

ORIGINAL

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U.S.D.C. Atlanta

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10 Marjani Clothing and Shoes Inc.

JAN 28 2008
JAMES N. HARRIS
Deputy Clerk

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF GEORGIA**

TCB

13 **MARJANI CLOTHING AND SHOES**
14 **INC.**

1:08-CV-0308

Case No.
Dept. No.

15 **Plaintiff,**

COMPLAINT FOR DAMAGES FOR
16 **1. BREACH OF CONTRACT;**

17 **vs.**

18 **2. FRAUD;**

19 **ROBERT KELLY, aka, R. KELLY,**
20 **ROWE ENTERTAINMENT INC., and**
21 **LEONARD ROWE**
22 **DOES I through 10 and**
23 **ROE CORPORATIONS I through 10,**
24 **inclusive**

25 **Defendants**

26 **COMPLAINT FOR DAMAGES**

27 Plaintiff, MARJANI CLOTHING AND SHOES INC., complains against defendants Robert
28 Kelly (aka, R Kelly), Leonard Rowe, and Rowe Entertainment Inc. as follows:

Parties

1. Plaintiff Marjani Clothing and Shoes, Inc. is a corporation, incorporated, domiciled and doing business in the State of Nevada and occasionally does business in the State of Minnesota.
2. Defendant Robert Kelly, also known as, R Kelly, is an individual residing in and doing business in the State of Illinois and does concert performances all over the USA.
3. Defendant Leonard Rowe, is an individual whose residence is unknown but who, based

1 upon information and belief, is a resident of the State of Georgia.

2 3. Defendant Rowe Entertainment Inc., upon information and belief, is a Georgia
3 corporation through which Leonard Rowe conducts business.

4 **Jurisdiction**

5 5. Jurisdiction is based upon U.S.C Title 28 Section 1332 diversity jurisdiction.

6 6. The amount in controversy is in excess of \$75,000.

7 **Factual Summary**

8 7. On or about October 17, 2007, Plaintiff, contracted with Defendant Rowe Entertainment
9 Inc. for the performance of a musical concert on December 6, 2007, billed as the "R. Kelly
10 Double Up Tour Starring R. Kelly, with Keyshia Cole, Ne-yo & Amp and J Holiday" featuring
11 Defendant R. Kelly, with other entertainment acts.

12 8. In pertinent part, "the contract" called for the payment by Plaintiff of \$120,000.00 to
13 Rowe Entertainment Inc. to secure the services of R. Kelly at a concert to be performed on
14 December 6, 2007 at the Target Center, a sports and entertainment complex, located in
15 Minneapolis Minnesota.

16 9. In reliance upon Defendants' performance of the contract, tickets were sold in advance,
17 advertising was purchased, other acts were booked, the Target Center was contracted as the
18 concert venue and Plaintiff expended in excess of \$120,000.00

19 10. Defendant, R. Kelly's services as a performing artist are unique and much sought after.
20 He was therefore billed as the "star" attraction for the concert, and anticipation of his
21 performance was the main selling point for tickets purchased for the concert. Other acts were
22 considered by the promoter, the venue and the purchasers of tickets to be opening, additional or
23 secondary acts.

24 11. Plaintiff's reputation as a promoter of concerts was greatly enhanced by his ability to
25 book R. Kelly for this concert.

26 12. Ticket sales for the concert were primarily based upon the anticipated performance by R
27 Kelly.

28 13. The Defendants unilaterally cancelled the concert scheduled for December 6, 2007 and

1 moved it to December 20, 2007. The Plaintiff reluctantly agreed.

2 14. On Tuesday December 18, 2007, the Target Center announced that the R
3 Kelly show scheduled to take place at the arena Thursday, December 20, 2007 has been
4 canceled and will not be rescheduled. The money paid by anticipated concert goers was to be
5 refunded. On the night of the concert, in breach of his contract to do so, R. Kelly did not appear.

6 15. Press reports in the days preceding December 20, 2007 the initially cited that weather
7 was the reason for the cancellation, but the Plaintiff says that the weather was not the cause of
8 the cancellation, it was due to Defendant R. Kelly having to appear in court in Chicago Illinois
9 on December 20, 2007 to answer an arrest warrant. Plaintiff says that the Defendants never
10 intended to do a concert in Minneapolis.

11 16. Concert goers were misled into purchasing tickets for R. Kelly's performance, the
12 Plaintiff expended considerable sums, in excess of \$120,000.00 to promote the concert
13 featuring the performance of R Kelly. Plaintiff as co-promoter of the concert was publicly
14 blamed, embarrassed and ridiculed for R. Kelly's failure to appear for the concert.

15 17. Plaintiff was not reimbursed for the concert and therefore was unable to recoup the
16 \$120,000.00 dollars that it expended.

17 18. Plaintiff was harmed and damaged, in that his reputation as a promoter of concerts has
18 been considerably and permanently reduced and denigrated by R Kelly's failure to appear as
19 contracted, thus harming Plaintiff's ability to promote other concerts in the future.

20 19. Defendant R. Kelly's failure to appear, was an intentional tortious act intended to
21 defraud Plaintiff out of the advance payment of appearance fees and expenditures in excess of
22 \$120,000.00

23 20. Plaintiff is informed and believes that Defendants and each of them were aware
24 of the conflicting Court date but took Plaintiff's money without a corresponding intent to
25 perform on the contracted date.

26 21. Plaintiff is informed and believes that the conflicting Court date and inability to make
27 the Minneapolis date was known to Defendants and each of them in advance of the December
28 18, 2007 cancellation and at the time that they moved the date from December 6, 2007 to

1 December 20, 2007.

2 22. Defendants Rowe Entertainment Inc. and R. Kelly accepted the advance payment for
3 the concert dates without a corresponding intent to perform as agreed.

4 23. Plaintiff has demanded repayment on its \$120,000.00 dollar expenditure to co-promote
5 the concert, but defendants have refused to refund its money.

6 FIRST CAUSE OF ACTION FOR BREACH OF CONTRACT AGAINST ROWE

7 ENTERTAINMENT INC, LEONARD ROWE AND R. KELLY

8 24. Plaintiff incorporates paragraphs 1 through 23, by reference.

9 25. The contract between the parties as amended obligated defendant R. Kelly to perform at
10 the target center on December 20, 2007.

11 26. Through no fault of Plaintiff, Defendant R. Kelly failed to appear for the December 20,
12 2007, concert at the Target Center in Minneapolis as agreed.

13 27. Through no fault of Plaintiff, Defendants Rowe Entertainment Inc. and Leonard Rowe
14 failed to produce R. Kelly for the December 20, 2007 concert.

15 Plaintiff immediately and repeatedly demanded return of the \$120,000.00 that it advanced for
16 promotion of the concert.

17 28. Defendants have refused to repay the \$120,000.00 advance payment.

18 29. Defendants actions constitute a breach of its contract to perform.

19 30. Plaintiff has been damaged by that breach in the sum of \$120,000.00.

20 31. The aforementioned wrongful conduct by the Defendants and each of them as alleged
21 herein, was undertaken with malice fraud and conversion of Plaintiff's property was for the
22 purpose of causing injury to the Plaintiff thereby entitling the Plaintiff to an award of punitive
23 damages against each of the Defendants.

24 SECOND CAUSE OF ACTION FOR FRAUD AND DECIET

25 32. Plaintiff incorporates paragraphs 1 through 31, by reference.

26 33. Plaintiff is informed and believes that Defendants were aware of the conflict in
27 Defendant R. Kelly's schedule and never intended R. Kelley appear for the concert at the
28 Target Center on December 20, 2007 but kept money anyway.

1 34. Plaintiff has demanded return of the monies paid to Defendants but said demands
2 have been refused.

3 35. By R. Kelly failing to appear for the concert as agreed, Defendants have harmed
4 Plaintiff's reputation as a concert promoter and have harmed and reduced its ability to promote
5 other concerts and events in the future.

6 36. The aforementioned wrongful conduct by the Defendants and each of them as alleged
7 herein, was undertaken with malice fraud and conversion of Plaintiff's property was for the
8 purpose of causing injury to the Plaintiff thereby entitling the Plaintiff to an award of punitive
9 damages against each of the Defendants.

10 **PRAYER FOR RELIEF**

11 37. For its first cause of action for breach of contract, Plaintiff prays for return of the
12 \$120,000.00 that it paid to Defendants and spent to promote the December 20, 2007
13 performance.

14 38. For its first cause of action for breach of contract, Plaintiff prays for amounts sufficient
15 to compensate it for the lost profits it would have realized had the concert been performed as
16 agreed together with punitive damages as alleged.

17 39. For its second cause of action for fraud, Plaintiff prays for relief in an amount sufficient
18 to compensate it for the sums expended in promotion of the concert and the lost profits that it
19 would have realized had the concert proceeded, as well as for the amounts paid to and on behalf
20 of Defendants but not earned.

21 40. For its second cause of action for fraud, Plaintiff prays for relief sufficient to compensate
22 it for damage caused to its reputation and business by Defendants actions together with punitive
23 damages as alleged.

24 41. For such other relief as the nature of the case may require and as the court determines to
25 be just and proper.

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January 19, 2008

Respectfully submitted,



Lawrence Jay Litman Esq.
Hollins Litman, Attorneys At Law
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Beverly Hills, CA 90212
310-228-7245



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 except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of embolting the civil docket report (SEE INSTRUCTIONS ATTACHED)

1:08-CV-0308

I. (a) PLAINTIFF(S)

MARJANI CLOTHING AND SHOES INC.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF CLARK COUNTY NV
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANT(S)

ROWE ENTERTAINMENT INC., LEONARD ROWE,
ROBERT KELLY

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT FOKTON COUNTY GEORGIA
(IN U.S. PLITF CASES ONLY)

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

TCB

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

HOLLINS LITMAN
SUITE 200-468 N. CAMDEN DR.
BEVERLY HILLS CA 90210
310-223-7245
LITMAN@COX.NET

ATTORNEYS (IF KNOWN)

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

- 1 U.S. GOVERNMENT PLAINTIFF
- 2 U.S. GOVERNMENT DEFENDANT
- 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
- 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 | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
- CITIZEN OF THIS STATE
CITIZEN OF ANOTHER STATE
CITIZEN OR SUBJECT OF A FOREIGN COUNTRY
INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
FOREIGN NATION

IV. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 ORIGINAL PROCEEDING
- 2 REMOVED FROM STATE COURT
- 3 REMOVED 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 ADJUDMENT

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)

(IF COMPLEX, CHECK REASON BELOW)

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

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIVED _____ AMOUNT \$ _____ APPLICATION _____ MAG. JUDGE FOR _____

JUDGE _____ MAG. JUDGE _____ NUMBER OF BLTS _____ ORIGIN OF ACTION _____

(Optional)

TCB

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28: 1332 R

VI. NATURE OF SUIT (PLACE X'S IN ONE BOX ONLY)

| | | |
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| <p>CONTRACT - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 180 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT</p> <p><input type="checkbox"/> 182 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL. VETERANS)</p> <p><input type="checkbox"/> 188 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS</p> <p>CONTRACT - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 110 INSURANCE</p> <p><input type="checkbox"/> 120 MARINE</p> <p><input type="checkbox"/> 130 MILLER ACT</p> <p><input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT</p> <p><input type="checkbox"/> 181 MEDICARE ACT</p> <p><input type="checkbox"/> 180 STOCKHOLDER SUITS</p> <p><input type="checkbox"/> 180 OTHER CONTRACT</p> <p><input type="checkbox"/> 185 CONTRACT PRODUCT LIABILITY</p> <p><input type="checkbox"/> 188 FRANCHISE</p> <p>REAL PROPERTY - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 210 LAND CONDEMNATION</p> <p><input type="checkbox"/> 220 FORECLOSURE</p> <p><input type="checkbox"/> 230 RENT LEASE & EJECTMENT</p> <p><input type="checkbox"/> 240 TORTS TO LAND</p> <p><input type="checkbox"/> 245 TORT PRODUCT LIABILITY</p> <p><input type="checkbox"/> 250 ALL OTHER REAL PROPERTY</p> <p>TORTS - PERSONAL INJURY - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 310 AIRPLANE</p> <p><input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY</p> <p><input type="checkbox"/> 320 ASSAULT, BATTERY & SLANDER</p> <p><input type="checkbox"/> 330 FEDERAL EMPLOYERS LIABILITY</p> <p><input type="checkbox"/> 340 MARINE</p> <p><input type="checkbox"/> 345 MARINE PRODUCT LIABILITY</p> <p><input type="checkbox"/> 350 MOTOR VEHICLE</p> <p><input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY</p> <p><input type="checkbox"/> 360 OTHER PERSONAL INJURY</p> <p><input type="checkbox"/> 362 PERSONAL INJURY - MEDICAL MALPRACTICE</p> <p><input type="checkbox"/> 365 PERSONAL INJURY - PRODUCT LIABILITY</p> <p><input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY</p> <p>TORTS - PERSONAL PROPERTY - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 370 OTHER FRAUD</p> <p><input type="checkbox"/> 371 TRUTH IN LENDING</p> <p><input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE</p> <p><input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY</p> | <p>BANKRUPTCY - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 402 APPEAL 28 USC 158</p> <p><input type="checkbox"/> 425 WITHDRAWAL 28 USC 157</p> <p>CIVIL RIGHTS - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 441 VOTING</p> <p><input type="checkbox"/> 442 EMPLOYMENT</p> <p><input type="checkbox"/> 443 HOURS ACCOMMODATIONS</p> <p><input type="checkbox"/> 444 WELFARE</p> <p><input type="checkbox"/> 449 OTHER CIVIL RIGHTS</p> <p><input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - Employment</p> <p><input type="checkbox"/> 448 AMERICANS WITH DISABILITIES - Other</p> <p>RESPONSE PETITIONS - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE</p> <p><input type="checkbox"/> 520 HABEAS CORPUS</p> <p><input type="checkbox"/> 535 HABEAS CORPUS DEATH PENALTY</p> <p><input type="checkbox"/> 540 MANDAMUS & OTHER</p> <p><input type="checkbox"/> 550 CIVIL RIGHTS (Filed Pre-9/11)</p> <p><input type="checkbox"/> 555 PRISON CONDITIONS (Filed Pre-9/11)</p> <p>CRIMINAL OFFENSES - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 600 CIVIL RIGHTS (Filed by Co-Defendant)</p> <p><input type="checkbox"/> 605 PRISON CONDITIONS (Filed by Co-Defendant)</p> <p>CONSUMER CREDITS - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 610 AGRICULTURE</p> <p><input type="checkbox"/> 620 FOOD & DRUG</p> <p><input type="checkbox"/> 635 DRUG RELATED SECURE OF PROPERTY 21 USC 881</p> <p><input type="checkbox"/> 640 LIQUOR LAWS</p> <p><input type="checkbox"/> 645 R.V. & TRUCK</p> <p><input type="checkbox"/> 650 AIRLINE REGS.</p> <p><input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH</p> <p><input type="checkbox"/> 665 OTHER</p> <p>LABOR - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT</p> <p><input type="checkbox"/> 720 LABOR/MGMT RELATIONS</p> <p><input type="checkbox"/> 730 LABOR/MGMT REPORTING & DISCLOSURE ACT</p> <p><input type="checkbox"/> 740 RAILWAY LABOR ACT</p> <p><input type="checkbox"/> 750 OTHER LABOR LITIGATION</p> <p><input type="checkbox"/> 760 EMP. RET. INC. SECURITY ACT</p> <p>PROPERTY RIGHTS - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 800 COPYRIGHTS</p> <p><input type="checkbox"/> 840 TRADEMARK</p> <p>PROPERTY RIGHTS - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 850 PATENT</p> | <p>SOCIAL SECURITY - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 861 IPA (38 USC)</p> <p><input type="checkbox"/> 862 BLACK LUNG (38 USC)</p> <p><input type="checkbox"/> 863 DRAC (42 USC)</p> <p><input type="checkbox"/> 864 DVAW (42 USC)</p> <p><input type="checkbox"/> 864 SOD TITLE XVI</p> <p><input type="checkbox"/> 864 RSN (42 USC)</p> <p>FEDERAL TAX SUITS - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 870 TAXES (U.S. PLAINTIFF OR DEFENDANT)</p> <p><input type="checkbox"/> 871 IRS - THIRD PARTY 26 USC 708</p> <p>OTHER STATUTES - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 400 STATE REAPPORTIONMENT</p> <p><input type="checkbox"/> 410 BANKS AND BANKING</p> <p><input type="checkbox"/> 420 COMMERCIAL ROBERTS ETC.</p> <p><input type="checkbox"/> 430 CORPORATIONS</p> <p><input type="checkbox"/> 435 RACIST/BIAS INFLUENCED AND CORRUPT ORGANIZATIONS</p> <p><input type="checkbox"/> 440 CONSUMER CREDIT</p> <p><input type="checkbox"/> 445 CARLISLE LIFE TV</p> <p><input type="checkbox"/> 450 ELECTRIC SERVICE</p> <p><input type="checkbox"/> 455 CUSTOMER CHALLENGE 12 USC 3410</p> <p><input type="checkbox"/> 461 AGRICULTURAL ACTS</p> <p><input type="checkbox"/> 462 ECONOMIC STABILIZATION ACT</p> <p><input type="checkbox"/> 463 ENVIRONMENTAL MATTERS</p> <p><input type="checkbox"/> 464 ENERGY ALLOCATION ACT</p> <p><input type="checkbox"/> 465 FREEDOM OF INFORMATION ACT</p> <p><input type="checkbox"/> 466 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE</p> <p><input type="checkbox"/> 467 CONSTITUTIONALITY OF STATE STATUTES</p> <p><input type="checkbox"/> 468 OTHER STATUTORY ACTIONS</p> <p>OTHER STATUTES - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> 470 ANTI TRUST</p> <p><input type="checkbox"/> 480 SECURITIES/COMMODITIES/EXCHANGE</p> <p>OTHER STATUTES - 12 MONTHS DISCOVERY TRACK</p> <p><input type="checkbox"/> ANTI TRUST</p> <p><input type="checkbox"/> ANTI TRUST (CONFIRM/CLERK/ORDER/MODIFY)</p> <p>(Note: Please mark underlying Nature of Suit as well)</p> <p>* PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 25.3</p> |
|--|--|--|

VII. REQUESTED IN COMPLAINT:

CHECK IF CLASS ACTION UNDER F.R.C.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 ARISING OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.

3. VALIDITY OR ENFORCEMENT 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 THE SAME LITIGANTS.

6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S))

7. EITHER SOME 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 _____ DATE January 20, 2008