

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

DANIEL J. ROBERTS,	)	CIVIL ACTION FILE
	)	
Plaintiff,	)	NUMBER: _____
	)	
v.	)	
	)	
TRACTOR SUPPLY COMPANY	)	<b><u>JURY TRIAL DEMANDED</u></b>
and NEW BUFFALO	)	
CORPORATION,	)	
	)	
Defendants.	)	

**COMPLAINT FOR NEGLIGENCE, STRICT LIABILITY,  
AND PUNITIVE DAMAGES**

COMES NOW, Plaintiff, Daniel J. Roberts (“Plaintiff”) and files this, his Complaint for Negligence, Strict Liability, and Punitive Damages against Defendants Tractor Supply Company, a Delaware corporation, and New Buffalo Corporation, a Missouri corporation, and shows this Court as follows:

**PARTIES**

-1-

Plaintiff Daniel J. Roberts is a citizen of the State of Georgia, and at all relevant times has and continues to reside in Flowery Branch, Georgia.

-2-

Defendant Tractor Supply Company is a Delaware corporation, with its principal office in Tennessee.

-3-

Defendant New Buffalo Corporation is a Missouri corporation with its principal place of business in Missouri.

### **JURISDICTION AND VENUE**

-4-

Defendant Tractor Supply Company is subject to general personal jurisdiction in the State of Georgia by virtue of registering with the Secretary of State to do business in the state.

-5-

Defendant New Buffalo Corporation is subject to personal jurisdiction in the State of Georgia pursuant to O.C.G.A. § 9-10-91, and by having systematic and continuous business activities in the state, including, but not limited to, its sale and shipment of its products to Defendant Tractor Supply Company, among others, in the State of Georgia for resale in the state.

-6-

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1), based on complete diversity of the parties and the fact that the amount in controversy is in excess of \$75,000.00.

-7-

Venue is properly laid in the Northern District of Georgia pursuant to 28 U.S.C. § 1391(b), as Plaintiff is a resident of this district, personal jurisdiction may be had over all of the parties in this district, and a substantial part of the events and omissions giving rise to the claims herein occurred in such district.

**BACKGROUND FACTS**

-8-

On or about November 3, 2013, Plaintiff's friend, Lee Summey ("Mr. Summey"), purchased a Sportsman Series Ladder Stand with Deluxe 2-Man Seat, 16 ft. (the "Tree Stand") from Defendant Tractor Supply Company ("TSC") at its retail location in Chatsworth, Georgia.

-9-

Upon information and belief, the Tree Stand was manufactured and distributed to TSC by Defendant New Buffalo Corporation ("New Buffalo").

-10-

At the time of purchase, TSC was out of stock of this particular model of tree stand. However, TSC offered to sell Mr. Summey the Tree Stand that was erected on the sales floor of the TSC retail location as a display model.

-11-

TSC did not provide Mr. Summey with a box, a manual, or any instructions regarding the Tree Stand or any warnings or safety procedures to be followed in conjunction with the erection and use of the Tree Stand. TSC simply sold him the display that appeared to be assembled and also handed him a bag containing the parts of the Tree Stand that the sales associate was able to locate in the stock room.

-12-

TSC failed to provide Plaintiff with all of the components necessary for the safe erection and use of the Tree Stand.

-13-

On the same date as the purchase of the Tree Stand, November 3, 2013, Mr. Summey took the Tree Stand into the woods, met with Plaintiff, and attempted to erect and attach the Tree Stand.

-14-

As Mr. Summey had been provided no instructions, no box, and no manual, he and his companions erected the Tree Stand in such a way as to emulate the display Mr. Summey had seen in the store.

-15-

Following the erection of the Tree Stand, Plaintiff began to ascend the ladder to secure the ratchet straps at the top of the stand. As Plaintiff climbed the ladder, the Tree Stand began to buckle, causing the top of the Tree Stand to come away from the tree and begin falling.

-16-

To avoid being crushed by the falling Tree Stand, Plaintiff jumped from the buckling ladder. When Plaintiff landed, the bones in his right leg below the knee shattered.

**COUNT I – NEGLIGENCE**  
**(as to Defendant Tractor Supply Company)**

-17-

Plaintiff re-alleges and incorporates paragraphs 1 - 16 as if fully restated herein.

-18-

At all relevant times TSC had a duty to exercise reasonable care in its sale of products, particularly the sale of the Tree Stand which TSC sold to Mr. Summey.

-19-

TSC knew or in the exercise of reasonable care should have known of the inherent danger of selling the Tree Stand without instructions, a product manual, or original packaging.

-20-

TSC knew or in the exercise of reasonable care should have known of the inherent danger of selling the Tree Stand without all the components necessary for its safe operation.

-21-

TSC breached its duty to Plaintiff by failing to exercise reasonable care in the sale of the Tree Stand, particularly by failing to provide a box, a manual, or any instructions, by failing to provide all of the components necessary for the safe use of the Tree Stand, and by displaying the Tree Stand in a manner that failed to show proper installation.

-22-

As a direct and proximate result of these failures by TSC, Plaintiff suffered serious, prolonged, and painful injuries for which Plaintiff is entitled to damages in excess of \$75,000.00, the exact amount of which will be proven at trial.

**COUNT II - NEGLIGENCE**  
**(as to Defendant New Buffalo Corporation)**

-23-

Plaintiff re-alleges and incorporates paragraphs 1 - 22 as if fully restated herein.

-24-

At all relevant times Defendant New Buffalo Corporation had a duty to exercise reasonable care in its manufacturing, packaging, distribution, and sale of its products, particularly the Tree Stand.

-25-

Plaintiff was a foreseeable recipient of New Buffalo's products, particularly the Tree Stand, as a retail purchaser from TSC, to whom New Buffalo distributes its products.

-26-

It was foreseeable by New Buffalo that its Sportsman Series Ladder Stands would be sold by retailers outside of their original packaging.

-27-

It was foreseeable by New Buffalo that its Sportsman Series Ladder Stands would be sold without the instruction manual enclosed in the original packaging.

-28-

It was foreseeable by New Buffalo that its Sportsman Series Ladder Stands would be sold without all of the components necessary for their safe operation, particularly straps, if not attached to the structural components of the stand.

-29-

It was foreseeable by New Buffalo that its Sportsman Series Ladder Stands would be sold without adequate warnings or adequately communicated warnings if the product were sold outside of the box and without the instruction manual.

-30-

New Buffalo knew or in the exercise of reasonable care should have known of the inherent danger of selling the Tree Stand without a box, a manual, or any instructions.

-31-

New Buffalo knew or in the exercise of reasonable care should have known of the inherent danger of selling the Tree Stand without all intended and necessary parts.



-32-

New Buffalo knew or in the exercise of reasonable care should have known of the inherent danger of not placing adequate warning labels on the Tree Stand, of not permanently affixing assembly and mounting instructions on the Tree Stand, and of not adequately communicating warnings by labels attached to the Tree Stand itself.

-33-

New Buffalo breached its duty to Plaintiff by failing to exercise reasonable care in the manufacturing, packaging, distribution and sale of the Tree Stand, by failing to securely attach all necessary straps to the structural components of the Tree Stand.

-34-

New Buffalo breached its duty to Plaintiff by failing to exercise reasonable care in the manufacture, packaging, distribution and sale by failing to permanently affix adequate warnings and instructions on the structure of the product itself.

-35-

New Buffalo breached its duty to Plaintiff by failing to exercise reasonable care in the manufacture, packaging, distribution, and sale by failing to adequately

communicate warnings and instructions by labels on the structure of the product itself.

-36-

As a direct and proximate result of these failures by New Buffalo, Plaintiff suffered serious, prolonged, and painful injuries for which Plaintiff is entitled to an award of compensatory damages in excess of \$75,000.00, the exact amount of which will be proven at trial.

**COUNT III - STRICT LIABILITY FOR DESIGN DEFECT**  
**(as to Defendant New Buffalo Corporation)**

-37-

Plaintiff re-alleges and incorporates paragraphs 1 - 36 as if fully restated herein.

-38-

Pursuant to O.C.G.A. § 51-1-11, a manufacturer of a product is strictly liable for damages caused by such product if sold in a defective condition and such defect existed when it left the manufacturer.

-39-

The Tree Stand was designed defectively by New Buffalo by not having all necessary mounting straps attached to the structural components of the stand itself.

-40-

The Tree Stand was designed defectively by New Buffalo by not having instructions for its proper assembly and mounting permanently affixed to the Tree Stand itself.

-41-

These defects were present in the product at the time it left the hands of New Buffalo.

-42-

As a direct and proximate result of these failures by New Buffalo, Plaintiff suffered serious, prolonged, and painful injuries for which Plaintiff is entitled to an award of damages in excess of \$75,000.00, the exact amount of which will be proven at trial.

**COUNT IV - STRICT LIABILITY FOR WARNING DEFECT**  
**(as to Defendant New Buffalo Corporation)**

-43-

Plaintiff re-alleges and incorporates paragraphs 1 - 42 as if fully restated herein.

-44-

New Buffalo failed to cause adequate warning labels to be affixed to the structure of the Tree Stand itself.

-45-

New Buffalo failed to adequately communicate warnings regarding the use of the Tree Stand by failing to place warning labels on the Tree Stand itself.

-46-

As a result of the failures by New Buffalo to adequately warn consumers and to adequately communicate warnings to consumers, the Tree Stand, when sold by the manufacturer, was not merchantable and reasonably suited to the use intended.

-47-

As a direct and proximate result of these failures by New Buffalo, Plaintiff suffered serious, prolonged, and painful injuries for which Plaintiff is entitled to damages in excess of \$75,000.00, the exact amount of which will be proven at trial.

**COUNT V - PUNITIVE DAMAGES**  
**(as to Defendant Tractor Supply Company)**

-48-

Plaintiff re-alleges and incorporates paragraphs 1 - 47 as if fully restated herein.

-49-

TSC's conduct, by selling an inherently dangerous product without the necessary safety equipment and information, was reckless, showed willful

misconduct, malice, wantonness, conscious indifference and want of care for the consequences of TSC's actions.

-50-

TSC's reckless, willful misconduct, malice, wantonness and want of care raises the presumption of conscious indifference to the consequences of TSC's actions which entitles Plaintiff to an award of punitive damages in an amount to be determined by the enlightened conscious of a fair and impartial jury.

**COUNT VI - PUNITIVE DAMAGES**  
**(as to Defendant New Buffalo Corporation)**

-51-

Plaintiff re-alleges and incorporates paragraphs 1 - 50 as if fully restated herein.

-52-

New Buffalo's conduct, by selling an inherently dangerous product without adequate warnings and instructions located on the product itself, was reckless, showed willful misconduct, malice, wantonness, conscious indifference and want of care for the consequences of New Buffalo's actions.

-53-

New Buffalo's reckless, willful misconduct, malice, wantonness and want of care raises the presumption of conscious indifference to the consequences of New

Buffalo's actions which entitles Plaintiff to an award of punitive damages in an amount to be determined by the enlightened conscious of a fair and impartial jury.

**COUNT VII – ATTORNEY'S FEES**  
**(as to all Defendants)**

-54-

Plaintiff re-alleges and incorporates paragraphs 1 - 53 as if fully restated herein.

-55-

Defendants have acted in bad faith, been stubbornly litigious and caused Plaintiff unnecessary trouble and expense. As a result of Defendants' conduct, Plaintiff is entitled to recover, pursuant to O.C.G.A. § 13-6-11, all reasonable attorney's fees and expenses incurred in pursuing this action.

WHEREFORE, the Plaintiff, Daniel J. Roberts, prays as follows:

- (a) For a trial by jury;
- (b) For compensatory damages to be determined by a fair and impartial jury;
- (c) For punitive damages in an amount to be determined by the enlightened conscience of a fair and impartial jury;
- (d) For all attorney's fees and expenses of litigation incurred in pursuing this action;

- (e) For all costs to be cast against the Defendants; and
- (f) For such other and further relief as the Court deems appropriate.

Respectfully submitted, this 21st day of July, 2014.

MAHAFFEY PICKENS TUCKER, LLP

s/ Steven A. Pickens, Esq.  
Steven A. Pickens, Esq.  
Georgia Bar No. 577850  
Attorney for Plaintiff Daniel J. Roberts

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**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 initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

<p><b>I. (a) PLAINTIFF(S)</b></p> <p>DANIEL J. ROBERTS</p> <p><b>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF</b> <u>HALL COUNTY, GEORGIA</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p><b>DEFENDANT(S)</b></p> <p>TRACTOR SUPPLY COMPANY, and NEW BUFFALO CORPORATION</p> <p><b>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT</b> _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p><small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>
<p><b>(c) ATTORNEYS</b> (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)</p> <p>MAHAFFEY PICKENS TUCKER, LLP STEVEN A. PICKENS, ESQ 1550 NORTH BROWN ROAD SUITE 125 LAWRENCEVILLE, GA 30043 770-232-0000 spickens@mptlawfirm.com</p>	<p><b>ATTORNEYS</b> (IF KNOWN)</p>

**II. BASIS OF JURISDICTION**  
(PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. GOVERNMENT PLAINTIFF	<input type="checkbox"/> 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
<input type="checkbox"/> 2 U.S. GOVERNMENT DEFENDANT	<input checked="" type="checkbox"/> 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 checked="" type="checkbox"/> 1	<input 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 type="checkbox"/> 2	<input type="checkbox"/> 2	CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 5	<input checked="" 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)

<input checked="" type="checkbox"/> 1 ORIGINAL PROCEEDING	<input 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 District)	<input type="checkbox"/> 6 MULTIDISTRICT LITIGATION	<input type="checkbox"/> 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
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**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)

28 U.S.C. 1332 - DIVERSITY;  
NEGLIGENCE, STRICT PRODUCT LIABILITY, AND PUNITIVE DAMAGES

**(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**

<b>FOR OFFICE USE ONLY</b>			
RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ <small>(Referral)</small>	NATURE OF SUIT _____	CAUSE OF ACTION _____



**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 VETERAN'S 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 FRAUD
- 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 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395(f))
- 862 BLACK LUNG (923)
- 863 DIWV (405(g))
- 863 DIWV (405(g))
- 864 SSID 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

- 375 FALSE CLAIMS ACT
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 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 ANTITRUST
- 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.

/s/ Steven A. Pickens, Esq.

7/21/14

SIGNATURE OF ATTORNEY OF RECORD

DATE