

CASE SUMMARY

CASE INFORMATION

ASSIGNMENT INFORMATION

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FINANCIAL INFORMATION

→ Case Summary

Civil Actions

Case Summary

Case No. 2019-CA-003192-B

TOXIN FREE USA Vs. THE J.M. SMUCKER COMPANY et al §
§
§

Location: **Civil Actions**
Judicial Officer: **Rigsby, Robert R**
Filed on: **05/14/2019**

Case Information

File Date 05/14/2019

Cause of ActionComplaint for Deceit
(Misrepresentation) Filed**Description/Remedy**Action
Complaint for Deceit
(Misrepresentation) Filed

Case Type: Civil II

Subtype: Complaint for Deceit (Misrepresentation)
FiledCase Status: **07/21/2022 Closed**

06/30/2021 Reopen

04/17/2020 Closed

05/14/2019 Open

Statistical Closures

07/21/2022 Dismissed by Consent

04/17/2020 Notice of Removal to USDC

Assignment Information

Current Case Assignment

Case Number 2019-CA-003192-B

Court Civil Actions

Date Assigned 09/29/2021

Judicial Officer Rigsby, Robert R

Previous Case Assignments

Case Number 2019-CA-003192-B

Court Civil Actions

Date Assigned 07/12/2021

Judicial Officer Pan, Florence Y

Reason Judge Assigned

Case Number 2019-CA-003192-B

Court Civil Actions

Date Assigned 07/02/2021

Judicial Officer Epstein, Anthony C

Reason Case Remanded

Party Information

Plaintiff**Toxin Free USA**P.O. Box 458
UNIONVILLE, CT 06085*Lead Attorneys***Richman, Kim E*****Retained***917-204-6237(F)
914-693-2018(W)
RICHMAN LAW & POLICY
1 Bridge Street, Suite 83
Irvington, NY 10533
krichman@richmanlawpolicy.com**Defendant****Ainsworth Pet Nutrition, LLC**18746 Mill Street
MEADVILLE, PA 16335**Rothstein, Ronald Y*****Retained***312-558-5600(W)
WINSTON & STRAWN
35 W WACKER DR
Chicago, IL 60601
rrothstein@winston.com**The J.M. Smucker Company**4400 Easton Commons Way, Suite 125
COLUMBUS, OH 43219**Rothstein, Ronald Y*****Retained***312-558-5600(W)
WINSTON & STRAWN
35 W WACKER DR
Chicago, IL 60601
rrothstein@winston.com

Events and Orders of the Court

05/14/2019 Complaint for Deceit (Misrepresentation) Filed

Complaint for Deceit (Misrepresentation) Filed Receipt: 427954 Date: 05/15/2019

05/15/2019

eComplaint Filed

*eComplaint Filed. Submitted 05/14/2019 18:45. kd (NO SUMMONS SUBMITTED AT FILING) Attorney: RICHMAN, KIM E. (1022978)
TOXIN FREE USA (Plaintiff);*

05/15/2019

Event Scheduled

Event Scheduled Event: Initial Scheduling Conference-60 Date: 08/16/2019 Time: 9:30 am Judge: PAN, FLORENCE Y Location:

Courtroom 415

05/15/2019 

Initial Order and Addendum Issued (60 Days)
Initial Order and Addendum Issued (60 Days) Initial Order-60 Days Sent on: 05/15/2019 10:39:06.39

05/17/2019 

Complaint Package eServed
Complaint Package eServed

06/04/2019

Initial Summons Requested as to

Initial Summons Requested Filed. submitted 06/04/2019 10:42. hvw Attorney: RICHMAN, KIM E. (1022978) TOXIN FREE USA (Plaintiff);

06/04/2019

Initial Summons Requested as to

Initial Summons Requested Filed. submitted 06/04/2019 10:44. hvw Attorney: RICHMAN, KIM E. (1022978) TOXIN FREE USA (Plaintiff);

06/07/2019 

Summons Issued and eServed by the Clerk
Initial Summons Issued and eServed by the Clerk

06/07/2019 

Summons Issued and eServed by the Clerk
Initial Summons Issued and eServed by the Clerk

07/09/2019 

Affidavit of Service of Summons & Complaint on
Affidavit of Service of Summons & Complaint on THE J.M. SMUCKER COMPANY (Defendant);

07/09/2019

Proof of Service

Proof of Service Method : Service Issued Issued : 05/15/2019 Service : Summons Issued Served : 07/08/2019 Return : 07/09/2019 On : THE J.M. SMUCKER COMPANY Signed By : Ronald Y. Rothstein Reason : Proof of Service Comment : Tracking #: 5000215453

 07/22/2019

Notice of Acknowledgment of Service Filed

Notice of Acknowledgment of Service Filed AINSWORTH PET NUTRITION, LLC (Defendant). Filed. Submitted. 07/22/2019 15:12. ncv. Attorney: RICHMAN, KIM E. (1022978) TOXIN FREE USA (Plaintiff);

07/22/2019

Proof of Service

Proof of Service Method : Service Issued Issued : 05/15/2019 Service : Summons Issued Served : 06/07/2019 Return : 07/22/2019 On : AINSWORTH PET NUTRITION, LLC Signed By : Ronald Rothstein Reason : Proof of Service Comment : Tracking #: 5000215454

07/29/2019

Motion to Extend Filed (Judicial Officer: Pan, Florence Y)

Consent Motion to Extend the Time for Defendants to Move to Dismiss the Complaint and to set a Briefing Schedule Filed. submitted 07/29/2019 16:59. mw Attorney: ROTHSTEIN, Mr RONALD Y (451950) THE J.M. SMUCKER COMPANY (Defendant); AINSWORTH PET NUTRITION, LLC (Defendant); Receipt: 434335 Date: 07/30/2019

07/29/2019

Motion to Extend Filed (Judicial Officer: Pan, Florence Y)

Consent Motion to Extend the Time for Defendants to Move to Dismiss the Complaint and to set a Briefing Schedule Filed. submitted 07/29/2019 17:15. mw Attorney: ROTHSTEIN, Mr RONALD Y (451950) THE J.M. SMUCKER COMPANY (Defendant); AINSWORTH PET NUTRITION, LLC (Defendant); Receipt: 434341 Date: 07/30/2019

07/29/2019

Additional eFiling Document to

Additional eFiling Document to Consent Motion to Extend the Time for Defendants to Move to Dismiss the Complaint and to set a Briefing Schedule Filed. submitted 07/29/2019 17:15. mw Attorney: ROTHSTEIN, Mr RONALD Y (451950) THE J.M. SMUCKER COMPANY (Defendant); AINSWORTH PET NUTRITION, LLC (Defendant);

08/06/2019

Order Granting Mot to Ext Time to Ans Comp Ent on the Dkt

Order Granting CONSENT Motion to Extend THE Time FOR DEFENDANTS to MOVE TO DISMISS THE Complaint AND TO SET A BRIEFING SCHEDULE Entered on the Docket-SIGNED BY JUDGE FLORENCE PAN, E-FILED & E-SERVED 8/6/19. MWB

08/06/2019

Event Resulted:

Event Resulted: The following event: Initial Scheduling Conference-60 scheduled for 08/16/2019 at 9:30 am has been resulted as follows: Result: Scheduling Conference Hearing Continued Judge: PAN, FLORENCE Y Location: Courtroom 415

08/06/2019

Scheduling Conference Hearing

Scheduling Conference Hearing Event: Scheduling Conference Hearing Date: 11/22/2019 Time: 9:30 am Judge: PAN, FLORENCE Y Location: Courtroom 415

 08/06/2019

Order Filed

Order Granting Consent Motion to Extend the Time for Defendants to Move to Dismiss the Complaint and to Set a Briefing Schedule signed by Judge Florence Y. Pan on 8/6/2019. submitted 08/06/2019 14:52. hvw

08/07/2019 

Notice of Hearing Mailed Next Business Day
Notice of Hearing Mailed Next Business Day Notice Of Hearing Sent on: 08/07/2019 08:24:21.55

08/16/2019

Initial Scheduling Conference-60 (9:30 AM) (Judicial Officer: Pan, Florence Y)
Scheduling Conference Hearing Held

08/26/2019

 Motion to Dismiss Filed (Judicial Officer: Pan, Florence Y)
Defendants The J.M. Smucker Company and Ainsworth Pet Nutrition, LLC's Motion to Dismiss Plaintiff's Complaint Filed. Submitted 08/26/2019 17:29. kd Attorney: ROTHSTEIN, Mr RONALD Y (451950) Mr RONALD Y ROTHSTEIN (Attorney) on behalf of THE J.M. SMUCKER COMPANY, AINSWORTH PET NUTRITION, LLC (Defendant) Receipt: 436588 Date: 08/27/2019

08/30/2019

 Returned Mail:
Returned Mail: Order for: Scheduling Conference Hearing Entered on: 8/7/2019 Mailed to: Kim E. Richman, Richman Law Group Address: 8 West 12th Street, New York, NY 10027 Returned to Court on: 8/27/2019 Reason: Return to Sender

09/26/2019

 Opposition to Motion to Dismiss Filed
Plaintiff's Opposition to Defendants' Motion to Dismiss Filed 09/26/2019 15:00. TB Attorney: RICHMAN, KIM E. (1022978)

10/09/2019

 Reply Filed:
Reply in Support of Defendants The J.M. Smucker Company and Ainsworth Pet Nutrition, LLC's Motion to Dismiss Plaintiff's Complaint Filed. Submitted 10/09/2019 15:41. ajm Attorney: ROTHSTEIN, Mr RONALD Y (451950) THE J.M. SMUCKER COMPANY (Defendant); AINSWORTH PET NUTRITION, LLC (Defendant);

10/30/2019

 Supplemental Memorandum of Law
Notice of Supplemental Authority Filed. Submitted 10/30/2019 16:30. kd Attorney: RICHMAN, KIM E. (1022978) KIM E. RICHMAN (Attorney) on behalf of TOXIN FREE USA (Plaintiff)

10/30/2019

 Additional eFiling Document to
Additional eFiling Document to Notice of Supplemental Authority. Submitted 10/30/2019 16:30. kd Attorney: RICHMAN, KIM E. (1022978) KIM E. RICHMAN (Attorney) on behalf of TOXIN FREE USA (Plaintiff)

11/06/2019

Order Denying Motion to Dismiss Entered on the Docket
Order Denying DEFENDANTS' Motion to Dismiss Entered on the Docket-SIGNED BY JUDGE FLORENCE PAN, E-FILED & E-SERVED 11/6/19. MWB

11/06/2019

 Order Filed
Order Denying Defendants' Motion to Dismiss Plaintiff's Complaint submitted 11/06/2019 14:16. ajm. Signed by Judge Pan on November 6, 2019.

11/18/2019

 Praecipe Requesting a Scheduling Order Filed
Joint Praecipe Requesting a Scheduling Order Filed 11/18/2019 10:00. TB Attorney: RICHMAN, KIM E. (1022978) Attorney: ROTHSTEIN, Mr RONALD Y (451950) TOXIN FREE USA (Plaintiff); THE J.M. SMUCKER COMPANY (Defendant); AINSWORTH PET NUTRITION, LLC (Defendant);

11/20/2019

 Track 3 - Mediation Scheduling Order Entered on the Docket
Track 3 - Mediation Scheduling Order Entered on the Docket DCM Track Track 3 - Mediation was added on 11/20/2019 with the following milestone(s): Exchange Lists of Fact Witnesses T3 due 02/18/2020 Proponent's Rule 26(a)(2)(B) Report T3 due 03/03/2020 Opponent's Rule 26(a)(2)(B) Report T3 due 04/08/2020 Discovery Request T3 due 04/20/2020 Close of Discovery T3 due 05/18/2020 Filing Motions T3 due 06/17/2020 Dispositive Motions Decided T3 due 07/17/2020 ADR - Mediation T3-1 due 08/03/2020 ADR - Mediation T3-2 due 08/31/2020 Pretrial T3 due 09/30/2020 Pretrial T3-2 due 10/30/2020

11/20/2019

Event Resulted:
Event Resulted: The following event: Scheduling Conference Hearing scheduled for 11/22/2019 at 9:30 am has been resulted as follows: Result: Initial Scheduling Conf. Vacated per SCR 16(b). Case placed on Mediation Track 3 per 11/18/2019 Praecipe Requesting Scheduling Order. No future dates currently scheduled. Scheduling order signed in Chambers and mailed to parties. SPJ/FYP Judge: PAN, FLORENCE Y Location: Courtroom 415

11/20/2019

 Answer to Complaint Filed
Defendant The J.M. Smucker Company's Answer to Plaintiff's Complaint Filed submitted 11/20/2019 17:39 PLA Attorney: ROTHSTEIN, Mr RONALD Y (451950) THE J.M. SMUCKER COMPANY (Defendant);

11/20/2019

 Answer to Complaint Filed
Defendant Ainsworth Pet Nutrition, LLC'S Answer to Plaintiff's Complaint Filed submitted 11/20/2019 17:42 PLA Attorney: ROTHSTEIN, Mr RONALD Y (451950) AINSWORTH PET NUTRITION, LLC (Defendant);

11/22/2019 **Scheduling Conference Hearing** (9:30 AM) (Judicial Officer: Pan, Florence Y)
Initial Scheduling Conf. Vacated per SCR 16(b)

12/20/2019

 Motion to Admit Attorney Pro Hac Vice Filed (Judicial Officer: Pan, Florence Y)
Unopposed Motion for Admission Pro Hac Vice - Jay Shooster Filed. Submitted 12/20/2019 18:40. chd Attorney: RICHMAN, KIM E. (1022978) Receipt: 446362 Date: 12/23/2019

12/20/2019
Additional eFiling Document to
Additional eFiling Document to Unopposed Motion for Admission Pro Hac Vice - Jay Shooster Filed. Submitted 12/20/2019 18:40. chd Attorney: RICHMAN, KIM E. (1022978)

01/06/2020
Order Granting Mot to Admit Atty Pro Hac Ent on the Dkt
Order Granting PLAINTIFF'S Motion to Admit Attorney JAY SHOOSTER Pro Hac Vice Entered on the Docket-SIGNED BY JUDGE FLORENCE PAN, E-FILED, E-SERVED & MAILED 1/6/20. MWB

01/06/2020
 Order Granting Mot to Admit Atty Pro Hac Ent on the Dkt
Order Granting Plaintiff's Motion to Admit Attorney JAY SHOOSTER Pro Hac Vice signed J/Pan on 01/06/2020. Submitted on 01/06/2020 15:08. KT

03/06/2020  Witness List Filed
Plaintiff's Initial Witness List Filed submitted 03/06/2020 16:31pm. ae Attorney: RICHMAN, KIM E. (1022978)

03/06/2020
 Witness List Filed
Defendants the J.M. Smucker Company and Ainsworth pet Nutrition LLC'S Initial Witness List Filed. Submitted 03/06/2020 18:21pm. ae Attorney: ROTHSTEIN, Mr RONALD Y (451950)

04/17/2020
 Notice of Removal to USDC Filed
Notice of Removal to USDC Filed. submitted 04/17/2020 20:09. NB Attorney: ROTHSTEIN, Mr RONALD Y (451950) THE J.M. SMUCKER COMPANY (Defendant);

04/17/2020
Additional eFiling Document to
Additional eFiling Document to Notice of Removal to USDC Filed. submitted 04/17/2020 20:09. NB Attorney: ROTHSTEIN, Mr RONALD Y (451950) THE J.M. SMUCKER COMPANY (Defendant);

04/17/2020 Notice of Removal to USDC Filed
Notice of Removal to USDC for the District of Columbia. 1:20-cv-01013.

04/17/2020  Notice of Hearing Mailed Next Business Day
Notice of Hearing Mailed Next Business Day Notice Of Removal Sent on: 04/20/2020 10:16:44.75

05/01/2020 Miscellaneous Docket
Notice of Removal e-Pak Part 1 transmitted to the U.S. District Court for the District of Columbia 05/05/2020. jjw.

05/01/2020 Miscellaneous Docket
Notice of Removal e-Pak Part 2 transmitted to the U.S. District Court for the District of Columbia 05/05/2020. jjw.

05/01/2020 Miscellaneous Docket
Notice of Removal e-Pak Part 3 transmitted to the U.S. District Court for the District of Columbia 05/05/2020. jjw.

06/30/2021 Case Reopened
Case Reopened

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FIRST	PREVIOUS	1	2	3	NEXT	LAST	SHOW ALL
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Financial Information

Defendant	The J.M. Smucker Company	
Total Financial Assessment		100.00
Total Payments and Credits		100.00
Balance Due as of 05/15/2025		0.00
Plaintiff	Toxin Free USA	
Total Financial Assessment		240.00
Total Payments and Credits		240.00
Balance Due as of 05/15/2025		0.00