## Whitmill v. Warner Bros. Entertainment Inc.

SJS 44 (Rev. 11/04) €

## **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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS		DEFENDANTS	DEFENDANTS		
S. Victor Whitmill		Warner Bros.	Warner Bros. Entertainment Inc.		
(b) County of Residence of First Listed Plaintiff Pulaski (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of	County of Residence of First Listed Defendant New Castle, DE		
			(IN U.S. PLAINTIFF CASES	ONLY)	
		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE			
			INVOLVED.		
(c) Attorney's (Firm Name, Address, and Telephone Number)		Attorneys (If Known)			
	e BrickHouse Law Group PC, 1006				
Olive St., Ste. 303	, St. Louis, MO 63101, (314)932	-1070			
II. BASIS OF JURISD	ICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF P (For Diversity Cases Only)	RINCIPAL PARTIES	(Place an "X" in One Box for Plaintiff and One Box for Defendant)	
□ 1 U.S. Government Plaintiff	<ul><li>Federal Question (U.S. Government Not a Party)</li></ul>		TF DEF 1 □ 1 Incorporated or Pr of Business In Thi		
□ 2 U.S. Government	□ 4 Diversity	Citizen of Another State	2 🗖 2 Incorporated and I		
Defendant	(Indicate Citizenship of Parties in Item III)		of Business In .	Another State	
		Citizen or Subject of a Foreign Country	3 🗖 3 Foreign Nation		
IV. NATURE OF SUIT		EODEELTUDE/DENALTY	DANIZD UDTCN/	OTHER STATUTES	
CONTRACT ☐ 110 Insurance	TORTS PERSONAL INJURY PERSONAL INJUR	FORFEITURE/PENALTY       Y     0       610 Agriculture	BANKRUPTCY           422 Appeal 28 USC 158	□ 400 State Reapportionment	
□ 120 Marine	□ 310 Airplane □ 362 Personal Injury	e	□ 422 Appear 28 USC 138 □ 423 Withdrawal	$\square$ 410 Antitrust	
130 Miller Act	315 Airplane Product Med. Malpractice	□ 625 Drug Related Seizure	28 USC 157	□ 430 Banks and Banking	
<ul> <li>140 Negotiable Instrument</li> <li>150 Recovery of Overpayment</li> </ul>	Liability	<ul> <li>of Property 21 USC 881</li> <li>630 Liquor Laws</li> </ul>	PROPERTY RIGHTS	<ul><li>450 Commerce</li><li>460 Deportation</li></ul>	
& Enforcement of Judgment	Slander 🗖 368 Asbestos Person		■ 820 Copyrights	□ 470 Racketeer Influenced and	
□ 151 Medicare Act	□ 330 Federal Employers' Injury Product	<b>650</b> Airline Regs.	□ 830 Patent	Corrupt Organizations	
152 Recovery of Defaulted Student Loans	Liability Liability 340 Marine PERSONAL PROPER	TY Safety/Health	840 Trademark	<ul> <li>480 Consumer Credit</li> <li>490 Cable/Sat TV</li> </ul>	
(Excl. Veterans)	□ 345 Marine Product □ 370 Other Fraud	<b>690</b> Other		□ 810 Selective Service	
□ 153 Recovery of Overpayment of Veteran's Benefits	Liability I 371 Truth in Lending I 350 Motor Vehicle I 380 Other Personal	LABOR     Image: The second sec	SOCIAL SECURITY B 861 HIA (1395ff)	□ 850 Securities/Commodities/ Exchange	
□ 160 Stockholders' Suits	355 Motor Vehicle     560 Other Personal       355 Motor Vehicle     Property Damage		□ 862 Black Lung (923)	875 Customer Challenge	
□ 190 Other Contract	Product Liability 385 Property Damag		□ 863 DIWC/DIWW (405(g))	12 USC 3410	
<ul> <li>195 Contract Product Liability</li> <li>196 Franchise</li> </ul>	□ 360 Other Personal Product Liability Injury	730 Labor/Mgmt.Reporting & Disclosure Act	□ 864 SSID Title XVI □ 865 RSI (405(g))	<ul> <li>890 Other Statutory Actions</li> <li>891 Agricultural Acts</li> </ul>	
REAL PROPERTY	CIVIL RIGHTS PRISONER PETITIO		FEDERAL TAX SUITS	□ 892 Economic Stabilization Act	
<ul> <li>210 Land Condemnation</li> <li>220 Foreclosure</li> </ul>	□ 441 Voting □ 510 Motions to Vaca □ 442 Employment Sentence	te 790 Other Labor Litigation 791 Empl. Ret. Inc.	870 Taxes (U.S. Plaintiff or Defendant)	<ul> <li>893 Environmental Matters</li> <li>894 Energy Allocation Act</li> </ul>	
□ 230 Rent Lease & Ejectment	Image: Habeas Corpus:Image: Habeas Corpus:	Security Act	□ 871 IRS—Third Party	<ul> <li>894 Energy Anocation Act</li> <li>895 Freedom of Information</li> </ul>	
240 Torts to Land	Accommodations 🗖 530 General		26 USC 7609	Act	
<ul> <li>245 Tort Product Liability</li> <li>290 All Other Real Property</li> </ul>	□ 444 Welfare □ 535 Death Penalty □ 445 Amer. w/Disabilities - □ 540 Mandamus & Ot	her		900Appeal of Fee Determination Under Equal Access	
	Employment <b>D</b> 550 Civil Rights			to Justice	
	□ 446 Amer. w/Disabilities - □ 555 Prison Condition Other	1		950 Constitutionality of State Statester	
	□ 440 Other Civil Rights			State Statutes	
$\blacksquare$ 1 Original $\Box$ 2 R	tate Court Appellate Court	Reinstated or S anoth Reopened (speci			
	Cite the U.S. Civil Statute under which you a 17 U.S.C. Section 101, et		al statutes unless diversity):		
VI. CAUSE OF ACTIO	DN Brief description of cause: Copyright Infringement	bcy.			
VII. REQUESTED IN	CHECK IF THIS IS A CLASS ACTIO	N DEMAND \$	CHECK YES only	if demanded in complaint:	
COMPLAINT:	UNDER F.R.C.P. 23		JURY DEMAND		
VIII. RELATED CASE IF ANY	E(S) (See instructions): JUDGE		DOCKET NUMBER		
DATE SIGNATURE OF ATTORNEY OF RECORD					
04/28/2011	Geoffrey G	G. Gerber	Digitally signed by Geoffrey G. Gerber DN: cn=Geoffrey G. Gerber, o=The BrickHouse Law email=ggerber@brickhouselaw.com, c=US Date: 2011.04.28 14:15:48 -05'00'	Group Professional Corporation, ou,	
FOR OFFICE USE ONLY					
RECEIPT #A	MOUNT APPLYING IFP	JUDGE	MAG. JUI	DGE	

## **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.C.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; 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 clerks 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 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. (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.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

 

 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 dollar amount (in thousands of dollars) 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.