

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

JANE ZUPETZ,)
On behalf of herself and a class of)
similarly situated persons)
)
Plaintiff,)
)
v.)
)
FEDEX OFFICE AND PRINT SERVICES, INC.)
)
Defendant.)
_____)

Case No.: 3:21-CV-652-DJH

**NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. § 1441**

Pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453, Defendant FedEx Office and Print Services, Inc. (“FedEx Office”), by counsel, hereby provides notice of removal to remove the action styled as *Jane Zupetz, et al v. FedEx Office and Print Services, Inc.*, Civil Action No. 21-C-027374 from the Jefferson District Court, Kentucky to this Court. In support thereof, FedEx Office states as follows:

INTRODUCTION

1. On September 20, 2021, Plaintiff Jane Zupetz (“Ms. Zupetz”) filed a putative class action complaint (“Complaint”) against FedEx Office in the Jefferson District Court, Kentucky. (See **Exhibit A**, State Court Record, Compl.)

2. Ms. Zupetz purports to bring this action individually and on behalf of all others similarly situated, under Rule 23 of the Kentucky Rules of Civil Procedure. (See *id.*, Facts and Claims, at ¶ 10.)

3. Ms. Zupetz alleges that she “brings this action as a class action on behalf of all individuals who purchased overnight delivery services from FedEx Office in Kentucky, where the

package or letter was not timely delivered, and where no refund was provided by FedEx.” (*See id.* at ¶ 9.) Ms. Zupetz further alleges that these individuals are similarly situated to Ms. Zupetz.

SUMMARY OF ALLEGATIONS

4. Ms. Zupetz claims that she went to a Kentucky FedEx Office store and purchased overnight delivery service for a letter she wanted to send. (*See id.* at ¶¶ 2-3.)

5. Ms. Zupetz claims that because of FedEx Office’s promise and representation that it would deliver the letter the next day, she paid for the overnight delivery service. (*See id.* at ¶¶ 3-4.)

6. Based on the alleged delay in delivering her package, Ms. Zupetz brings a claim on her own behalf and seeks to do so on behalf of others who sent overnight packages from a FedEx Office location in Kentucky that arrived late and were not refunded. (*See id.* at ¶ 9.)

7. Ms. Zupetz seeks an award for herself and each member of the class, including but not limited to compensatory damages, pre-judgment and post-judgment interest. (*See id.* at p. 3.)

8. Ms. Zupetz further seeks reasonable attorneys’ fees and costs of this action and all other relief the Court deems appropriate, and Ms. Zupetz made a jury demand. (*See id.*)

NOTICE OF REMOVAL IS TIMELY

9. Service of the Summons and Complaint in this matter were made upon FedEx Office on September 24, 2021. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons, Complaint, and entire state court record is attached as **Exhibit A**.

10. Other than the filings attached as Exhibit A, no other proceedings have occurred in state court, and no other pleadings have been served. A copy of the Jefferson District Court online Docket Sheet is attached as **Exhibit B**.

11. In accordance with 28 U.S.C. § 1446(d), FedEx Office is promptly notifying Ms. Zupetz, through her counsel, that this case has been removed to this Court pursuant to this Notice of Removal. FedEx Office is also filing a copy of this Notice of Removal with the Jefferson District Court.

12. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because removal has occurred within 30 days of receipt by FedEx Office of the Summons and Complaint.

REMOVAL IS PROPER

13. The Class Action Fairness Act of 2005 (“CAFA”) provides that a federal district court shall have original jurisdiction of any “class action” in which: (a) there are 100 or more members in the proposed class; (b) any member of the proposed class is a citizen of a State different from any defendant; and (c) the amount placed in controversy by the claims of the class members exceeds the sum or value of \$5,000,000 in the aggregate (exclusive of interests or costs).

14. This Court has original subject-matter jurisdiction over this matter because all of the criteria of 28 U.S.C. § 1332(d) are met.

15. In accordance with the pleading standard explained in *Dart Cherokee Basin Operating Co., LLC v Owens*, 574 U.S. 81, 87 (2014), FedEx Office hereby states the following grounds for removal.¹

¹ In *Dart Cherokee*, the Supreme Court held:

[A] defendant seeking to remove a case to federal court must file in the federal forum a notice of removal “containing a short and plain statement of the grounds for removal.” §1446(a). By design, §1446(a) tracks the general pleading requirement stated in Rule 8(a) of the Federal Rules of Civil Procedure. . . . The legislative history of §1446 (a) is corroborative. Congress, by borrowing the familiar “short and plain statement,” standard from Rule 8(a), intended to “simplify the ‘pleading’ requirements for removal” and to clarify that courts should “apply the same liberal rules [to removal allegations] that are applied to other matters of pleading”. . . .

Id. at 87 (internal citations omitted).

16. CAFA defines the term “class action” as “any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action.” 28 U.S.C. § 1332(d)(1)(B).

17. This action is a “class action” because it was filed under Rule 23 of the Kentucky Rules of Civil Procedure, which is similar to Rule 23 of the Federal Rules of Civil Procedure. *See* Compl., Exhibit A. Therefore, Ms. Zupetz’s case falls within the definition of a “class action” as contained in CAFA.

18. Ms. Zupetz does not identify a precise number of putative class members but alleges that the class is so numerous that joinder of all members is impracticable, and she broadly defines the class as consisting of “all individuals who purchased overnight delivery services from FedEx Office in Kentucky, where the package or letter was not timely delivered, and where no refund was provided by FedEx.” (*See id.* at ¶¶ 9, 11.)

19. Ms. Zupetz does not allege any time limitation on her class, and therefore, FedEx Office bases its allegations on the applicable statute of limitation period.

20. More than 100 individuals fall into this category during the applicable statute of limitation period.

21. Therefore, this action meets the requirements of 28 U.S.C. § 1332(d)(5)(B).

B. There is Diversity of Citizenship Among the Parties

22. CAFA’s minimal diversity of citizenship requirement is set forth in 28 U.S.C. § 1332(d)(2) and provides that a court shall have jurisdiction if any member of a class of plaintiffs is a citizen of a State different from any defendant.

23. FedEx Office was at the time of filing of the civil action and is now a Texas corporation with its principal place of business at 7900 Legacy Dr. Plano, Texas 75024. FedEx Office is not now, and was not at the time the Complaint was filed, a citizen of the Commonwealth of Kentucky within the meaning of the Acts of Congress relating to the removal of cases.

24. Ms. Zupetz alleges that at the time of the filing of the Complaint she was an individual having a legal residence in Kentucky and is therefore a citizen of Kentucky. (Exhibit A, Compl., Parties and Jurisdiction, at ¶ 5.)

25. Consequently, diversity of citizenship exists between FedEx Office and Ms. Zupetz, and the minimal diversity requirement of 28 U.S.C. § 1332(d)(2).

C. The Aggregate Amount in Controversy for the Putative Class Exceeds \$5,000,000

26. CAFA provides that a federal district court shall have original jurisdiction over a putative class action where the claims of the individual class members, when aggregated, exceed the sum of \$5,000,000, exclusive of interest and costs. 28 U.S.C. § 1332(d)(6).²

27. Ms. Zupetz claims that as a result of the purported breach, Ms. Zupetz and her class members may recover compensatory damages, interest, costs, and attorneys' fees.

28. Ms. Zupetz claims that the breach damaged her in the amount of \$39.00.

² In *Dart Cherokee*, 574 U.S. at 87-88, the Supreme Court explained the standard for pleading amount in controversy in a CAFA removal:

When a plaintiff invokes federal-court jurisdiction, the plaintiff's amount-in-controversy allegation is accepted if made in good faith. Similarly, when a defendant seeks federal-court adjudication, the defendant's amount-in-controversy allegation should be accepted when not contested by the plaintiff or questioned by the court.

* * *

In sum, as specified in §1446(a), a defendant's notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold. Evidence establishing the amount is required by §1446(c)(2)(B) only when the plaintiff contests, or the court questions, the defendant's allegation.

29. While FedEx Office specifically denies that Ms. Zupetz has properly identified a viable class, using Ms. Zupetz's stated class definition, Ms. Zupetz includes every transaction in Kentucky where an individual paid overnight shipping service for a package that arrived late and no refund was provided during the statute of limitation period.

30. The amount paid (minus the cost of a stamp) for overnight shipping services by individuals in Kentucky where packages or letters arrived late and who received no refund exceeds \$5,000,000 for the relevant period of Ms. Zupetz's proposed class.

31. The number of packages and letters falling into this category multiplied by the cost of those letters and packages (minus the cost of a stamp) exceeds the minimum \$5,000,000 for removal under CAFA.

32. FedEx Office disputes that Ms. Zupetz and the putative class members may bring this action. FedEx Office further denies any liability for this action and contends that no recovery may be achieved under the claim in the Complaint.

33. FedEx Office further denies any liability for this action and contends that no recovery may be achieved under the claim in the Complaint

34. Consequently, however, Ms. Zupetz's allegations place an amount in controversy for the class, in the aggregate, well in excess of the \$5,000,000 jurisdictional amount required by CAFA.

D. No CAFA Exceptions Apply

35. Although CAFA has provisions under which the District Court may or shall decline jurisdiction, no statutory exception to CAFA jurisdiction applies in this case. 28 U.S.C. § 1332(d)(3) and (4).

36. Section 1332(d)(3), (the “interest of justice” exception) does not apply because, among other reasons, FedEx Office, the lone defendant, is not a citizen of the State where the action was originally filed.

37. Section 1332(d)(4)(A), (the “local controversy” exception) does not apply because, among other reasons, FedEx Office, the lone defendant, is not a citizen of the State where the action was originally filed.

38. Section 1332(d)(4)(A), (the “home state” exception) does not apply because, among other reasons, FedEx Office, the lone defendant, is not a citizen of the State where the action was originally filed.

39. This action is not described in 28 U.S.C. § 1332 or § 1453 as being non-removable.

40. All of the prerequisites for removal have been met. If any questions arise as to the propriety of the removal of this action, FedEx Office requests the opportunity to present briefing, argument and further evidence necessary to support its position that this case is removable.

VENUE

41. Venue for removal is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place in which the State court action was pending.

42. This action is not an action described in 28 U.S.C. § 1445.

43. Pursuant to 28 U.S.C. § 1446(d), a Notice of Filing and a copy of this Notice of Removal are also being simultaneously filed with the Jefferson District Court, Kentucky, a copy of which, without exhibits, is attached hereto as Exhibit C, and this Notice of Removal is being served per the Certificate of Service

RESERVATION OF RIGHTS

44. FedEx Office denies the allegations contained in Ms. Zupetz's Complaint. FedEx Office files this Notice of Removal without waiving any defenses, objections, exceptions, or obligations that may exist in its favor in either State or federal court.

45. Further, in making the allegations in this Notice of Removal, FedEx Office does not concede in any way that the allegations in the Complaint are accurate, that Ms. Zupetz has asserted claims upon which relief can be granted, or that recovery of any of the amounts sought is authorized or appropriate. FedEx Office also does not concede that class certification is appropriate or that the class definition is proper. FedEx Office reserves the right to challenge the putative class at the appropriate time.

46. FedEx Office reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, all of the prerequisites for removal have been met. FedEx Office respectfully removes this action from the Jefferson District Court, Kentucky to the United States District Court for the Western District of Kentucky as provided by law.

Respectfully submitted,

/s/ R. Kenyon Meyer

R. Kenyon Meyer

Philip E. Cecil

DINSMORE & SHOHL LLP

101 South Fifth Street, Suite 2500

Louisville, Kentucky 40202

(502) 540-2360

(502) 585-2207 (Fax)

kenyon.meyer@dinsmore.com

philip.cecil@dinsmore.com

Counsel for Defendant FedEx Office and Print Services, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal was served by electronic mail, this 25th day of October 2021, upon:

Joshua T. Rose
Abell Rose LLC
108 S. Madison Ave
Louisville, KY 40243
Counsel for Plaintiff

/s/ R. Kenyon Meyer
*Counsel for Defendant FedEx Office and Print
Services, Inc.*

CASE NO. _____

JEFFERSON DISTRICT COURT
CIVIL DIVISION
JUDGE _____

JANE ZUPETZ

PLAINTIFF

On behalf of herself and a Class
of similarly situated persons

v.

FEDEX OFFICE AND PRINT SERVICES, INC.

DEFENDANT

*** **

CLASS ACTION COMPLAINT AND JURY DEMAND

Plaintiff, Jane Zupetz (“Jane”), alleges as follows against Defendant, FedEx Office and Print Services, Inc. (“FedEx”).

PARTIES and JURISDICTION

1. FedEx is a Texas corporation that does substantial business in the Commonwealth of Kentucky and Jefferson County.
2. The conduct on which this lawsuit is based occurred in Jefferson County Kentucky and in other counties in Kentucky where Defendant sells overnight delivery services.
3. Defendants are subject to the personal jurisdiction of this Court.
4. The amount in controversy exceeds the minimal jurisdictional amounts of this Court, and jurisdiction in this Court is otherwise proper.
5. Jane is a resident of Jefferson County Kentucky, and venue in this Court is proper.

FACTS AND CLAIMS

1. On February 24, 2021, Jane visited the FedEx store at 4402 Shelbyville Road in Louisville.

2. FedEx represented and promised that it would deliver a letter for Jane “standard overnight” to be delivered the next day, February 25, 2021.

3. Based on FedEx’s promise and representation, Jane agreed to purchase the overnight delivery service and paid FedEx \$39.60 to deliver the letter.

4. Without such promise and representation, Jane would have simply bought a stamp for \$.60 and put the letter in the U.S. mail.

5. The letter was not delivered the next day as promised. In fact, it was delivered 4 days later.

6. Within days, Jane called FedEx to demand a refund, but FedEx refused to give her a refund.

7. FedEx breached its agreement with Jane to deliver her letter overnight (i.e. the next day).

8. Jane has been damaged by that breach in the amount of \$39.00 (the purchase price less a \$.60 stamp).

9. Jane also brings this action as a class action on behalf of all individuals who purchased overnight delivery services from FedEx in Kentucky, where the package or letter was not timely delivered, and where no refund was provided by FedEx.

10. This action has been brought and may properly be maintained as a class action pursuant to Kentucky Rule of Civil Procedure 23 on behalf of Jane and all others similarly situated with the Class, as defined above.

11. Members of the Class are so numerous that their individual joinder is impracticable.

12. The claims of the representative are typical of the claims of the Class.

13. The core questions of law and fact in this case are common to Jane and Class members and include whether FedEx breached its agreements failing to timely make overnight deliveries and whether any defense common to the Class would bar Jane and the Class's claims.

14. Jane will fairly and adequately protect the interests of the Class. Jane has retained counsel with substantial experience in contract and class action claims. Jane and his counsel are committed to vigorously prosecuting this action on behalf of the Class they represent and have the financial resources to do so.

15. Neither Jane nor his counsel have any interest adverse to those of the Class.

16. A class action is superior to other available methods for the fair and efficient adjudication of the controversy. Absent a class action, the vast majority of the Class members would likely find the cost of litigating their claims prohibitive and would have no effective remedy at law. Class treatment of common questions of law and fact is superior to multiple individual actions or piecemeal litigation in that class treatment will conserve the resources of the courts and litigants and promote consistency and efficiency of adjudication.

WHEREFORE, Jane Zupetz respectfully requests that this Court:

- a. Certify the Class, appoint Jane Zupetz as the Class Representative, and appoint the undersigned counsel of record, Joshua T. Rose, as Class Counsel;
- b. Grant trial by jury;
- c. Award compensatory damages to Jane and the Class;
- d. Award pre-judgment and post-judgment interest;
- e. Award costs and attorney's fees; and
- f. Grant any and all other relief the Court or jury deem appropriate.

Respectfully submitted:

/s/ Joshua T. Rose
Joshua T. Rose
Abell Rose LLC
108 S. Madison Ave.
Louisville, KY 40243
(502) 450-5611
jrose@abellroselaw.com

Counsel for Plaintiff

AOC-E-105 Sum Code: CI
Rev. 9-14

Commonwealth of Kentucky
Court of Justice Courts.ky.gov

CR 4.02; Cr Official Form 1



CIVIL SUMMONS

NOT ORIGINAL DOCUMENT

Case #: **21-C-027374**

10/25/2021 11:04:17 AM
88968
Court: **DISTRICT**

County: **JEFFERSON Family /
District Civil**

Plaintiff, **ZUPETZ, JANE VS. FEDEX OFFICE AND PRINT SERVICES, INC**, Defendant

**TO: CT CORPORATION SYSTEM
306 WEST MAIN STREET
SUITE 512
FRANKFORT, KY 40601**

Memo: Related party is FEDEX OFFICE AND PRINT SERVICES, INC

The Commonwealth of Kentucky to Defendant:
FEDEX OFFICE AND PRINT SERVICES, INC

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Jefferson Circuit Clerk
Date: **9/20/2021**

Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

Not Served because: _____

Date: _____, 20____

Served By

Title

Summons ID: @00002037237
DISTRICT: 21-C-027374 Certified Mail
ZUPETZ, JANE VS. FEDEX OFFICE AND PRINT SERVICES, INC



Presiding Judge: HON. JENNIFER LEIBSON (730064)

CI : 000001 of 000001



Commonwealth of Kentucky
David L. Nicholson, Jefferson Circuit Clerk

NOT ORIGINAL DOCUMENT
 10/25/2021 12:20:56 PM
 88910

Case #: 21-C-027374

Envelope #: 3874843

Received From: JOSHUA ROSE

Account Of: JOSHUA ROSE

Case Title: ZUPETZ, JANE VS. FEDEX OFFICE AND PRINT **Confirmation Number:** 131973403

SERVICES, INC
 Filed On 9/20/2021 3:55:49PM

#	<u>Item Description</u>	<u>Amount</u>
1	Access To Justice Fee	\$10.00
2	Civil Filing Fee	\$40.00
3	Money Collected For Others(Court Tech. Fee)	\$20.00
4	Money Collected For Others(Attorney Tax Fee)	\$2.50
5	Library Fee	\$3.00
6	Charges For Services(Jury Demand / 6)	\$40.00
7	Money Collected For Others(Postage)	\$13.33
8	Charges For Services(Copy - Photocopy)	\$0.60
TOTAL:		<u>\$129.43</u>



October 4, 2021

Dear ConnectSuite Inc :

The following is in response to your request for proof of delivery on your item with the tracking number: **9236 0901 9403 8349 8015 26.**

Item Details

Status:	Delivered
Status Date / Time:	September 24, 2021, 7:52 am
Location:	FRANKFORT, KY 40601
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail Restricted Delivery Return Receipt Electronic
Recipient Name:	CT CORPORATION SYSTEM

Shipment Details

Weight:	1.1oz
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Recipient Signature

Note: There is no delivery signature on file for this item.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

NO. 21-C-027374

JEFFERSON DISTRICT COURT
DIVISION TWO (2)
HON. JENNIFER LEIBSON
ELECTRONICALLY FILED

JANE ZUPETZ

PLAINTIFF

v.

ENTRY OF APPEARANCE

FEDEX OFFICE AND PRINT SERVICES, INC.

DEFENDANT

* * * * *

Please take notice that R. Kenyon Meyer of Dinsmore & Shohl LLP hereby enters his appearance as counsel of record in the above-styled action on behalf of Defendant, FedEx Office and Print Services, Inc. The undersigned counsel respectfully requests that he be included on the distribution list for all orders, pleadings, and other documentation pertaining to this matter.

Dated: October 14, 2021

Respectfully submitted,

DINSMORE & SHOHL LLP

/s/ R. Kenyon Meyer

R. Kenyon Meyer

101 South Fifth Street, Suite 2500

Louisville, KY 40202

E-mail: kenyon.meyer@dinsmore.com

Phone: (502) 540-2325

Counsel for Defendant, FedEx Office and Print Services, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October, 2021, a true and correct copy of the foregoing was electronically filed and delivered through the Kentucky Court of Justice eFiling system to:

Joshua T. Rose
Abell Rose LLC
108 S. Madison Ave
Louisville, KY 40243
(502) 450-5611
jrose@abellroselaw.com
Counsel for Plaintiff

/s/ R. Kenyon Meyer
*Counsel for Defendant, FedEx Office and Print
Services, Inc.*

NO. 21-C-027374

JEFFERSON DISTRICT COURT
DIVISION TWO (2)
HON. JENNIFER LEIBSON
ELECTRONICALLY FILED

JANE ZUPETZ

PLAINTIFF

v. **MOTION FOR EXTENSION TO RESPOND TO COMPLAINT**

FEDEX OFFICE AND PRINT SERVICES, INC.

DEFENDANT

* * * * *

NOTICE

PLEASE TAKE NOTICE that the undersigned will on Friday, October 22, 2021,
at 11:30 AM make the following motion and tender the attached order.

MOTION

Defendant, FedEx Office and Print Services, Inc., by counsel, hereby requests an
extension until October 25, 2021 to respond to Plaintiff's Complaint. Counsel for
Defendant has contacted Plaintiff's counsel, and Plaintiff has no objection to this request.

Respectfully submitted,

DINSMORE & SHOHL LLP

/s/ R. Kenyon Meyer

R. Kenyon Meyer

101 South Fifth Street, Suite 2500

Louisville, KY 40202

E-mail: kenyon.meyer@dinsmore.com

Phone: (502) 540-2325

*Counsel for Defendant, FedEx Office and Print
Services, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October, 2021, a true and correct copy of the foregoing was electronically filed and delivered through the Kentucky Court of Justice eFiling system to:

Joshua T. Rose
Abell Rose LLC
108 S. Madison Ave
Louisville, KY 40243
(502) 450-5611
jrose@abellroselaw.com
Counsel for Plaintiff

/s/ R. Kenyon Meyer
*Counsel for Defendant, FedEx Office and Print
Services, Inc.*

NO. 21-C-027374

JEFFERSON DISTRICT COURT
DIVISION TWO (2)
HON. JENNIFER LEIBSON
ELECTRONICALLY FILED

JANE ZUPETZ

PLAINTIFF

v.

ORDER

FEDEX OFFICE AND PRINT SERVICES, INC.

DEFENDANT

* * * * *

Upon motion of the Defendant, the time to respond to the complaint is hereby extended to October 25, 2021.

Date: _____

HON. JENNIFER LEIBSON
Judge, Jefferson District Court, Division Two (2)

Submitted by:

/s/ R. Kenyon Meyer
R. Kenyon Meyer
DINSMORE & SHOHL LLP
101 South Fifth Street, Suite 2500
Louisville, KY 40202
E-mail: kenyon.meyer@dinsmore.com
Phone: (502) 540-2325
Counsel for Defendant, FedEx Office and Print Services, Inc.

TD : 000001 of 000001



21-C-027374

ZUPETZ, JANE VS. FEDEX OFFICE AND PRINT SERVICES, INC

JEFFERSON FAM CRT/CIV DISTRICT DISTRICT COURT

Filed on **09/20/2021** as **BUYER PLAINTIFF SERVICES** with **HON. JENNIFER LEIBSON**

*** NOT AN OFFICIAL COURT RECORD ***

Case Memo

21-C-027374

BUYER PLAINTIFF/SERVICES

Parties

21-C-027374

FEDEX OFFICE AND PRINT SERVICES, INC as DEFENDANT / RESPONDENT

Memo

Registered Agent of Service exists.

Address

7900 LEGACY DRIVE
PLANO TX 75024

Summons

CIVIL SUMMONS issued on **09/20/2021** served / recalled on **09/24/2021** by way of **CERTIFIED MAIL**
9236090194038349801526Successful

ZUPETZ, JANE as PLAINTIFF / PETITIONER

MEYER, ROBERT KENYON as ATTORNEY FOR DEFENDANT

Address

DINSMORE & SHOHL LLP
101 S. FIFTH STREET, SUITE 2500
LOUISVILLE KY 40202

MEYER, ROBERT KENYON as ATTORNEY FOR DEFENDANT

Address

DINSMORE & SHOHL LLP
101 S. FIFTH STREET, SUITE 2500
LOUISVILLE KY 40202

ROSE, JOSHUA as ATTORNEY FOR PLAINTIFF

Address

ABELL ROSE, LLC
108 S. MADISON AVE.
LOUISVILLE KY 40243

CT CORPORATION SYSTEM as REGISTERED AGENT OF SERVICE

Memo

Related party is FEDEX OFFICE AND PRINT SERVICES, INC

Address

306 WEST MAIN STREET
SUITE 512
FRANKFORT KY 40601

Documents	21-C-027374
COMPLAINT / PETITION filed on 09/20/2021	
ENTRY OF APPEARANCE filed on 10/14/2021 <i>ENTRY OF APPEARANCE</i>	
TENDERED DOCUMENT filed on 10/14/2021 <i>ORDER FOR EXTENSION</i>	
ORDER FOR EXTENSION OF TIME entered on 10/25/2021 <i>upon motion of the defendant, the time to respond to the complaint is hereby extended to october 29, 2021</i>	

Events	21-C-027374
<p>MOTION HOUR scheduled for 10/22/2021 11:30 AM in room 308 with HON. JENNIFER LEIBSON <i>Remote or in-person court attendanceZoom: Meeting ID 789 335 2944Password 308. Phone: 1-312-626-6799.Meeting ID 789 335 2944, Participant ID 308.Or visit www.jeffersondistrictcourt.com</i></p> <div style="border: 1px dashed gray; padding: 5px; margin: 5px 0;"> <p>Super Memo 10/25/2021 ATTY PRESENT AP RO SE, JOSHUA @00001961296; ADD DOCUMENT ORDER FOR EXTENSION OF TIME 10/25/2021 {UPON MOTION OF THE DEFENDANT, THE TIME TO RESPOND to the complaint is hereby extended to october 29, 2021}</p> </div> <div style="border: 1px dashed gray; padding: 5px; margin: 5px 0;"> <p>Motions <ul style="list-style-type: none"> • MOTION FOR EXTENSION OF TIME filed on 10/14/2021 by AD </p> </div>	

Images	21-C-027374
COMPLAINT / PETITION filed on 09/20/2021 <i>Page(s): 4</i>	
SUMMONS filed on 09/20/2021 <i>Page(s): 1</i>	
COURTESY FINANCIAL TRANSACTION REPORT filed on 09/20/2021 <i>Page(s): 1</i>	
SUMMONS - RETURN OF SERVICE filed on 10/05/2021 <i>Page(s): 1</i>	
ENTRY OF APPEARANCE filed on 10/14/2021 <i>Page(s): 2</i>	
MOTION FOR EXTENSION OF TIME filed on 10/14/2021 <i>Page(s): 2</i>	
TENDERED DOCUMENT filed on 10/14/2021 <i>Page(s): 1</i>	

**** End of Case Number : 21-C-027374 ****

NO. 21-C-027374

JEFFERSON DISTRICT COURT
DIVISION TWO (2)
HON. JENNIFER LEIBSON
ELECTRONICALLY FILED

JANE ZUPETZ

PLAINTIFF

v.

NOTICE OF FILING NOTICE OF REMOVAL

FEDEX OFFICE AND PRINT SERVICES, INC.

DEFENDANT

* * * * *

NOTICE

Please take notice that Defendant FedEx Office and Print Services, Inc. (“FedEx Office”), has filed a Notice of Removal with the clerk of the United States District Court for the Western District of Kentucky, Louisville Division. A true and correct copy of the Notice of Removal, without exhibits, is filed with this Court pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453 and attached hereto as **Exhibit A**.

Respectfully submitted,

DINSMORE & SHOHL LLP

/s/ R. Kenyon Meyer

R. Kenyon Meyer

101 South Fifth Street, Suite 2500

Louisville, KY 40202

E-mail: kenyon.meyer@dinsmore.com

Phone: (502) 540-2325

*Counsel for Defendant, FedEx Office and Print
Services, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October, 2021, a true and correct copy of the foregoing was electronically filed and delivered through the Kentucky Court of Justice eFiling system to:

Joshua T. Rose
Abell Rose LLC
108 S. Madison Ave
Louisville, KY 40243
(502) 450-5611
jrose@abellroselaw.com
Counsel for Plaintiff

/s/ R. Kenyon Meyer

*Counsel for Defendant, FedEx Office and Print
Services, Inc.*

ClassAction.org

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