Eisenbarth v. FWM Laboratories, Inc. et al

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CIVIL COVER SHEET ∞JS 44 (Rev. 12/07) 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 THE REVERSE OF THE FORM.) DEFENDANTS I. (a) PLAINTIFFS FWM Laboratories, Inc., Bromacleanse, Central Coast Jennifer Eisenbarth Nutraceuticals, Inc. a/k/a CCN, Inc., Tricleanse and Dennis ÷ (b) County of Residence of First Listed Plaintiff Scott County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) (EXCEPT IN U.S. PLAINTIFF CASES) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. (c) Attorney's (Firm Name, Address, and Telephone Number) Attorneys (If Known) Christopher J. Sorenson, Merchant & Gould, PC, 80 South 8th Louis S. Ederer, Arnold & Porter, LLP, 399 Park Avenue, New Street, Suite 3200, Minneapolis, MN 55402. 612.332.5300 York, NY 10022 ÷ II. BASIS OF JURISDICTION (Place an "X" in One Box Only) III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) DEF . ртғ DEF PTF **D** 1 U.S. Government 3 Federal Question 04 Citizen of This State σ1 Incorporated or Principal Place 04 Plaintiff (U.S. Government Not a Party) of Business In This State Citizen of Another State 02 2 Incorporated and Principal Place 05 0 5 2 U.S. Government □ 4 Diversity of Business In Another State Defendant (Indicate Citizenship of Parties in Item III) G 3 Foreign Nation 0606 Citizen or Subject of a **D** 3 Foreign Country NATURE OF SUIT (Place an "X" in One Box Only) FORFEITURE/PENALTY BANKRUPTCY OTHER STATUTES CONTRACT TORTS 422 Appeal 28 USC 158 400 State Reapportionment PERSONAL INJURY PERSONAL INJURY 610 Agriculture ٥ 110 Insurance 310 Airplane 🗇 620 Other Food & Drug 423 Withdrawal 410 Antitrust Π 362 Personal Injury -🗖 120 Marine Med. Malpractice G 625 Drug Related Seizure 28 USC 157 ٥ 430 Banks and Banking 315 Airplane Product 🗇 130 Miller Act 450 Commerce of Property 21 USC 881 Liability 365 Personal Injury -140 Negotiable Instrument PROPERTY RIGHTS 🗇 630 Liquor Laws Ο 460 Deportation 320 Assault, Libel & Product Liability 150 Recovery of Overpayment σ 470 Racketeer Influenced and 🗇 640 R.R. & Truck 820 Copyrights 368 Asbestos Personal & Enforcement of Judgment Slander Corrupt Organizations 330 Federal Employers' 650 Airline Regs. 830 Patent Injury Product 151 Medicare Act П 🗖 840 Trademark ٥ 480 Consumer Credit 660 Occupational 152 Recovery of Defaulted Liability Liability 490 Cable/Sat TV П 340 Marine PERSONAL PROPERTY Safety/Health Student Loans 810 Selective Service 370 Other Fraud 🗇 690 Other 345 Marine Product (Excl. Veterans) п 371 Truth in Lending LABOR SOCIAL SECURIT σ 850 Securities/Commodities/ 153 Recovery of Overpayment Liability 350 Motor Vehicle 710 Fair Labor Standards 861 HIA (1395ff) Exchange 380 Other Personal of Veteran's Benefits 862 Black Lung (923) ۵ 875 Customer Challenge Property Damage 160 Stockholders' Suits П 355 Motor Vehicle Act 863 DIWC/DIWW (405(g)) 12 USC 3410 720 Labor/Mgmt. Relations Product Liability п 385 Property Damage 190 Other Contract 864 SSID Title XVI 890 Other Statutory Actions Product Liability 730 Labor/Mgmt.Reporting 195 Contract Product Liability 360 Other Personal 🗇 865 RSI (405(g)) & Disclosure Act 891 Agricultural Acts 🗇 196 Franchise Iniurv 🗇 740 Railway Labor Act HED BRAVER ANSIDING ٥ 892 Economic Stabilization Act PRISONER PETITIONS REAL PROPERTY **CIVIL RIGHTS** 790 Other Labor Litigation 870 Taxes (U.S. Plaintiff ٥ 893 Environmental Matters 441 Voting 510 Motions to Vacate 210 Land Condemnation or Defendant) 894 Energy Allocation Act **m** Sentence 791 Empl. Ret. Inc. 220 Foreclosure 442 Employment 871 IRS—Third Party **O** 895 Freedom of Information Security Act п 443 Housing/ Habeas Corpus: 🗇 230 Rent Lease & Ejectment Accommodations 530 General 26 USC 7609 Act 240 Torts to Land 900Appeal of Fee Determination 535 Death Penalty IMMIGRATION 245 Tort Product Liability П 444 Welfare Under Equal Access 445 Amer. w/Disabilities 540 Mandamus & Other 462 Naturalization Application 290 All Other Real Property D Employment 550 Civil Rights 463 Habeas Corpus to Justice Alien Detainee п. 950 Constitutionality of п 446 Amer. w/Disabilities -555 Prison Condition 465 Other Immigration State Statutes Other п 440 Other Civil Rights Actions Appeal to District V. ORIGIN (Place an "X" in One Box Only) Transferred from Judge from □ 2 Removed from Remanded from ☐ 4 Reinstated or ☐ 5 🗂 6 Multidistrict 7 7 X1 Original **D** 3 another district Magistrate Appellate Court State Court Reopened Litigation Proceeding Judgment Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 USC 1125(a) (specify) VI. CAUSE OF ACTION Brief description of cause: False endorsement and deceptive trade practices, detamation, rights ot publicity and privacy VII. REQUESTED IN **DEMAND \$** CHECK YES only if demanded in complaint: CHECK IF THIS IS A CLASS ACTION Over \$75,000.00 🗹 Yes UNDER F.R.C.P. 23 JURY DEMAND: 🗆 No **COMPLAINT:** VIII. RELATED CASE(S) (See instructions): DOCKET NUMBER IF ANY JUDGE SIGNATURE OF ATTORNEY OF RECORD DATE 12/05/2009 FOR OFFICE USE ONLY JUDGE MAG. JUDGE AMOUNT APPLYING IFP **RECEIPT #**

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