BOEHM et al v. MENU FOODS, INC. et al

SJS 44 (Rev. 11/04) Case 1:07-cv-03629-NLH-AMD Document 22 Filed 08/03/2007 Page 1 of 3

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		
Gregory Boehm			Menu Foods Inc. Menu Foods Gen Par Limited (aka Menu Foods Limited)		
(b) County of Residence of First Listed Plaintiff Cuyahoga			County of Residence of First Listed Defendant		
(EXCEPT IN U.S. PLAINTIFF CASES)			(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE		
				D CONDEMNATION CASES, U. INVOLVED.	SE THE LOCATION OF THE
(c) Attorney's (Firm Name, Address, and Telephone Number)			Attorneys (If Known)		
Benesch Friedlander Coplan & Aronoff LLP-Jeremy Gilman and					
	c Square, Suite 2300, Cleveland, Ohio 44	-			
II. BASIS OF JURISD	ICTION (Place an "X" in One Box Only)		TIZENSHIP 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	3 Federal Question (U.S. Government Not a Party)		P	IF DEF 1 □ 1 Incorporated <i>or</i> Pr of Business In Thi	incipal Place DTF DEF
D 2 U.S. Government	4 Diversity	Citize	en of Another State	2 D 2 Incorporated and	
Defendant	(Indicate Citizenship of Parties in Item III)			of Business In	Another State
			en or Subject of a reign Country	3 🗖 3 Foreign Nation	
IV. NATURE OF SUIT	(Place an "X" in One Box Only) TORTS	FOR	FEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
□ 110 Insurance	PERSONAL INJURY PERSONAL INJUR		10 Agriculture	□ 422 Appeal 28 USC 158	□ 400 State Reapportionment
120 Marine130 Miller Act	□ 310 Airplane □ 362 Personal Injury □ 315 Airplane Product	- 🛛 62	20 Other Food & Drug	423 Withdrawal 28 USC 157	 410 Antitrust 430 Banks and Banking
140 Negotiable Instrument	Liability 🗖 365 Personal Injury	-	25 Drug Related Seizure of Property 21 USC 881		□ 450 Commerce
150 Recovery of Overpayment & Enforcement of Judgment	□ 320 Assault, Libel & Product Liability Slander □ 368 Asbestos Person		30 Liquor Laws 40 R.R. & Truck	PROPERTY RIGHTS 820 Copyrights	 460 Deportation 470 Racketeer Influenced and
151 Medicare Act	330 Federal Employers' Injury Product	1 6:	50 Airline Regs.	330 Patent	Corrupt Organizations
152 Recovery of Defaulted Student Loans	Liability Liability 340 Marine PERSONAL PROPER		60 Occupational Safety/Health	840 Trademark	 480 Consumer Credit 490 Cable/Sat TV
(Excl. Veterans)	□ 345 Marine Product □ 370 Other Fraud		90 Other LABOR	COCIAL SECURITY	 810 Selective Service 850 Securities/Commodities/
153 Recovery of Overpayment of Veteran's Benefits	Liability		10 Fair Labor Standards	SOCIAL SECURITY 861 HIA (1395ff)	Exchange
 160 Stockholders' Suits 190 Other Contract 	□ 355 Motor Vehicle Property Damage Product Liability □ 385 Property Damag		Act 20 Labor/Mgmt. Relations	 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 	875 Customer Challenge 12 USC 3410
195 Contract Product Liability	360 Other Personal Product Liability		30 Labor/Mgmt.Reporting	□ 864 SSID Title XVI	890 Other Statutory Actions
196 Franchise REAL PROPERTY	Injury CIVIL RIGHTS PRISONER PETITIO		& Disclosure Act 40 Railway Labor Act	☐ 865 RSI (405(g)) FEDERAL TAX SUITS	 891 Agricultural Acts 892 Economic Stabilization Act
210 Land Condemnation	441 Voting 510 Motions to Vaca	ate 🛛 7	90 Other Labor Litigation	870 Taxes (U.S. Plaintiff	893 Environmental Matters
 220 Foreclosure 230 Rent Lease & Ejectment 	□ 442 Employment Sentence □ 443 Housing/ Habeas Corpus:		91 Empl. Ret. Inc. Security Act	or Defendant) 871 IRS—Third Party	 894 Energy Allocation Act 895 Freedom of Information
 240 Torts to Land 245 Tort Product Liability 	Accommodations 444 Welfare 530 General 535 Death Penalty		-	26 USC 7609	Act 900Appeal of Fee Determination
290 All Other Real Property	445 Amer. w/Disabilities - 540 Mandamus & Ot	ther			Under Equal Access
	Employment 446 Amer. w/Disabilities - 555 Prison Condition	n			to Justice 950 Constitutionality of
	Other				State Statutes
	440 Other Civil Rights				
■ 1 Original ■ 2 R	an "X" in One Box Only) temoved from 3 Remanded from 4 Appellate Court] 4 Reins	stated or 5 Trans: bened 5 Stated or 5 Sta	ferred from er district D 6 Multidistr fy) Litigation	
i lotteunig S	Cite the U.S. Civil Statute under which you a 28 U.S.C. 1332 (a)				Judgintill
VI. CAUSE OF ACTION	DN Brief description of cause: Violation of Ohio Consum				ef verwente eleime
VII. REQUESTED IN	CHECK IF THIS IS A CLASS ACTION		EMAND \$		if demanded in complaint:
COMPLAINT:	UNDER F.R.C.P. 23		Emand \$	JURY DEMAND	
VIII. RELATED CASI IF ANY	E(S) (See instructions): JUDGE			DOCKET NUMBER	
DATE	SIGNATURE OF A	TTORNEY	OF RECORD		
04/06/2007 /s/ Nicole Dorsky					
FOR OFFICE USE ONLY			-		
RECEIPT # A	MOUNT APPLYING IFP		JUDGE	MAG. JUI	DGE

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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

Civil Categories: (Please check one category only).



2.

I.

General Civil

3.

Administrative Review/Social Security Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE:

CASE NUMBER:

II. RELATED OR REFILED CASES. See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regardfor the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

RELATED to another **PENDING** civil case. This action is REFILED pursuant to LR 3.1. This action is

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

Resident defendant. If the defendant resides in a county within this district, please set forth the name of such (1) county

COUNTY:

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

- (2) Non-Resident defendant. If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.
- COUNTY:
- (3) Other Cases. If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

AKRON CLEVELAND
YOUNGSTOWN

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne) (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland) (Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION



(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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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.