT IS HEREBY ORDERED** that the motion by Defendant, Doyce Barnes, to exclude certain portions of the testimony of the Government's Expert William Keep's proposed testimony [DN 168] is **DENIED**.

cc: counsel of record

Joseph H. McKinley Jr., Senior Judge
United States District Court