Doc. 1 Att. 1

Case 2:07-cv-00591-DB

Document 1-2

Filed 08/13/2007

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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.)

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I. (a) PLAINTIFFS	<del></del>	DEFENDANTS	.EU	
1-800 CONTACTS, INC.			. d/b/a/Lbas.com, JustL	ens.com and
		Juli Juli dan des Com	_	
(b) County of Residence	of First Listed Plaintiff Salt Lake	County of Residence of	of Pirst Lighted Descendant	Clark
(E	XCEPT IN U.S. PLAINTIFF CASES)		(Dille bi ADTHER CARRE)	ONLY)
		NOTE: THE LANG	TO OFFICE OF THE CASES, US	SE THE LOCATION OF THE
		BY:	INVOLVED.	
(c) Attorney's (Firm Name, Address, and Telephone Number)		Attorney's Rikhown LEPK		
Bryan G. Pratt, Esq., Rad	er Fishman & Grauer, PLLC		-CUM	
	ray, Suite 150, South Jordan, UT 84095			
II. BASIS OF JURISD	ICTION (Place an "X" in One Box Only)		RINCIPAL PARTIES	(Place an "X" in One Box for Plaintiff
☐ 1 U.S. Government	■ 3 Federal Question	(For Diversity Cases Only) P	TF DEF	and One Box for Defendant) PTF DEF
Plaintiff	(U.S. Government Not a Party)	Citizen of This State	I Incorporated or Pr of Business In Thi	
<b>a</b>				_
☐ 2 U.S. Government Defendant	4 Diversity	Citizen of Another State	J 2	
	(Indicate Citizenship of Parties in Item III)	Own in the second of	_	□ 6 □ 6
		Citizen or Subject of a  Foreign Country	3 Foreign Nation	
IV. NATURE OF SUIT	(Place an "X" in One Box Only)			
CONTRACT		FORFEITURE/PENALTY	PANKRUMEV	THE OTHER STATUTES AS A
☐ 110 Insurance ☐ 120 Merine	PERSONAL INJURY PERSONAL INJURY  310 Airplane  362 Personal Injury		☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal	☐ 400 State Reapportionment ☐ 410 Antitrust
☐ 130 Miller Act	315 Airplane Product Med. Malpractice	☐ 625 Drug Related Seizure	28 USC 157	430 Banks and Banking
☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment	Liability 365 Personal Injury 320 Assault, Libel & Product Liability	of Property 21 USC 881  630 Liquor Laws	PROPERTY RIGHTS	450 Commerce 460 Deportation
& Enforcement of Judgment  151 Medicare Act	Slander 🗖 368 Asbestos Person		820 Copyrights 830 Patent	☐ 470 Racketeer Influenced and
☐ 152 Recovery of Defaulted	Liability Liability	☐ 650 Airline Regs. ☐ 660 Occupational	840 Trademark	Corrupt Organizations  480 Consumer Credit
Student Loans (Excl. Veterans)	☐ 340 Marine Product ☐ 370 Other Fraud	Safety/Health  690 Other		490 Cahle/Sat TV 810 Selective Service
☐ 153 Recovery of Overpayment	Liability 🔲 371 Truth in Lending	STREET, LANGOR DESCRIPTION	SOCIALSTOURING	D 850 Securities/Commodities/
of Veteran's Benefits  160 Stockholders' Smits	□ 350 Motor Vehicle □ 380 Other Personal □ 355 Motor Vehicle Property Damage	710 Fair Labor Standards Act	☐ 861 HIA (1395ff) ☐ 862 Black Lung (923)	Exchange  875 Customer Challenge
☐ 190 Other Contract	Product Liability	e 🔲 720 Labor/Mgmt. Relations	☐ 863 DIWC/DIWW (405(g))	12 USC 3410
☐ 195 Contract Product Liability ☐ 196 Franchise	360 Other Personal Product Liability Injury	☐ 730 Labor/Mgmt.Reporting & Disclosure Act	☐ 864 SSID Title XVI ☐ 865 RSI (405(g))	☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts
REAL PROPERTY	CIVIL RIGHTS PRISONER PUBLIC	NS 🗆 🗇 740 Railway Labor Act	FEDERAL TAX SULTS	892 Economic Stabilization Act
☐ 210 Land Condemnation ☐ 220 Foreclosure	☐ 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)	☐ 893 Environmental Matters ☐ 894 Energy Allocation Act
230 Rent Lease & Ejectment	443 Housing/ Habens Corpus:	Security Act	☐ 871 IRS—Third Party	☐ 895 Freedom of Information
☐ 240 Torts to Land ☐ 245 Tort Product Liability	Accommodations 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	her		Under Equal Access
	Employment 550 Civil Rights  446 Amer. w/Disabilities - 555 Prison Condition	,		to Justice  950 Constitutionality of
	Other  440 Other Civil Rights			State Statutes
Original D 2 R	an "X" in One Box Only)		ferred from G 6  Multidistr  f(v)  Litigation	
		re filing (Do not cite invisdiction 1367(a); 15 USC 1114, Lan		
VI. CAUSE OF ACTIO	DN Brief description of cause: Trademark Infringement	1307(a), 13 USC 1114, Lai	mani Act, 13 USC 1123	
VII. REQUESTED IN	CHECK IF THIS IS A CLASS ACTION	N DEMAND S	CHECK YES only	if demanded in complaint:
COMPLAINT:	UNDER F.R.C.P. 23		JURY DEMAND:	_,
VIII. RELATED CASI	E(S) (See instructions): JUDGE		DOCKET NUMBER	
DATE	SIGNATURE OF AT	TORNEY OF RECORD		
08/13/2007	B.JG.	K-51		
FOR OFFICE USE ONLY				
RECEIPT # A	MOUNT APPLYING IFP			
A A	APPLIING IPP	Case	: 2:07cv00591	= <del></del>

Assigned To : Benson, Dee Assign. Date : 8/13/2007 Description: 1800 Contacts v.

Lens.com et al

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 I 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) Cheek 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 cheek (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 eases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.