

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KAREN SCHULTE, )  
*individually and on behalf of all others* )  
*similarly situated,* )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
CONOPCO, INC., *d/b/a* “UNILEVER,” )  
WALGREEN CO., CVS PHARMACY, INC., )  
WALMART, INC., TARGET CORPORATION, )  
SCHNUCK MARKETS, INC., *and* )  
DIERBERGS MARKETS, INC. )  
 )  
DOES 1 through 10, )  
 )  
Defendants. )

Case No. 4:19-cv-2546

JURY TRIAL DEMANDED

**NOTICE OF REMOVAL**

Defendant Conopco, Inc., *d/b/a* “Unilever,” (“Unilever”), files this notice of removal from the Circuit Court of Jefferson County, Missouri to the United States District Court for the Eastern District of Missouri, pursuant to 28 U.S.C. §§ 1332(d) and 1441(a).

**I. BACKGROUND**

1. On July 4, 2019, Plaintiff Karen Schulte filed a Class Action Petition (the “Complaint”) in the Circuit Court of Jefferson County titled *Karen Schulte v. Conopco, Inc., d/b/a “Unilever,” et al.*, No. 19JE-CC00485 (Mo. Cir. Ct.). *See* Compl. (Ex. A).

2. The Complaint alleges violations of the Missouri Merchandising Practices Act (“MMPA”) in connection with the sale of Dove-branded “Advanced Care” antiperspirants (the “Product”). Compl. ¶¶ 101-108. The “Advanced Care” line is manufactured by Unilever and is available in more than ten scents. Compl. ¶¶ 28-32, 35-36. “Advanced Care” also has two sub-lines, “Clear Tone” and “Invisible,” which are excluded from the definition of the “Product.”

Compl. ¶¶ 33-34.

3. Plaintiff alleges that she purchased the Product at stores operated by Walgreen Co. (“Walgreens”), CVS Pharmacy, Inc. (“CVS”), Walmart, Inc. (“Walmart”), Target Corporation (“Target”), Schnuck Markets, Inc. (“Schnucks”), and Dierbergs Markets, Inc. (“Dierbergs”), (collectively, “Retail Defendants”). Compl. ¶¶ 54-77.

4. Plaintiff alleges that the Product is sold at a higher price than Dove-branded “Men + Care” line of antiperspirants, which Plaintiff alleges are “essentially the exact same product.” Compl. ¶¶ 3, 44-49, 52. Plaintiff alleges that the pricing and selling of the Product constitutes an “unfair practice” prohibited by the MMPA. Compl. ¶¶ 50, 53.<sup>1</sup>

## **II. NOTICE OF REMOVAL IS TIMELY**

5. Unilever was served with a summons and copy of the Complaint on August 14, 2019. Accordingly, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

## **III. REMOVAL PURSUANT TO CLASS ACTION FAIRNESS ACT OF 2005**

6. This Court has original jurisdiction over this action under 28 U.S.C. § 1332(d). Under the Class Action Fairness Act (“CAFA”), federal district courts have original jurisdiction when: (1) the putative class consists of at least 100 members; (2) the citizenship of at least one proposed member of the class is different from that of any defendant; and (3) the aggregated amount in controversy exceeds \$5,000,000, exclusive of interest and costs. 28 U.S.C. § 1332(d).

### **A. There Are More Than 100 Putative Class Members**

7. Plaintiff purports to represent a class of: “All Missouri consumers, who, within the

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<sup>1</sup> Plaintiff has filed a nearly identical lawsuit in the Circuit Court of Jefferson County against these same defendants involving another line of Unilever antiperspirants. *See Karen Schulte v. Conopco, Inc., d/b/a “Unilever,” et al.*, No. 19JE-CC00486 (Mo. Cir. Ct.). Unilever is contemporaneously filing a notice of removal of that case to this Court.

Class Period, purchased [the Product] from any of the Retail Defendants in the State of Missouri. The Class Period begins five years prior to the date of the filing of [the] Petition.” Compl. ¶ 20.

8. Plaintiff admits that the class she purports to represent consists of “tens of thousands, if not hundreds of thousands, of individuals on a statewide basis.” Compl. ¶ 21.

9. Consequently, there are more than 100 putative class members.

**B. Minimal Diversity Exists Among the Parties**

10. At the time this lawsuit was filed and at all times since, Plaintiff was and is a citizen of Missouri. *See* Compl. ¶ 6.

11. At the time this lawsuit was filed and at all times since, Unilever was and is a New York corporation with its principal place of business in New Jersey. *See* Compl. ¶ 8. Therefore, at the time this action was filed and at all times since, Unilever was and is a citizen of New York and New Jersey. 28 U.S.C. § 1332(c)(1).

12. At the time this lawsuit was filed and at all times since, Walgreens was and is an Illinois corporation with its principal place of business in Illinois. *See* Compl. ¶ 9. Therefore, at the time this action was filed and at all times since, Walgreens was and is a citizen of Illinois. 28 U.S.C. § 1332(c)(1).

13. At the time this lawsuit was filed and at all times since, CVS was and is a Rhode Island corporation with its principal place of business in Rhode Island. *See* Compl. ¶ 10. Therefore, at the time this action was filed and at all times since, CVS was and is a citizen of Rhode Island. 28 U.S.C. § 1332(c)(1).

14. At the time this lawsuit was filed and at all times since, Walmart was and is a Delaware corporation with its principal place of business in Arkansas. *See* Compl. ¶ 11. Therefore, at the time this action was filed and at all times since, Walmart was and is a citizen of Delaware and Arkansas. 28 U.S.C. § 1332(c)(1).

15. At the time this lawsuit was filed and at all times since, Target was and is a Minnesota corporation with its principal place of business in Minnesota. *See* Compl. ¶ 12. Therefore, at the time this action was filed and at all times since, Target was and is a citizen of Minnesota. 28 U.S.C. § 1332(c)(1).

16. At the time this lawsuit was filed and at all times since, Schnucks was and is a Missouri corporation with its principal place of business in Missouri. *See* Compl. ¶ 13. Therefore, at the time this action was filed and at all times since, Schnucks was and is a citizen of Missouri. 28 U.S.C. § 1332(c)(1).

17. At the time this lawsuit was filed and at all times since, Dierbergs was and is a Missouri corporation with its principal place of business in Missouri. *See* Compl. ¶ 14. Therefore, at the time this action was filed and at all times since, Dierbergs was and is a citizen of Missouri. 28 U.S.C. § 1332(c)(1).

18. CAFA jurisdiction “requires only *minimal* diversity, meaning ‘any member of a class of plaintiffs is a citizen of a State different from *any* defendant.’” *Reece v. Bank of N.Y. Mellon*, 760 F.3d 771, 776 (8th Cir. 2014) (citing 28 U.S.C. § 1332(d)(2)(A)). Because Plaintiff is a Missouri citizen and at least one of the defendants is a citizen of a state other than Missouri, minimal diversity exists among the parties.

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

19. Under 28 U.S.C. § 1332(d)(2), an action is removable under CAFA when “the matter in controversy exceeds the sum or value of \$5,000,000.” To determine whether the matter in controversy exceeds the sum or value of \$5,000,000, “the claims of the individual class members shall be aggregated.” 28 U.S.C. § 1332(d)(6).

20. When, as here, the complaint fails to allege a specific amount in damages sought, “[t]he jurisdictional fact . . . is not whether the damages *are* greater than the requisite amount, but



whether a fact finder *might* legally conclude that they are.” *Kopp v. Kopp*, 280 F.3d 883, 885 (8th Cir. 2002) (emphasis added). For purposes of removal, Unilever needs only to make a “plausible allegation” that the amount in controversy exceeds \$5 million. *See Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014). Once a defendant makes such a showing, “the case belongs in federal court unless it is legally impossible for the plaintiff to recover that much.” *Raskas v. Johnson & Johnson*, 719 F.3d 884, 888 (8th Cir. 2013) (quotation omitted).

21. Assuming the truth of the allegations in the Complaint, there is more than \$5 million in controversy.<sup>2</sup>

22. Plaintiff purports to represent: “All Missouri consumers, who, within the Class Period, purchased [the Product] from any of the Retail Defendants in the State of Missouri. The Class Period begins five years prior to the date of the filing of [the] Petition.” Compl. ¶ 20.

23. Plaintiff seeks damages on behalf of the proposed class in the amount of the purchase price of the Product. Compl. ¶¶ 105-06.

24. Unilever is able to purchase information regarding retail sales from Information Resources, Inc. (“IRI”), a company that provides information and analytics for consumer packaged goods, retail, and healthcare companies in the United States and internationally. Unilever regularly requests information from IRI and maintains and uses it in the ordinary course of business. One of the services IRI provides is tracking retail sales of products by gathering data from the scanners at checkouts in thousands of grocery, drug, and other retail stores across the country. By analyzing

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<sup>2</sup> By alleging here that Plaintiff might legally recover a judgment exceeding the jurisdictional amount in controversy, Unilever neither confesses any liability nor admits the appropriate amount of damages if found liable for any part of Plaintiff’s claims. Unilever is only stating what the stakes of the litigation could be. *Hartis v. Chicago Title Ins. Co.*, 694 F.3d 935, 945 (8th Cir. 2012) (“The removing party need not confess liability in order to show that the controversy exceeds the threshold.”) (internal quotation marks omitted).

this scanner data, IRI projects the total dollar amount of retail sales for particular products.

25. Based on IRI retail sales data for the Product, there was approximately \$389,428,629 in retail sales nationally from 2014 through 2018.

26. According to 2010 U.S. Census data, Missouri's population accounts for 1.9% of the total U.S. population. Thus, based on IRI retail sales data and Missouri's population, there was approximately \$7,399,143 in retail sales of the Product in Missouri from 2014 through 2018. Based on Unilever sales data, for the years 2014 through 2018, Walmart, Target, CVS, and Walgreens together accounted for approximately 63% of sales nationally for all Unilever brands of antiperspirants. Based on Unilever sales data and information and belief, for the years 2014 through 2018, Dierbergs and Schnucks together accounted for approximately 3% of sales in Missouri for all Unilever brands of antiperspirants. Thus, these six retailers together accounted for approximately 66%, or \$4,883,434 of the estimated sales of the Product in Missouri from 2014 through 2018.

27. Plaintiff also seeks punitive damages, which may be considered in determining whether damages exceed \$5 million under CAFA. *See Raskas*, 719 F.3d at 887. Plaintiff may recover punitive damages of “[f]ive times the net amount of the judgment,” Mo. Rev. Stat. § 510.265, and the judgment also includes any attorney's fee award. *Raskas*, 719 F.3d at 887.

28. In MMPA cases, punitive damage awards are common and can be substantial. *See, e.g.:*

- *Kerr v. Ace Cash Experts, Inc.*, No. 4:10 CV 1645 DDN, 2010 WL 5177977, at \*2 (E.D. Mo. Dec. 14, 2010) (considering the possibility of more than \$4.4 million in attorneys' fees and punitive damages based upon allegations of \$594,000 in actual damages);
- *Bass v. Carmax Auto Superstores, Inc.*, No. 07-0883-CV-W-ODS, 2008 WL 441962, at \*2 (W.D. Mo. Feb. 14, 2008) (noting that if 4,419 Missouri class members had total actual damages of \$658,431, the “total of punitive damages

and attorney fees could easily (and legally) be sufficient to bring the total amount in controversy over the [\$5 million] jurisdictional requirement”); and

- *Dowell v. Debt Relief Am., L.P.*, No. 2:07-CV-27 (JCH), 2007 WL 1876478, at \*2 (E.D. Mo. June 27, 2007) (denying remand after considering two prior judgments in MMPA cases and noting that “juries are inclined to assess large punitive damages awards in MMPA cases”).

29. Plaintiff also seeks attorneys’ fees and injunctive relief in this matter. Compl., Prayer for Relief. For purposes of determining whether CAFA’s \$5 million threshold has been exceeded, both should be included. *See Chochorowski v. Home Depot USA*, 585 F. Supp. 2d 1085, 1093 (E.D. Mo. 2008) (“Defendant is correct that in determining the amount in controversy . . . attorney’s fees are considered.”); *id.* at 1094 (courts should consider the value to the plaintiff of injunctive relief in measuring amount in controversy).

30. As a result of the sales of the Product over the past five years, and the possibility of substantial awards for punitive damages, attorneys’ fees, and injunctive relief, the total amount in controversy exceeds \$5 million.

#### **IV. COMPLIANCE WITH REMOVAL PROCEDURES**

31. Venue is proper in this Court under 28 U.S.C. § 1441(a) because the removed action was filed in the Circuit Court of Jefferson County, Missouri, a court encompassed by the Eastern District of Missouri, Eastern Division.

32. Pursuant to 28 U.S.C. § 1453(b), an action may be removed “by any defendant without the consent of all defendants.” Thus, a single defendant may remove without the unanimous consent of other defendants. *See Riceland Foods, Inc. v. Gray, Ritter & Graham, P.C.*, No. 4:14 CV 81 CDP, 2014 WL 2804980, at \*3 (E.D. Mo. June 20, 2014); *Resurgent Capital Servs. LP v. Thomason*, No. 12-3436-CV-ODS, 2012 WL 5398189, at \*2 (W.D. Mo. Nov. 5, 2012).

33. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81-2.03, copies of all process, pleadings, orders, and other documents on file in the state court are attached as Ex. B.

34. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of the Notice of Removal will be promptly served on the attorneys for Plaintiff, and a copy will be promptly filed with the Clerk of the Circuit Court of Jefferson County, Missouri.

35. Unilever reserves the right to amend or supplement this Notice of Removal, and reserves all rights and defenses, including those available under Federal Rule of Civil Procedure 12.

WHEREFORE, Unilever respectfully removes this action from the Circuit Court of Jefferson County, Missouri, to the United States District Court for the Eastern District of Missouri, Eastern Division.

Dated: September 12, 2019

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: /s/ James P. Muehlberger  
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*Attorneys for Defendant Conopco, Inc., d/b/a  
“Unilever”*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2019, the foregoing document was served upon the following via the Court's electronic filing system, mail, and/or electronic mail:

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Chesterfield, MO 63017

Walgreen Co.  
Legal Department  
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Deerfield, IL 60015

Schnuck Markets, Inc.  
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Walmart, Inc.  
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/s/ James P. Muehlberger

**EXHIBIT**  
**A**

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

<b>KAREN SCHULTE,</b>	)	
<i>individually and on behalf of</i>	)	
<i>all others similarly situated,</i>	)	<b>Case No. _____</b>
	)	
<b>Plaintiffs,</b>	)	
	)	<b>JURY TRIAL DEMANDED</b>
<b>v.</b>	)	
	)	
<b>CONOPCO, INC., d/b/a "UNILEVER,"</b>	)	
<b>WALGREEN CO., CVS PHARMACY, INC.)</b>	)	
<b>WALMART, INC., TARGET</b>	)	
<b>CORPORATION, SCHNUCK</b>	)	
<b>MARKETS, INC., and DIERBERGS</b>	)	
<b>MARKETS, INC.</b>	)	
	)	
	)	
<b>DOES 1 through 10,</b>	)	
	)	
<b>Defendants.</b>	)	

**CLASS ACTION PETITION**

Plaintiff Karen Schulte, individually and on behalf of all others similarly situated, hereby files this, her Class Action Petition, against Defendants Conopco, Inc., d/b/a "Unilever", Walgreen Co., CVS Pharmacy, Inc., Walmart, Inc., Target Corporation, Schnuck Markets, Inc., Dierbergs Markets, Inc., and DOES 1 through 10 (collectively "Defendants") for their gender-discriminatory pricing scheme which constitutes an illegal, "unfair practice" in violation of the Missouri Merchandising Practices Act, Mo. Rev. Stat. chap. 407 ("MMPA").

**I. INTRODUCTION**

1. This lawsuit addresses a particularly pernicious example of the so-called "Pink Tax," the price difference for female-specific products or services compared with those offered to men. Study after study has found that, women, on a systematic and wide-spread basis, are charged more than men

for what are essentially the exact same products or services.<sup>1</sup> This gender-based price discrimination is indisputably harmful to women, adding another layer to the wage inequality that women face, ultimately making it harder for women to make ends meet.<sup>2</sup> In fact, over twenty years ago, in 1994, the State of California estimated that the average woman is charged an extra \$1,351.00 per year, simply for being a woman; those numbers have only increased over the last two decades.

2. Gender discrimination in pricing has become such a scourge affecting female consumers that governments in multiple areas of the country have specifically outlawed the practice, including those in New York, Miami-Dade County, Florida, and California. In addition, in April of 2019, two members of the United States Congress introduced H.R. 2048, the *Pink Tax Repeal Act*, a bipartisan bill aimed at eliminating gender-based discrimination in pricing. The bill's sponsor pointed out that "[t]he pink tax is not a one-time injustice. It's an insidious form of institutionalized discrimination that affects women across the country from the cradle to the grave."<sup>3</sup>

3. To be sure, not every instance of gender discrimination in pricing is unjustified; in certain circumstances, there may exist very real, material differences in products or services that legitimately account for such pricing variances. However, for every "justified" instance of gender-discrimination in pricing, there are scores more instances where the practice is unjustified and completely unfair. This lawsuit concerns a particularly pernicious and predatory example of unfair gender discrimination in pricing: the pricing of a *nearly identical* female-marketed product at a substantially higher price than its male-marketed counterpart. This practice is unjustified and, by all measures, unfair.

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<sup>1</sup> See, e.g., "From Cradle to Cane: The Cost of Being a Female Consumer, A Study of Gender Pricing in New York City," New York City Department of Consumer Affairs, 2015.

<sup>2</sup> As just one of multiple examples, the United States Bureau of Labor Statistics recently reported that women's median earnings were 83 percent of those of male full-time wage and salary workers. See "Highlights of women's earnings in 2014." BLS Reports, Report #1058, November 2015.

<sup>3</sup> See "Reps Speier & Reed Reintroduce Pink Tax Repeal Act to End Gender-Based Pricing Discrimination," April 3, 2019 Press Release, available at: <https://speier.house.gov/media-center/press-releases/reps-speier-reed-reintroduce-pink-tax-repeal-act-end-gender-based>.



4. In many cases, including in this one, gender-discriminatory pricing is not only unfair, but it also is deceptive, and the deceptive nature of the practice compounds and increases its unfairness. The average consumer, for instance, is largely unaware that nearly-identical products marketed to the opposite sex are substantially cheaper, especially when products are differentiated in size and packaging style and often located in different parts of a store. Despite the fact that, technically, men and women are able to purchase a product marketed to the opposite sex, that alternative is even more unfair due to social conditioning and societal expectations regarding what is “feminine” versus “masculine.” Just as it would be unfair for men to have to purchase and use pink-colored razors to get a better price, it is unfair for women to have to, for instance, “smell like a man” to get a better price on their deodorant or aftershave. In short, grossly overcharging women for nearly-identical products is an unavoidably unfair practice.

5. Fortunately for women living in Missouri, they are protected by the Missouri Merchandising Practices Act, Mo. Rev. Stat. chap. 407 (“MMPA”), which specifically outlaws such “unfair practices.” By bringing this lawsuit, Plaintiff Schulte aims not only to protect and to compensate all Missouri women victimized by Defendants in this manner, but also to punish and make an example of Defendants for their long-standing, insidious and predatory gender discrimination through the institution of punitive damages.

## **II. PARTIES, JURISDICTION, AND VENUE**

6. Plaintiff Karen Schulte is a citizen and resident of Jefferson County, Missouri.

7. Plaintiff brings this Class Action Petition individually and on behalf of a putative class of all Missouri residents.

8. Defendant Conopco, Inc. *d/b/a* “Unilever” (hereinafter “Unilever”) is a New York corporation having its principal place of business at 700 Sylvan Ave., Englewood Cliffs, NJ 07632. Unilever may be served at: CT Corporation System, 120 South Central Ave., Clayton MO 63105.

9. Defendant Walgreen Co. (hereinafter “Walgreens”) is an Illinois corporation having its principal place of business at 300 Wilmot Rd., Deerfield, IL 60015. Walgreens may be served at: The Prentice-Hall Corporation System, Inc., 221 Bolivar Street, Jefferson City, MO 65101.

10. Defendant CVS Pharmacy, Inc. (hereinafter “CVS”) is a Rhode Island corporation having its principal place of business at One CVS Drive, Woonsocket, RI 02895. CVS may be served at: CT Corporation System, 120 South Central Ave., Clayton MO 63105

11. Defendant Walmart, Inc. (hereinafter “Walmart”) is a Delaware corporation having its principal place of business at 708 SW 8<sup>th</sup> Street, Bentonville, AR 72716. Walmart may be served at: CT Corporation System, 120 South Central Ave., Clayton MO 63105.

12. Defendant Target Corporation (hereinafter “Target”) is a Minnesota corporation having its principal place of business at 1000 Nicollet Mall, TPS 3155, Minneapolis, MN 55403. Target may be served at: CT Corporation System, 120 South Central Ave., Clayton MO 63105.

13. Defendant Schnuck Markets, Inc. (hereinafter “Schnucks”) is a Missouri corporation having its principal place of business at 11420 Lackland Rd., St. Louis, MO 63146. Schnucks may be served at: Mary H. Moorkamp, 11420 Lackland Rd., Box 46928, St. Louis MO 63146.

14. Defendant Dierbergs Markets, Inc. (hereinafter “Dierbergs”) is a Missouri corporation having its principal place of business at 16690 Swingley Ridge Road, Chesterfield, MO 63017. Dierbergs may be served at: Robert J. Dierberg, 16690 Swingley Ridge Road, Chesterfield, MO 63017.

15. Whereas Defendant Unilever is the manufacturer and distributor of the product at issue, and therefore controls pricing of the product and is thus responsible for the conduct complained herein, upon information and belief, Unilever did not directly sell the product to any Plaintiff, rather selling the product directly to Unilever’s co-Defendants. From time to time, where appropriate, Defendant Walgreens, CVS, Walmart, Target, Schnucks, and Dierbergs will be referred to collectively as the “Retail Defendants.”

16. The above-named Retail Defendants, along with Unilever, and their subsidiaries and agents, are collectively referred to herein as “Defendants.” The true names and capacities of the Defendants sued herein as DOES 1 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants by fictitious names. Each of the Defendants designated herein as a DOE is legally responsible for the unlawful acts alleged herein. If necessary, Plaintiff will seek leave of Court to amend the Petition to reflect the true names and capacities of the DOE Defendants when such identities become known.

17. Venue is proper in the Circuit Court of Jefferson County, Missouri, because the Plaintiff resides here, and a substantial part of the events or omissions giving rise to the claims in this action occurred in this venue.

18. This forum also is superior in convenience to any other, as all of the Plaintiffs are or were Missouri citizens and are or were located in Missouri, and the acts complained of violated Missouri law.

19. This asserted class action comports with Missouri Supreme Court Rule 52.08 and with R.S.Mo. § 407.025(3) of the MMPA. Plaintiffs’ identities can be ascertained from Defendant’s records, but are so numerous that simple joinder of all individuals is impracticable. This action raises questions of law and fact common among Plaintiffs. The claims of lead Plaintiff is typical of all Plaintiffs’ claims. Named Plaintiff will fairly and adequately protect all Plaintiffs’ interests, and is represented by attorneys qualified to pursue this action. More specifically:

20. Class definition: Plaintiff Karen Schulte brings this action on behalf of herself and a class of similarly-situated persons preliminarily-<sup>4</sup> defined as follows: All Missouri consumers, who, within the Class Period, purchased “Dove”-brand “Advanced Care” Antiperspirant (the “Product”)<sup>5</sup> from any of the Retail Defendants in the State of Missouri. The Class Period begins five years prior to

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<sup>4</sup> Plaintiff reserves the right to propose, as needed, any different or other more- or less-specific class, classes, subclass, or subclasses as Plaintiff deems appropriate for purposes of class certification.

<sup>5</sup> As that term and label is defined in greater detail *infra*.

the date of the filing of this Petition, and ceases upon the date of the filing of this Petition. Excluded from the Class are: (a) any judges presiding over this action and members of their staffs and families; (b) the Defendants and their subsidiaries, parents, successors, and predecessors; any entity in which the Defendants or their parents have a controlling interest; and the Defendants' current or former officers and directors; (c) employees (i) who have or had a managerial responsibility on behalf of the organization, (ii) whose act or omission in connection with this matter may be imputed to the organization for liability purposes, or (iii) whose statements may constitute an admission on the part of the Defendants; (d) persons who properly execute and file a timely request for exclusion from the class; (e) the attorneys working on the Plaintiffs' claims; (f) the legal representatives, successors, or assigns of any such excluded persons; and (g) any individual who assisted or supported the wrongful acts delineated herein.

21. Numerosity: Upon information and belief, the Class includes tens of thousands, if not hundreds of thousands, of individuals on a statewide basis, making their individual joinder impracticable. Although the exact number of Class members and their addresses are presently unknown to Plaintiff, they are readily ascertainable from Defendants' records.

22. Typicality: Plaintiff's claims are typical of those of the Class because all Plaintiffs were injured by the Defendants' uniform wrongful conduct, specifically, employing an "unfair practice" under the MMPA, using gender-discriminatory pricing in offering and selling the Product to Plaintiffs.

23. Adequacy: Plaintiff Karen Schulte is an adequate representative of the Class because her interests do not conflict with the interests of the Class members she seeks to represent, she has retained competent and experienced counsel, and she intends to prosecute this action vigorously. The interests of the Class will be protected fairly and adequately by Plaintiff and her counsel.

24. Commonality: Common questions of law and fact exist as to all Class members and predominate over any questions affecting only individual members, such as: (a) whether the Defendants'

gender discriminatory pricing is an “unfair practice” pursuant to the MMPA; (b) whether and to what extent the Class members were injured by Defendants’ illegal conduct; (c) whether the Class members are entitled to compensatory damages; (d) whether the Class members are entitled to punitive damages; (e) whether the Class members are entitled to declaratory relief; and (f) whether the Class members are entitled to injunctive relief.

25. Superiority: This class action is appropriate for certification because class proceedings are superior to all other available methods for the fair and efficient adjudication of this controversy. The damages suffered by the individual Class members will likely be small relative to the burden and expense of individual prosecution of the complex litigation necessitated by the Defendant’s wrongful conduct. Thus, it would be extremely difficult for the individual Class members to obtain effective relief. A class action presents far fewer management difficulties and provides the benefits of a single adjudication, including economies of time, effort, and expense, and uniformity of decisions.

### **III. BACKGROUND**

26. Defendants manufacture, distribute, and/or sell the product at issue herein, Dove-brand “Advanced Care” antiperspirant.

27. The Retail Defendants sell the Product directly to consumers.

28. Defendant Unilever owns the “Dove” brand and, under that brand name, manufactures and distributes, *inter alia*, the Dove-branded “Advanced Care” antiperspirant.

29. The “Advanced Care” line of products is marketed towards females, having a more-“feminine” packaging, generally being grouped by co-Defendants in the “women’s” section of their stores, and being available in multiple “feminine” scents.

30. Unilever, through its Dove-branded website, [www.dove.com](http://www.dove.com), markets “Advanced Care” to women, displaying multiple pictures of women on the marketing web-page for the product, and describing the “mission” underlying the “Advanced Care” product as being “to help the next generation

of women develop a positive relationship with the way they look.”<sup>6</sup>

31. The packaging, in contrast to Dove’s male-directed products, is relatively more “feminine,” appearing as follows:



a.

32. The “Advanced Care” line of products comes in multiple different varieties and/or “scents.”

33. The “Advanced Care” line of products is also marketed and divided into various sub-groups including, *inter alia*, a “Clear Tone”-labeled sub-group and an “Invisible”-labeled sub-group.

34. For purposes of this lawsuit, because the formulation is slightly different than the base “Advanced Care” line, the aforementioned sub-groups are excluded from the definition of “Product” as used herein.

35. The term “Product” as used herein, is instead limited to the types of “Advanced Care” antiperspirant sharing the same, or nearly the same, ingredients, as follows:

- a. Active Ingredient: Aluminum Zirconium Tetrachlorohydrate GLY (15.2%)
- b. Inactive Ingredients:

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<sup>6</sup> See, e.g., <https://www.dove.com/us/en/deodorants/stick/go-fresh-advanced-care-rejuvenate-antiperspirant.html>

- i. Cyclopentasiloxane, Stearyl Alcohol, C12-15 Alkyl Benzoate, PPG-14 Butyl Ether, Hydrogenated Castor Oil, PEG-8, Dimethicone, Fragrance (Parfum), Silica, Polyethylene, Helianthus Annuus (Sunflower) Seed Oil, Steareth-100, BHT, Hydroxyethyl Urea.

36. According to Unilever's Dove-branded website, [www.dove.com](http://www.dove.com), and confirmed by corresponding product packaging, the following "scents" and/or varieties of "Advanced Care" anti-perspirant all share the same, or nearly the same, ingredients listed above:

- a. "Go Fresh Rejuvenate"
- b. "Revive"<sup>7</sup>
- c. "Restore"
- d. "Cool Essentials"
- e. "Rose Petals"
- f. "Soothing Chamomile"
- g. "Shea Butter"<sup>8</sup>
- h. "Sensitive"
- i. "Rebalance"
- j. "Powder Soft"
- k. "Original Clean"
- l. "Nourished Beauty"
- m. "Lavender Fresh"

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<sup>7</sup> Also includes "Lippia Citriodora Flower/Leaf/Stem Water.":  
<https://www.dove.com/us/en/deodorants/stick/advanced-care-revive-antiperspirant.html>

<sup>8</sup> Also includes "Butyrospermum Parkii (Shea) Butter."  
<https://www.dove.com/us/en/deodorants/stick/advanced-care-shea-butter-antiperspirant.html>

- n. “Coconut”
- o. “Beauty Finish”

37. Because each of the above-listed varieties of “Advanced Care” share the same, or nearly the same, Inactive Ingredients (with two minor exceptions for an additional ingredient in two “scents” as noted above), and share the same amount and type of Active Ingredients, all varieties are substantially similar enough to be treated collectively in this lawsuit, and therefore constitute, collectively, the “Product” as hereinafter and otherwise mentioned in this lawsuit.

38. The Product, like similar “Pink Taxed” items sold throughout the United States, has a corresponding, male-marketed product that is materially-identical to it.

39. Unilever also manufactures and distributes, and the Retail Defendants sell directly to consumers, a male-oriented line of antiperspirants under the same brand, “Dove,” called “Men + Care.”

40. In contrast to the “Advanced Care” line of products, the “Men + Care” line is packaged in a relatively more “masculine” packaging, is generally grouped with men’s products in store locations, and is marketed by Defendant Unilever, on its Dove-branded website, [www.dove.com](http://www.dove.com), to men, as each antiperspirant stick features, *inter alia*, a “[C]lassic, masculine scent.”<sup>9</sup>

41. The basic “Men + Care”<sup>10</sup> line of antiperspirants, like the “Advanced Care” line, comes in multiple different “scents.”

42. The packaging, in contrast to “Advanced Care,” is relatively more “masculine,” appearing as follows:

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<sup>9</sup> <https://www.dove.com/us/en/men-care/deodorant/stick-antiperspirant/men-care-cool-silver-antiperspirant-stick.html>

<sup>10</sup> For simplicity, discussion of the “Men + Care” antiperspirant is directed at the “basic” line, and excludes the “Elements,” “Sportcare” and “Stain Defense” sub-groups thereof.





a.

43. According to the labels on the “Men + Care” line of products, multiple varieties of the “Men + Care” line contain at least the following ingredients:

- a. Active Ingredient: Aluminum Zirconium Tetrachlorohydrate GLY (15.2%)
- b. Inactive Ingredients:
  - i. Cyclopentasiloxane, Stearyl Alcohol, C12-15 Alkyl Benzoate, PPG-14 Butyl Ether, Hydrogenated Castor Oil, PEG-8, Dimethicone, Fragrance (Parfum), Polyethylene, Helianthus Annuus (Sunflower) Seed Oil, Steareth-100, BHT.

44. As a comparison of ingredients reveals, at least multiple varieties of the “Men + Care” antiperspirant sticks contain *every single* ingredient included in the Product with only one consistent omission: Hydroxyethyl Urea; and, in most cases, the basic “Men + Care” antiperspirant sticks contain multiple additional ingredients.

45. In other words, the *only* ingredient contained in the Product that is not also contained in at least multiple varieties of “Men + Care,” is Hydroxyethyl Urea; and because Hydroxyethyl Urea is the last-listed ingredient in all varieties of the Product, it follows that it is the least predominant ingredient in the Product.

46. The presence of minimal amounts of Hydroxyethyl Urea in the Product does not justify

the greatly inflated price at which it is sold in comparison to “Men + Care;” that fact does not, in any manner, cure the Defendants’ gender-discriminatory pricing of the Product from being an “unfair practice.”

47. Moreover, whereas both the “Men + Care” line and the Product contain the exact same active ingredient, Aluminum Zirconium Tetrachlorohydrate GLY (15.2%), “Men + Care” provides a purchaser 2.7 ounces of the mixture of ingredients whereas a purchaser of the Product only receives 2.6 ounces.

48. Nonetheless, across the entirety of the Missouri marketplace, every single major retailer including every Retail Defendant herein, charges its customers significantly more for the Product than they charge customers for the basic “Men + Care” line of antiperspirants.

49. In short, every Retail Defendant herein charges their customers substantially more for the “women’s version” of essentially the exact same product.

50. There are few better examples of the gender discriminatory and *unfair* “Pink Tax” than in the Retail Defendants’ sale of the Product to Missouri consumers.

51. The Product is materially identical to “Men + Care,” and the Product contains less of the key Active Ingredient; yet the Product, consistently, costs significantly more than “Men + Care.”

52. Thus, due to Defendants’ unfair practice, women consumers are being charged significantly more than men for essentially the exact same product.

53. For the multiple reasons set forth above and below, Defendants’ pricing and selling of the Product constitutes an “unfair practice” that is illegal and prohibited under the MMPA.<sup>11</sup>

*Facts Particular to Karen Schulte and Representative of the Proposed Class*

54. In or around June of 2019, Plaintiff visited a retail outlet for Defendant Walgreens,

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<sup>11</sup> On information and belief, Unilever prices and sells the Product in a gender-discriminatory fashion to the Retail Defendants, and is therefore responsible for, and an active participant in, the “unfair practice” violating the MMPA.

located at 1718 Catlin Dr., Barnhart, MO 63012.

55. While there, Plaintiff observed that Defendant Walgreens was selling the Product for \$6.79.

56. On information and belief, on the same day, at the same location, Defendant Walgreens was selling the materially-identical “Men + Care” antiperspirant for \$6.29.

57. On that same day, Plaintiff purchased the Product from Defendant Walgreens, paying \$6.79.

58. In or around June of 2019, Plaintiff also visited a retail outlet for Defendant Walmart, located at 2201 Michigan Ave., Arnold, MO 63010.

59. While there, Plaintiff observed that Defendant Walmart was selling the Product for \$4.88.

60. On information and belief, on the same day, at the same location, Defendant Walmart was selling the materially-identical “Men + Care” antiperspirant for \$4.43.

61. On that same day, Plaintiff purchased the Product from Defendant Walmart, paying \$4.88.

62. In or around June of 2019, Plaintiff visited a retail outlet for Defendant Target, located in Arnold, MO and having a contact phone number of 636-287-1055.

63. While there, Plaintiff observed that Defendant Target was selling the Product for \$4.89.

64. On information and belief, on the same day, at the same location, Defendant Target was selling the materially-identical “Men + Care” antiperspirant for \$4.49.

65. On that same day, Plaintiff purchased the Product from Defendant Target, paying \$4.89.

66. In or around June of 2019, Plaintiff visited a retail outlet for Defendant CVS, located at 2120 Lone Star Dr., Arnold MO 63010.

67. While there, Plaintiff observed that Defendant CVS was selling the Product for \$6.99.

68. On information and belief, on the same day, at the same location, Defendant CVS was

selling the materially-identical “Men + Care” antiperspirant for \$6.29.

69. On that same day, Plaintiff purchased the Product from Defendant CVS, paying \$6.99.

70. In or around June 2019, Plaintiff visited a retail outlet for Defendant Schnucks, located at 1253 Water Tower Rd., Arnold, MO 63010.

71. While there, Plaintiff observed that Defendant Schnucks was selling the Product for \$6.49.

72. On information and belief, on the same day, at the same location, Defendant Schnucks was selling the materially-identical “Men + Care” antiperspirant for \$5.49.

73. On that same day, Plaintiff purchased the Product from Defendant Schnucks, paying \$6.49.

74. In or around June of 2019, Plaintiff visited a retail outlet for Defendant Dierbergs, located at 860 Arnold Commons, Dr., Arnold, MO 63010.

75. While there, Plaintiff observed that Defendant Dierbergs was selling the Product for \$6.49.

76. On information and belief, on the same day, at the same location, Defendant Dierbergs was selling the materially-identical “Men + Care” antiperspirant for \$5.49.

77. On that same day, Plaintiff purchased the Product from Defendant Dierbergs, paying \$6.49.

78. On information and belief, all of the Retail Defendants price their goods consistently across all retail outlets in Missouri.

79. When Plaintiff purchased the Product from each Retail Defendant, as set forth above, she was injured by each Defendants’ unfair practice of employing a gender-discriminatory pricing scheme.

80. Defendants’ gender-discriminatory pricing schemes are arbitrary and unjustified and constitute an “unfair practice” in violation of the MMPA.

81. There is no legitimate or material difference in the labor, materials and/or related costs of production underlying Defendants' gender-discriminatory pricing schemes to justify the significant price disparity between the Product and the materially-identical "Men + Care" antiperspirant.

82. The terms of the MMPA, particularly the term "unfair practice," must be liberally construed to protect consumers.<sup>12</sup>

83. The 2019 version of the Merriam-Webster dictionary provides, as one definition of "unfair," something that is "not equitable in business dealings." "Equitable" is defined as "dealing fairly and equally with all concerned." Obviously, Defendants' gender-discriminatory pricing schemes do not deal "equally" with purchasers of female-oriented products who are required to pay substantially more than purchasers of the male-oriented version of essentially the exact same product.

84. Moreover, a Missouri regulation, 15 Mo. C.S.R. § 60–8.020, draws its authority from, and was promulgated to enforce, the MMPA; Section 60-8.020 provides that an "unfair practice" is any practice which, *inter alia*, "[o]ffends any public policy as it has been established by the Constitution, statutes or common law of [Missouri] ... or ... is unethical, oppressive or unscrupulous."

85. Defendants' arbitrary and discriminatory pricing scheme is both "unethical" and "unscrupulous," and is "oppressive" to women; indeed, it is almost *universally* accepted that practices such as Defendants' are "unfair."<sup>13</sup>

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<sup>12</sup> According to the Supreme Court of Missouri, "[t]he literal words [of the MMPA] cover every practice imaginable and every unfairness to whatever degree." *Ports Petroleum Co. Inc. of Ohio v. Nixon*, 37 S.W.3d 237, 240 (Mo. 2001).

<sup>13</sup> As just a few examples of the overwhelming consensus that such practices are unfair, supporters of the federal *Pink Tax Repeal Act* stated, *inter alia*, as follows: "It's time for these unfair practices to end." – Emily Martin, Vice President for Education & Workplace Justice at the National Women's Law Center; "There is no reason why men and women should pay different prices for essentially the same products or services; [t]his unfair practice should be stopped. The *Pink Tax Repeal Act* is a critical step in thwarting this unfair practice." – Susan Grant, Director of Consumer Protection and Privacy at Consumer Federation of America; "For products and services that do not differ in the labor, materials and related costs of production, it is unfair to charge more based on the gender of the consumer to whom it is marketed." – Richard Holober, Executive Director of the Consumer Federation of California.

86. In addition, Defendants’ gender-discriminatory pricing schemes offend the same Missouri public policies underlying Missouri’s express prohibitions against gender discrimination in multiple other areas, policies protecting the fact that all Missouri citizens are entitled to full and equal accommodations, advantages, facilities, privileges, and/or services regardless of factors like sex and/or race.

87. For example, the Missouri Human Rights Act (“MHRA”), R.S. Mo. § 213.065(1) provides, generally, that “all persons within the jurisdiction of the state of Missouri are free and equal and shall be entitled to the full and equal use and enjoyment of any place of public accommodation [which includes retail stores] ... without discrimination ... on the grounds of, [*inter alia*] ... sex.”

88. The MHRA further provides that “[i]t is an unlawful discriminatory practice for any person, directly or *indirectly*, to ... withhold from or deny any other person ... *any* of the ... advantages ... services ... or privileges made available in any place of public accommodation ... on the grounds of, [*inter alia*] ... sex.” R.S. Mo. § 213.065(1)(emphasis added).

89. Accordingly, regardless of whether Defendants’ gender-discriminatory pricing schemes violate the exact “letter” of the MHRA, the pricing schemes clearly offend some of the same public policies underlying the MHRA – particularly that consumers should be free from discrimination based on factors such as race and gender.

90. In addition, 15 C.S.R. § 60–8.020 further provides that an “unfair practice” under the MMPA is any practice which, *inter alia*, “[o]ffends any public policy as it has been established by ... the Federal Trade Commission, or its interpretive decisions...”

91. The Federal Trade Commission (“FTC”) has enforcement or administrative responsibilities under multiple laws, including the Federal Trade Commission Act and the Clayton Act.

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*Available at:* <https://speier.house.gov/media-center/press-releases/rep-speier-reed-reintroduce-pink-tax-repeal-act-end-gender-based>.

92. The Clayton Act, as amended by the Robinson-Patman Act, 15 U.S.C. § 13, provides, *inter alia*, that it “shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities of like grade and quality ...”

93. Accordingly, regardless of whether Defendants’ gender-discriminatory pricing schemes violate the exact “letter” of the Robinson-Patman Act, the pricing schemes clearly offend some of the same public policies underlying that Act – particularly that consumers should be free from pricing discrimination based on factors such as race and gender.

94. Likewise, the Federal Trade Commission enforces the Equal Credit Opportunity Act, 15 U.S.C. § 1691 *et seq.* (the “ECOA”).

95. The ECOA, *inter alia*, makes it unlawful for a creditor to discriminate against any individual on the basis of age, race, color, religion, sex or marital status.

96. Accordingly, regardless of whether Defendants’ gender-discriminatory pricing schemes violate the exact “letter” of the ECOA, the pricing schemes clearly offend some of the same public policies underlying the ECOA – particularly that individuals should be free from discrimination based on factors such as race and gender.

97. Thus, for several reasons, it is clear that Defendants’ gender-discriminatory pricing schemes also “offend[] any public policy as it has been established ... by the [FTC].” *See* 15 C.S.R. § 60–8.020.

98. As such, for at least the multiple, independent reasons set forth *supra*, Defendants’ gender-discriminatory pricing schemes constitute “unfair practice(s)” prohibited by the MMPA.

99. In short, under Missouri law, Defendants’ gender-discriminatory pricing is illegal.

100. On information and belief, Defendant Unilever, which controls pricing of both the Product and the “Men + Care” line of antiperspirants, is jointly and severally responsible for the actions

of each other Defendant listed herein.

**IV. CAUSES OF ACTION AGAINST EACH DEFENDANT**

**COUNT ONE: VIOLATION OF THE MMPA – “Unfair Practice” -- Discriminatory Pricing**

101. Plaintiff hereby incorporates by reference and re-alleges each allegation set forth in each preceding paragraph of this Petition, as though fully set forth herein.

102. The Defendants violated the Missouri Merchandising Practices Act, Mo. Rev. Stat. chap. 407 (“MMPA”), by employing gender-discriminatory pricing schemes in charging substantially more for a female-marketed version of a materially-identical product, the “Product” herein, than Defendants charge for the corresponding male-marketed version.

103. For at least the multiple, independent reasons set forth *supra*, Defendants’ gender-discriminatory pricing schemes constitute “unfair practice(s)” pursuant to the MMPA, and thus are illegal under Missouri law.

104. As set forth above, Defendants engaged in such “unfair practices” in transactions with Plaintiff and the Class in Missouri which were intended to result in, and did result in, the sale of the Product, “merchandise” under the MMPA.

105. Pursuant to Defendants’ numerous violations of the MMPA, Plaintiffs were damaged, suffering ascertainable losses in the amount that each class member paid for the Product over and above the cost of “Men + Care,” the essentially-identical product Defendants marketed and sold to male customers, and/or suffering ascertainable losses, pursuant to the strict terms of the MMPA, for the full amount of the Product Plaintiffs paid to each Defendant.

106. Due to Defendants’ illegal conduct, Plaintiffs are entitled to restitution of all funds improperly obtained by Defendants.

107. In addition, Defendants’ conduct as aforesaid was wanton, willful, outrageous, and in reckless indifference to the rights of Plaintiffs and others similarly situated and, therefore, warrants the



imposition of punitive damages.

108. Plaintiffs have been forced to hire attorneys to enforce their rights under the MMPA.

**COUNT TWO: INJUNCTIVE RELIEF**

109. Plaintiffs hereby incorporate and adopt by reference each and every allegation set forth above.

110. Defendants continue to retain payment made by Plaintiffs and other members of the Class for the Product that is the result of Defendants' unfair practices in violation of the MMPA.

111. Applicable law, including R.S. Mo. § 407.025, permits the Court to enter injunctive relief to prevent Defendants' continued violation of the law by continuing to charge substantially more for a female-marketed version of a materially-identical product than Defendants charge for the corresponding male-marketed version.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for an order certifying this action as a class action and appointing Plaintiff Karen Schulte as class representative and her counsel as class counsel. Plaintiff requests that this court find that the Defendants violated the MMPA, and award Plaintiffs compensatory damages, restitution, attorneys' fees, punitive damages, costs, and such further relief as the Court deems just.

Respectfully submitted,

**DANIEL F. HARVATH, ESQ.**

By: */s/ Daniel F. Harvath*  
Daniel F. Harvath, #57599MO  
**HARVATH LAW GROUP, LLC**  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119  
(314) 550-3717  
dharvath@harvathlawgroup.com

*Attorney for Plaintiff*

# EXHIBIT B



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## 19JE-CC00485 - KAREN SCHULTE V CONOPCO, INC. ET AL (E-CASE)

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**Notice of Service**

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**Corporation Served**

Document ID - 19-SMOS-42; Served To - TARGET CORPORATION; Server - ; Served Date - 14-AUG-19; Served Time - 09:00:00; Service Type - Sheriff Department; Reason Description - Served

**Notice of Service**

19-SMOS-42; Electronic Filing Certificate of Service.

**Notice of Service**

19-SMOS-38; Electronic Filing Certificate of Service.

**Notice of Service**

19-SMOS-40; Electronic Filing Certificate of Service.

**Notice of Service**

19-SMOS-41; Electronic Filing Certificate of Service.

**Notice of Service**

19-SMCC-1143; Electronic Filing Certificate of Service.

08/07/2019

**Summons Issued-Circuit**

Document ID: 19-SMCC-1143, for DIERBERGS MARKETS, INC..

**Summons Issued-Circuit**

Document ID: 19-SMCC-1142, for SCHNUCK MARKETS INC.

**Summons Issued-Circuit**

Document ID: 19-SMOS-42, for TARGET CORPORATION.

**Summons Issued-Circuit**

Document ID: 19-SMOS-41, for WALMART, INC..

**Summons Issued-Circuit**

Document ID: 19-SMOS-40, for CVS PHARMACY, INC..

**Summons Issued-Circuit**

Document ID: 19-SMOS-39, for WALGREENS-300 WILMOT ROAD.

**Summons Issued-Circuit**

Document ID: 19-SMOS-38, for CONOPCO, INC..

**08/05/2019****Summ Req-Circuit Pers Serv**

REQUEST FOR ISSUANCE OF SUMMONS- WALMART.

**Filed By:** DANIEL FRANCIS HARVATH**On Behalf Of:** KAREN SCHULTE**Summ Req-Circuit Pers Serv**

REQUEST FOR ISSUANCE OF SUMMONS- WALGREEN CO.

**Filed By:** DANIEL FRANCIS HARVATH**Summ Req-Circuit Pers Serv**

REQUEST FOR ISSUANCE OF SUMMONS- TARGET.

**Filed By:** DANIEL FRANCIS HARVATH**Summ Req-Circuit Pers Serv**

REQUEST FOR ISSUANCE OF SUMMONS- SCHNUCKS.

**Filed By:** DANIEL FRANCIS HARVATH**Summ Req-Circuit Pers Serv**

REQUEST FOR ISSUANCE OF SUMMONS- DIERBERGS.

**Filed By:** DANIEL FRANCIS HARVATH**Summ Req-Circuit Pers Serv**

REQUEST FOR ISSUANCE OF SUMMONS- CVS.

**Filed By:** DANIEL FRANCIS HARVATH**Summ Req-Circuit Pers Serv**

REQUEST FOR ISSUANCE OF SUMMONS- CONOPCO.

**Filed By:** DANIEL FRANCIS HARVATH**07/04/2019****Judge/Clerk - Note**

PLEASE FILE REQUEST FOR SERVICE IS SUMMONS ARE NEEDED. \*\*\*\*\*DOES 1 THROUGH 10 LISTED ON PETITION BUT NOT INFORMATION NOT PROVIDED ON CONFIDENTIAL CASE INFORMATION SHEET. DOES 1 THROUGH 10 ARE NOT ADDED TO THIS CASE AS PARTIES. PLEASE FILE AN UPDATED CONFIDENTIAL CASE INFO SHEET TO ADD THEM.

**Filing Info Sheet eFiling****Filed By:** DANIEL FRANCIS HARVATH**Pet Filed in Circuit Ct**

PLAINTIFFS CLASS ACTION PETITION.

**On Behalf Of:** KAREN SCHULTE**Judge Assigned**

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

KAREN SCHULTE, *individually and* )  
*on behalf of all others similarly-situated,* )

Plaintiffs, )

v. )

CONOPCO, INC., *et al.* )

Defendants. )

JURY TRIAL DEMANDED

Case No.19JE-CC000485

**REQUEST FOR ISSUANCE OF SUMMONS**

Plaintiffs herein request the Issuance of Summons for Defendant CVS, Inc., and that  
the Circuit Clerk appoint:

**(A qualified agent of) St. Louis County Sheriff's Office, Civil Process Division  
105 South Central, Ave. 5<sup>th</sup> Floor, Clayton, MO 63105**

Natural person(s) of lawful age, to serve the summons and petition in this cause on  
the below-named party:

**CVS, INC.  
C T Corporation System  
120 South Central, Ave.  
Clayton, MO 63105**

Respectfully submitted,  
By: /s/ Daniel F. Harvath  
Daniel F. Harvath, #57599MO  
**HARVATH LAW GROUP, LLC**  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119; (314) 550-3717  
[dhavath@harvathlawgroup.com](mailto:dhavath@harvathlawgroup.com)

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

KAREN SCHULTE, <i>individually and</i>	)	
<i>on behalf of all others similarly-situated,</i>	)	
	)	
Plaintiffs,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	Case No.19JE-CC000485
CONOPCO, INC., <i>et al.</i>	)	
	)	
Defendants.	)	

**REQUEST FOR ISSUANCE OF SUMMONS**

Plaintiffs herein request the Issuance of Summons for Defendant Dierbergs Markets, Inc., and that the Circuit Clerk appoint:

**(A qualified agent of) St. Louis County Sheriff's Office, Civil Process Division  
105 South Central, Ave. 5<sup>th</sup> Floor, Clayton, MO 63105**

Natural person(s) of lawful age, to serve the summons and petition in this cause on the below-named party:

**DIERBERGS MARKETS, INC.  
Robert J. Dierberg  
16690 Swingley Ridge Road  
Chesterfield, MO 63017**

Respectfully submitted,  
By: /s/ Daniel F. Harvath  
Daniel F. Harvath, #57599MO  
**HARVATH LAW GROUP, LLC**  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119; (314) 550-3717  
[dhavath@harvathlawgroup.com](mailto:dhavath@harvathlawgroup.com)

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

KAREN SCHULTE, <i>individually and</i>	)	
<i>on behalf of all others similarly-situated,</i>	)	
	)	
Plaintiffs,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	Case No.19JE-CC000485
CONOPCO, INC., <i>et al.</i>	)	
	)	
Defendants.	)	

**REQUEST FOR ISSUANCE OF SUMMONS**

Plaintiffs herein request the Issuance of Summons for Defendant Schnuck Markets, Inc., and that the Circuit Clerk appoint:

(A qualified agent of) **St. Louis City Sheriff's Office, Civil Process Division  
10 N. Tucker Blvd., 8<sup>th</sup> Floor, Civil Courts Building  
St. Louis, Missouri 63101**

Natural person(s) of lawful age, to serve the summons and petition in this cause on the below-named party:

**SCHNUCK MARKETS, INC.  
Mary H. Moorkamp  
11420 Lackland Rd., St. Louis, MO 63146**

Respectfully submitted,  
By: /s/ Daniel F. Harvath  
Daniel F. Harvath, #57599MO  
**HARVATH LAW GROUP, LLC**  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119; (314) 550-3717  
[dhavath@harvathlawgroup.com](mailto:dhavath@harvathlawgroup.com)



IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

KAREN SCHULTE, *individually and* )  
*on behalf of all others similarly-situated,* )

Plaintiffs, )

v. )

CONOPCO, INC., *et al.* )

Defendants. )

JURY TRIAL DEMANDED

Case No.19JE-CC000485

**REQUEST FOR ISSUANCE OF SUMMONS**

Plaintiffs herein request the Issuance of Summons for Defendant Target Corporation, and that the Circuit Clerk appoint:

**(A qualified agent of) St. Louis County Sheriff's Office, Civil Process Division  
105 South Central, Ave. 5<sup>th</sup> Floor, Clayton, MO 63105**

Natural person(s) of lawful age, to serve the summons and petition in this cause on the below-named party:

**TARGET CORPORATION  
C T Corporation System  
120 South Central, Ave.  
Clayton, MO 63105**

Respectfully submitted,  
By: /s/ Daniel F. Harvath  
Daniel F. Harvath, #57599MO  
**HARVATH LAW GROUP, LLC**  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119; (314) 550-3717  
[dhavath@harvathlawgroup.com](mailto:dhavath@harvathlawgroup.com)

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

KAREN SCHULTE, <i>individually and</i>	)	
<i>on behalf of all others similarly-situated,</i>	)	
	)	
Plaintiffs,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	Case No.19JE-CC000485
CONOPCO, INC., <i>et al.</i>	)	
	)	
Defendants.	)	

**REQUEST FOR ISSUANCE OF SUMMONS**

Plaintiffs herein request the Issuance of Summons for Defendant Walgreen Co., and that the Circuit Clerk appoint:

**(A qualified agent of) Cole County Sheriff's Office, Civil Process Division  
350 E High Street, Jefferson City, MO 65101**

Natural person(s) of lawful age, to serve the summons and petition in this cause on the below-named party:

**WALGREEN CO.  
The Prentice-Hall Corporation System, Inc.  
221 Bolivar Street  
Jefferson City, MO 65101**

Respectfully submitted,  
By: /s/ Daniel F. Harvath  
Daniel F. Harvath, #57599MO  
**HARVATH LAW GROUP, LLC**  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119; (314) 550-3717  
[dkharvath@harvathlawgroup.com](mailto:dkharvath@harvathlawgroup.com)

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

KAREN SCHULTE, *individually and* )  
*on behalf of all others similarly-situated,* )

Plaintiffs, )

v. )

CONOPCO, INC., *et al.* )

Defendants. )

JURY TRIAL DEMANDED

Case No.19JE-CC000485

**REQUEST FOR ISSUANCE OF SUMMONS**

Plaintiffs herein request the Issuance of Summons for Defendant Walmart, Inc., and that the Circuit Clerk appoint:

**(A qualified agent of) St. Louis County Sheriff's Office, Civil Process Division  
105 South Central, Ave. 5<sup>th</sup> Floor, Clayton, MO 63105**

Natural person(s) of lawful age, to serve the summons and petition in this cause on the below-named party:

**WALMART, INC.  
C T Corporation System  
120 South Central, Ave.  
Clayton, MO 63105**

Respectfully submitted,  
By: /s/ Daniel F. Harvath  
Daniel F. Harvath, #57599MO  
**HARVATH LAW GROUP, LLC**  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119; (314) 550-3717  
[dhavath@harvathlawgroup.com](mailto:dhavath@harvathlawgroup.com)

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

KAREN SCHULTE, *individually and* )  
*on behalf of all others similarly-situated,* )

Plaintiffs, )

v. )

CONOPCO, INC., *et al.* )

Defendants. )

JURY TRIAL DEMANDED

Case No.19JE-CC000485

**REQUEST FOR ISSUANCE OF SUMMONS**

Plaintiffs herein request the Issuance of Summons for Defendant Conopco, Inc., and that the Circuit Clerk appoint:

**(A qualified agent of) St. Louis County Sheriff's Office, Civil Process Division  
105 South Central, Ave. 5<sup>th</sup> Floor, Clayton, MO 63105**

Natural person(s) of lawful age, to serve the summons and petition in this cause on the below-named party:

**CONOPCO, INC.  
C T Corporation System  
120 South Central, Ave.  
Clayton, MO 63105**

Respectfully submitted,  
By: /s/ Daniel F. Harvath  
Daniel F. Harvath, #57599MO  
**HARVATH LAW GROUP, LLC**  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119; (314) 550-3717  
[dhavath@harvathlawgroup.com](mailto:dhavath@harvathlawgroup.com)




**IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI**

Judge or Division: JOSEPH ALFRED RATHERT	<b>Case Number: 19JE-CC00485</b>
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address DANIEL FRANCIS HARVATH 8923 LITZINGER RD SAINT LOUIS, MO 63144
Defendant/Respondent: CONOPCO, INC.	vs. Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

**Summons in Civil Case**

**The State of Missouri to: SCHNUCK MARKETS INC**  
**Alias:**  
 11420 LACKLAND RD.  
 ST. LOUIS, MO 63146

**COURT SEAL OF**  
  
**JEFFERSON COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

8-07-2019 Michael E Reuter, Circuit Clerk  
 /s/ Katie Steward, Deputy Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the defendant/respondent.

leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

(for service on a corporation) delivering a copy of the summons and a copy of the complaint to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).

other: \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
 Printed Name of Sheriff or Server Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal) My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.




**IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI**

Judge or Division: JOSEPH ALFRED RATHERT	<b>Case Number: 19JE-CC00485</b>
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address DANIEL FRANCIS HARVATH 8923 LITZINGER RD SAINT LOUIS, MO 63144
Defendant/Respondent: CONOPCO, INC.	vs. Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

**Summons in Civil Case**

**The State of Missouri to: DIERBERGS MARKETS, INC.**  
**Alias:**  
 16690 SWINGLET RIDGE ROAD  
 CHESTERFIELD, MO 63017

**COURT SEAL OF**  
  
**JEFFERSON COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

8-07-2019 Michael E Reuter, Circuit Clerk  
 /s/ Katie Steward, Deputy Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.  
 I certify that I have served the above summons by: (check one)  
 delivering a copy of the summons and a copy of the petition to the defendant/respondent.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.  
 (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).  
 other: \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
 Printed Name of Sheriff or Server Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**  
 Subscribed and sworn to before me on \_\_\_\_\_ (date).  
 My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Sheriff's Deputy Salary \$ 10.00  
 Supplemental Surcharge \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)  
**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



**IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI**

Judge or Division: JOSEPH ALFRED RATHERT	Case Number: 19JE-CC00485
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address: DANIEL FRANCIS HARVATH 8923 LITZSINGER RD SAINT LOUIS, MO 63144
Defendant/Respondent: CONOPCO, INC.	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

The State of Missouri to: **CONOPCO, INC.**  
Alias:  
700 SYLVAN AVE  
ENGLEWOOD CLIFFS, NJ 07632

COURT SEAL OF



JEFFERSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

8-07-2019

Michael E Reuter, Circuit Clerk  
/s/ Katie Steward, Deputy Clerk

Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - other: \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Subscribed and sworn to** before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

- I am: (check one)
- the clerk of the court of which affiant is an officer.
  - the judge of the court of which affiant is an officer.
  - authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
  - authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

**Service Fees**

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

See the following page for directions to officer making return on service of summons.

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.






**IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI**

Judge or Division: JOSEPH ALFRED RATHERT	<b>Case Number: 19JE-CC00485</b>
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address: DANIEL FRANCIS HARVATH 8923 LITZSINGER RD SAINT LOUIS, MO 63144
Defendant/Respondent: CONOPCO, INC.	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

**The State of Missouri to: WALGREENS-300 WILMOT ROAD**  
**Alias:**  
 300 WILMOT  
 DEERFIELD, IL 60015

**COURT SEAL OF**  
  
**JEFFERSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

8-07-2019 Michael E Reuter, Circuit Clerk  
 /s/ Katie Steward, Deputy Clerk

Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - other: \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
 Printed Name of Sheriff or Server

\_\_\_\_\_  
 Signature of Sheriff or Server

**Subscribed and sworn to** before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

- I am: (check one)
- the clerk of the court of which affiant is an officer.
  - the judge of the court of which affiant is an officer.
  - authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
  - authorized to administer oaths. (use for court-appointed server)

(Seal)

\_\_\_\_\_  
 Signature and Title

**Service Fees**

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
 Total \$ \_\_\_\_\_

**See the following page for directions to officer making return on service of summons.**

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.




**IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI**

Judge or Division: JOSEPH ALFRED RATHERT	Case Number: 19JE-CC00485
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address: DANIEL FRANCIS HARVATH 8923 LITZSINGER RD SAINT LOUIS, MO 63144
Defendant/Respondent: CONOPCO, INC.	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

**The State of Missouri to:** CVS PHARMACY, INC.  
**Alias:**  
 ONE CVS DRIVE  
 WOONSOCKET, RI 02895

**COURT SEAL OF**  
  
**JEFFERSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

8-07-2019 Michael E Reuter, Circuit Clerk  
 /s/ Katie Steward, Deputy Clerk

Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - other: \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Subscribed and sworn to** before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

- I am: (check one)
- the clerk of the court of which affiant is an officer.
  - the judge of the court of which affiant is an officer.
  - authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
  - authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

**Service Fees**

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
 Total \$ \_\_\_\_\_

**See the following page for directions to officer making return on service of summons.**

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



**IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI**

Judge or Division: JOSEPH ALFRED RATHERT	<b>Case Number: 19JE-CC00485</b>
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address: DANIEL FRANCIS HARVATH 8923 LITZSINGER RD SAINT LOUIS, MO 63144
Defendant/Respondent: CONOPCO, INC.	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

**The State of Missouri to: WALMART, INC.**  
Alias:  
708 SW 8TH STREET  
BENTONVILLE, AR 72716

**COURT SEAL OF**



**JEFFERSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

8-07-2019 Michael E Reuter, Circuit Clerk  
/s/ Katie Steward, Deputy Clerk  
Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - other: \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
Printed Name of Sheriff or Server

\_\_\_\_\_  
Signature of Sheriff or Server

**Subscribed and sworn to** before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

- I am: (check one)
- the clerk of the court of which affiant is an officer.
  - the judge of the court of which affiant is an officer.
  - authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
  - authorized to administer oaths. (use for court-appointed server)

(Seal)

\_\_\_\_\_  
Signature and Title

**Service Fees**

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

**See the following page for directions to officer making return on service of summons.**

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.






**IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI**

Judge or Division: JOSEPH ALFRED RATHERT	<b>Case Number: 19JE-CC00485</b>
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address: DANIEL FRANCIS HARVATH 8923 LITZSINGER RD SAINT LOUIS, MO 63144
Defendant/Respondent: CONOPCO, INC.	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

**The State of Missouri to: TARGET CORPORATION**  
**Alias:**  
 1000 NICOLLET MALL  
 TPS 3155  
 MINNEAPOLIS, MN 55403

**COURT SEAL OF**  
  
**JEFFERSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

8-07-2019 Michael E Reuter, Circuit Clerk  
 /s/ Katie Steward, Deputy Clerk

Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - other: \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
 Printed Name of Sheriff or Server

\_\_\_\_\_  
 Signature of Sheriff or Server

**Subscribed and sworn to** before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

- I am: (check one)
- the clerk of the court of which affiant is an officer.
  - the judge of the court of which affiant is an officer.
  - authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
  - authorized to administer oaths. (use for court-appointed server)

(Seal)

\_\_\_\_\_  
 Signature and Title

**Service Fees**

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
 Total \$ \_\_\_\_\_

**See the following page for directions to officer making return on service of summons.**

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



SB 9/6



IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Judge or Division: JOSEPH ALFRED RATHERT	Case Number: 19JE-CC00485
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address: DANIEL FRANCIS HARVATH 8923 LITZSINGER RD SAINT LOUIS, MO 63144 57599
Defendant/Respondent: CONOPCO, INC.	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: **CVS PHARMACY, INC.**  
 Alias: **CT CORPORATION SYSTEM**  
**120 CENTRAL AVE 63105** **30 CT COR**

ONE CVS DRIVE  
WOONSOCKET, RI 02895

**COURT SEAL OF**  
  
**JEFFERSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

8-07-2019 Michael E Reuter, Circuit Clerk  
/s/ Katie Steward, Deputy Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - other: \_\_\_\_\_

Served at **CT CORPORATION LCW - B. LOVE** (address)  
 in **St. Louis County** County, **MO** (state), on **AUG 14 2019** (date) at **9 AM** (time).

**J. Conolly** Printed Name of Sheriff or Server  
 \_\_\_\_\_ Signature of Sheriff or Server

Subscribed and sworn to before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).  
 I am: (check one)  the clerk of the court of which affiant is an officer.  
 the judge of the court of which affiant is an officer.  
 authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)  
 authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
 Total \$ \_\_\_\_\_

See the following page for directions to officer making return on service of summons.

19-SMOS-874

8/28

IN THE 3RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Case Number: 193E-C00485	Plaintiff's Attorney/Address: DANIEL FRANCIS HARVATH 6923 TITZINGER RD SAINT LOUIS, MO 63114	Defendant's Respondent: CORPORCO, INC 500 MAIN ST HILLSBORO, MO 63050
	Plaintiff's Attorney/Address: DANIEL FRANCIS HARVATH 6923 TITZINGER RD SAINT LOUIS, MO 63114	Defendant's Respondent: CORPORCO, INC 500 MAIN ST HILLSBORO, MO 63050

Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)

The State of Missouri to: **ONE CVS DRIVE WORKSHEET, ST LOUIS**

Alias: **CVS PHARMACY, INC**

**ISB ACCOUNT THE COURT**  
**CT CORPORATION SYSTEM**  
**Becker**

You are summoned to appear before this court and in the your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

Jefferson County

Officer's or Server's Affidavit of Service

I am authorized to serve process in this state or territory where the state a summons was served.

1. My official title is \_\_\_\_\_

2. I have served the above summons by (check one)

delivering a copy of the summons and a copy of the petition to the defendant/respondent

leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_ a person of the defendant/respondent's household

over the age of 15 years who permanently resides with the defendant/respondent

for service on a corporation delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name)

Served at **St Louis County, MO** County **St Louis County, MO** on **AUG 14 2018** Date

Signature of Plaintiff or Server: **J. Conroy**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

I am (check one)

the clerk of the court of which district is an officer

the judge of the court of which district is an officer

authorized to administer oaths in the state in which this district court of the above summons (use for out-of-state officer)

authorized to administer oaths (use for court-appointed receiver)

Service Fees

Summons \$ \_\_\_\_\_

Min. Est. \$ \_\_\_\_\_

mileage @ \$ \_\_\_\_\_ per mile

mileage @ \$ \_\_\_\_\_ per mile

Total \$ \_\_\_\_\_

See the following paper, attached to officer, mailed to officer, mailed to officer, mailed to officer

Electronically Filed - Jeffer on - Augu 1 15, 2019 - 02:09 PM

DANIEL F. HARVATH, ESQ.  
dharvath@harvathlawgroup.com



ST. LOUIS OFFICE  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119  
314-550-3717

**HARVATH LAW GROUP, LLC**  
ATTORNEYS AT LAW

August 7, 2019

St. Louis County Sheriff's Office  
Civil Process Division  
105 South Central Ave., 5<sup>th</sup> Floor  
Clayton, MO 63105

To: St. Louis County Sheriff's Office – Civil Process Division  
Re: **Service of Summons – CVS PHARMACY, INC.**

Dear Process Server:

Attached for service is a Summons for the Defendant in the enclosed lawsuit. Also included is a complete copy of the underlying Petition to accompany the Summons. Please complete service on the Defendant, ~~WALMART INC.~~ **CVS PHARMACY, INC.**, at **CT Corporation System, 120 S. Central Ave., Clayton, MO 63105.**

I have enclosed a check for the cost of service, for \$36.00

Please e-mail a scanned copy of any proof of service documents to: [dharvath@harvathlawgroup.com](mailto:dharvath@harvathlawgroup.com), and/or, if so required (I do not need a paper copy), please feel free to mail a copy to the address at the top of this letter. Please also let me know if you have any questions or need anything else in relation to these items.

Thank you,

Daniel F. Harvath, Esq.

RECEIVED  
2019 AUG - 9 AM 4:07  
ST. LOUIS COUNTY  
SHERIFF'S OFFICE  
WALMART  
CVS PHARMACY

30 OCT 2019

610721 GUN  
AUG 12 2019



SB 9/6




IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Judge or Division: JOSEPH ALFRED RATHERT	Case Number: 19JE-CC00485
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address DANIEL FRANCIS HARVATH 8923 LITZINGER RD 57599 SAINT LOUIS, MO 63144
Defendant/Respondent: CONOPCO, INC.	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **DIERBERGS MARKETS, INC.**  
 Alias: **11 BAUMR**  
 16690 SWINGLET RIDGE ROAD  
 CHESTERFIELD, MO 63017

**COURT SEAL OF**  
  
**JEFFERSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

8-07-2019 Michael E Reuter, Circuit Clerk  
 /s/ Katie Steward, Deputy Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:

ANELA (name) RECEPTIONIST (title).

other: \_\_\_\_\_

Served at SAME (address)  
 in ST LOUIS (County/City of St. Louis), MO, on 8/13/19 (date) at 0815 (time).

Rex Baumgartner Printed Name of Sheriff or Server  
[Signature] Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

RECEIVED  
 2019 AUG 12 AM 10:06  
 ST LOUIS COUNTY  
 SHERIFF'S OFFICE

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$. _____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

19-SMCC-7483

8/12/19

Electronically Filed - Jeffer on - Augu t 15, 2019 - 02:09 PM

IN THE 23RD JUDICIAL CIRCUIT, 1ST DISTRICT COURT, MISSOURI

Judge or Division JOSEPH ALFRED RATHER	Case Number: 193E-CC00483
Plaintiff/Petitioner: BARB SCHULTE	Plaintiff's/Petitioner's Attorney: DANIEL FRANCIS HARVATH 8923 LITZINGER RD SAINT LOUIS, MO 63114
Defendant/Respondent: HILL BROS. CO., INC.	Court & Cause: 1st DISTRICT COURT 23RD JUDICIAL CIRCUIT HILL BROS. CO., INC.

Summons in Civil Case

State of Missouri vs. HILL BROS. CO., INC.

*11/2/19*

You are summoned to appear before this court and to file your pleading to the petition a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner of the above address all within 30 days after receiving this summons exclusive of the day of service. If you fail to file your pleading, judgment by default may be entered against you and the relief demanded in the petition may be granted.

COUNT SEAL OF



Sherriff or Server's Return

I, \_\_\_\_\_, Sheriff of the County of \_\_\_\_\_, Missouri, do hereby certify that a copy of the summons and a copy of the petition were delivered to the defendant/respondent at \_\_\_\_\_, Missouri, on \_\_\_\_\_, 2019, at \_\_\_\_\_ o'clock \_\_\_\_\_ of the day of \_\_\_\_\_.

I, \_\_\_\_\_, Sheriff of the County of \_\_\_\_\_, Missouri, do hereby certify that a copy of the summons and a copy of the petition were delivered to the defendant/respondent at \_\_\_\_\_, Missouri, on \_\_\_\_\_, 2019, at \_\_\_\_\_ o'clock \_\_\_\_\_ of the day of \_\_\_\_\_.

I, \_\_\_\_\_, Sheriff of the County of \_\_\_\_\_, Missouri, do hereby certify that a copy of the summons and a copy of the petition were delivered to the defendant/respondent at \_\_\_\_\_, Missouri, on \_\_\_\_\_, 2019, at \_\_\_\_\_ o'clock \_\_\_\_\_ of the day of \_\_\_\_\_.

County of (State) MO on 11/2/19

Subscribed and sworn to before me on \_\_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_\_, Missouri, by an authorized officer of the \_\_\_\_\_ County, Missouri.

My commission expires \_\_\_\_\_

Date

Notary Public

Sherriff's Return, if applicable

1000  
1000 @ \$ \_\_\_\_\_ (per mile)

A copy of this return and a copy of the petition must be served on each defendant/respondent for whom a return is required by the rules of this court. The return must be filed with the court within the time specified in the rules of this court.

*19-3100-7483*

*10/1/19*



SB 9/6



IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Judge or Division: JOSEPH ALFRED RATHERT	Case Number: 19JE-CC00485
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address: DANIEL FRANCIS HARVATH 8923 LITZINGER RD SAINT LOUIS, MO 63144 57599
Defendant/Respondent: CONOPCO, INC.	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri**  
(Except Attachment Action)

The State of Missouri to: CONOPCO, INC.  
700 SYLVAN AVE  
ENGLEWOOD CLIFFS, NJ 07632

Alias: CT CORPORATION SYSTEM  
120 S CENTRAL AVE, 63105  
30 CT LOR

COURT SEAL OF



JEFFERSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

8-07-2019

Michael E Reuter, Circuit Clerk  
/s/ Katie Steward, Deputy Clerk

Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - other: \_\_\_\_\_

Served at CT CORPORATION LCW - B. LOVE (address)  
in St. Louis County County, MO (state), on AUG 14 2019 (date) at 9 A.M. (time).

J. Connolly  
Printed Name of Sheriff or Server

[Signature]  
Signature of Sheriff or Server

Subscribed and sworn to before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

- I am: (check one)
- the clerk of the court of which affiant is an officer.
  - the judge of the court of which affiant is an officer.
  - authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
  - authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

**Service Fees**

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

See the following page for directions to officer making return on service of summons.

RECEIVED  
ST. LOUIS COUNTY  
CLERK'S OFFICE  
2019 AUG 12 AM 10:06

8/12

19-SMOS-875

IN THE 3RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Case Number: 193E-C00045	Plaintiff's Attorney's Address: DANIEL FRANCIS HARVATH 3925 LITZINGER RD SAINT LOUIS, MO 63144	Defendant's Address: COMPCO, INC. 300 MAIN ST HILL BORO, MO 63050
Plaintiff's Attorney's Name: DANIEL FRANCIS HARVATH		Defendant's Name: COMPCO, INC.

Summons for Personal Service Outside the State of Missouri  
(Exempt Attachment Action)

The State of Missouri for COMPCO, INC. files this summons against you for the relief demanded in the petition taken against you for the relief demanded in the petition. You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff, petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in the petition.

Michael E. Reed, Circuit Clerk  
Jefferson County, Missouri

30 days

CT CORPORATION SYSTEM  
150 S CENTRAL AVE  
ENGLEWOOD CLIFFS, MO 63023

Further Information:  
I am authorized to serve process in civil actions within the state of Missouri where the above summons was served. My official title is \_\_\_\_\_ of \_\_\_\_\_ County, Missouri.

I have served the above summons by (check one):  
 delivering a copy of the summons and a copy of the petition to the defendant in person.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual place of business of the defendant in person with the defendant's family.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual place of the defendant in person with the defendant's family.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual place of the defendant in person with the defendant's family over the age of 18 years, who personally resides with the defendant's family.  
 (for service on a corporation) delivering a copy of the summons and a copy of the petition to the person in a corporation (delivering a copy of the summons and a copy of the petition to the person in a corporation).

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

Printed Name of Clerk or Server: J. Conroy  
 County: MO  
 Date of Service: AUG 14 2019  
 Name of Plaintiff or Defendant: CT CORPORATION SYSTEM

I am (check one):  
 the clerk of the court of which I am an officer.  
 the judge of the court of which I am an officer.  
 authorized to administer oaths in the state in which the officer given the summons.  
 authorized to administer oaths (use for out-of-state officer).  
 authorized to administer oaths (use for court-appointed server).

Service Fees	\$
Summons	\$
Non Est	\$
Message	\$
Total	\$

See the following page for directions to officer making return on service of summons.

DANIEL F. HARVATH, ESQ.  
dharvath@harvathlawgroup.com

ST. LOUIS OFFICE  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119  
314-550-3717



**HARVATH LAW GROUP, LLC**  
ATTORNEYS AT LAW

August 7, 2019

St. Louis County Sheriff's Office  
Civil Process Division  
105 South Central Ave., 5<sup>th</sup> Floor  
Clayton, MO 63105

To: St. Louis County Sheriff's Office – Civil Process Division  
Re: **Service of Summons – CONOPCO, INC.**

Dear Process Server:

Attached for service is a Summons for the Defendant in the enclosed lawsuit. Also included is a complete copy of the underlying Petition to accompany the Summons. Please complete service on the Defendant, CONOPCO, INC., at **CT Corporation System, 120 S. Central Ave., Clayton, MO 63105.**

I have enclosed a check for the cost of service, for \$36.00

*30 OCT 10 2019*

Please e-mail a scanned copy of any proof of service documents to: [dharvath@harvathlawgroup.com](mailto:dharvath@harvathlawgroup.com), and/or, if so required (I do not need a paper copy), please feel free to mail a copy to the address at the top of this letter. Please also let me know if you have any questions or need anything else in relation to these items.

RECEIVED  
2019 AUG - 9 4:07 PM  
ST. LOUIS COUNTY SHERIFF'S OFFICE  
AUG 12 2019

Thank you,

Daniel F. Harvath, Esq.



JB 9/10



IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Judge or Division: JOSEPH ALFRED RATHERT	Case Number: 19JE-CC00485
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address: DANIEL FRANCIS HARVATH 8923 LITZSINGER RD SAINT LOUIS, MO 63144 <i>57599</i>
Defendant/Respondent: CONOPCO, INC.	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri**  
(Except Attachment Action)

The State of Missouri to: **WALMART, INC.**  
Alias:  
708 SW 8TH STREET  
BENTONVILLE, AR 72716

*CT CORPORATION SYSTEM per letter*  
*120 S CENTRAL AVE 63105* *30 CT CORP*

COURT SEAL OF



JEFFERSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

8-07-2019 Michael E Reuter, Circuit Clerk  
/s/ Katie Steward, Deputy Clerk  
Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name)
  - other: \_\_\_\_\_

Served at CT CORPORATION LCW - B. LOVE address:  
in St. Louis County County, MO (state) AUG 14 2019 (date) at 9 AM (time).

J CONNOLLY  
Printed Name of Sheriff or Server

[Signature]  
Signature of Sheriff or Server

Subscribed and sworn to before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

- I am: (check one)
- the clerk of the court of which affiant is an officer.
  - the judge of the court of which affiant is an officer.
  - authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
  - authorized to administer oaths. (use for court-appointed server)

(Seal)

\_\_\_\_\_  
Signature and Title

**Service Fees**

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

See the following page for directions to officer making return on service of summons.

RECEIVED  
 2019 AUG -9 PM 7:06  
 ST. LOUIS COUNTY  
 SHERIFF'S OFFICE  
 RECEIVED  
 2019 AUG 12 AM 10:06  
 ST. LOUIS COUNTY  
 SHERIFF'S OFFICE

*8/12/19*

*19-SMOS-876*

IN THE 3RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Case Number: 19JE-C00488	Plaintiff's Attorney/Address DANIEL FRANCIS HARVEY 8823 LITZINGER RD SAINT LOUIS, MO 63144
Defendant/Respondent CONCORD, INC. 300 MAIN ST HILLSBORO, MO 63050	

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to  
WALMART, INC.  
4145  
100 S CENTRAL AVE  
BRIDGEMAN, MO 63110

YOU are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

Missouri State Court Clerk  
Michael E. Roberts, Court Clerk  
101 Kansas Street, Quincy, MO 64671

JEFFERSON COUNTY  
COURT CLERK

Officer's or Server's Affidavit of Service

I am authorized to serve process in this action within the state or territory where the above summons was served.

My official title is \_\_\_\_\_ of \_\_\_\_\_ County, Missouri.

I have served the above summons by (check one):  
 delivered a copy of the summons and a copy of the petition to the defendant/respondent.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual place of the defendant/respondent with \_\_\_\_\_ a person of the defendant's name and of the age of 18 years who permanently resides with the defendant/respondent.  
 mail service on a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_.

Printed Name of Officer or Server: **T Conroy**

Subscribed and sworn to before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

I am (check one):  
 the clerk of the court of which I am an officer.  
 the judge of the court of which I am an officer.  
 authorized to administer oaths in the state in which the official served the above summons. (use for out-of-state officers)  
 authorized to administer oaths. (use for court-appointed server)

Summons	\$
Notarization	\$
Mileage	\$
Total	\$

See the following page for directions to officer making return on service of summons.

Electronically Filed - Jeffer on - Augu 1 15, 2019 - 02:09 PM

DANIEL F. HARVATH, ESQ.  
dharvath@harvathlawgroup.com

ST. LOUIS OFFICE  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119  
314-550-3717



**HARVATH LAW GROUP, LLC**  
ATTORNEYS AT LAW

August 7, 2019

St. Louis County Sheriff's Office  
Civil Process Division  
105 South Central Ave., 5<sup>th</sup> Floor  
Clayton, MO 63105

To: St. Louis County Sheriff's Office – Civil Process Division  
Re: **Service of Summons – WALMART, INC.**

RECEIVED  
2019 AUG -9 PM 4:07  
ST. LOUIS COUNTY  
SHERIFF'S OFFICE

Dear Process Server:

Attached for service is a Summons for the Defendant in the enclosed lawsuit. Also included is a complete copy of the underlying Petition to accompany the Summons. Please complete service on the Defendant, WALMART, INC., at **CT Corporation System, 120 S. Central Ave., Clayton, MO 63105.**

*DOCTORE*

I have enclosed a check for the cost of service, for \$36.00

Please e-mail a scanned copy of any proof of service documents to: [dharvath@harvathlawgroup.com](mailto:dharvath@harvathlawgroup.com), and/or, if so required (I do not need a paper copy), please feel free to mail a copy to the address at the top of this letter. Please also let me know if you have any questions or need anything else in relation to these items.

AUG 2 2019

Thank you,

Daniel F. Harvath, Esq.




99



IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Judge or Division: JOSEPH ALFRED RATHERT	Case Number: 19JE-CC00485
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address DANIEL FRANCIS HARVATH 8923 LITZSINGER RD 57599 SAINT LOUIS, MO 63144
Defendant/Respondent: CONOPCO, INC.	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **SCHNUCK MARKETS INC**  
 Alias: 10 HOFFK  
 11420 LACKLAND RD.  
 ST. LOUIS, MO 63146  
 COURT SEAL OF  
  
 JEFFERSON COUNTY  
 8-07-2019 Michael E Reuter, Circuit Clerk  
 /s/ Katie Steward, Deputy Clerk  
 Further Information:

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**Sheriff's or Server's Return**

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: Mike D (name) Legal Dept (title).
- other: \_\_\_\_\_

Served at 11420 Lackland Rd St. Louis, MO 63146 (address)  
 in St. Louis (County) City of St. Louis), MO, on 8/14/19 (date) at 1:52 p (time).

A. Huntley Printed Name of Sheriff or Server A. Huntley Signature of Sheriff or Server  
 Must be sworn before a notary public if not served by an authorized officer:  
 Subscribed and sworn to before me on \_\_\_\_\_ (date).  
 My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees, if applicable**

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$_____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

19-SMCC-7480

8/12/19

RECEIVED  
 2019 AUG 12 AM 10:06  
 JEFFERSON COUNTY  
 CLERK'S OFFICE

Electronically Filed - Jeffer on - Augu t 16, 2019 - 11:52 AM

SB 9/10



IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Judge or Division: JOSEPH ALFRED RATHERT	Case Number: 19JE-CC00485
Plaintiff/Petitioner: KAREN SCHULTE	Plaintiff's/Petitioner's Attorney/Address: DANIEL FRANCIS HARVATH 8923 LITZINGER RD SAINT LOUIS, MO 63144 <i>57599</i>
Defendant/Respondent: CONOPCO, INC.	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)

The State of Missouri to: **TARGET CORPORATION**  
 Alias: *you letter* **CT CORPORATION SYSTEM 30 CT CORP**  
**120 S CENTRAL AVE 63105**  
 1000 NICOLLET MALL  
 TPS 3155  
 MINNEAPOLIS, MN 55403  
 COURT SEAL OF  
  
 JEFFERSON COUNTY  
 8-07-2019 Michael E Reuter, Circuit Clerk  
 /s/ Katie Steward, Deputy Clerk  
 Further Information:

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

other: CT CORPORATION LCW - B. LOVE (address)

Served at St. Louis County County, MO (state), AUG 14 2019 (date) at 9 AM (time).

J CONNOLLY Printed Name of Sheriff or Server  
[Signature] Signature of Sheriff or Server

Subscribed and sworn to before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

- I am: (check one)
- the clerk of the court of which affiant is an officer.
  - the judge of the court of which affiant is an officer.
  - authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
  - authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
 Total \$ \_\_\_\_\_

See the following page for directions to officer making return on service of summons.

19-SMOS-877

8/12/19



THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Case Number: 19JE-CG00488	Plaintiff's Attorney's Address: DANIEL BRANIG HARVATH 8823 LITZINGER RD SAINT LOUIS, MO 63144
Defendant's Address: P O BOX 100 200 MAIN ST HILLSBORO, MO 63120	

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri: TARGET CORPORATION  
 1000 NICOLLET MALL  
 MINNEAPOLIS, MN 55402

JEFFERSON COUNTY COURT CLERK  
 1000 NICOLLET MALL  
 MINNEAPOLIS, MN 55402

8-05-2019  
 Missouri's Chief Circuit Clerk  
 (St. Louis County, Deputy Clerk)

Plaintiff's Attorney:  
 Target Corporation  
 8823 LITZINGER RD  
 SAINT LOUIS, MO 63144

Officer's or Server's Affidavit of Service

I, \_\_\_\_\_, Sheriff of \_\_\_\_\_ County, Missouri, do hereby certify that \_\_\_\_\_ was personally served with a copy of the summons and a copy of the petition in the following manner:

- I delivered a copy of the summons and a copy of the petition to the defendant's residence at \_\_\_\_\_, a person of legal age and of sound mind, who is known to me, and I delivered a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (address).
- I delivered a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (address) who is known to me, and I delivered a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (address).
- I delivered a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (address) who is known to me, and I delivered a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (address).

Served at \_\_\_\_\_ County, Missouri, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server: \_\_\_\_\_

- Subscribed and sworn to before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).
- the clerk of the court of which I am an officer.
- the judge of the court of which I am an officer.
- authorized to administer oaths in the state in which the court is held for the summons (use for out-of-state courts).
- authorized to administer oaths (use for court-appointed server).

Service Fees:  
 Summons: \$ \_\_\_\_\_  
 Petition: \$ \_\_\_\_\_  
 Filing: \$ \_\_\_\_\_  
 Other: \$ \_\_\_\_\_

per info: \_\_\_\_\_

See the following page for directions to officer making return in service of summons.

19-2102-837

DANIEL F. HARVATH, ESQ.  
dharvath@harvathlawgroup.com



ST. LOUIS OFFICE  
75 W. Lockwood, Suite #1  
Webster Groves, MO 63119  
314-550-3717

**HARVATH LAW GROUP, LLC**  
ATTORNEYS AT LAW

August 5, 2019

St. Louis County Sheriff's Office  
Civil Process Division  
105 South Central Ave., 5<sup>th</sup> Floor  
Clayton, MO 63105

To: St. Louis County Sheriff's Office – Civil Process Division  
Re: **Service of Summons – TARGET CORPORATION**

AUG 12 2019

Dear Process Server:

Attached for service is a Summons for the Defendant in the enclosed lawsuit. Also included is a complete copy of the underlying Petition to accompany the Summons. Please complete service on the Defendant **TARGET CORPORATION, at CT Corporation System, 120 S. Central Ave., Clayton, MO 63105**

I have enclosed a check for the cost of service, for \$36.00

Please e-mail a scanned copy of any proof of service documents to: [dharvath@harvathlawgroup.com](mailto:dharvath@harvathlawgroup.com), and/or, if so required (I do not need a paper copy), please feel free to mail a copy to the address at the top of this letter. Please also let me know if you have any questions or need anything else in relation to these items.

Thank you,

Daniel F. Harvath, Esq.

RECEIVED  
AUG -9 PM 1:08  
ST. LOUIS COUNTY  
SHERIFF'S OFFICE

30 OCT 2019





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

Karen Schulte, individually and on behalf of all others similarly situated

(b) County of Residence of First Listed Plaintiff Jefferson (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Daniel F. Harvath Harvath Law Group, LLC, 75 West Lockwood, Suite #1, Webster Grove, Mo 63119; Telephone: (314) 550-3717; Fax: (314) 450-8156 Email: dharvath@harvathlawgroup.com

DEFENDANTS

Conopco, Inc. d/b/a "Unilever"

County of Residence of First Listed Defendant Outside This District (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known) James P. Muehlberger, Douglas B. Maddock, Jr. Shook, Hardy & Bacon L.L.P., 2555 Grand Blvd., Kansas City, MO 64108; Telephone: (816) 474-6550; Fax: (816) 421-5547 Email: jmuehlberger@shb.com; dmaddock@shb.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 and business location. Includes options for Citizen of This State, Citizen of Another State, and Citizen or Subject of a Foreign Country.

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal codes and descriptions.

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 - 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(a), (d) and 1441

Brief description of cause: unfair pricing practice under the Missouri Merchandising Practices Act

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 09/12/2019 SIGNATURE OF ATTORNEY OF RECORD /s/ James P. Muehlberger

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. When the petition for removal is granted, check this box.
- 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: [Missouri Class Action Targets Retailers' Alleged 'Pink Tax' Price Difference for Female-Marketed Products](#)

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