

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RACHAEL D. STONE, individually and)
on behalf of all others similarly situated,)

Plaintiff,)

Cause No.: 3:14-cv-00520-JPG-SCW

vs.)

THE BLUE BUFFALO COMPANY)
LTD.,)

Serve:)
United Corporate Services, Inc.)
901 S. 2nd St., Suite 201,)
Springfield, IL 62704)

JURY TRIAL DEMANDED

Defendant.)

CLASS ACTION COMPLAINT

COMES NOW, Rachael D. Stone (“Plaintiff”), individually and on behalf of all others similarly situated in the United States (the “Class”), and for her causes of action against Defendant The Blue Buffalo Company Ltd. (“Defendant”), states as follows:

INTRODUCTION

1. This is a class action on behalf of all persons and entities nationwide who purchased Defendant’s pet food.

2. At all relevant times, Defendant has engaged in a widespread marketing campaign to mislead consumers about the nature of its pet food.

3. Defendant’s pet food is marketed, advertised, and sold by Defendant with material misrepresentations regarding the ingredients present in its products.

4. The most important misrepresentation at issue, which is emphasized heavily in Defendant’s marketing and advertising, is a false claim that Defendant’s pet food contains “NO

Chicken/Poultry By-Product Meals.”

5. Other misrepresentations at issue include false claims that Defendant’s pet food contains no corn, no other grains, and no artificial preservatives, and that Defendant’s pet food contains superior nutrition as compared to those of competitor products.

6. Defendants misrepresentations regarding the ingredients present in its products are prominently displayed and promoted on Defendant’s website, on product packaging, in advertisements, and in other like promotional materials.

7. Defendant’s representations of the ingredients in its pet food are false, deceptive, misleading and materially incorrect because Defendant’s pet food does contain significant amounts of chicken/poultry by-product meals, corn, other grains, and artificial preservatives, and does not have any superior nutritional value as compared to competitor products.

8. By advertising and selling the pet food with false claims to consumers regarding its ingredients, Defendant has violated 815 ILCS 505/1 *et seq.*, the Illinois Consumer Fraud and Deceptive Business Practices Act (“ICFA”), as well as the consumer fraud statutes of other states, and Defendant’s deceptive conduct has resulted in Defendant becoming unjustly enriched to the detriment of Plaintiff and the Class.

JURISDICTION AND VENUE

9. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332(d) because in this class action Plaintiff and Defendant are citizens of different states and the amount in controversy is in excess of \$5,000,000, exclusive of interests and costs.

10. Venue in this district is proper under 28 U.S.C. § 1391(b) and (c) because Plaintiff purchased Defendant’s pet food products in St. Clair County, Illinois, Defendant conducts business in this district and substantially unlawful conduct giving rise to the claims

occurred in this district.

THE PARTIES

11. Plaintiff Rachael D. Stone is an Illinois citizen residing in St. Clair County in the State of Illinois.

12. Defendant The Blue Buffalo Company Ltd. is a Delaware corporation, with its principal place of business in Connecticut. Defendant is in the business of marketing, advertising and selling pet food. Defendant maintains a registered agent for service of process in Illinois.

FACTS

13. Defendant sells pet food for household pets, and has worked to build a brand targeted at ingredient-conscious pet owners. The ingredients present in pet food are an important characteristic to consumers including the Plaintiff and the Class.

14. On several occasions within the last year, Plaintiff purchased Defendant's pet food products including Defendant's Life Protection formulas Chicken & Brown Rice recipes.

15. Plaintiff's purchases of Defendant's products occurred in St. Clair County, Illinois. Plaintiff made these purchases for personal, family or household purposes, namely her four family pets which reside in her household.

16. Plaintiff viewed and relied on Defendant's misrepresentations regarding the ingredients in its pet food when making her purchases. This reliance was to Plaintiff's detriment, and she would not have purchased Defendant's pet food had she known the actual ingredients present in Defendant's pet food.

17. Defendant's product promotion strategy for its pet food is centered around its ingredient claims and promises, and the value of its brand is dependant on such claims. Defendant's nutritional and ingredient claims are prominently displayed, promoted and

emphasized on Defendant's website, on product packaging, in television and print advertisements, and in other like marketing and promotional materials. These ingredient representations include claims that Defendant's pet food contains "NO Chicken/Poultry By-Product Meals," as well as claims that Defendant's pet food contains no corn, no other grains, and no artificial preservatives, and that Defendant's pet food contains superior nutrition as compared to those of competitor products.

18. Multiple investigations have revealed Defendant's claims are false.

19. In fact, one investigation discovered substantial amounts of poultry by-products in Defendant's pet food, despite Defendant's advertisements and representations that the pet food contained "NO chicken/poultry by-products meals."

20. Defendant's representations of the ingredients and nutritional value in its pet food are false, deceptive, misleading and materially incorrect.

21. Defendant charges a substantial price premium for its pet foods compared to competitors based on Defendant's false ingredient and nutritional claims. Consumers have relied on Defendant's false ingredient and nutritional claims in making decisions to purchase Defendant's pet food.

22. As a direct and proximate result of Defendant's deceptive conduct and/or unfair practices, Plaintiff and Class members suffered actual damages and/or economic losses.

23. The conduct of Defendant was malicious, corrupt, and intentional and/or reckless to a degree sufficient to support an award of punitive damages against Defendant.

CLASS ALLEGATIONS

24. Plaintiff brings all claims as an individual and as representative of a Class of persons, pursuant to Rule 23 of the Federal Rules of Civil Procedure, who fall within one of the

following two subclasses:

- a. Persons and consumers in Illinois who purchased Defendant's pet food (hereinafter "Subclass 1"); and
- b. All other persons and consumers in the United States who purchased Defendant's pet food (hereinafter "Subclass 2").

25. Plaintiff seeks certification of a class action for Subclass 1 for Counts I, II, and III, and for Subclass 2 for Counts II, III and IV.

26. Excluded from the Class including both subclasses are: Defendant's legal representatives, officers, directors, assigns, and successors, or any individual who has, or who at any time during the Class period has had, a controlling interest in The Blue Buffalo Company, Ltd.; the Judge to whom this case is assigned and any member of the Judge's immediate family; and all those who validly and timely opt-out of the certified Class.

27. Plaintiff also states alternative causes of action under the laws of the other states of residence of class members having consumer fraud laws prohibiting the unlawful conduct specified herein.

28. Numerosity: The persons in the Class identified above are so numerous that joinder of all members is impracticable. Although the precise number of such persons is unknown, the information on which that number is calculated is presently within the sole control of the Defendant. Upon information and belief, there are thousands of Class Members based upon the fact that the Pet food is sold in several retail outlets, including at PetSmart, Inc., which operates in excess of 1100 retail locations nationwide, and Petco Animal Supplies, which operated in excess of 1300 retail locations nationwide.

29. Commonality: There are numerous questions of law and fact common to the Class

that predominate over any questions affecting only individual members. The questions of law and fact common to the Class that predominate over any question solely affecting individual members of the Class include, but are not limited to whether:

- a) Defendant has made representations about the pet food's ingredients, and/or its quality, features, characteristics or effects that are untrue, false, inaccurate, or deceptive
- b) Defendant's conduct constitutes deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of a material fact in connection with the sale or advertisement of the Pet food;
- c) Defendant's conduct was unfair and/or deceptive;
- d) Defendant violated the ICFA;
- e) Defendant's conduct was unjust;
- f) Plaintiff and Class have been damaged by Defendant's conduct;
- g) Defendants' actions as described above violated the consumer fraud laws of the various states; and
- h) As a result of Defendant's conduct, Plaintiff and Class members are entitled to damages, restitution, equitable relief, or other relief.

30. Typicality: Plaintiff's claims are typical of the claims of Class members, as all Class members were and are similarly affected by Defendant's wrongful conduct in violation of the laws set forth in the causes of action in the Counts herein.

31. Adequacy: Plaintiff will fairly and adequately represent and protect the interests of the Class. Plaintiff understands her duties as Class Representative. Plaintiff possesses the requisite knowledge, commitment, and understanding to pursue the case in the best interest of the

Class. Plaintiff has retained counsel with experience in class action litigation. Plaintiff's interests are aligned with those of the Class.

32. Superiority: A class action is superior to other available methods for their fair and efficient adjudication of the controversy, because members of the Class number in the thousands and individual joinder is impracticable. The expenses and burden of individual litigation would make it impracticable or impossible for proposed members of the Class to prosecute their claims individually. Trial of Plaintiff's claims is manageable.

33. Defendant has acted or refused to act on grounds generally applicable to the Class, thereby making final injunctive relief or corresponding declaratory relief appropriate with respect to the Class as a whole.

34. Unless a class is certified, Defendants will retain monies received as a result of its unlawful conduct. Unless a class-wide injunction is issued, Defendant will continue to violate Illinois law and other state law resulting in harm to the Class.

COUNT I – DAMAGES FOR VIOLATION OF 815 ILCS 505/1 ET SEQ.,
(THE “ILLINOIS CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES
ACT” OR “ICFA”)
(on behalf of Subclass 1)

35. Plaintiff incorporates by reference all preceding paragraphs of this petition as if fully set forth herein.

36. 815 ILCS 505/2 provides the following:

[U]nfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact...in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or

damaged thereby.

37. In connection with the sale and/or advertisement of the pet food, Defendant made representations about the pet food's ingredients that are untrue, false, inaccurate, or deceptive. As such, Defendant's conduct constitutes deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact.

38. At all relevant times, Defendant's untrue, false, inaccurate, or deceptive representations were made "in the conduct of any trade or commerce" as defined by 815 ILCS 505/1 because such conduct occurred during the course of advertising, offering for sale, sale or distribution of the pet food.

39. At all relevant times, Defendant's manufacturing, marketing, advertising, sales, and/or distribution of the pet food was an "advertisement" as defined by 815 ILCS 505/1 because such manufacturing, marketing, advertising, sales, and/or distribution constituted an attempt by publication, dissemination, solicitation or circulation to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in any merchandise.

40. Defendant uniformly misrepresented to plaintiff and Subclass 1, by means of its advertising, marketing, and other promotional materials, and on the pet food's labeling and packaging, the Pet food's true nature and quality because, among other things, the pet food contains ingredients which Defendant specifically represented are not contained in its pet food. The pet food does not conform to the representations made by Defendant.

41. Defendant intended for the Plaintiff and Subclass 1 to rely on the deception and misrepresentation because it knew that such misrepresentation would be material to the decision-making of a reasonable consumer.

42. Defendant has violated the ICFA by engaging in practices that constitute deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of the pet food.

43. As a direct and proximate result of Defendant's improper conduct, Plaintiff and Class have suffered damages and ascertainable losses, in amounts to be determined at trial, by paying more for the pet food than they would have and/or by purchasing the pet food when they would not have if the ingredients of the pet food had not been misrepresented.

WHEREFORE, Plaintiff and Subclass 1 pray for the relief requested in the Request for Relief set forth below in this Petition.

COUNT II – UNJUST ENRICHMENT
(on behalf of the Class including Subclass 1 and Subclass 2)

44. Plaintiff incorporates by reference all preceding paragraphs of this petition as if fully set forth herein.

45. Plaintiff and the Class members conferred upon Defendant benefits that were non-gratuitous and constitute unjust takings.

46. Defendant accepted or retained the benefits conferred by Plaintiff and Class despite Defendant's deceptive advertising, material misrepresentations, omissions of material fact and/or fraudulent conduct with regard to the ingredients in, and quality of, the pet food.

47. Retaining the benefits conferred upon Defendant by Plaintiff and Class under these circumstances makes Defendant's retention of the benefits unjust and inequitable.

48. As a result of the foregoing, Plaintiff and Class have suffered damages, as set

forth more fully above.

49. Because Defendant's retention of the benefits conferred by Plaintiff and Class is unjust and inequitable, Defendant must pay restitution in a manner established by the Court.

WHEREFORE, Plaintiff and Class pray for the relief requested in the Request for Relief set forth below in this Petition.

COUNT III – MONEY HAD AND RECEIVED
(on behalf of the Class including Subclass 1 and Subclass 2)

50. Plaintiff incorporates by reference all preceding paragraphs of this petition as if fully set forth herein.

51. Defendant has received, and has in its possession, monies that rightfully belong to Plaintiff and Class, which in equity and good conscience ought to be paid to Plaintiff.

52. Defendant has received or obtained possession of Plaintiff's and Class members' monies through the sale of the pet food.

53. Defendant thereby appreciated a benefit by accepting such monies from Plaintiff and Class.

54. Defendant's acceptance and retention of such monies was unjust because Defendant obtained it through deceptive advertising, false representations, and/or fraudulent conduct with regard to the quality and performance of the pet food.

55. As a result of the foregoing, Plaintiff and Class have suffered damages, as set forth more fully above.

WHEREFORE, Plaintiff and Class pray for the relief requested in the Request for Relief set forth below in this Petition.

**COUNT IV – VIOLATION OF THE CONSUMER FRAUD LAWS OF THE
SEVERAL STATES OTHER THAN ILLINOIS
(on behalf of Subclass 2)**

56. Plaintiff incorporates by reference all preceding paragraphs of this petition as if fully set forth herein.

57. Plaintiff brings this claim individually and on behalf of the members of the Class against Defendant.

58. By misrepresenting, mislabeling and selling the pet food as having qualities, features, characteristics, benefits or effects which it does not have, and misrepresenting its ingredients, Defendant has engaged in unfair competition or unlawful, unfair, misleading, unconscionable, or deceptive acts in violation of the state consumer statutes listed below.

59. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of ALA. CODE § 8.19-1, *et seq.*

60. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of ALASKA STAT. CODE § 45.50.471, *et seq.*

61. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of ARIZ. REV. STAT. § 44-1522, *et seq.*

62. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of ARK. CODE ANN. § 4-88-107, *et seq.*

63. Defendant has engaged in unfair competition, unfair or deceptive acts or practices and false advertising in violation of CAL.BUS. & PROF CODE § 17200, *et. seq.*, § 17500, *et seq.*, and CAL.CIV.CODE § 1750, *et. seq.*

64. Defendant has engaged in unfair competition or unfair or deceptive acts or

practices or have made false representations in violation of COLO. REV. STAT. § 6-1-101, *et seq.*

65. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of CONN. GEN. STAT. § 42-110b, *et seq.*

66. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of DEL. CODE ANN. tit. 6, § 2511, *et seq.*

67. Defendant has engaged in unfair competition or unfair or deceptive acts or practices or made false representations in violation of D.C. CODE ANN. § 28-3901, *et seq.*

68. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of FLA. STAT. ANN. § 501.201, *et seq.*

69. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of GA. CODE ANN. §10-1-392, *et seq.*

70. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of HAW. REV. STAT. § 480, *et seq.*

71. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of IDAHO CODE § 48-601, *et seq.*

72. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of IND. CODE ANN. § 24-5-0.5-1, *et seq.*

73. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of IOWA CODE § 714.16, *et seq.*

74. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of KAN. STAT. § 50-623, *et seq.*

75. Defendant has engaged in unfair competition or unfair or deceptive acts or

practices in violation of KY. REV. STAT. ANN. § 367.110, *et seq.*

76. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of LA. REV. STAT. § 51:1404, *et seq.*

77. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of ME. REV. STAT. tit. 5, § 205-A, *et seq.*

78. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of MD. CODE. ANN., COM. LAW § 13-101, *et seq.*

79. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation MASS. GEN LAWS ch. 93A, §1, *et seq.*

80. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of MICH. COMP. LAWS § 445.901, *et seq.*

81. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of MINN. STAT. § 8.31, *et seq.*

82. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of MISS. CODE ANN. § 75-24-3, *et seq.*

83. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of MO. REV. STAT. § 407.010, *et seq.*

84. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of MONT. CODE ANN. § 30-14-101, *et seq.*

85. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of NEB. REV. STAT. § 59-1601, *et seq.*

86. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of NEV. REV. STAT. § 598.0903, *et seq.*

87. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of N.H. REV. STAT. ANN. § 358-A:1, *et seq.*

88. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of N.J.S.A. 56:8-1, *et seq.*

89. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of N.M. STAT. ANN. § 57-12-1, *et seq.*

90. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of N.C. GEN. STAT. § 75-1.1, *et seq.*

91. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of N.D. CENT. CODE § 51-15-01, *et seq.*

92. Defendant has engaged in unfair competition or unfair or deceptive acts or practices or made false representations in violation of OKLA. STAT. tit. 15, § 751, *et seq.*

93. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of OR. REV. STAT. § 646.605, *et seq.*

94. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of 73 PA. CONS. STAT. § 201-1, *et seq.*

95. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of R.I. GEN. LAWS § 6-13.1-1, *et seq.*

96. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of S.C. CODE § 39-5-10, *et seq.*

97. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of S.D. CODIFIED LAWS § 37-24-1, *et seq.*

98. Defendant has engaged in unfair competition or unfair or deceptive acts or

practices in violation of TENN. CODE ANN. § 47-18-101, *et seq.*

99. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of TEX. BUS. & COM. CODE ANN. § 17.41, *et seq.*

100. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of UTAH CODE. ANN. § 13-11-1, *et seq.*

101. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of VT. STAT. ANN. tit. 9, § 2451, *et seq.*

102. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of VA. CODE ANN. § 59.1-196, *et seq.*

103. Defendant has engaged in unfair competition or unfair, deceptive or fraudulent acts or practices in violation of WASH. REV. CODE § 19.86.010, *et seq.*

104. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of W. VA. CODE § 46A-6-101, *et seq.*

105. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of WIS. STAT. § 100.18, *et seq.*

106. Defendant has engaged in unfair competition or unfair or deceptive acts or practices in violation of WYO. STAT. ANN. § 40-12-101, *et seq.*

107. The acts, practices, misrepresentations and omissions by Defendant described above, and Defendant's dissemination of deceptive and misleading advertising and marketing materials in connection therewith, occurring in the course of conduct involving trade or commerce, constitute unfair methods of competition and unfair or deceptive acts or practices within the meaning of each of the above-enumerated statutes, because each of these statutes generally prohibits deceptive conduct in consumer transactions, and each of these statutes also

prohibits the sale of products which are prohibited by law. Defendant violated each of these statutes by making illegal sales, and also by representing that the pet food did not contain ingredients that it actually contains.

108. Plaintiff and Class members suffered a loss of money as a result of Defendant's misrepresentations because: (a) they would not have purchased the pet foods on the same terms if the true facts regarding its ingredients had been known; (b) they paid an unfair price premium due to the misrepresentations concerning the ingredients; and (c) the pet food in fact contained ingredients which Defendant misrepresented were not contained in the pet food, which rendered the pet food's value less than that paid by Plaintiff and Class members.

109. As a result of the foregoing, Plaintiff and Class have suffered damages, as set forth more fully above.

WHEREFORE, Plaintiff and Class pray for the relief requested in the Request for Relief set forth below in this Petition.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff and each member of the proposed Class pray for a judgment:

- A. Certifying the Class as requested herein;
- B. Entering an order appointing John G. Simon, Ryan Keane and Tim Cronin of The Simon Law Firm, P.C., and Sean K. Cronin of Donovan Rose Nester, P.C, as lead counsel for the Class;
- C. Awarding actual, compensatory, consequential and/or incidental damages to Plaintiffs and members of the proposed Class;
- D. Awarding restitution to Plaintiffs and members of the proposed Class;
- E. Awarding declaratory and injunctive relief as permitted by law or equity

including a preliminary and permanent injunction enjoining Defendant from continuing the unlawful practices as set forth herein and directing Defendant to identify, with Court supervision, victims of their conduct and pay them restitution and disgorgement of all monies acquired by Defendant by means of any act or practice declared by this Court to be wrongful;

- F. Awarding punitive damages in an amount to be determined at trial;
- G. Awarding pre-judgment interest;
- H. Awarding post-judgment interest;
- I. Awarding attorneys' fees and costs;
- J. Providing such further relief as may be fair and reasonable.

JURY TRIAL DEMANDED

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all questions of fact raised by the Complaint.

NOTICE TO ATTORNEY GENERAL OF ACTION

A copy of this Complaint will be mailed to the Attorney General of the State of Illinois pursuant to 815 ILCS 505/10(a).

Respectfully Submitted,

By: _____

THE SIMON LAW FIRM, P.C.

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JS 44 (Rev. 12/12)

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

Rachael D. Stone

(b) County of Residence of First Listed Plaintiff St. Clair Co (IL)
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Ryan A. Keane, The Simon Law Firm, P.C.
800 Market Street, Suite 1700, St. Louis, MO 63101

DEFENDANTS

The Blue Buffalo Company Ltd.

County of Residence of First Listed Defendant Delaware
(IN U.S. PLAINTIFF CASES ONLY)

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

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)

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

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<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 type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	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	<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	<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"/> 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	<input type="checkbox"/> 375 False Claims Act <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"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" 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)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332(d)
Brief description of cause:
misrepresentation and false claims regarding pet food

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ 5,000,001.00
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY
May 7, 2014

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

Rachael D. Stone

Plaintiff(s)

v.

The Blue Buffalo Company, Ltd.

Defendant(s)

Civil Action No. 3:14-cv-00520-JPG-SCW

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Blue Buffalo Company, Ltd.
serve: United Corporate Services, Inc.
901 S. 2nd Street, Suite 201
Springfield, IL 62704

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Ryan A. Keane, The Simon Law Firm, P.C., 800 Market Street, Suite 1700, St. Louis, MO 63101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

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 \$ _____ 0.00 .

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: