

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

**DICHELLO DISTRIBUTORS, INC. and
JOHN HALL,
Plaintiffs,**

V.

ANHEUSER-BUSCH COMPANIES, LLC,
Defendant.

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 : **Civil Action No.** _____
 : **[Connecticut Superior Court Docket**
 : **No. NNH-CV20-6105163-S]**
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 : **JULY 17, 2020**
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NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441, 1446, and 1332, defendants Anheuser-Busch Companies, LLC and Anheuser-Busch, LLC (together, “Anheuser-Busch”) hereby provide notice of removal of this action from the Connecticut Superior Court, Judicial District of New Haven at New Haven, to the United States District Court for the District of Connecticut. Removal is proper for the following reasons:

1. On June 17, 2020, plaintiffs Dichello Distributors, Inc. (“Dichello”) and John Hall (together with Dichello, “Plaintiffs”) caused to be served upon Anheuser-Busch, LLC a complaint alleging breach of fiduciary duty, breach of contract, violation of the Connecticut Unfair Trade Practices Act, tortious interference, and “common law fraud and theft.”

2. Plaintiffs filed the complaint in the Connecticut Superior Court, Judicial District of New Haven at New Haven, on or about June 16, 2020. The case has been assigned docket number NNH-CV20-6105163-S in that state court action.

3. Plaintiffs served Anheuser-Busch, LLC (not Anheuser-Busch Companies, LLC) with the summons and complaint on June 17, 2020.

4. The complaint mistakenly names “Anheuser-Busch Companies LLC” as the defendant and alleges that “ANHEUSER-BUSCH COMPANIES LLC is a beer manufacturer located in St. Louis Missouri and licensed to do business in the State of Connecticut.” Anheuser-Busch Companies, LLC is not licensed to do business in Connecticut and was not served with the summons and complaint. However, Anheuser-Busch, LLC is licensed to do business in Connecticut and was served with the summons and complaint. It is Anheuser-Busch, LLC that is the beer manufacturer located in St. Louis and is the counter-party to the Anheuser-Busch Wholesaler Equity Agreement referenced in the complaint. The naming of “Anheuser-Busch Companies LLC” as the defendant appears to be an error. Out of an abundance of caution, this notice is being filed on behalf of both Anheuser-Busch Companies, LLC and Anheuser-Busch, LLC.

5. In accordance with the requirements of 28 U.S.C. § 1446, this Notice of Removal is timely filed within thirty (30) days after Anheuser-Busch, LLC was served with notice of this action.

6. This Court is within the judicial district that embraces the division of the Superior Court where this action is currently pending.

7. This case is removable from state court to federal court on the basis of diversity jurisdiction under 28 U.S.C. § 1332. The district courts have original jurisdiction over any civil action where the matter in controversy exceeds the sum of \$75,000.00 and where the parties are citizens of different states. 28 U.S.C. § 1332(a).

8. While Anheuser-Busch denies that Dichello is entitled to any relief whatsoever, the amount in controversy exceeds \$75,000. Dichello alleges that it has “incurred significant financial losses including but not limited to lost productivity, lost business opportunities; legal

fees; diminution of the value of the business and other significant expenses” and seeks monetary damages, punitive damages, attorneys’ fees, and costs. Dichello also seeks a declaratory judgment that the distribution agreement pursuant to which it is awarded the exclusive right to sell Anheuser-Busch products is “invalid and unenforceable,” as well as “[s]uch other, further and different relief as to this court may seem just and equitable.” In addition, Dichello alleges that the remedy for its failure to comply with certain provisions of its distribution agreement is the potential sale of the business.

9. While Dichello did not allege the amount of damages it seeks other than to assert that the amount in demand is “not less than” \$15,000, exclusive of interest and costs (the jurisdictional threshold for Connecticut Superior Court, Conn. Gen. Stat. § 52-91), the rights at issue are worth far in excess of \$75,000. Through the Equity Agreement, Anheuser-Busch, LLC assigned to Dichello the right to distribute certain Anheuser-Busch products in an exclusive territory, a lucrative right worth far in excess of \$75,000.

10. Plaintiffs and defendants are citizens of different states.

11. Dichello is a Connecticut business with its principal place of business in Orange, Connecticut. On information and belief, plaintiff John Hall resides in Connecticut.

12. Defendant Anheuser-Busch, LLC is a Missouri limited liability company with its principal place of business at One Busch Place, St. Louis, Missouri 63118. The sole member of Anheuser-Busch, LLC is Anheuser-Busch Companies, LLC, a Delaware limited liability company with its principal place of business at One Busch Place, St. Louis, Missouri 63118. The sole member of Anheuser-Busch Companies, LLC is Anheuser-Busch InBev Worldwide, Inc., a Delaware corporation with its principal place of business at One Busch Place, St. Louis, Missouri 63118.

13. By filing this Notice of Removal, Anheuser-Busch does not waive any defenses or rights that may be available to it.

14. Pursuant to 28 U.S.C. § 1446(a), attached to this Notice of Removal as **Exhibit A** is a copy of all “process, pleadings, and orders” served upon Anheuser-Busch, LLC to date.

15. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly sent to all counsel of record and a copy of this Notice of Removal will be filed with the Clerk of the Connecticut Superior Court for the Judicial District of New Haven at New Haven as set forth in **Exhibit B**.

Dated: July 17, 2020

Respectfully submitted,

ANHEUSER-BUSCH COMPANIES, LLC and
ANHEUSER-BUSCH, LLC

By: /s/ Mark S. Baldwin
Mark S. Baldwin (CT01363)
Brown Rudnick LLP
185 Asylum Street
Hartford, Connecticut 06103
Telephone: (860) 509-6500
mbaldwin@brownrudnick.com

*Counsel for Defendants Anheuser-Busch
Companies, LLC and Anheuser-Busch, LLC*

CERTIFICATION OF SERVICE

I hereby certify that on July 17, 2020, a copy of the foregoing was sent via first class mail
to the following:

Leonard C. Reizfeld
Attorney at Law
10 Marietta Street
Hamden, CT 06514

Counsel for Plaintiffs Dichello Distributors, Inc. and John Hall

/s/ Mark S. Baldwin

Mark S. Baldwin

EXHIBIT A



Service of Process Transmittal

06/17/2020

CT Log Number 537803236

TO: Kristi Byrne
Anheuser-Busch Companies, LLC.
1 Busch Pl
Saint Louis, MO 63118-1852

RE: Process Served in Connecticut

FOR: Anheuser-Busch, LLC (Domestic State: MO)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: DICHELLO DISTRIBUTORS INC, ET AL., PLTF. vs. ANHEUSER-BUSCH COMPANIES LLC, DFT.
Name discrepancy noted.

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # NONE

ON WHOM PROCESS WAS SERVED: C T Corporation System, East Hartford, CT

DATE AND HOUR OF SERVICE: By Process Server on 06/17/2020 at 11:48

JURISDICTION SERVED : Connecticut

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

REMARKS: According to the records of the (Jurisdiction Served) Secretary of State, the only entity registered beginning with the name ANHEUSER-BUSCH COMPANIES LLC is ANHEUSER-BUSCH, LLC

ACTION ITEMS: CT has retained the current log, Retain Date: 06/17/2020, Expected Purge Date: 06/22/2020

Image SOP

Email Notification, Kristi Byrne Kristi.Byrne@anheuser-busch.com

Email Notification, LUCAS PENDRY lucas.pendry@anheuser-busch.com

Email Notification, Benjamin Halpert benjamin.halpert@anheuser-busch.com

Email Notification, Darryl Uffelmann darryl.uffelmann@anheuser-busch.com

Email Notification, Seth Hawkins seth.hawkins@anheuser-busch.com

Email Notification, Jennifer Tomasiak jennifer.tomasiak@anheuser-busch.com

Email Notification, Charlotte Manapat-Nguyen
CharlotteMarie.Manapat-Nguyen@anheuser-busch.com



**Service of Process
Transmittal**

06/17/2020

CT Log Number 537803236

TO: Kristi Byrne
Anheuser-Busch Companies, LLC.
1 Busch Pl
Saint Louis, MO 63118-1852

RE: Process Served in Connecticut

FOR: Anheuser-Busch, LLC (Domestic State: MO)

Email Notification, SHERRY BRYANT sherry.bryant@anheuser-busch.com

Email Notification, Sarah Reichert sarah.reichert@anheuser-busch.com

**SIGNED:
ADDRESS:**

C T Corporation System
208 South LaSalle Street
Suite 814
Chicago, IL 60604

For Questions:

866-331-2303
CentralTeam1@wolterskluwer.com



Connecticut's Official
State Website

The Office of Secretary of the State Denise W. Merri

Business Inquiry

Business Details

Business Name:	ANHEUSER-BUSCH, LLC	Citizenship/State Inc:	Foreign/MO
Business ID:	1062915	Last Report Filed Year:	2020
Business Address:	ONE BUSCH PLACE, ST. LOUIS, MO, 63118, USA	Business Type:	Foreign Limited Liability Company
Mailing Address:	ONE BUSCH PLACE, CORPORATE TAX DEPT, ST. LOUIS, MO, 63118, USA	Business Status:	Active
Date Inc/Registration:	Nov 03, 2011	Name in Place of Formation:	
Commence Business Date:	Oct 01, 2011		
Annual Report Due Date:	03/31/2021		
NAICS Code:	Manufacturing (31)	NAICS Sub Code:	Breweries (312120)

Principals Details

Name/Title	Business Address	Residence Address
MICHEL DOUKERIS MANAGER	125 W 24TH STREET, NEW YORK, NY, 10011	125 W 24TH STREET, NEW YORK, NY, 10011
ROBERT M. TALLETT MANAGER	125 W 24TH STREET, NEW YORK, NY, 10011	125 W 24TH STREET, NEW YORK, NY, 10011
BRENDAN RYAN WHITWORTH MANAGER	125 W 24TH STREET, NEW YORK, NY, 10011	125 W 24TH STREET, NEW YORK, NY, 10011

Agent Summary

Agent Name C T CORPORATION SYSTEM

Agent Business Address 67 BURNSIDE AVE, EAST HARTFORD, CT, 06108

Agent Residence Address NONE

Agent Mailing Address 67 BURNSIDE AVE, EAST HARTFORD, CT, 06108, USA

OTHER ADDRESSES:

Address in the State of Formation: ONE BUSCH PLACE, ST. LOUIS, MO, 63118, USA

Mailing Address in the State of Formation: ONE BUSCH PLACE, ST. LOUIS, MO, 63118

SUMMONS - CIVIL

JD-CV-1 Rev. 6-11

C.G.S. §§ 51-348, 51-347, 51-348, 51-350, 52-45a, 52-48, 52-259, P.B. Secs. 3-1 through 3-21, 8-1

**STATE OF CONNECTICUT
SUPERIOR COURT**
www.jud.ct.gov

See page 2 for Instructions

- ☐ "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- ☒ "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- ☒ "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer, BY AUTHORITY OF THE
STATE OF CONNECTICUT, you are hereby
commanded to make due and legal service of
this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-348, 51-350) 235 Church Street, New Haven, CT		Telephone number of clerk (with area code) (203) 503-6800	Return Date (Must be a Tuesday) July 20, 2020 23 July 2020
<input checked="" type="checkbox"/> Judicial District Housing Session <input type="checkbox"/> GA Number:	At (Town in which writ is returnable) (C.G.S. §§ 51-348, 51-349) New Haven		Case type code (See list on page 2) Major: C Minor: 90

For the Plaintiff(s) please enter the appearance of:

Name and address of attorney, law firm or plaintiff (if self-represented) (Number, street, town and zip code) LEONARD C. REIZFELD, 10 MARIETTA ST., HAMDEN, CT 06514	Juris number (to be entered by attorney only) 305467
Telephone number (with area code) (203) 288-5599	Signature of Plaintiff (if self-represented)

Number of Plaintiffs: 2 Number of Defendants: ☐ Form JD-CV-2 attached for additional parties

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number, Street, P.O. Box, Town, State, Zip, Country, if not USA)	
First Plaintiff	Name: DICHELLO DISTRIBUTORS, INC. Address: 55 Marsh Hill Road, Orange, CT 06477	P-01
Additional Plaintiff	Name: JOHN HALL Address: 55 Marsh Hill Road, Orange, CT 06477	P-02
First Defendant	Name: ANHEUSER-BUSCH, LLC Address: One Busch Place, St. Louis, MO 63118 by and through its Agent: C T Corporation System	D-50
Additional Defendant	Name: 67 Burnside Ave., East Hartford, CT 06108	D-51
Additional Defendant	Name: Address:	D-52
Additional Defendant	Name: Address:	D-53

Notice to Each Defendant

1. YOU ARE BEING SUED. This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
2. To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
3. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
4. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
5. If you have questions about the Summons and Complaint, you should talk to an attorney quickly. The Clerk of Court is not allowed to give advice on legal questions.

Signed (Sign and "X" properly) 		<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Name of Person Signing as Let Leonard C. Reizfeld	Date signed 6/16/2020
If this Summons is signed by a Clerk: a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts. b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law. c. The Clerk is not permitted to give any legal advice in connection with any lawsuit. d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.		For Court Use Only		
I certify I have read and understand the above:		Signed (Self-Represented Plaintiff)		Date
Name and address of person recognized to prosecute in the amount of \$250 Ruth K. Reizfeld, P.O. Box 3569, Woodbridge, CT 06525		Signed (Official taking recognizance: "X" above) 		Date 6/16/2020
		<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk		Docket Number STATE OF CONNECTICUT HARTFORD COUNTY

RETURN DATE: JULY 23, 2020 : SUPERIOR COURT
DICHELLO DISTRIBUTORS INC, ET AL : J.D. OF NEW HAVEN
VS. : AT NEW HAVEN
ANHEUSER-BUSCH COMPANIES LLC : June 16, 2020

COMPLAINT

GENERAL ALLEGATIONS:

1. The Plaintiff, DICHELLO DISTRIBUTORS INC. is a privately owned Connecticut business located in the Town of Orange, County of New Haven, State of Connecticut and is a distributor within its specified territory of certain products manufactured by the Defendant, ANHEUSER-BUSCH COMPANIES LLC.
2. The Plaintiff, John Hall is the President of the Plaintiff, DICHELLO DISTRIBUTORS INC. which is owned by his immediate family members.
3. The Plaintiff, John Hall was and has continued to work in the position of President of the Plaintiff, DICHELLO DISTRIBUTORS INC. at all times relevant to this complaint.
4. ANHEUSER-BUSCH COMPANIES LLC is a beer manufacturer located in St. Louis Missouri and licensed to do business in the State of Connecticut.
5. The Defendant, ANHEUSER-BUSCH COMPANIES LLC engaged in an ongoing conspiracy with its former employee, Sal Dibetta while he was employed by the Plaintiff, DICHELLO DISTRIBUTORS INC and other unnamed parties to undermine the Plaintiff, DICHELLO DISTRIBUTORS INC's distributorship and force the owners to sell the Plaintiff, distributorship.

6. As a result of the above-described conduct of the Defendant, ANHEUSER-BUSCH COMPANIES LLC , the Plaintiff, DICHELLO DISTRIBUTORS INC. incurred significant financial losses including but not limited to lost productivity, lost business opportunities; legal fees; diminution of the value of the business and other significant expenses.

FIRST COUNT - BREACH OF FIDUCIARY DUTY

1-6. Paragraphs one (1) through six (6) of the General Allegations are hereby incorporated into this First Count as paragraphs one (1) through six (6).

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's conduct in conspiring with its former employee Sal Dibetta while he was employed by the Plaintiff, DICHELLO DISTRIBUTORS INC and others to undermine the Plaintiff's distributorship constitutes a breach of its fiduciary duty that it owed to the Plaintiff pursuant to the parties distribution Agreement.

SECOND COUNT: BREACH OF CONTRACT

1-6. Paragraphs one (1) through six (6) of the General Allegations are hereby incorporated into this First Count as paragraphs one (1) through six (6).

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's conduct in conspiring with its former employee Sal Dibetta while he was employed by the Plaintiff, DICHELLO DISTRIBUTORS INC to undermine the Plaintiff's distributorship constitutes a breach of its distribution contract with the Plaintiff.

THIRD COUNT: CONNECTICUT UNFAIR TRADE PRACTICES ACT

1-6. Paragraphs one (1) through six (6) of the General Allegations are hereby incorporated into this First Count as paragraphs one (1) through six (6).

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's conduct in conspiring with its former employee Sal Dibetta and others employees of the Plaintiff while he was employed by the Plaintiff, DICHELLO DISTRIBUTORS INC to undermine the Plaintiff's distributorship constitutes a violation of the Connecticut Unfair Trade Practices Act.

FOURTH COUNT:

1-6. Paragraphs one (1) through six (6) of the General Allegations are hereby incorporated into this First Count as paragraphs one (1) through six (6).

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's conduct in conspiring with its former employee Sal Dibetta while he was employed by the Plaintiff, DICHELLO DISTRIBUTORS INC to undermine the Plaintiff's distributorship constitutes a tortious interference with the Plaintiff, DICHELLO DISTRIBUTORS INC's relationship with the Plaintiff, JOHN HALL.

FIFTH COUNT:

1-6. Paragraphs one (1) through six (6) of the General Allegations are hereby incorporated into this First Count as paragraphs one (1) through six (6).

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's conduct in conspiring with its former employee Sal Dibetta while he was employed by the Plaintiff and others in the Plaintiff, DICHELLO DISTRIBUTORS INC.'s employ to undermine the Plaintiff's distributorship constitutes common law fraud and theft.

SIXTH COUNT:

1. The Plaintiff, DICHELLO DISTRIBUTORS INC. is a privately owned Connecticut business located in the Town of Orange, County of New Haven, State of Connecticut and is an exclusive distributor within its specified territory of certain products manufactured by the Defendant, ANHEUSER-BUSCH COMPANIES LLC.

2. ANHEUSER-BUSCH COMPANIES LLC is a beer manufacturer located in St. Louis Missouri and licensed to do business in the State of Connecticut.

3. The Defendant, ANHEUSER-BUSCH COMPANIES LLC has forced a distribution agreement upon the Plaintiff, DICHELLO DISTRIBUTORS INC, that violates the spirit and intent of Connecticut General Statutes, Chapter 545 and the three tier distribution established by said Act.

4. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's distribution agreement violates Connecticut General Statutes, Chapter 545 and the three tier distribution system by imposing not only unreasonable and excessive operating methods and methodologies upon its Plaintiff, DICHELLO DISTRIBUTORS INC but also forcing the Plaintiff to sell equity in its business to the Defendant's approved manager regardless of whether the manager can afford to buy said interest at fair market value or not.

5. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's distribution agreement violates Connecticut General Statutes. Chapter 545 and the three tier distribution system by exerting excessive and unreasonable control over the approved management process and is in direct violation of Connecticut's three tier system.

6. The Defendant, ANHEUSER-BUSCH COMPANIES LLC has sought to enforce their Equity Agreement upon the Plaintiff, DICHELLO DISTRIBUTORS INC and has threatened the Plaintiff with consequences for non-compliance including forced sale of the distributorship.

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's distribution agreement with the Plaintiff, DICHELLO DISTRIBUTORS INC repeatedly violates Connecticut General Statutes, Chapter 545 and the three tier distribution system in both practice and intent and thereby constitutes a violation of the Connecticut Unfair Trade Practices Act, Chapter 735a.

WHEREFORE, the Plaintiff claims:

1. Monetary damages;
2. Punitive damages;
3. Attorney's fees and costs;
4. A declaratory finding that the Equity Agreement is invalid and unenforceable;
5. Such other, further and different relief as to this court may seem just and equitable.

THE PLAINTIFF,

By: 

Leonard C. Reizfeld
Attorney At Law
10 Marietta Street
Hamden, CT 06514
(203) 288-5599
Juris No.: 305467

RETURN DATE: JULY 23, 2020	: SUPERIOR COURT
DICHELO DISTRIBUTORS INC, ET AL	: J.D. OF NEW HAVEN
VS.	: AT NEW HAVEN
ANHEUSER-BUSCH COMPANIES LLC	: June 16, 2020

STATEMENT OF AMOUNT IN DEMAND

The amount, legal interest or property in demand is not less than FIFTEEN THOUSAND DOLLARS (\$15,000.00), exclusive of interest and costs.


**Service of Process
Transmittal**

06/17/2020

CT Log Number 537806219

TO: Kristi Byrne
Anheuser-Busch Companies, LLC.
1 Busch Pl
Saint Louis, MO 63118-1852

RE: Process Served in Connecticut

FOR: Anheuser-Busch, LLC (Domestic State: MO)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Dichello Distributors Inc, et al., Pltfs. vs. Anieuser-Busch Companies LLC, Dft. // To: Anheuser-Busch, LLC

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # None Specified

ON WHOM PROCESS WAS SERVED: C T Corporation System, East Hartford, CT

DATE AND HOUR OF SERVICE: By Process Server on 06/17/2020 at 14:13

JURISDICTION SERVED : Connecticut

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 06/17/2020, Expected Purge Date: 06/22/2020

Image SOP

Email Notification, Benjamin Halpert benjamin.halpert@anheuser-busch.com

Email Notification, Darryl Uffelmann darryl.uffelmann@anheuser-busch.com

Email Notification, Seth Hawkins seth.hawkins@anheuser-busch.com

Email Notification, Jennifer Tomasiak jennifer.tomasiak@anheuser-busch.com

Email Notification, Charlotte Manapat-Nguyen
CharlotteMarie.Manapat-Nguyen@anheuser-busch.com

Email Notification, SHERRY BRYANT sherry.bryant@anheuser-busch.com

Email Notification, Sarah Reichert sarah.reichert@anheuser-busch.com

Email Notification, Kristi Byrne Kristi.Byrne@anheuser-busch.com

Email Notification, LUCAS PENDRY lucas.pendry@anheuser-busch.com

SIGNED: C T Corporation System



**Service of Process
Transmittal**

06/17/2020

CT Log Number 537806219

TO: Kristi Byrne
Anheuser-Busch Companies, LLC.
1 Busch Pl
Saint Louis, MO 63118-1852

RE: Process Served in Connecticut

FOR: Anheuser-Busch, LLC (Domestic State: MO)

ADDRESS: 208 South LaSalle Street
Suite 814
Chicago, IL 60604

For Questions: 866-331-2303
CentralTeam1@wolterskluwer.com

SUMMONS - CIVIL

JD-CV-1 Rev. 6-11

C.G.S. §§ 51-348, 51-347, 51-349, 51-350, 62-45a, 62-48, 62-259, P.R. Secs. 3-1 through 3-21, 8-1

**STATE OF CONNECTICUT
SUPERIOR COURT**

www.jud.ct.gov

See page 2 for instructions

- ☐ "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- ☒ "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- ☒ "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer, BY AUTHORITY OF THE
STATE OF CONNECTICUT, you are hereby
commanded to make due and legal service of
this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) 235 Church Street, New Haven, CT		Telephone number of clerk (with area code) (203) 503-6800	Return Date (Must be a Tuesday) July 28, 2020
<input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session	<input type="checkbox"/> G.A. Number	At (Town in which writ is returnable) (C.G.S. §§ 51-348, 51-349) New Haven	Case type code (See list on page 2) Major: 90 Minor:

For the Plaintiff(s) please enter the appearance of:

Name and address of attorney, law firm or plaintiff (if self-represented) (Number, street, town and zip code) LEONARD C. REIZFELD, 10 MARLETTA ST., HAMDEN, CT 06514	Julie number (to be entered by attorney only) 305467
Telephone number (with area code) (203) 288-5599	Signature of Plaintiff (if self-represented)

Number of Plaintiff: 2 Number of Defendant: ☐ Form JD-CV-2 attached for additional parties

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number, Street, P.O. Box, Town, State, Zip, Country, if not USA)	
First Plaintiff	Name: DICHELLO DISTRIBUTORS, INC. Address: 55 Marsh Hill Road, Orange, CT 06477	P-01
Additional Plaintiff	Name: JOHN HALL Address: 55 Marsh Hill Road, Orange, CT 06477	P-02
First Defendant	Name: ANHEUSER-BUSCH, LLC Address: One Busch Place, St. Louis, MO 63118 by and through its Agent: C-T Corporation System	D-60
Additional Defendant	Name: 67 Burnside Ave., East Hartford, CT 06108	D-61
Additional Defendant	Name: Address:	D-62
Additional Defendant	Name: Address:	D-63

Notice to Each Defendant

1. YOU ARE BEING SUED. This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
2. To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
3. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
4. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
5. If you have questions about the Summons and Complaint, you should talk to an attorney quickly. The Clerk of Court is not allowed to give advice on legal questions.

Signed (Sign and "X" proper box)	<input checked="" type="checkbox"/> Commissioner of the Superior Court Assistant Clerk	Name of Person Signing at Let Leonard C. Reizfeld	Date signed 6/17/2020
----------------------------------	--	--	--------------------------

If this Summons is signed by a Clerk:

- a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
- b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
- c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.
- d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.

I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	For Court Use Only
Name and address of person recognized to prosecute in the amount of \$250 Ruth K. Reizfeld, P.O. Box 3569, Woodbridge, CT 06525	<input type="checkbox"/> Commissioner of the Superior Court Assistant Clerk	Date 6/17/2020	FILED JUL 20 2020 CLERK OF COURT HARTFORD COUNTY STATE MARSHAL

RETURN DATE: JULY 28, 2020 : SUPERIOR COURT
DICHELLO DISTRIBUTORS INC, ET AL : J.D. OF NEW HAVEN
VS. : AT NEW HAVEN
ANHEUSER-BUSCH COMPANIES LLC : June 17, 2020

COMPLAINT

GENERAL ALLEGATIONS:

1. The Plaintiff, DICHELLO DISTRIBUTORS INC. is a privately owned Connecticut business located in the Town of Orange, County of New Haven, State of Connecticut and is a distributor within its specified territory of certain products manufactured by the Defendant, ANHEUSER-BUSCH COMPANIES LLC.
2. The Plaintiff, John Hall is the President of the Plaintiff, DICHELLO DISTRIBUTORS INC. which is owned by his immediate family members.
3. The Plaintiff, John Hall was and has continued to work in the position of President of the Plaintiff, DICHELLO DISTRIBUTORS INC. at all times relevant to this complaint.
4. ANHEUSER-BUSCH COMPANIES LLC is a beer manufacturer located in St. Louis Missouri and licensed to do business in the State of Connecticut.
5. The Defendant, ANHEUSER-BUSCH COMPANIES LLC engaged in an ongoing conspiracy with its former employee, Sal Dibetta while he was employed by the Plaintiff, DICHELLO DISTRIBUTORS INC and other unnamed parties to undermine the Plaintiff, DICHELLO DISTRIBUTORS INC's distributorship and force the owners to sell the Plaintiff, distributorship.

6. As a result of the above-described conduct of the Defendant, ANHEUSER-BUSCH COMPANIES LLC , the Plaintiff, DICHELLO DISTRIBUTORS INC. incurred significant financial losses including but not limited to lost productivity, lost business opportunities; legal fees; diminution of the value of the business and other significant expenses.

FIRST COUNT - BREACH OF FIDUCIARY DUTY

1-6. Paragraphs one (1) through six (6) of the General Allegations are hereby incorporated into this First Count as paragraphs one (1) through six (6).

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's conduct in conspiring with its former employee Sal Dibetta while he was employed by the Plaintiff, DICHELLO DISTRIBUTORS INC and others to undermine the Plaintiff's distributorship constitutes a breach of its fiduciary duty that it owed to the Plaintiff pursuant to the parties distribution Agreement.

SECOND COUNT: BREACH OF CONTRACT

1-6. Paragraphs one (1) through six (6) of the General Allegations are hereby incorporated into this First Count as paragraphs one (1) through six (6).

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's conduct in conspiring with its former employee Sal Dibetta while he was employed by the Plaintiff, DICHELLO DISTRIBUTORS INC to undermine the Plaintiff's distributorship constitutes a breach of its distribution contract with the Plaintiff.

THIRD COUNT: CONNECTICUT UNFAIR TRADE PRACTICES ACT

1-6. Paragraphs one (1) through six (6) of the General Allegations are hereby incorporated into this First Count as paragraphs one (1) through six (6).

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's conduct in conspiring with its former employee Sal Dibetta and others employees of the Plaintiff while he was employed by the Plaintiff, DICHELLO DISTRIBUTORS INC to undermine the Plaintiff's distributorship constitutes a violation of the Connecticut Unfair Trade Practices Act.

FOURTH COUNT:

1-6. Paragraphs one (1) through six (6) of the General Allegations are hereby incorporated into this First Count as paragraphs one (1) through six (6).

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's conduct in conspiring with its former employee Sal Dibetta while he was employed by the Plaintiff, DICHELLO DISTRIBUTORS INC to undermine the Plaintiff's distributorship constitutes a tortious interference with the Plaintiff, DICHELLO DISTRIBUTORS INC's relationship with the Plaintiff, JOIN HALL.

FIFTH COUNT:

1-6. Paragraphs one (1) through six (6) of the General Allegations are hereby incorporated into this First Count as paragraphs one (1) through six (6).

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's conduct in conspiring with its former employee Sal Dibetta while he was employed by the Plaintiff and others in the Plaintiff, DICHELLO DISTRIBUTORS INC.'s employ to undermine the Plaintiff's distributorship constitutes common law fraud and theft.

SIXTH COUNT:

1. The Plaintiff, DICHELLO DISTRIBUTORS INC. is a privately owned Connecticut business located in the Town of Orange, County of New Haven, State of Connecticut and is an exclusive distributor within its specified territory of certain products manufactured by the Defendant, ANHEUSER-BUSCH COMPANIES LLC.

2. ANHEUSER-BUSCH COMPANIES LLC is a beer manufacturer located in St. Louis Missouri and licensed to do business in the State of Connecticut.

3. The Defendant, ANHEUSER-BUSCH COMPANIES LLC has forced a distribution agreement upon the Plaintiff, DICHELLO DISTRIBUTORS INC, that violates the spirit and intent of Connecticut General Statutes, Chapter 545 and the three tier distribution established by said Act.

4. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's distribution agreement violates Connecticut General Statutes, Chapter 545 and the three tier distribution system by imposing not only unreasonable and excessive operating methods and methodologies upon its Plaintiff, DICHELLO DISTRIBUTORS INC but also forcing the Plaintiff to sell equity in its business to the Defendant's approved manager regardless of whether the manager can afford to buy said interest at fair market value or not.

5. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's distribution agreement violates Connecticut General Statutes. Chapter 545 and the three tier distribution system by exerting excessive and unreasonable control over the approved management process and is in direct violation of Connecticut's three tier system.

6. The Defendant, ANHEUSER-BUSCH COMPANIES LLC has sought to enforce their Equity Agreement upon the Plaintiff, DICHELLO DISTRIBUTORS INC and has threatened the Plaintiff with consequences for non-compliance including forced sale of the distributorship.

7. The Defendant, ANHEUSER-BUSCH COMPANIES LLC's distribution agreement with the Plaintiff, DICHELLO DISTRIBUTORS INC repeatedly violates Connecticut General Statutes, Chapter 545 and the three tier distribution system in both practice and intent and thereby constitutes a violation of the Connecticut Unfair Trade Practices Act, Chapter 735a.

WHEREFORE, the Plaintiff claims:

1. Monetary damages;
2. Punitive damages;
3. Attorney's fees and costs;
4. A declaratory finding that the Equity Agreement is invalid and unenforceable;
5. Such other, further and different relief as to this court may seem just and equitable.

THE PLAINTIFF,

By: 

Leonard C. Reizfeld
Attorney At Law
10 Marietta Street
Hamden, CT 06514
(203) 288-5599
Juris No.: 305467

RETURN DATE: JULY 28, 2020	: SUPERIOR COURT
DICHELO DISTRIBUTORS INC, ET AL	: J.D. OF NEW HAVEN
VS.	: AT NEW HAVEN
ANHEUSER-BUSCH COMPANIES LLC	: June 17, 2020

STATEMENT OF AMOUNT IN DEMAND

The amount, legal interest or property in demand is not less than FIFTEEN THOUSAND DOLLARS (\$15,000.00), exclusive of interest and costs.

EXHIBIT B

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DOCKET NO. NNH-CV20-6105163-S	: SUPERIOR COURT
	:
DICHELLO DISTRIBUTORS, INC. and	: JUDICIAL DISTRICT OF NEW HAVEN
JOHN HALL,	: AT NEW HAVEN
<i>Plaintiffs,</i>	:
	:
v.	:
	:
ANHEUSER-BUSCH COMPANIES, LLC,	: JULY 17, 2020
<i>Defendant.</i>	:
<hr/>	

NOTICE TO PARTIES AND STATE COURT OF REMOVAL

TO: Clerk of Court
Connecticut Superior Court
Judicial District of New Haven
235 Church Street
New Haven, CT 06510

Leonard C. Reizfeld
Attorney At Law
10 Marietta Street
Hamden, CT 06514

PLEASE TAKE NOTICE that defendants Anheuser-Busch Companies, LLC and Anheuser-Busch, LLC¹ have filed a Notice of Removal of this action with the United States District Court for the District of Connecticut. A copy of the Notice of Removal filed in the office of the Clerk of the United States District Court for the District of Connecticut is attached.

¹ The complaint mistakenly names “Anheuser-Busch Companies LLC” as the defendant and alleges that “ANHEUSER-BUSCH COMPANIES LLC is a beer manufacturer located in St. Louis Missouri and licensed to do business in the State of Connecticut.” Anheuser-Busch Companies, LLC is not licensed to do business in Connecticut and was not served with the summons and complaint. However, Anheuser-Busch, LLC is licensed to do business in Connecticut and was served with the summons and complaint. It is Anheuser-Busch, LLC that is the beer manufacturer located in St. Louis and is the counter-party to the Anheuser-Busch Wholesaler Equity Agreement referenced in the complaint. The naming of “Anheuser-Busch Companies LLC” as the defendant appears to be an error. Out of an abundance of caution, this notice is being filed on behalf of both Anheuser-Busch Companies, LLC and Anheuser-Busch, LLC.

A copy of this notice is hereby being provided to the Clerk of the Connecticut Superior Court, Judicial District of New Haven.

The removal of this action was authorized by 28 U.S.C. § 1446, and the filing of a copy of this Notice of Removal with Clerk of the Connecticut Superior Court, Judicial District of New Haven precludes that Court from any further proceedings in this action unless and until the action is remanded from the United States District Court.

Dated: July 17, 2020

Respectfully submitted,

ANHEUSER-BUSCH COMPANIES, LLC and
ANHEUSER-BUSCH, LLC

By: /s/ Mark S. Baldwin
Mark S. Baldwin (CT01363)
Brown Rudnick LLP
185 Asylum Street
Hartford, Connecticut 06103
Telephone: (860) 509-6500
mbaldwin@brownrudnick.com

*Counsel for Defendants Anheuser-Busch
Companies, LLC and Anheuser-Busch, LLC*

CERTIFICATION OF SERVICE

I hereby certify that on July 17, 2020, a copy of the foregoing was sent via first class mail to the following:

Leonard C. Reizfeld
Attorney at Law
10 Marietta Street
Hamden, CT 06514

Counsel for Plaintiffs Dichello Distributors, Inc. and John Hall

/s/ Mark S. Baldwin
Mark S. Baldwin

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 NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Dichello Distributors Inc. and John Hall (b) County of Residence of First Listed Plaintiff <u>New Haven</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i> (c) Attorneys (Firm Name, Address, and Telephone Number) Leonard C. Reizfeld, Attorney at Law 10 Marietta Street Hamden, CT 06514 tel: (203) 288-5599		DEFENDANTS Anheuser-Busch LLC and Anheuser-Busch Companies LLC County of Residence of First Listed Defendant <u>St. Louis City, MO</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known) Mark S. Baldwin, Brown Rudnick LLP 185 Asylum Street Hartford, CT 06103 tel: (860) 509-6514	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>	Citizen of This State <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>	Citizen of Another State <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5
IV. NATURE OF SUIT (Place an "X" in One Box Only)		Click here for: Nature of Suit Code Descriptions.	
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	OTHER STATUTES <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
V. ORIGIN (Place an "X" in One Box Only)			
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened
<input type="checkbox"/> 5 Transferred from Another District (specify)		<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	
<input type="checkbox"/> 8 Multidistrict Litigation - Direct File		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>28 U.S. Code §1332</u>	
VI. CAUSE OF ACTION Brief description of cause: <u>Plaintiffs allege Breach of Fiduciary Duty, Breach of Contract and Unfair Trade Practices</u>			
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	
VIII. RELATED CASE(S) IF ANY (See instructions):		DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
JUDGE _____		DOCKET NUMBER _____	
DATE <u>07/17/2020</u>			
SIGNATURE OF ATTORNEY OF RECORD <u>/s/Mark S. Baldwin</u>			
FOR OFFICE USE ONLY			
RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____
MAG. JUDGE _____		_____	

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.Cv.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; **NOTE: 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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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 actual dollar amount 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.