Paul et al v. Miller et al

JS 44 (Rev. 3/13) 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 DEFENDANTS Arline Paul, James A. Bellanca, Mark Paul, individuals Eric L. Miller, an individual Wicker Park Press, Ltd. (b) County of Residence of First Listed Plaintiff Lake County, Illinois County of Residence of First Listed Defendant Cook County, Illinois (EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY) IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. NOTE: Attorneys (If Known) (c) Attorneys (Firm Name, Address, and Telephone Number) C. Michael Kendall Law Offices of C. Michael Kendal 662 Green Briar Lane Lake Forest, Illinois 60045 847-987-2597 II. BASIS OF JURISDICTION (Place an "X" in One Box Only) III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff (For Diversity Cases Only) and One Box for Defendant) 1 U.S. Government ✓ 3 Federal Question DEF PTF DEF Citizen of This State 4 Plaintiff (U.S. Government Not a Party) Incorporated or Principal Place of Business In This State 5 2 U.S. Government 4 Diversity Citizen of Another State 2 2 Incorporated and Principal Place 5 (Indicate Citizenship of Parties in Item III) Defendant of Business In Another State Citizen or Subject of a 3 Foreign Nation 6 6 3 Foreign Country IV. NATURE OF SUIT (Place an "X" in One Box Only) CONTRACT TORTS FORFEITURE/PENALTY BANKRUPTCY OTHER STATUTES PERSONAL INJURY □ 110 Insurance PERSONAL INJURY 625 Drug Related Seizure 422 Appeal 28 USC 158 375 False Claims Act 400 State Reapportionment □ 120 Marine 310 Airplane □ 365 Personal Injury of Property 21 USC 881 423 Withdrawal □ 690 Other 28 USC 157 □ 130 Miller Act 315 Airplane Product Product Liability 410 Antitrust 140 Negotiable Instrument Liability 367 Health Care/ 430 Banks and Banking □ 450 Commerce □ 150 Recovery of Overpayment □ 320 Assault, Libel & Pharmaceutical PROPERTY RIGHTS 460 Deportation & Enforcement of Judgmen Slander Personal Injury 820 Copyrights □ 151 Medicare Act 330 Federal Employers' 830 Patent 470 Racketeer Influenced and Product Liability □ 152 Recovery of Defaulted Liability 368 Asbestos Personal 840 Trademark Corrupt Organizations Student Loans □ 340 Marine Injury Product 480 Consumer Credit (Excludes Veterans) 345 Marine Product Liability LABOR SOCIAL SECURITY 490 Cable/Sat TV PERSONAL PROPERTY □ 153 Recovery of Liability 861 HIA (1395ff) 850 Securities/Commodities/ 710 Fair Labor Standards of Veteran's Benefits 350 Motor Vehicle 370 Other Fraud 862 Black Lung (923) Exchange Act □ 863 DIWC/DIWW (405(g)) □ 890 Other Statutory Actions 160 Stockholders' Suits 355 Motor Vehicle □ 371 Truth in Lending □ 720 Labor/Management □ 190 Other Contract Product Liability □ 380 Other Personal Relations 864 SSID Title XVI 891 Agricultural Acts 195 Contract Product Liability 360 Other Personal Property Damage 740 Railway Labor Act 865 RSI (405(g)) 893 Environmental Matters 196 Franchise Injury 385 Property Damage 751 Family and Medical 895 Freedom of Information 362 Personal Injury -Product Liability Leave Act Act Medical Malpractice 790 Other Labor Litigation 896 Arbitration REAL PROPERTY CIVIL RIGHTS PRISONER PETITIONS 791 Employee Retirement FEDERAL TAX SUITS 899 Administrative Procedure 210 Land Condemnation Π 440 Other Civil Rights 510 Motions to Vacate Income Security Act 870 Taxes (U.S. Plaintiff Act/Review or Appeal of 220 Foreclosure 441 Voting Sentence or Defendant) Agency Decision 230 Rent Lease & Ejectment 442 Employment Habeas Corpus: 871 IRS—Third Party 950 Constitutionality of □ 530 General 26 USC 7609 □ 240 Torts to Land 443 Housing/ State Statutes 245 Tort Product Liability Accommodations 535 Death Penalty 290 All Other Real Property 445 Amer. w/Disabilities □ 540 Mandamus & Other IMMIGRATION 462 Naturalization Applicatio □ 550 Civil Rights Employment 446 Amer w/Disabilities 555 Prison Condition 463 Habeas Corpus -Other 560 Civil Detainee -Alien Detainee 448 Education Conditions of (Prisoner Petition) □ 465 Other Immigration Confinement Actions V. ORIGIN (Place an "X" in One Box Only) Transferred from 2 1 Original □ 2 Removed from Remanded from Reinstated or Multidistrict 3 **D** 4 5 6 Another District Proceeding State Court Appellate Court Reopened Litigation (specify) VII. Previous Bankruptcy Matters (For nature of suit 422 and 423, enter the case VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. write a brief statement of cause.) Use a separate attachment if necessary. 17 USC 101, et seq., 15 USC 1125(a), et seq., copyright infringement and unfair competition CHECK YES only if demanded in complaint: **DEMAND \$ VIII. REOUESTED IN** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **COMPLAINT:** preliminary injunction and statutory damages JURY DEMAND: Yes ☑ No **IX. RELATED CASE(S)** (See instructions): IF ANY JUDGE DOCKET NUMBER X. This case (check one box) Is not a refiling of a previously dismissed action □ is a refiling of case number previously dismissed by Judge DATE SIGNATURE OF ATTORNEY OF RECORD October 29, 2013 s/ C. Michael Kendall

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. **Previous Bankruptcy Matters** For nature of suit 422 and 423 enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this court. Use a separate attachment if necessary.

VIII. 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.

IX. 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.

X. Refiling Information. Place an "X" in one of the two boxes indicating if the case is or is not a refilling of a previously dismissed action. If it is a refiling of a previously dismissed action, insert the case number and judge.

Date and Attorney Signature. Date and sign the civil cover sheet.