Filed 03/30/2007

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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.)

the civil docker since. (SEE 114	STRUCTIONS ON THE REVER	isc of The Lordin.												
I. (a) PLAINTIFFS				DEFENDANTS										
Kami Turturro, Individually and On Behalf Of All Others Similarly Situated				Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation and Menu Foods South Dakota										
(b) County of Residence of First Listed Plaintiff Palm Beach (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number)				County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)										
								Lite DePalma Greenberg	& Rivas, LLC, Two Ga	teway Center, 12th I	F1.			
								Newark, NJ 07102	TORYON					
								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)			
U.S. Government Plaintiff			PTF DEF Citizen of This State											
🖸 2 U.S. Government	Diversity (Indicate Citizenship of Parties in Item III)		Citizen of	Another State	0 2 Incorporated	and Principal Place 🗍 5 🗷 5								
Defendant			of Business In Another State											
			Citizen or 5 Foreign		J 3 Foreign Natio	on 06 06								
IV. NATURE OF SUIT														
CONTRACT	TOF			URE/PENALTY	BANKRUPTCY	OTHER STATUTES								
110 Insurance 120 Marine	PERSONAL INJURY 310 Airplane	PERSONAL INJURY 362 Personal Injury -	☐ 610 Ag	riculture her Food & Drug	422 Appeal 28 USC 158 423 Withdrawal	400 State Reapportionment 410 Antitrust								
130 Miller Act	315 Airplane Product	Med. Malpractice	CJ 625 Dr	ug Related Seizure	28 USC 157	430 Banks and Banking								
☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment	Liability 320 Assault, Libel &	365 Personal Injury - Product Liability	of I	Property 21 USC 881	PROPERTY RIGHTS	☐ 450 Commerce ☐ 460 Deportation								
& Enforcement of Judgment	Slander	368 Asbestos Personal	☐ 640 R.J	R. & Truck	☐ 820 Copyrights	☐ 470 Racketeer Influenced and								
151 Medicare Act	330 Federal Employers'	Injury Product	650 Ai		S30 Patent	Corrupt Organizations								
☐ 152 Recovery of Defaulted Student Loans	Liability 340 Marine	Liability PERSONAL PROPERTY	660 Oc Saf	cupanonai ety/Health	☐ 840 Trademark	480 Consumer Credit490 Cable/Sat TV								
_ (Excl. Veterans)	☐ 345 Marine Product	370 Other Fraud	☐ 690 Ot	her		☐ 810 Selective Service								
☐ 153 Recovery of Overpayment of Veteran's Benefits	Liability 350 Motor Vehicle	371 Truth in Lending 380 Other Personal	710 50	LABOR r Labor Standards	SOCIAL SECURITY 861 HIA (1395ff)	850 Securities/Commodities/								
160 Stockholders' Suits	355 Motor Vehicle	Property Damage	Act		3862 Black Lung (923)	Exchange 7 875 Customer Challenge								
190 Other Contract	Product Liability	☐ 385 Property Damage	720 La	bor/Mgmt. Relations	☐ 863 DIWC/DIWW (405)	(g)) 12 USC 3410								
☐ 195 Contract Product Liability ☐ 196 Franchise	360 Other Personal Injury	Product Liability		bor/Mgmt.Reporting Disclosure Act	☐ 864 SSID Title XVI ☐ 865 RSI (405(g))	☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts								
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	🗔 🗇 740 Ra	ilway Labor Act	FEDERAL TAX SUITS	S 392 Economic Stabilization Act								
210 Land Condemnation	441 Voting	510 Motions to Vacate Sentence		her Labor Litigation	🗖 870 Taxes (U.S. Plaintiff									
220 Foreclosure 230 Rent Lease & Ejectment	442 Employment 443 Housing/	Habeas Corpus:		opl. Ret. Inc. curity Act	or Defendant) 871 IRS—Third Party	894 Energy Allocation Act 895 Freedom of Information								
240 Torts to Land	Accommodations	530 General		,	26 USC 7609	Act								
☐ 245 Tort Product Liability ☐ 290 All Other Real Property	444 Welfare 445 Amer. w/Disabilities -	535 Death Penalty540 Mandamus & Other	.			900Appeal of Fee Determination Under Equal Access								
25 250 TM Outer reports	Employment	550 Civil Rights				to Justice								
		555 Prison Condition				950 Constitutionality of								
	Other 440 Other Civil Rights					State Statutes								
V. ORIGIN (Place	an "X" in One Box Only)					Appeal to District								
رس. رسان م	í ⊤ 2	Remanded from	4 Reinstated		sferred from	district 7 Judge from Magistrate								
Proceeding S	tate Court	Appellate Court	Reopened	(spec	ify) Litiga	ation Judgment								
M CAUCE OF ACRIC		tute under which you are	nling (De n	ot cite jurisdiction	aal statutes unless diversit	ty):								
VI. CAUSE OF ACTIO	Brief description of ca	use:												
VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23			DEMA	CHECK YES only if demanded in complaint: JURY DEMAND:										
VIII. RELATED CASI IF ANY	E(S) (See instructions):	JUDGE		and a supplemental of the	DOCKET NUMBER									
DATE		SIGNATURE OF ATTO	DRNEY OF RI	CORD										
FOR OFFICE USE ONLY														
RECEIPT# A	MOUNT	APPLYING IFP		JUDGE	MAG	. JUDGE								
				,	1/1/10.									

JS 44 Reverse (Rev. 11/04)

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.