

ORIGINAL

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX.  
FT. WORTH DIVISION

Jay M. Rosenberg, Esq.  
CONLEY ROSENBERG & BRENNEISE LLP  
Attorneys for Defendant  
5080 Spectrum Drive, Suite 850E  
Addison, Texas 75001  
(972) 591-2343  
[jmr@crb-law.com](mailto:jmr@crb-law.com)

2010 OCT 13 PM 3:41  
CLERK OF COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

-----X  
TEXAS HILL COUNTRY BARBECUE, INC., :  
 :  
 Plaintiff, :  
 :  
 - against - :  
 :  
 HILL COUNTRY IP, LLC, :  
 :  
 Defendant. :  
-----X

Case No.

**4-10 CV - 775 - A**

**NOTICE OF REMOVAL**

TO: THE JUDGES OF THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT OF TEXAS:

Defendant HILL COUNTRY IP, LLC ("Hill Country"), by its undersigned attorneys,  
respectfully represents as follows:

1. Hill Country is the only defendant in the action now pending in the District Court of Tarrant County, Texas, 352<sup>nd</sup> Judicial District, Cause No. 352-248480-10 (the "Action").
2. The Action was commenced on September 29, 2010 with the filing of Plaintiff's Original Petition ("Petition"), a copy of which annexed hereto as Exhibit A. The Petition was first received by outside counsel for Hill Country via fax on September 30, 2010. A copy of the cover letter from plaintiff's counsel which accompanied the Petition is annexed hereto as Exhibit

B. Thus, this Notice of Removal is filed within 30 days after Hill Country's receipt of the Petition and is therefore timely filed under 28 U.S.C. §1446(b).

3. There have been no further proceedings in this Action.

4. Hill Country has a registered trademark for HILL COUNTRY in International Class 43, which covers "services for providing food and drink" (Reg. No. 3,325,750) and operates the commercially successful and critically acclaimed Texas-style barbecue destinations known as HILL COUNTRY® in New York City, with a new location on the way in Washington, D.C.

5. Notwithstanding Hill Country's registered trademark, the Action is a civil action seeking a declaratory judgment that plaintiff, which now plans to open several restaurants, "has, and continues to have a common law right to use its name 'Texas Hill Country Barbecue, Inc.' including the term 'Hill Country' in its name."

6. The Action was filed by plaintiff after counsel for Hill Country sent a letter to plaintiff on September 21, 2010 requesting that plaintiff "represent in writing that it will not use nor seek registration of HILL COUNTRY® (or any confusingly similar derivative thereof) in connection with restaurant services and/or in connection with closely related goods and services to [Hill Country's] goods and services (and reasonable product and services extensions thereof)." A copy of that letter is annexed hereto as Exhibit C.

7. This Court has original jurisdiction over this Action pursuant to 28 U.S.C. §§ 1331 and 1338 since this action relates to Hill Country's registered trademark and plaintiff's infringement thereof and arises under the Lanham Trademark Act, 15 U.S.C. §1501 *et seq.* Removal of this Action is therefore proper pursuant to 28 U.S.C. §1441.

8. A copy of this notice will be given to plaintiff's counsel and filed with the Clerk of the District Court of Tarrant County, Texas, 352<sup>nd</sup> Judicial District, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Hill Country prays that the Action now pending against it in the District Court of Tarrant County, Texas, 352<sup>nd</sup> Judicial District, be removed therefrom to this Court.

Dated: Addison, Texas  
October 13, 2010

CONLEY ROSENBERG & BRENNEISE LLP

By: 

Jay M. Rosenberg, Esq.  
State Bar No. 17269450  
Phillip J. Conley  
State Bar No. 04666200  
Kelly E. Kleist  
State Bar No. 24046229

5080 Spectrum Drive  
Suite 850E  
Addison, Texas 75001  
(972) 364-9700  
(972) 713-6480 facsimile  
[jmr@crb-law.com](mailto:jmr@crb-law.com)  
[kek@crb-law.com](mailto:kek@crb-law.com)

ATTORNEYS FOR HILL COUNTRY IP,  
LLC

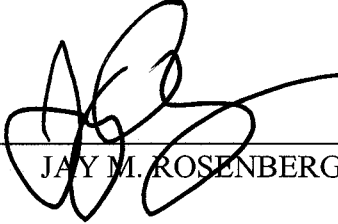
Of Counsel:

Philip R. Hoffman, Esq.  
PRYOR CASHMAN LLP  
7 Times Square  
New York, New York 10036-6569  
(212) 421-4100  
[phoffman@pryorcashman.com](mailto:phoffman@pryorcashman.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2010, I served the within Notice of Filing of Removal upon the attorneys for plaintiff, Wesly C. Maness, Esq., Shannon, Gracey, Ratliff & Miller, LLP, 1000 Ballpark Way, Suite 300, Arlington, Texas 76011-5169, the address designated by them for that purpose, by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository by Certified Mail RRR #7009 2820 0002 9060 3882 under the exclusive care and custody of the U.S. Postal Service within Texas.

Dated: Addison, Texas  
October 13, 2010



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JAY M. ROSENBERG, ESQ.

CAUSE NO. 352-248480-10

TEXAS HILL COUNTRY BARBECUE, INC.	§	IN THE DISTRICT COURT OF
Plaintiff,	§	
	§	
	§	TARRANT COUNTY, TEXAS
	§	
HILL COUNTRY IP, LLC	§	
Defendant.	§	352 <sup>nd</sup> JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, Texas Hill Country Barbecue, Inc. ("THCB") files this its Original Petition, complaining of Defendant, Hill Country IP, LLC ("HCIP"), and in support thereof would show the Court the following:

**I.**

**Discovery Control Plan**

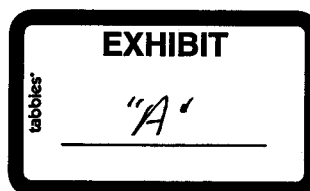
1. Discovery is intended to be conducted under Level 2 of Texas Rule of Civil Procedure 190.

**II.**

**Parties**

2. THCB is a Texas corporation, authorized and doing business in the State of Texas, with its principal place of business being Tarrant County, Texas.

3. HCIP is, upon information and belief, a foreign Limited Liability Company with its principle place of business located at 30 West 26<sup>th</sup> Street, New Your, NY 10010. HCIP maintains no registered agent with the Secretary of State of the State of Texas, and does not appear to be authorized to do business as such, but actively claims rights to do business in the



State of Texas as evidenced by the controversy in this matter. Service of Process is appropriate by HCIP at its last known address, by serving HCIP through the Secretary of State for the State of Texas.

### III.

#### Jurisdiction and Venue

4. This Court has jurisdiction over the Defendant because Defendant claims rights against Plaintiff in Tarrant County, Texas, which it has alleged have been violated and infringed upon in Tarrant County, Texas. Further, THCB is a business that is owned by residents of Tarrant County, in the State of Texas, and the relief sought is authorized by the Texas Declaratory Judgments Act Chapter 37, Tex. Civ. Prac. & Rem. Code.

5. All such claimed transactions or occurrences made the subject of the litigation occurred in Tarrant County, Texas. Therefore, venue is proper in Tarrant County.

### IV.

#### Background

6. THCB is a Texas corporation with its principle place of business located in Arlington, Tarrant County, Texas. As an entity, THCB has been in existence since 2003. THCB has been operating, utilizing the name Texas Hill Country Barbecue, Inc. continuously for the past seven (7) years, and as result, has acquired common law rights to utilize that name in its geographic area, including Tarrant County, Texas.

7. THCB is in the business of providing barbecue products such as brisket, smoked turkeys, smoked hams, whole turkeys, chicken and other refined products generally identified as barbecue.

8. THCB primarily provides these products on a wholesale basis to retailers, restaurants and other store front operations for sale and delivery to the retail customer market. THCB is in the process however, of partnering with other entities to continue the natural progression into restaurants and other consumer based markets.

9. Recently, HCIP - a company based in and operating in New York City, New York, has claimed a right to sole use of the term "Hill Country" in (among other areas) Texas, in connection with its barbecue restaurant services. HCIP currently provides no services and maintains no restaurants or consumer outlets in Texas at this time, and as stated earlier, was not formed until 2007, four years after THCB was formed as an entity. Further, THCB has learned that HCIP did not even acquire the claimed rights to "Hill Country" until November, 2009. Clearly, THCB was utilizing the term "Hill Country" in its name at least six (6) years before HCIP decided to seek and exclusive claim to use that geographical reference in its name.

10. While it is obvious to any Texan that the term "Hill Country" is a geographical reference rather than a trademark-able name, the New York entity apparently is unaware that such a geographical reference in Texas is in broad use by many, many entities, companies and individuals throughout the State of Texas. In fact, by letter dated September 21, 2010, counsel for HCIP submitted what should be considered a cease and desist demand letter to THCB, claiming exclusive rights in the terms "Hill Country," demanding that THCB cease and represent affirmatively that it would no longer use the term "Hill Country" in its name as it operates in Texas - or anywhere else for that matter.

V.

**Declaratory Relief**

12. THCB realleges and incorporates by reference all of the allegations contained in the foregoing paragraphs as if fully set forth herein.

13. As a result of the pending threat from HCIP and imminent harm which will result if not resolved as described above, a justiciable controversy exists requiring immediately resolution. THCB requests a declaration of the rights of THCB to keep using its name, as it has been doing for seven (7) years.

14. HCIP's letter demand of September 21, 2010, setting down an ultimatum of September 30, 2010 for THCB to cease and desist, and actively represent that it would no longer use the term "Hill Country" in its name for any restaurant or other related purposes creates a pending threat, wherein litigation is eminent. Therefore, it is necessary to settle and afford relief from the uncertainty and insecurity with respect to the rights of THCB and HCIP, with regard to THCB's right to continue its prior and existing seven (7) year use of the geographic term "Hill Country," despite the unsupportable claims and demands by HCIP. THCB requests that the Court issue a judgment declaring that THCB has the common law right to continue use of its name, Texas Hill Country Barbecue, Inc., including the term "Hill Country".

VIII.

**Attorney's Fees**

14. THCB realleges and incorporate by reference all of the allegations contained in the foregoing paragraphs as if fully set forth herein.



15. As a result of the claims and controversies, and demands made upon the rights of THCB, it has become necessary for a Court to issue a determination of the rights of the parties involved, for which THCB is seeking a declaration that it has the rights to continue use of the term "Hill Country" in its name, which existed years prior to HCIP's formation. To do so, THCB has been required to retain counsel to obtain such declaration and therefore seeks reimbursement of the reasonable and necessary attorneys' fees pursuant to Tex. Civ. Prac. & Rem Code Chapter 37, §37.009 known as the Texas Declaratory Judgments Act.

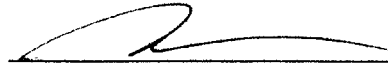
**IX.**

**Prayer**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, Plaintiff, prays that Defendant, HCIP, be summoned to appear and answer herein, and that upon final hearing hereof:

1. Judgment be rendered that THCB has, and continues to have a common law right to use its name "Texas Hill Country Barbecue, Inc." including the term "Hill Country" in its name;
3. Judgment that THCB recover from HCIP all of its reasonable and necessary attorney's fees and expenses incurred herein;
4. Judgment that THCB recover all costs of suit; and
5. Judgment awarding THCB all other relief, special or general, legal or equitable, as the Court deems appropriate.

Respectfully Submitted,



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**WESLY C. MANESS**  
State Bar No. 00784518  
**SHANNON, GRACEY,  
RATLIFF & MILLER, L.L.P.**  
1000 Ballpark Way, Suite 300  
Arlington, Texas 76011  
(817) 299-2843  
(817) 795-4864 (Telecopier)

**ATTORNEY FOR PLAINTIFF**

**REQUEST FOR DISCLOSURE**

Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendants disclose, within 30 days of the service of this request, the information or material described in Rule 194.2(a)-(l).



Wesly C. Maness

**SHANNON GRACEY**  
SHANNON, GRACEY, RATLIFF & MILLER, LLP

Wesly C. Maness  
Direct Dial: 817-299-2843

Email: [wmaness@shannongracey.com](mailto:wmaness@shannongracey.com)  
Direct Fax: 817-877-8176

September 30, 2010

Via CMRRR – 7008 1830 0000 1591 0609  
and Fax – 212-798-6369  
Brad Rose  
Pryor Cashman, LLP  
7 Times Square  
New York, NY 10036

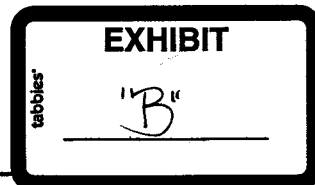
Re: Cause No. 352-248480-10; Texas Hill Country Barbecue, Inc. v. Hill Country IP, LLC

Dear Mr. Rose:

Please be advised that the undersigned has been retained to assist and represent Texas Hill Country Barbecue, Inc. with regard to resolution of the referenced matter. Please direct your future contact and correspondence to the undersigned.

Enclosed is a copy of the lawsuit filed yesterday by Texas Hill Country Barbecue, Inc. The action was filed due to the serious nature of the allegations claimed in your September 21, 2010 correspondence, and my client's firm belief that their prior existing use grants them a common law right to continue. Please let me know if you will accept service of process on behalf of your clients, or if formal service will be necessary.

While we are firm in our belief that Texas Hill Country Barbecue, Inc. is fully entitled to continue its use of the term "Hill Country" as indicated in the attached Petition, and further believe that the geographic term "Hill Country" represents an improperly granted registration, we are hopeful that the parties can work toward a resolution of this matter. However, given the fact that there are literally dozens of restaurants and restaurant service companies in Texas utilizing the term "Hill Country" in their name, and because Texas Hill Country Barbecue, Inc. is a well, longer established entity than your client, we are not willing to simply cease and desist as your correspondence suggests.

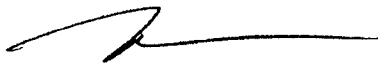


September 30, 2010  
Page 2

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Once you have had a chance to review this correspondence and the attached Petition, please contact me so that we can discuss how best to deal with this matter.

Very truly yours,



Wesly C. Maness

WCM:css

YAS - Z:\Texas Hill Country Barbecue\correspondence\Rose 09-30-10.doc

cc: Texas Hill Country Barbecue, Inc.  
Victor McCall



# PRYOR CASHMAN LLP

New York | Los Angeles

7 Times Square, New York, NY 10036-6569 Tel: 212-421-4100 Fax: 212-326-0806

www.pryorcashman.com

**Brad D. Rose**  
Partner

Direct Tel: 212-326-0875  
Direct Fax: 212-798-6369  
brose@pryorcashman.com

September 21, 2010

**VIA FEDERAL EXPRESS & FACSIMILE (817) 465-8423**

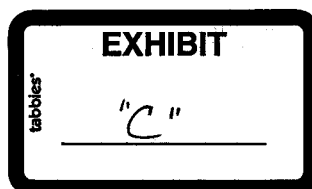
Mr. William Jason Ford  
President/CEO  
Texas Hill Country Barbecue, Inc.  
3101 Pleasant Valley Lane  
Arlington, TX 75015

**Re: HILL COUNTRY® (U.S. Trademark Registration; Principal Register; United States Patent and Trademark Office; International Class 43; Reg. No. 3,325,750) (the "Registered Trademark")**

Dear Mr. Ford:

We are intellectual property counsel to Hill Country IP, LLC ("HCIP") and write to you with respect to the actual confusion that has resulted and will continue to result from Texas Hill Country Barbecue, Inc.'s ("THCB") use of the designation TEXAS HILL COUNTRY BARBECUE INC (the "Infringing Mark") in connection with restaurant services. As noted above and incorporated herein by reference, HCIP is the owner of the Registered Trademark for use on and in connection with restaurant services. Accordingly, THCB is hereby put on notice that its use of the Infringing Mark (or its intended use thereof, as the case may be), violates the well-established trademark rights of HCIP in the Registered Mark. Accordingly, on behalf of HCIP we hereby request that you confirm that THCB will refrain from the use and/or registration of the Infringing Mark.

For informational purposes, please note that HCIP owns and operates the commercially successful and critically acclaimed Texas-style barbecue destinations known as HILL COUNTRY®. The first HILL COUNTRY® restaurant was founded in June, 2007 and is located in the Flatiron District of New York City. From the moment HCIP opened its first location, it was an extremely popular dining and entertainment spot for celebrities, locals and tourists from all over the country (including Texas) seeking a unique and authentic Texas-style dining experience with five star cuisine, live country music, a "down home" "Hill Country" atmosphere and excellent service.



 **PRYOR CASHMAN LLP**

Mr. William Jason Ford  
Texas Hill Country Barbecue, Inc.  
September 21, 2010  
Page 2

Building on its success and branded name recognition, HCIP expanded to a second location in New York called HILL COUNTRY® Chicken, serving an updated version of Texas fried chicken and pies. HCIP is also in the process of constructing and opening its third location, a new HILL COUNTRY® branded restaurant in Washington D.C.

HCIP has expended substantial sums and significant resources over the years building, operating, advertising, promoting, protecting and expanding its HILL COUNTRY® restaurants. HCIP advertises and promotes its HILL COUNTRY® restaurants nationwide through [www.hillcountryny.com](http://www.hillcountryny.com), MySpace®, Twitter® and Facebook® pages. In addition the HILL COUNTRY® restaurants have received widespread national media attention, including features in The Washington Post, The Dallas Morning News, The New York Times, The New York Post, Michelin Guide, Men's Health Magazine, People Magazine, Crain's New York Business Magazine, Time Out New York, Sky Delta Magazine, Restaurant Hospitality Magazine and Food Network Magazine, just to name of few.

Indeed, over the years, HILL COUNTRY® branded restaurants have come to symbolize quality in the eyes of the consuming public as a result of its outstanding products, first rate service and vigorous advertising and promotion. Indeed, the HILL COUNTRY® trademark has become so well known to the general public (and to the trade) that it serves to identify HCIP as the unique source and origin of restaurant services under the Registered Mark.

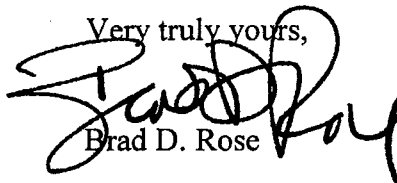
In light of the above, HCIP believes that THCB's stated intention to use the Mark in commerce in connection with restaurant services will confuse customers into thinking that such services emanate from or are otherwise associated with our client, HCIP, and its HILL COUNTRY® brand. Given that the Infringing Mark is virtually identical to the Registered Mark and will be used in connection with identical services, HCIP believes that consumers are likely to believe that THCB's restaurant(s) is/are affiliated with, connected to, sponsored by and/or associated with HCIP's branded HILL COUNTRY® restaurants. In fact, as is evidenced by the enclosed printout of the THETOPBBQINFO.COM website, actual consumer confusion has already commenced whereby an unrelated third party has juxtaposed HCIP's HILL COUNTRY CHICKEN word mark and logo into a story announcing THCB's listing on the OTC Pink Sheets.

Accordingly, HCIP requests that THCB represent in writing that it will not use nor seek registration of HILL COUNTRY® (or any confusingly similar derivative thereof) in connection with restaurant services and/or in connection with closely related goods and services to HCIP's goods and services (and reasonable product and services extensions thereof). Your confirmation of the foregoing is required on or before September 30, 2010.

 **PRYOR CASHMAN LLP**

Mr. William Jason Ford  
Texas Hill Country Barbecue, Inc.  
September 21, 2010  
Page 3

Nothing contained herein or omitted herefrom shall be deemed to be a waiver of any of our client's rights at law or in equity, all such rights being expressly reserved.

Very truly yours,  
  
Brad D. Rose

BDR/ld  
Encs.

**CIVIL COVER SHEET**

JS 44 (TXND Rev. 2/10)

The JS 44 (rev) 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**  
Texas Hill Country Barbecue, Inc.

2010 OCT 13 PM 3:41

**(b)** County of Residence of First Listed Plaintiff Tarrant  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorney's (Firm Name, Address, and Telephone Number)  
Wesley C. Maness, SHANNON GRACEY RATCLIFF & MILLER, 1000  
Ballpark Way, #300, Arlington, Texas 76011-5169, 817-299-2843

**DEFENDANTS**  
Hill County IP, LLC

4-10 CV - 775 - A

County of Residence of First Listed Defendant New York, New York  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)  
Jay M. Rosenberg, CONLEY ROSENBERG & BRENNEISE LLP,  
5080 Spectrum Drive, Suite 850E, Addison, Texas 75001,  
972-364-9700

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                                       |                                       |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
|   | <b>PTF</b>                 | <b>DEF</b>                 |   | <b>PTF</b>                            | <b>DEF</b>                            |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5            | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs.	<input checked="" type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General			<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<b>IMMIGRATION</b>		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 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 Litigation
- 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. Sec. 1504 et. seq.  
Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ \_\_\_\_\_ CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) (See instructions) PENDING OR CLOSED:**

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 10/13/10

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY FW012563

RECEIPT # \_\_\_\_\_ AMOUNT 350 APPLYING IFF \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_