

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

CHRISTOPHER ODLE, Individually and	)	
on behalf of all other similarly situated,	)	
	)	
Plaintiff,	)	Case No. 3:24-cv-1417
	)	
v.	)	
	)	(Illinois Circuit Court, St. Clair County, No.
GAMESTOP CORP. d/b/a GAMESTOP,	)	24-LA-0579)
INC.,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Defendant GameStop Corp. d/b/a GameStop, Inc. (“GameStop”) hereby removes to this Court the state court action described below.

**I. BACKGROUND**

1. On April 19, 2024, plaintiff Christopher Odle (“Plaintiff”) filed a putative class action complaint (“Complaint”) in the Circuit Court for the Twentieth Judicial Circuit, St. Clair County, styled *Odle v. GameStop Corp. doing business as GameStop, Inc.*, No. 24-LA-0579 (Cir. Ct. St. Clair Cnty.).

2. The Complaint alleges that GameStop misled consumers by selling, marking, or marketing video games as “new” where the video games have been opened from their original packaging. Compl. ¶¶ 20-27. Plaintiff asserts two Counts based on these allegations: Count I for violating the Illinois Uniform Deceptive Trade Practices Act (“UDTPA”), and Count II for violating the Illinois Consumer Fraud and Deceptive Business Practices Act (“ICFA”). Plaintiff asserts these Counts on behalf of himself and a putative class defined as “[c]ommencing September 9, 2018, all Individuals who purchased a video game labeled as ‘new’ by GameStop where the ‘new’ video game has already been opened or removed by GameStop or its agents, employees or

contractors or where the manufacturers original packaging had already been removed from the video game.” *Id.* ¶¶ 28-49.

3. Plaintiff seeks a preliminary and permanent injunction for Count I; compensatory damages, punitive damages, and injunctive relief for Count II; and attorneys’ fees and costs for both Counts. *Id.* at pp. 5-6, Prayer for Relief.

## **II. THE PROCEDURAL PREREQUISITES FOR REMOVAL ARE SATISFIED**

4. Pursuant to 28 U.S.C. § 1446(a), GameStop has attached all pleadings filed and served on them in the state court proceedings as Exhibit A hereto.

5. Defendants have provided notice of the filing of this Notice of Removal to Plaintiff by service of a copy of this Notice of Removal, as required by 28 U.S.C. § 1446(d). A true and correct copy of this Notice of Removal, along with a notice of that filing, also will be filed with the Clerk of Court for St. Clair County, Illinois, in accordance with 28 U.S.C. § 1446(d).

6. GameStop was served with the summons and Complaint in this action on May 2, 2024. Therefore, this Notice of Removal is timely filed in accordance with 28 U.S.C. § 1446(b).

7. Venue is proper in this Court because Plaintiff filed this action in the Circuit Court for the Twentieth Judicial Circuit, St. Clair County, which lies within the Southern District of Illinois. 28 U.S.C. §§ 93(c), 1441(a).

8. Plaintiff’s state court action is removable to this Court, and this Court has jurisdiction over this action, under the Class Action Fairness Act (“CAFA”), 28 U.S.C. §§ 1332, 1441(a)-(b), and 1453, because this is a putative class action with more than 100 putative class members, there is minimal diversity, and the class members are seeking to recover in excess of \$5 million.

### **III. THIS COURT HAS JURISDICTION UNDER CAFA**

9. CAFA reflects Congress’s intent to have federal rather than state courts adjudicate substantial class action suits brought against out-of-state defendants. CAFA expands federal jurisdiction over class actions by amending 28 U.S.C. § 1332 to grant original jurisdiction where: (1) the putative class contains at least 100 class members; (2) any member of the putative class is a citizen of a State different from that of any defendant; and (3) the amount in controversy exceeds \$5 million in the aggregate for the entire class, exclusive of interest and costs. 28 U.S.C. § 1332(d).

10. This action satisfies all the requirements under CAFA for federal jurisdiction. Based on the allegations in the Complaint: (A) the putative class exceeds 100 persons; (B) minimal diversity exists between Plaintiff and GameStop; (C) the amount in controversy exceeds \$5 million; and (D) the exceptions to CAFA do not apply. *See id.*

#### **A. The Putative Class Exceeds 100 Persons**

11. CAFA requires that the class consists of at least 100 persons. *Id.* § 1332(d)(5). That requirement is met here. GameStop’s records indicate that GameStop sold more than 3.5 million units of new video game software at its retail stores in Illinois between September 9, 2018 to the present. Declaration of Mark H. Robinson ¶ 5, attached hereto as Exhibit B (“Robinson Decl.”). The putative class likely consists of many thousands of individuals given the significant amount of new video games that were purchased during this period.

#### **B. Minimal Diversity Exists Between Plaintiff and GameStop**

12. CAFA also requires minimal diversity—at least one putative class member must be a citizen of a different state than one defendant. 28 U.S.C. § 1332(d)(2).

13. Plaintiff is a citizen of the State of Illinois. Compl. ¶ 1.

14. GameStop is a Delaware corporation with its principal place of business in the State of Texas. *Id.* ¶ 2; Robinson Decl. ¶ 4. GameStop is therefore a citizen of the States of Delaware and Texas for diversity purposes. *See* 28 U.S.C. § 1332(c)(1).

15. This action satisfies the minimal diversity requirements under 28 U.S.C. § 1332(d)(2)(A). *See, e.g., Lewert v. P.F. Chang's China Bistro, Inc.*, 819 F.3d 963, 965-66 (7th Cir. 2016) (holding that diversity existed where Illinois class representatives sued a Delaware corporation with its principal place of business in Arizona).

**C. The Amount in Controversy Exceeds \$5 Million**

16. CAFA also requires that the aggregate amount in controversy exceed \$5 million for the entire putative class, exclusive of interests and costs. 28 U.S.C. § 1332(d)(2).

17. When a complaint fails to specify the amount of damages sought, the removing party need only supply a “good-faith estimate” of the amount in controversy that is “plausible and adequately supported by the evidence.” *Blomberg v. Serv. Corp. Int’l*, 639 F.3d 761, 763 (7th Cir. 2011) (citing *Oshana v. Coca-Cola Co.*, 472 F.3d 506, 511 (7th Cir. 2006)). “The party seeking removal does not need to establish what damages the plaintiff will recover, but only how much is *in controversy* between the parties.” *Roppo v. Travelers Comm. Ins.*, 869 F.3d 568, 579 (7th Cir. 2017) (emphasis in original) (quoting *Blomberg*, 639 F.3d at 763). “Once the proponent of federal jurisdiction has explained plausibly how the stakes exceed \$5,000,000 . . . the case belongs in federal court unless it is legally impossible for the plaintiff to recover that much.” *Blomberg*, 639 F.3d at 764 (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007) and *Spivey v. Vertrue, Inc.*, 528 F.3d 982, 986 (7th Cir. 2008)).

18. Here, the amount in controversy easily exceeds the sum or value of \$5 million, exclusive of interest and costs, based on the compensatory damages, punitive damages, and attorneys’ fees that could be recovered. *See* 28 U.S.C. § 1332(d)(2).

### 1. Compensatory Damages

19. Plaintiff seeks compensatory damages for GameStop’s alleged violations of ICFA under Count II consisting of any monies paid to GameStop in excess of the fair market value of the video game in the condition in which it was sold and any monies paid to GameStop as a result of its alleged violations of ICFA. Compl. at p. 6, Prayer for Relief ¶¶ C-D.

20. Plaintiff alleges that GameStop’s conduct “constitutes both unfair and deceptive acts and practices” in violation of ICFA. Compl. ¶ 43. In support of that allegation, Plaintiff contends that GameStop misled consumers by selling, marking, or marketing video games as “new” where the video games had been opened from their original packaging. *Id.* ¶¶ 20-27. Plaintiff asserts that GameStop engaged in this purported conduct “in the course of trade and commerce . . . for the purpose of obtaining money from Odle and others similarly situated.” *Id.* ¶¶ 45-46.

21. Plaintiff alleges that the putative class includes all individuals in Illinois that purchased a “new” video game from GameStop since September 9, 2018 where the “new” video game had already been opened or removed by GameStop or its agents, employees, or contractors, or where the manufacturers’ original packaging had already been removed from the video game. *Id.* ¶ 48.

22. From September 9, 2018 to the present, GameStop’s revenues from sales of new video game software in its retail stores in Illinois are more than \$166 million—far higher than the \$5 million threshold for federal jurisdiction. Robinson Decl. ¶ 6. The portion of GameStop’s sales that Plaintiff alleges exceeds the “fair market value” of the games plausibly exceeds \$5 million. GameStop disputes that any member of the putative class was damaged *at all*, and GameStop disputes that any alleged damages could rise to the level of new video game purchases during the relevant period. Nevertheless, for purposes of removal, over \$5 million is undoubtedly “in

controversy.” *See Roppo*, 869 F.3d at 579 (quoting *Spivey*, 528 F.3d at 986) (“A removing defendant need not ‘confess liability in order to show that the controversy exceeds the threshold.’”).

## 2. Punitive Damages

23. Plaintiff also seeks punitive damages for GameStop’s alleged violations of ICFA under Count II. Compl. at p. 6, Prayer for Relief ¶¶ D, G. Courts in the Seventh Circuit consider punitive damages in determining the amount in controversy to the extent they are recoverable under the underlying statute. *Oshana*, 472 F.3d at 512 (considering punitive damages in determining amount in controversy because “although the complaint was silent about punitive damages, [ICFA] permits recovery of punitive damages, and [plaintiff] could have amended her state court complaint to seek a punitive damages award”). ICFA authorizes punitive damages under certain circumstances at the court’s discretion. 815 ILCS § 505/10a(a). While GameStop disputes that any punitive damages would be appropriate in this action, such damages are nevertheless included in the amount in controversy.

24. The Seventh Circuit recognizes that a punitive damages multiplier of at least seven times compensatory damages may be constitutionally permissible in a case under ICFA. *See, e.g., Keeling v. Esurance Ins.*, 660 F.3d 273, 275 (7th Cir. 2011) (citing *Gehrett v. Chrysler Corp.*, 379 Ill. App. 3d 162 (Ill. 2008) and *Bates v. William Chevrolet/GEO, Inc.*, 337 Ill. App. 3d 151 (Ill. 2003))) (recognizing that courts in the State of Illinois have affirmed punitive damages awards under ICFA with multipliers up to at least seven).

25. While not necessary here given the large volume of sales during the relevant period, the addition of punitive damages makes clear that this putative class action exceeds the \$5 million threshold. Indeed, if only the lowest punitive damage multiplier of 2x were applied, then the alleged compensatory damages need only be \$2.5 million—a mere 1.5% of GameStop’s revenue

from sales of new video game software in Illinois during the alleged class period. *See Keeling*, 660 F.3d at 275. Therefore, with the inclusion of alleged punitive damages, the amount in controversy here rises well above the \$5 million threshold. *See* 28 U.S.C. § 1332(d)(2).

### **3. Attorneys' Fees and Costs**

26. Plaintiff also seeks attorneys' fees for GameStop's alleged violations of UDTPA and ICFA under Counts I and II. Compl. at pp. 5-6, Prayer for Relief ¶¶ D, G. Attorneys' fees "may count toward the amount in controversy if the plaintiff has a right to them 'based on contract, statute, or other legal authority.'" *Webb v. Fin. Indus. Reg. Auth., Inc.*, 889 F.3d 853, 857 (7th Cir. 2018) (quoting *Ross v. Inter-Ocean Ins.*, 693 F.2d 659, 661 (7th Cir. 1982)). Here, both UDTPA and ICFA authorize an award of attorneys' fees in certain circumstances. 815 ILCS § 510/3; 815 ILCS § 505/10a(c). Accordingly, attorneys' fees are also included in the amount in controversy calculation.

27. In the Seventh Circuit, only attorneys' fees incurred up to the time of removal may be included in the amount in controversy for purposes of CAFA. *ABM Sec. Servs., Inc. v. Davis*, 646 F.3d 475, 479 (7th Cir. 2011) (citing *Oshana*, 472 F.3d at 512). While GameStop disputes that Plaintiff is entitled to any attorneys' fees, the possibility of such fees pushes the amount in controversy even higher above the \$5 million threshold. *See* 28 U.S.C. § 1332(d)(2). Therefore, the amount in controversy requirement under CAFA is met. *Id.*

### **D. The Exceptions to CAFA Do Not Apply**

28. Plaintiff bears the burden of establishing any applicable exceptions to CAFA jurisdiction. *Hart v. FedEx Ground Package Sys. Inc.*, 457 F.3d 675, 680-81 (7th Cir. 2006) (the party seeking to remand the case to state court bears the burden of establishing the exceptions to CAFA).

29. CAFA provides certain mandatory and discretionary exceptions to the application of federal jurisdiction. 28 U.S.C. § 1332(d)(3)-(4). *All* the CAFA exceptions require, as a starting point, an in-state defendant. *See id.* § 1332(d)(3)-(4) (requiring either “significant relief” to be sought from an in-state defendant (local controversy exception) or requiring the “primary defendant” to be an in-state defendant (home state exception and discretionary exception)). Here, there is no in-state defendant, and none of the CAFA exceptions could possibly apply here.

30. Because the CAFA prerequisites are met and none of the exceptions apply, this case is properly removable under CAFA.

**WHEREFORE**, Defendant GameStop Corp. respectfully requests that this Court assume full jurisdiction over this action.

Dated: May 31, 2024

Respectfully submitted,

**HUSCH BLACKWELL LLP**

By: /s/ Kyle P. Seelbach

Kyle P. Seelbach, #6233971  
8001 Forsyth Blvd., Suite 1500  
St. Louis, MO 63105  
Phone: 314-480-1500  
Facsimile: 314-480-1505  
kyle.seelbach@huschblackwell.com

***Counsel for Defendant GameStop Corp. d/b/a  
GameStop, Inc.***



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 31st day of May, 2024, a true copy of the foregoing **NOTICE OF REMOVAL** was served upon counsel of record via the Court's electronic case filing system.

*/s/ Kyle P. Seelbach* \_\_\_\_\_

*Counsel for Defendant GameStop Corp. d/b/a  
GameStop, Inc.*

# **EXHIBIT A**

### PROCESS SERVER DELIVERY DETAILS

**Date:** Thu, May 2, 2024  
**Server Name:** Matthew Bert

Entity Served	GAMESTOP, INC.
Case Number	2024 LA 0579
Jurisdiction	IL

Inserts		



This form is approved by the Illinois Supreme Court and must be accepted in all Illinois Courts.  
Forms are free at [ilcourts.info/forms](http://ilcourts.info/forms).

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  St. Clair COUNTY	<b>SUMMONS</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b> Enter above the county name where the case was filed.  Enter your name as Plaintiff/Petitioner.  Below "Defendants/ Respondents," enter the names of all people you are suing.  Enter the Case Number given by the Circuit Clerk.	Christopher Odle, Individually and on behalf of all others similarly situated, <hr/> <b>Plaintiff / Petitioner</b> <i>(First, middle, last name)</i>  v.  <b>Defendants / Respondents</b> <i>(First, middle, last name)</i> GameStop Corp. d/b/a GameStop, Inc. <hr/> <hr/> <hr/> <input type="checkbox"/> <b>Alias Summons</b> <i>(Check this box if this is not the 1<sup>st</sup> Summons issued for this Defendant.)</i>	<hr/> <b>24LA0579</b> <hr/> <b>Case Number</b>

**IMPORTANT: You have been sued.**

- Read all documents attached to this Summons.
- You **MUST** file an official document with the court within the time stated on this Summons called an *Appearance* and a document called an *Answer/Response*. If you do not file an *Appearance* and *Answer/Response* on time, the judge may decide the case without hearing from you. This is called "default." As a result, you could lose the case.
- All documents referred to in this Summons can be found at [ilcourts.info/forms](http://ilcourts.info/forms). Other documents may be available from your local Circuit Court Clerk's office or website.
- After you fill out the necessary documents, you need to electronically file (e-file) them with the court. To e-file, you must create an account with an e-filing service provider. For more information, go to [ilcourts.info/efiling](http://ilcourts.info/efiling). If you cannot e-file, you can get an exemption that allows you to file in-person or by mail.
- You may be charged filing fees, but if you cannot pay them, you can file an Application for Waiver of Court Fees.
- It is possible that the court will allow you to attend the first court date in this case in-person or remotely by video or phone. Contact the Circuit Court Clerk's office or visit the Court's website to find out whether this is possible and, if so, how to do this.
- Need help? Call or text Illinois Court Help at 833-411-1121 or go to [ilcourthelp.gov](http://ilcourthelp.gov) for information about going to court, including how to fill out and file documents. You can also get free legal information and legal referrals at [illinoislegalaid.org](http://illinoislegalaid.org). All documents referred to in this Summons can be found at [ilcourts.info/forms](http://ilcourts.info/forms). Other documents may be available from your local Circuit Court Clerk's office or website.
- ¿Necesita ayuda? Llame o envíe un mensaje de texto a Illinois Court Help al 833-411-1121, o visite [ilcourthelp.gov](http://ilcourthelp.gov) para obtener información sobre los casos de la corte y cómo completar y presentar formularios.

**Plaintiff/Petitioner:**

**Do not use this form** in these types of cases:

- |   |   |   |
|---|---|---|
| <ul style="list-style-type: none"> <li>• All criminal cases</li> <li>• Eviction</li> <li>• Small Claims</li> <li>• Divorce</li> </ul> | <ul style="list-style-type: none"> <li>• Order of protection</li> <li>• Paternity</li> <li>• Stalking no contact orders</li> <li>• Civil no contact orders</li> </ul> | <ul style="list-style-type: none"> <li>• Adult guardianship</li> <li>• Detinue</li> <li>• Foreclosure</li> <li>• Administrative review cases</li> </ul> |
|---|---|---|

For eviction, small claims, divorce, and orders of protection, use the forms available at [ilcourts.info/forms](http://ilcourts.info/forms). If your case is a detinue, visit [illinoislegalaid.org](http://illinoislegalaid.org) for help.

**If you are suing more than 1 Defendant/Respondent**, attach an *Additional Defendant/Respondent Address and Service Information* form for each additional Defendant/Respondent.

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

In 1a, enter the name and address of the first Defendant/ Respondent you are serving. If you are serving a Registered Agent, include the Registered Agent's name and address here.

In 1b, enter a second address for the first Defendant/ Respondent, if you have one.

In 1c, check how you are sending your documents to this Defendant/ Respondent.

Check here if you are serving more than 1 Defendant/ Respondent. Attach an *Additional Defendant/ Respondent Address and Service Information* form for each additional Defendant/Respondent and write the number of forms you attached.

In 2a, enter the amount of money owed to you. Check 2b if you are asking for the return of tangible personal property.

In 3, enter your complete address, telephone number, and email address, if you have one.

**Important information for the person getting this form**

Check 4a or 4b. If Defendant/Respondent only needs to file an *Appearance* and *Answer/Response* within 30 days, check box 4a. Otherwise, if the clerk gives you a court date, check box 4b.

**1. Defendant/Respondent's address and service information:**

a. Defendant/Respondent's primary address/information for service:  
 Name (First, Middle, Last): GameStop Corp. d/b/a GameStop, Inc.  
 Registered Agent's name, if any: CT Corporation System  
 Street Address, Unit #: 208 South LaSalle Street, Suite 814  
 City, State, ZIP: Chicago, IL 60604  
 Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

b. If you have more than one address where Defendant/Respondent might be found, list that here:  
 Name (First, Middle, Last): \_\_\_\_\_  
 Street Address, Unit #: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

c. Method of service on Defendant/Respondent:  
 Sheriff  Sheriff outside Illinois: \_\_\_\_\_  
*County & State*  
 Special process server  Licensed private detective

**I am serving more than 1 Defendant/Respondent.**  
 I have attached \_\_\_\_\_ *Additional Defendant/Respondent Address*  
*Number*  
 and *Service Information* forms.

**2. Information about the lawsuit:**

a. Amount claimed: \$ Excess \$50,000.00  
 b. I am asking for the return of tangible personal property (items in the Defendant/Respondent's possession).

**3. Contact information for the Plaintiff/Petitioner:**

Name (First, Middle, Last): David Cates, The Cates Law Firm, LLC (#6289198)  
 Street Address, Unit #: 216 West Pointe Drive, Suite A  
 City, State, ZIP: Swansea, IL 62226  
 Telephone: 618-277-3644 Email: dcates@cateslaw.com

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

You have been sued. Read all of the documents attached to this *Summons*. To participate in the case, you must follow the instructions listed below. If you do not, the court may decide the case without hearing from you and you could lose the case. *Appearance* and *Answer/Response* forms can be found at: [ilcourts.info/forms](http://ilcourts.info/forms).

**4. Instructions for person receiving this Summons (Defendant):**

a. To respond to this *Summons*, you must file *Appearance* and *Answer/Response* forms with the court within 30 days after you have been served (*not counting the day of service*) by e-filing or at:  
 Address: #10 Public Square  
 City, State, ZIP: Belleville, IL 62220

In 4a, fill out the address of the court building where the Defendant may file or e-file their Appearance and Answer/Response.

In 4b, fill out:  
• The court date and time the clerk gave you.  
• The courtroom and address of the court building.  
• The call-in or video information for remote appearances (if applicable).  
• The clerk's phone number and website.  
All of this information is available from the Circuit Clerk.

b. Attend court:  
On: \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m. in \_\_\_\_\_  
Date Time Courtroom

In-person at:

Courthouse Address City State ZIP

OR

**Remotely** (You may be able to attend this court date by phone or video conference.

This is called a "Remote Appearance"):

By telephone: \_\_\_\_\_  
Call-in number for telephone remote appearance

By video conference: \_\_\_\_\_  
Video conference website

\_\_\_\_\_  
Video conference log-in information (meeting ID, password, etc.)

Call the Circuit Clerk at: \_\_\_\_\_ or visit their website  
Circuit Clerk's phone number

at: \_\_\_\_\_ to find out more about how to do this.  
Website

4/23/2024  
Angela Gladney



Seal of Court  
KENNETH WILLIAMS, SR. Circuit Clerk

**STOP!**

The Circuit Clerk will fill in this section.

Witness this Date: \_\_\_\_\_

Clerk of the Court: \_\_\_\_\_

**STOP! The officer or process server will fill in the Date of Service**

**Note to officer or process server:**

- If 4a is checked, this *Summons* must be served within 30 days of the witness date.
- If 4b is checked, this *Summons* must be served at least 21 days before the court date, unless 2b is also checked.
  - o If 4b and 2b are checked, the *Summons* must be served at least 3 days before the court date.

Date of Service: \_\_\_\_\_  
(Data to be entered by an officer or process server on the copy of this Summons left with the Defendant or other person.)

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

This form is approved by the Illinois Supreme Court and must be accepted in all Illinois Courts.  
Forms are free at [ilcourts.info/forms](http://ilcourts.info/forms).

STATE OF ILLINOIS, CIRCUIT COURT  _____ COUNTY	<b>PROOF OF SERVICE OF SUMMONS AND COMPLAINT/PETITION</b>	<i>For Court Use Only</i>
<b>Instructions</b> Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/Respondents. Enter the Case Number given by the Circuit Clerk.	_____ <b>Plaintiff / Petitioner</b> <i>(First, middle, last name)</i>  v.  _____ <b>Defendant / Respondent</b> <i>(First, middle, last name)</i>  <input type="checkbox"/> <b>Alias Summons</b> <i>(Check this box if this is not the 1<sup>st</sup> Summons issued for this Defendant.)</i>	_____ <b>24LA0579</b> _____ <b>Case Number</b>

**\*\*Stop. Do not complete the form. The sheriff or special process server will fill in the form. Give them one copy of this blank Proof of Service form for each Defendant/Respondent.\*\***

My name is \_\_\_\_\_ and I state \_\_\_\_\_  
*First, Middle, Last*

I served the **Summons and Complaint/Petition** on the Defendant/Respondent

as follows:

\_\_\_\_\_  
*First, Middle, Last*

Personally on the Defendant/Respondent:  
 Male    Female    Non-Binary   Approx. Age: \_\_\_\_\_ Race: \_\_\_\_\_  
 On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.    p.m.  
 Address, Unit#: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_

On someone else at the Defendant/Respondent's home who is at least 13 years old and is a family member or lives there:  
 On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.    p.m.  
 Address, Unit#: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_  
 And left it with: \_\_\_\_\_  
*First, Middle, Last*

Male    Female    Non-Binary   Approx. Age: \_\_\_\_\_ Race: \_\_\_\_\_  
 and by sending a copy to this defendant in a postage-paid, sealed envelope to the above address on this date: \_\_\_\_\_

On the Corporation's agent, \_\_\_\_\_  
*First, Middle, Last*  
 Male    Female    Non-Binary   Approx. Age: \_\_\_\_\_ Race: \_\_\_\_\_  
 On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.    p.m.  
 Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_

I was not able to serve the *Summons* and Complaint/Petition on Defendant/Respondent:

\_\_\_\_\_  
*First, Middle, Last*

I made the following attempts to serve the *Summons* and Complaint/Petition on the Defendant/Respondent:

1. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Other information about service attempt: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Other information about service attempt: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Other information about service attempt: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DO NOT** complete this section. The sheriff or private process server will complete it.

If you are a special process server, sheriff outside Illinois, or licensed private detective, your signature certifies that everything on the *Proof of Service of Summons* is true and correct to the best of your knowledge. You understand that making a false statement on this form could be perjury.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

By: \_\_\_\_\_  
Signature by:  Sheriff  
 Sheriff outside Illinois:  
\_\_\_\_\_  
*County and State*  
 Special process server  
 Licensed private detective

**FEES**  
Service and Return: \$ \_\_\_\_\_  
Miles \_\_\_\_\_ \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

\_\_\_\_\_  
*Print Name*

If *Summons* is served by licensed private detective or private detective agency:  
License Number: \_\_\_\_\_



Electronically Filed  
Kinnis Williams, Sr.  
Circuit Clerk  
Angela Gladney  
24LA0579  
St. Clair County  
4/19/2024 4:07 PM  
27346990

IN THE CIRCUIT COURT  
TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

CHRISTOPHER ODLE, Individually and on )  
behalf of all others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
GAMESTOP CORP. d/b/a GAMESTOP, INC. )  
 )  
Defendant. )

Case No. 24LA0579

**CLASS ACTION COMPLAINT**

COMES NOW Plaintiff, by and through his undersigned counsel, and for his Complaint against GameStop Corp., d/b/a GameStop, Inc., (hereafter, "GameStop"), states as follows:

**PARTIES**

1. At all times relevant herein, Christopher Odle was a resident of St. Clair County, Illinois.
2. At all times relevant herein, GameStop was a Delaware Corporation, with its principal place of business located in Texas.

**JURISIDCTION AND VENUE**

3. Jurisdiction exists pursuant to 735 ILCS 5/2-209 (a)(1) as GameStop transacts business in the State of Illinois; (a)(2) as GameStop has committed tortious acts in the State of Illinois, and (b)(4) as GameStop is doing routine and substantial business in Illinois.
4. Venue exists in the Circuit Court for the Twentieth Judicial Circuit, St. Clair County, because the tortious conduct committed was committed against residents of St. Clair County and the tortious conduct occurred in St. Clair County.

**FACTS SPECIFIC TO CHRISTOPHER ODLE**

5. On or about September 9, 2021, Christopher Odle (“Odle”) went to a St. Clair County GameStop retail location to purchase a video game for an Xbox One.

6. On or about December 13, 2022, Odle went to a St. Clair County GameStop retail location to purchase four video games for the Nintendo Switch.

7. Video games for both of these systems are sold as CD or DVD style discs.

8. At the time of said purchases, Odle selected new video games and chose to buy new video games, as opposed to a used video games.

9. Odle selected the games he wished to buy, but the game packaging he selected did not contain the actual disc that contains the game software.

10. Odle went to the GameStop counter and informed the sales associate that he wished to purchase these games “new,” As opposed to pre-owned or used.

11. The sales associate sold Odle games that were represented as “new.”

12. The prices for these games were between \$50.00 and \$60.00 per game, which is generally the accepted price for a “new” version of these games.

**FACTS COMMON TO ALL COUNTS**

13. Video game sales are a multi-billion dollar per year business.

14. This includes sales of new games, sales of pre-owned and used games and other related transactions.

15. Generally, the expectation of consumers is that when they buy a “new” game, it is a game for which the original manufacturer packaging has not been opened.

16. It is a well-known fact in the video game industry and resale market that a game in its “original” manufacturers packaging that is still sealed is worth more than a game that has been opened.

17. For these reasons, purchasers of “new” games are willing to pay a premium in price for a “new” games versus a “used” or “opened” or “pre-owned” game.

18. GameStop is aware of this, and prices “new” games differently than “used” and “pre-owned” games.

19. To further illustrate GameStop’s awareness of this point, GameStop’s return policy on its website draws a specific difference between the return of “unopened” products such as video games and those that have been opened.

20. Upon information and belief, GameStop has a company-wide policy that limits or prohibits placing unopened video games on the floor of retail stores because of a belief that such games are easily portable and may be stolen.

21. To combat this perceived risk, GameStop has a company-wide policy that provides that video game discs are to be kept behind the counter to prevent theft.

22. As a result, almost every “new” game that GameStop sells has actually been opened.

23. GameStop effectuates this policy despite the fact that GameStop’s return policy draws a distinction between opened and unopened games.

24. GameStop does this despite the fact GameStop is aware that unopened games in the original manufacturers sealed packaging are worth more in the video game market than opened games.

25. Despite this knowledge, GameStop charges its customers a premium price for games that GameStop itself has opened.

26. Despite the fact that GameStop has opened the game packaging, GameStop markets these games as “new.”

27. GameStop customers who purchase games sold, marked or marketed as “new” games, when those games have already been opened, are purchasing a product that is not worth the premium price they are paying for it, comes with less return options and is worth less on the resale market.

**COUNT I**

*(Illinois Uniform Deceptive Trade Practices Act)  
(815 ILCS 510/1, et seq.)*

28. Odle incorporates paragraphs 1-27 above as though fully set forth herein under this Count I.

29. The Illinois Uniform Deceptive Trade Practices Act (“UDTPA”) defines several practices which are considered unlawful. *815 ILCS 510/1, et seq.*

30. The UDTPA definition of “person” includes GameStop.

31. The UDTPA makes it unlawful to represent goods as having characteristics they do not have. *815 ILCS 510/2(5).*

32. The UDTPA makes it unlawful to represent that goods are new if they are altered. *815 ILCS 510/2(6).*

33. The UDTPA makes it unlawful to represent that goods are of a particular quality or standard or grade if they are not. *815 ILCS 510/7.*

34. The UDTPA makes it unlawful to engage in any activity which creates a likelihood of confusion or misunderstanding.

35. As a direct and proximate result of the actions of GameStop in violation of the UDTPA, Odle was injured and damaged.

36. Further, that the injuries and damages complained of by Odle are the same injuries and damages incurred by the other members of the class who were similarly wronged by GameStop.

WHEREFORE, Odle requests that the Court grant the following relief in favor of Odle and the Class he seeks to represent and against GameStop:

- A. A preliminary and permanent injunction against GameStop to stop these violations;
- B. Costs and attorney's fees incurred in bringing this suit.

**COUNT II**  
***(ILLINOIS CONSUMER FRAUD and DECEPTIVE BUSINESS PRACTICES ACT)***  
***(815 ILCS 505/1, et seq.)***

37. Odle incorporates paragraphs 1-36 as stated above as though fully set forth under this Count II.

38. Odle and all others similarly situated are "persons" within the meaning of 815 ILCS 505/1(c).

39. GameStop is a "person" within the meaning of 815 ILCS 505/1(c).

40. Odle and all others similarly situated are "consumers" within the meaning of 815 ILCS 505/1(e).

41. At all times relevant herein, GameStop "conducted trade and commerce" within the meaning of 815 ILCS 505/1(f).

42. Section 2 of the Illinois Consumer Fraud and Deceptive Business Practices Act ("ICFA"), 815 ILCS 505/2, provides:

[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 . . . in the conduct of any trade or commerce are hereby declared unlawful . . .

43. GameStop's conduct as set forth above constitutes both unfair and deceptive acts and practices, in violation of §2 of the Illinois Consumer Fraud Act ("ICFA"), 815 ILCS 505/2.

44. In addition, violation of the UDAP is also a violation of ICFA. *815 ILCS 505/2*.

45. GameStop engaged in such conduct in the course of trade and commerce.

46. GameStop engaged in such conduct for the purpose of obtaining money from Odle and others similarly situated.

47. As a direct and proximate result of the material misrepresentations and/or omissions, GameStop violated the ICFA and Odle was injured and damaged.

48. Further that the injuries and damages complained of by Odle are the same injuries and damages incurred by other members of the class who were similarly wronged by GameStop.

WHEREFORE, Odle requests that the Court enter judgment in his favor and in favor of the Class and against GameStop for:

- a. Actual damages; and,
- b. Punitive damages; and,
- c. An injunction against further violations; and,
- d. Attorney's fees, litigation expenses and costs of suit; and,
- e. Such other or further relief as the Court deems proper.

#### **CLASS ALLEGATIONS**

49. Odle brings this action pursuant to 735 ILCS 5/2-801, *et seq.*, on behalf of himself and all others similarly situated, as representative of the following Illinois Class:

**Illinois Class:** Commencing September 9, 2018, all Individuals who purchased a video game labeled as "new" by GameStop where the "new" video

game had already been opened or removed by GameStop or its agents, employees or contractors or where the manufacturers original packaging had already been removed from the video game.

Excluded from the Class are: 1) GameStop employees, including its officers and agents and the immediate family of those persons; 2) Counsel for the parties herein; and 3) the Judge of the Court to which this case is assigned.

50. The requirements of 735 ILCS 5/2-801 have been met in that:
- a. The members of the Class are so numerous that joinder of all members would be impractical. The class encompasses all purchasers of “new” video games from GameStop in the State of Illinois for the past 3 years.
  - b. There are questions of fact or law common to the members of the Class which common questions predominate over any questions affecting only individual members. Such questions include, but are not limited to:
    - i. Does GameStop have a policy to remove “new” video games discs from the box; and/or
    - ii. Does GameStop have a policy to remove the manufacturers’ original packaging from “new” video games; and/or
    - iii. Does GameStop price “new” video games at the same or similar price to other retailers selling “new” video games where the discs have not been removed; and/or,
    - iv. Does GameStop price “new” video games at the same or similar price to other retailers selling “new” video games where the manufacturers original packaging has not been removed; and/or,
    - v. Does GameStop market video games where the disc has been removed as “new”; and/or
    - vi. Does GameStop market or sell Pre-owned or used video games as “new; and/or
    - vii. Does GameStop market video games where the manufacturer’s original packaging has been removed as “new”; and/or

viii. Whether GameStop violated 815 ILCS 510/1, *et. seq.*; and/or

ix. Whether GameStop violated 815 ILCS 505/1, *et seq.*

c. Odle is a member of the Class he seeks to represent and will fairly and adequately assert, represent and protect the interests of the class. The interests of Odle are coincident with, and not antagonistic to, those of the other members of the Class. Odle has retained attorneys who are experienced in class action litigation.

d. The prosecution of separate actions by individual members of the class could lead to inconsistent or varying adjudications with respect to individual members of the class and could substantially impair or impede the ability of other class members to protect their interests.

e. The class action vehicle is the most appropriate and superior method for the fair and efficient adjudication of this controversy, given that:

- (1) Common questions of law or fact predominate over any individual questions that may arise, such that there would be enormous economies to the courts and the parties in litigating the common issues on a class-wide instead of a repetitive individual basis;
- (2) Class members' individual damage claims are too small to make individual litigation an economically viable alternative;
- (3) Class treatment is required for optimal deterrence and compensation and for limiting legal expenses incurred by class members;
- (4) Despite the relatively small size of individual class members' claims, their aggregate volume, coupled with the economies of scale inherent in litigating similar claims on a common basis, will enable this case to be litigated as a class action on a cost-effective basis, especially when compared with repetitive individual litigation;
- (5) No unusual difficulties are likely to be encountered in management of this action as a class action in that all questions of law or fact to be litigated at the liability stage are common to both classes; and,



- (6) Class certification is fair and efficient because prosecution of separate actions would create a risk of adjudications with respect to individual members of the class, which, as a practical matter, may be dispositive of the interests of other members not parties to the adjudication, or may substantially impair or impede their ability to protect their interests.

**PRAYER FOR RELIEF**

WHEREFORE, for the foregoing reasons, Christopher Odle, individually and on behalf of all others similarly situated, respectfully prays for an Order and Judgment as follows:

A. Certifying this action as a class action with an Illinois Class defined as set forth above (or as the Court may otherwise define), appointing Odle as class representative for the Class; and,

B. For an Order appointing David Cates and The Cates Law Firm, LLC and Sean Cronin and Donovan Rose Nester, P.C. and Chad Mooney and The Gori Law Firm as Co-Class Counsel herein; and,

C. For a judgment in an amount in excess of Fifty Thousand Dollars (\$50,000.00) that will reimburse Odle and the members of the Illinois Class for any monies paid to GameStop in excess of the actual fair market value of the video game in the condition in which it was sold,

D. For a judgment in an amount in excess of Fifty Thousand Dollars (\$50,000.00) that will reimburse Odle and the members of the Illinois Class for any monies paid to GameStop as a result of its violation of the Illinois Consumer Fraud And Deceptive Business Practices Act – 815 ILCS 505, *et seq.* and all statutory damages available therein, including any attorneys' fees, punitive damages and costs incurred; and,

E. For injunctive relief, as allowed by 815 ILCS 510, *et seq.*; and

F. For an award of pre-judgment and post-judgment interest as provided by law; and,

G. For attorney fees, punitive damages and all other damages as authorized by law;  
and,

H. For such further relief which the Court deems just and proper under the  
circumstances.

**NOTICE OF LIEN**

Please be advised that counsel for Odle has a lien upon any recovery herein for attorney  
fees and costs up to 33-1/3% or in such amount as the court awards.

Respectfully Submitted,

By:           /s/David Cates            
David Cates, #6289198  
Katie St. John, #6340448  
THE CATES LAW FIRM, LLC  
216 West Pointe Drive, Suite A  
Swansea, IL 62226  
Telephone: (618) 277-3644  
Facsimile: (618) 277-7882  
Email: [dcates@cateslaw.com](mailto:dcates@cateslaw.com)  
[kstjohn@cateslaw.com](mailto:kstjohn@cateslaw.com)

Sean K. Cronin, #6292625  
DONOVAN ROSE NESTER, P.C.  
15 North 1<sup>st</sup> St., Suite A  
Belleville, IL 62220  
Telephone: (618) 212-5400  
Facsimile: (618) 212-6501  
Email: [scronin@drmpc.com](mailto:scronin@drmpc.com)

Chad M. Mooney, #6311237  
THE GORI LAW FIRM  
156 N. Main Street  
Edwardsville, IL 62025  
Telephone: (618) 659-9833  
Facsimile: (618) 659-9834  
Email: [cmoney@gorilaw.com](mailto:cmoney@gorilaw.com)

# **EXHIBIT B**

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

CHRISTOPHER ODLE, Individually and on behalf of all other similarly situated,	)	
	)	
Plaintiff,	)	Case No. _____
	)	
v.	)	
	)	(Illinois Circuit Court, St. Clair County, No.
GAMESTOP CORP. d/b/a GAMESTOP, INC.,	)	24-LA-0579)
	)	
Defendant.	)	

**DECLARATION OF MARK H. ROBINSON IN SUPPORT OF NOTICE OF REMOVAL**

I, Mark H. Robinson, declare as follows:

1. I am over 21 years of age and I am a resident of the State of Texas.
2. I am currently the General Counsel of GameStop Corp. (“GameStop”). In my capacity as General Counsel, I am familiar with the nature of GameStop’s business and am authorized to execute this Declaration on behalf of GameStop.
3. I have personal knowledge of the matters stated herein and know each of them to be true and correct.
4. GameStop is a Delaware Corporation with its principal place of business in the State of Texas.
5. GameStop’s records indicate that, from September 9, 2018 to the present, GameStop sold more than 3.5 million units of new video game software in its retail stores in Illinois.
6. GameStop’s records also indicate that, from September 9, 2018 to the present, GameStop’s revenues from sales of new video game software in its retail stores in Illinois are more than \$166 million.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of May, 2024, at Grapevine, Texas.



Mark H. Robinson  
General Counsel of GameStop Corp.

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

Christopher Odle, Individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) David Cates, The Cates Law Firm, LLC 216 West Pointe Drive, Suite A, Swansea, IL 62226 (618) 277-3644. dcates@cateslaw.com

DEFENDANTS

GameStop Corp. d/b/a GameStop, Inc.

County of Residence of First Listed Defendant Tarrant County, TX (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known) Kyle P. Seelbach, Husch Blackwell LLP 8001 Forsyth Blvd., Suite 1500, St. Louis, MO 63105 314-480-1500. kvlseelbach@huschblackwell.com

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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: 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. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, HABEAS CORPUS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER 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, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

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, 1441(a)-(b), and 1453

Brief description of cause: Defendant allegedly misled consumers by selling video games as "new" where the games have been opened from their original packaging.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ excess of \$50,000 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE May 31, 2024 SIGNATURE OF ATTORNEY OF RECORD /s/ Kyle Seelbach

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Lawsuit Accuses GameStop of Selling, Pricing Games It Already Opened as 'New'](#)

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