In-N-Out Burgers v. Pappas Restaurants, Inc,

SJS 44 (Rev. 12/07) €

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		
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)		
(c) Attorney's (Firm Name, Address, and Telephone Number)		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)		
	,,,			
II. BASIS OF JURISI	DICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRIN (For Diversity Cases Only)	· · · · · · · · · · · · · · · · · · ·	ace 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) 		DEF 1 Incorporated <i>or</i> Princi of Business In This St	PTF DEF ipal Place
2 U.S. Government Defendant	 4 Diversity (Indicate Citizenship of Parties in Item III) 	Citizen of Another State 🛛 2	2 Incorporated <i>and</i> Prin of Business In And	other State
		Citizen or Subject of a Foreign Country 3	□ 3 Foreign Nation	
IV. NATURE OF SUI	T (Place an "X" in One Box Only) TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Requirer of Quarantment 	PERSONAL INJURY PERSONAL INJUR 310 Airplane 362 Personal Injury 315 Airplane Product Med. Malpractic Liability 365 Personal Injury 200 Acceput Libel & Percoluct Libelity	□ 620 Other Food & Drug □ 625 Drug Related Seizure of Property 21 USC 881	23 Withdrawal 28 USC 157	 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Demotration
 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 		1 G40 R.R. & Truck 88 1 G40 R.R. & Truck 88 1 G50 Airline Regs. 88 1 G60 Occupational 88	20 Copyrights 30 Patent 40 Trademark	 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 810 Selective Service
 Is3 Recovery of Overpayment of Veteran's Benefits I60 Stockholders' Suits I90 Other Contract I95 Contract Product Liability I96 Franchise 	Liability 371 Truth in Lending 350 Motor Vehicle 355 Motor Vehicle Product Liability 385 Property Damage 385 Property Damage	LABOR S 710 Fair Labor Standards 8 Act 8 720 Labor/Mgmt. Relations 8 730 Labor/Mgmt.Reporting 8	OCIAL SECURITY 61 HIA (1395ff) 62 Black Lung (923) 63 DIWC/DIWW (405(g)) 64 SSID Title XVI	 850 Securities/Commodities/ Exchange 875 Customer Challenge 12 USC 3410 890 Other Statutory Actions 891 Agricultural Acts
REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	Injury PRISONER PETITIO CIVIL RIGHTS PRISONER PETITIO 441 Voting 510 Motions to Vacat 442 Employment Sentence 443 Housing/ Habeas Corpus: Accommodations 530 General 444 Welfare 535 Death Penalty 445 Amer. w/Disabilities - 540 Mandamus & Ot Employment 550 Civil Rights 446 Amer. w/Disabilities - 555 Prison Condition Other 440 Other Civil Rights	NS 740 Railway Labor Act F e 790 Other Labor Litigation 8 1 791 Empl. Ret. Inc. 8 Security Act 8 IMMIGRATION 8	TAX SUITS 70 Taxes (U.S. Plaintiff or Defendant) 71 IRS—Third Party 26 USC 7609	 891 Agricultular Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State Statutes
V. ORIGIN (Place an "X" in One Box Only) 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict 7 7 Judge from Magistrate Judgment				
VI. CAUSE OF ACTI				
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if a JURY DEMAND :	demanded in complaint:
VIII. RELATED CAS IF ANY	SE(S) (See instructions): JUDGE	D	DOCKET NUMBER	
DATE	SIGNATURE OF AT	TORNEY OF RECORD		
FOR OFFICE USE ONLY				
RECEIPT #A	APPLYING IFP	JUDGE	MAG. JUDG	Е

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.