

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

THOMAS E. SMITH, SR., Individually and as Administrator of the Estate of OK HUI SMITH, deceased,	§	
	§	
	§	
	§	
Plaintiff,	§	CIVIL ACTION
	§	
v.	§	FILE NO. _____
	§	
	§	<u>JURY TRIAL DEMANDED</u>
WILLIAM H. VAN LAAR, DO; WILLIAM VAN LAAR DO, LLC; JODI PESCE, and MCDONOUGH PRIMARY CARE, INC.,	§	
	§	
	§	
	§	
Defendants.	§	

COMPLAINT

COMES NOW, Plaintiff Thomas E. Smith, Sr., individually and as Administrator of the Estate of Ok Hui Smith, deceased, and hereby files this Complaint and shows the Court the following:

PARTIES

1.

Plaintiff Thomas E. Smith, Sr. (hereinafter “Plaintiff”) is a citizen of the State of Texas.

2.

At all times relevant hereto, Thomas E. Smith, Sr. was lawfully married to Ok Hui Smith, deceased.

3.

Thomas E. Smith, Sr. has been duly appointed Administrator of the Estate of Ok Hui Smith by the Probate Court of Henry County, Georgia.

4.

Defendant William H. Van Laar, D.O. is a citizen of the State of Georgia and a resident of Henry County, Georgia.

5.

Defendant William Van Laar DO, LLC is a Georgia limited liability company with its principal place of business located at 68 Hampton Street, McDonough, Henry County, Georgia. Defendant William Van Laar DO, LLC's registered agent is William H. Van Laar, D.O., 68 Hampton Street, McDonough, Henry County, Georgia. Defendant William Van Laar DO, LLC is a citizen of the State of Georgia and a resident of Henry County, Georgia.

6.

Defendant Jodi Pesce is a citizen of the State of Georgia and a resident of Henry County, Georgia.

7.

Defendant McDonough Primary Care, Inc. is a for profit Georgia with its principal place of business at 68 Hampton Street, McDonough, Henry County, Georgia. Defendant McDonough Primary Care, Inc.'s registered agent is Dr. William Van Laar, 68 Hampton Street, McDonough, Henry County, Georgia. Defendant McDonough Primary Care, Inc. is a citizen of the State of Georgia and a resident of Henry County, Georgia.

8.

On information and belief, and at all times pertinent to this action, Defendant William H. Van Laar, D.O. was an agent and employee of Defendants William Van Laar DO, LLC and/or McDonough Primary Care, Inc., and was acting within the course and scope of his employment and agency with said Defendants.

9.

On information and belief, Defendants William Van Laar DO, LLC and/or McDonough Primary Care, Inc. are liable for the acts and omissions of Defendant William H. Van Laar, D.O. under the doctrines of agency, *respondeat superior* and other theories of agency-principal law.

10.

On information and belief, and at all times pertinent to this action, Defendant Jodi Pesce was an agent and employee of Defendants William Van Laar DO, LLC and/or McDonough Primary Care, Inc., and was acting within the course and scope of her employment and agency with said Defendants.

11.

On information and belief, Defendants William Van Laar DO, LLC and/or McDonough Primary Care, Inc. are liable for the acts and omissions of Defendant Jodi Pesce under the doctrines of agency, *respondeat superior* and other theories of agency-principal law.

12.

Defendants have, at all times relevant, conducted business within the State of Georgia, this District and this Division at 68 Hampton Street, McDonough, Henry County, Georgia.

13.

The acts and omissions complained of herein occurred in Henry County, Georgia, as did the injuries to and death of Plaintiff's decedent.

14.

Pursuant to Local Rule 3.1(B), this action is properly filed in the Atlanta Division of the Northern District of Georgia because (a) all Defendants reside within this District and within this Division and (b) because the cause of action arose in this District and in this Division.

15.

This Court has jurisdiction over the parties to this action.

16.

This Court has jurisdiction over the subject matter of this action.

17.

Venue is proper in this Court.

FACTS

18.

Plaintiff incorporates by reference the allegations of the foregoing paragraphs as if fully set forth herein.

19.

On August 19, 2013, Mrs. Smith was seen at McDonough Primary Care by Defendant William H. Van Laar, D.O. from problems with her right great toenail

and her right thumbnail. Defendant William H. Van Laar, D.O. diagnosed Mrs. Smith with onychomycosis (nail fungus).

20.

At that visit, Defendant William H. Van Laar, D.O. issued a prescription to Mrs. Smith for Ketoconazole (Nizoral) 200-mg tablets to be taken once per day for thirty days, with three refills.

21.

No baseline liver function/enzyme tests were obtained for Mrs. Smith prior to starting her on Ketoconazole (Nizoral).

22.

Mrs. Smith filled a prescription for Ketoconazole (Nizoral) on August 19, 2013 and subsequently refilled that prescription. Mrs. Smith continued to take Ketoconazole (Nizoral) as instructed for more than four months.

23.

On September 9, 2013, Mrs. Smith was seen by Defendant Pesce at McDonough Primary Care for swelling problems with her wrist and thumb. Liver function/enzyme tests were not ordered or obtained from Mrs. Smith at this visit.

24.

On September 13, 2013, Mrs. Smith was seen by Defendant Pesce at McDonough Primary Care for a routine/preventative health visit. Labs were drawn on this visit. Mrs. Smith's liver function/enzyme tests were in the normal range at this time.

25.

On November 26, 2013, Mrs. Smith was seen by Defendant Pesce at McDonough Primary Care with complaints of vaginal issues and constipation. Liver function/enzyme tests were not ordered or obtained from Mrs. Smith at this visit.

26.

On December 24, 2013, Mrs. Smith was seen by Defendant William H. Van Laar, D.O. at McDonough Primary Care. Mrs. Smith's complaints included a cough, runny nose and ear pain for 2 to 3 days; coughing up yellow mucus that day; dark urine for 3 days; and no appetite for 6 to 7 months. A urinalysis was done. Liver function/enzyme tests were not ordered or obtained from Mrs. Smith at this visit. Mrs. Smith was prescribed an antibiotic, Ciprofloxacin.

27.

On January 2, 2014, Mrs. Smith was seen at McDonough Primary Care by Judy Comer, a nurse practitioner, who noted: “Family noticed looking yellow on 12/31/13 and eyes are also yellow. Very tired x 1 week or more. When she eats or drinks causes stomach to hurt and belches a lot.” On exam Mrs. Smith was noted to be “very jaundiced” with right upper quadrant pain and tenderness. The assessment was (1) right upper quadrant pain and (2) gross jaundice. The plan was to obtain labs and an urgent abdominal sonogram.

28.

Mrs. Smith’s lab test results showed profoundly abnormal liver function. An abdominal ultrasound performed that day was also abnormal.

29.

Mrs. Smith was admitted to Piedmont Henry Hospital on January 3, 2014, with admission diagnoses of transaminitis and acute liver failure.

30.

After her admission, Mrs. Smith was diagnosed with mixed hepatocellular and cholestatic injury most likely drug induced from Ketoconazole.

31.

Despite the fact that she was prescribed Ketoconazole (Nizoral) for more than four months, only a single liver function/enzyme test was performed on Mrs. Smith between August 19, 2013 and January 1, 2014.

32.

Ok Hui Smith died on January 24, 2014 from liver failure and related complications.

33.

At all times material and pertinent to this action, Defendant William H. Van Laar, D.O. owed Ok Hui Smith a duty to exercise that degree of care and skill employed by physicians generally under the same or similar conditions and like surrounding circumstances as Mrs. Smith presented from August 2013 through January 2014 at McDonough Primary Care.

34.

Defendant William H. Van Laar, D.O. deviated from and fell below that degree of care and skill employed by physicians generally under same or similar conditions and like surrounding circumstances by prescribing Ketoconazole (Nizoral) to Ok Hui Smith from August 2013 through January 2014 and failing to properly monitor Mrs. Smith's liver function.

35.

Defendant William H. Van Laar, D.O. was otherwise negligent.

36.

At all times material and pertinent to this action, Defendant Jodi Pesce owed Ok Hui Smith a duty to exercise that degree of care and skill employed by nurse practitioners generally under the same or similar conditions and like surrounding circumstances as Mrs. Smith presented in September and November 2013 at McDonough Primary Care.

37.

Defendant Pesce deviated from and fell below that degree of care and skill employed by nurse practitioners generally under same or similar conditions and like surrounding circumstances by failing to properly monitor Mrs. Smith's liver function while she was taking Ketoconazole (Nizoral).

38.

Defendant Pesce was otherwise negligent.

39.

On information and belief, non-professional agents and employees of Defendants William Van Laar DO, LLC and/or McDonough Primary Care, Inc. were negligent and breached the applicable standard of care in failing to schedule

and/or obtain tests to monitor Ok Hui Smith's liver function during the time she was prescribed Ketoconazole (Nizoral).

40.

On information and belief, non-professional agents and employees of Defendants William Van Laar DO, LLC and/or McDonough Primary Care, Inc. were otherwise negligent.

COUNT I – CLAIM FOR WRONGFUL DEATH

41.

Plaintiff incorporates by reference the allegations of the foregoing paragraphs as if fully set forth herein.

42.

As a direct and proximate result of the negligence of Defendants, their agents and employees, Ok Hui Smith suffered a premature and untimely death.

43.

Plaintiff Thomas E. Smith, Sr., as surviving spouse of Ok Hui Smith, deceased, seeks and is entitled to recover damages for the full value of the life of Ok Hui Smith in an amount determined by the enlightened conscience of the jury.

COUNT II – ESTATE CLAIMS

44.

Plaintiff incorporates by reference the allegations of the foregoing paragraphs as if fully set forth herein.

45.

As a direct and proximate result of the negligence of Defendants, their agents and employees, Ok Hui Smith endured conscious pain and suffering before her death.

46.

Plaintiff Thomas E. Smith, Sr., as Administrator of the Estate of Ok Hui Smith, is entitled to and seeks damages from Defendants for the conscious pain and suffering endured by Mrs. Smith prior to her death in an amount to be determined by the enlightened conscience of a jury.

47.

Plaintiff Thomas E. Smith, Sr., as Administrator of the Estate of Ok Hui Smith, is entitled to and seeks damages from Defendants for funeral and burial expenses in an amount to be proven at trial.

48.

As a direct and proximate result of the negligence of Defendants, their agents and employees, Ok Hui Smith sustained injuries that required extensive medical care and treatment.

49.

Plaintiff Thomas E. Smith, Sr., as Administrator of the Estate of Ok Hui Smith, is entitled to and seeks damages from Defendants for medical expenses in an amount to be proven at trial.

COUNT III – CLAIM OF THE UNITED STATES

50.

Plaintiff incorporates by reference the allegations of the foregoing paragraphs as if fully set forth herein.

51.

As a direct and proximate result of the negligence of Defendants, their agents and employees, Ok Hui Smith sustained injuries that required extensive medical care and treatment.

52.

The medical treatment for Ok Hui Smith was paid, in part, by the United States of America (Tricare).

53.

Accordingly, Plaintiff Thomas E. Smith, Sr., for the sole use and benefit of the United States of America under the provisions of 42 U.S.C. §§ 2651-2653, and with its express consent, asserts a claim for the reasonable value of said past treatment in an amount to be proven at trial.

WHEREFORE, Plaintiff hereby requests the following:

- a. That Defendants be timely served with process;
- b. That Plaintiff have and recover from Defendants, jointly and severally, an amount in excess of \$75,000, exclusive of interest and costs;
- c. That Plaintiff have a trial by jury on all claims and issues in this action; and
- d. That Plaintiff have such other and further relief as the Court deems appropriate.

This 15th day of October, 2014.

CASH, KRUGLER & FREDERICKS, LLC

/s/David Krugler
DAVID KRUGLER
Georgia Bar No. 429929
ANDREW B. CASH
Georgia Bar No. 743459
5447 Roswell Road, N.E.
Atlanta, Georgia 30342
(404) 659-1710
(404) 264-1149 (fax)
dkrugler@ckandf.com
acash@ckandf.com

for the

Civil Action No.

Date: _____

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

JS44 (Rev. 1/13 NDGA)

CIVIL COVER SHEET

The JS44 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 is required for the use of the Clerk of Court for the purpose of maintaining the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

THOMAS E. SMITH, SR.,
Individually and as Administrator of
the Estate of OK HUI SMITH,
deceased,

(b) COUNTY OF RESIDENCE OF FIRST LISTEDPLAINTIFF Bexar County, Texas

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANT(S)

WILLIAM H. VAN LAAR, DO;
WILLIAM VAN LAAR DO, LLC;
JODI PESCE, and MCDONOUGH
PRIMARY CARE, INC.,

COUNTY OF RESIDENCE OF FIRST LISTEDDEFENDANT Henry County, Georgia

(IN U.S. PLAINTIFF CASES ONLY)

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND
E-MAIL ADDRESS)

CASH, KRUGLER & FREDERICKS, LLC
DAVID KRUGLER &
ANDREW B. CASH
5447 Roswell Road, N.E.
Atlanta, Georgia 30342
(404) 659-1710
dkrugler@ckandf.com
acash@ckandf.com

ATTORNEYS (IF KNOWN)

Mr. Nathan D. Cronic
Willis McKenzie, LLP
300 Smith Street
LaGrange, Georgia 30240
(706) 882-2942
ncronic@lag-law.com

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)
(FOR DIVERSITY CASES ONLY)

- | PLF | DEF | | PLF | DEF | |
|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|---|
| <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | CITIZEN OF THIS STATE | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE |
| <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | CITIZEN OF ANOTHER STATE | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | FOREIGN NATION |

IV. 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 District) ☐ 6 MULTIDISTRICT LITIGATION ☐ 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

This is a wrongful death (O.C.G.A. Sec. 51-4-2) and medical malpractice (O.C.G.A. Sec. 51-1-27) action filed in this Court pursuant to 28 U.S.C. Sec. 1332 (Diversity Jurisdiction) as Plaintiff is a citizen of Texas and Defendants are citizens of Georgia.

(IF COMPLEX, CHECK REASON BELOW)

- | | |
|---|---|
| <input type="checkbox"/> 1. Unusually large number of parties. | <input type="checkbox"/> 6. Problems locating or preserving evidence |
| <input type="checkbox"/> 2. Unusually large number of claims or defenses. | <input type="checkbox"/> 7. Pending parallel investigations or actions by government. |
| <input type="checkbox"/> 3. Factual issues are exceptionally complex | <input type="checkbox"/> 8. Multiple use of experts. |
| <input type="checkbox"/> 4. Greater than normal volume of evidence. | <input type="checkbox"/> 9. Need for discovery outside United States boundaries. |
| <input type="checkbox"/> 5. Extended discovery period is needed. | <input type="checkbox"/> 10. Existence of highly technical issues and proof. |

CONTINUED ON REVERSE**FOR OFFICE USE ONLY**

RECEIPT # _____

AMOUNT \$ _____

APPLYING IFP _____

MAG. JUDGE (IFP) _____

JUDGE _____

MAG. JUDGE _____

NATURE OF SUIT _____

CAUSE OF ACTION _____

(Referral)

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)**CONTRACT - "0" MONTHS DISCOVERY TRACK**

- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
☐ 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- ☐ 110 INSURANCE
☐ 120 MARINE
☐ 130 MILLER ACT
☐ 140 NEGOTIABLE INSTRUMENT
☐ 151 MEDICARE ACT
☐ 160 STOCKHOLDERS' SUITS
☐ 190 OTHER CONTRACT
☐ 195 CONTRACT PRODUCT LIABILITY
☐ 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 210 LAND CONDEMNATION
☐ 220 FORECLOSURE
☐ 230 RENT LEASE & EJECTMENT
☐ 240 TORTS TO LAND
☐ 245 TORT PRODUCT LIABILITY
☐ 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- ☐ 310 AIRPLANE
☐ 315 AIRPLANE PRODUCT LIABILITY
☐ 320 ASSAULT, LIBEL & SLANDER
☐ 330 FEDERAL EMPLOYERS' LIABILITY
☐ 340 MARINE
☐ 345 MARINE PRODUCT LIABILITY
☐ 350 MOTOR VEHICLE
☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
☐ 360 OTHER PERSONAL INJURY
☒ 362 PERSONAL INJURY - MEDICAL MALPRACTICE
☐ 365 PERSONAL INJURY - PRODUCT LIABILITY
☐ 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- ☐ 370 OTHER TRAUD
☐ 371 TRUTH IN LENDING
☐ 380 OTHER PERSONAL PROPERTY DAMAGE
☐ 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- ☐ 422 APPEAL 28 USC 158
☐ 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☐ 441 VOTING
☐ 442 EMPLOYMENT
☐ 443 HOUSING ACCOMMODATIONS
☐ 444 WELFARE
☐ 440 OTHER CIVIL RIGHTS
☐ 445 AMERICANS with DISABILITIES - Employment
☐ 446 AMERICANS with DISABILITIES - Other
☐ 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- ☐ 462 NATURALIZATION APPLICATION
☐ 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- ☐ 463 HABEAS CORPUS - Alien Detainee
☐ 510 MOTIONS TO VACATE SENTENCE
☐ 530 HABEAS CORPUS
☐ 535 HABEAS CORPUS DEATH PENALTY
☐ 540 MANDAMUS & OTHER
☐ 550 CIVIL RIGHTS - Filed Pro se
☐ 555 PRISON CONDITION(S) - Filed Pro se
☐ 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- ☐ 550 CIVIL RIGHTS - Filed by Counsel
☐ 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE PENALTY - "4" MONTHS DISCOVERY TRACK

- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
☐ 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- ☐ 710 FAIR LABOR STANDARDS ACT
☐ 720 LABOR MGMT. RELATIONS
☐ 740 RAILWAY LABOR ACT
☐ 751 FAMILY and MEDICAL LEAVE ACT
☐ 790 OTHER LABOR LITIGATION
☐ 791 EMP. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- ☐ 820 COPYRIGHTS
☐ 840 TRADE MARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- ☐ 830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- ☐ 861 IDIA (13950)
☐ 862 BLACK LUNG (923)
☐ 863 DIWC (405(g))
☐ 864 DIWW (405(g))
☐ 865 SSD TITLE XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
☐ 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- ☐ 975 FALSE CLAIMS ACT
☐ 400 STATE REAPPORTIONMENT
☐ 430 BANKS AND BANKING
☐ 450 COMMERCIAL CREDIT RATES FIC
☐ 460 DEPORTATION
☐ 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
☐ 480 CONSUMER CREDIT
☐ 490 CABLE SATELLITE TV
☐ 891 AGRICULTURAL ACTS
☐ 893 ENVIRONMENTAL MATTERS
☐ 895 FREEDOM OF INFORMATION ACT
☐ 950 CONSTITUTIONALITY OF STATE STATUTES
☐ 890 OTHER STATUTORY ACTIONS
☐ 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- ☐ 410 ANTI TRUST
☐ 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- ☐ 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____

JURY DEMAND ☒ YES ☐ NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- ☐ 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
☐ 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
☐ 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
☐ 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
☐ 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
☐ 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- ☐ 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case ☐ IS ☐ IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD

October 15, 2014

DATE