

(Post. 11/19/19)

CIVIL DRAW SHEET

Date Filed: May 25, 2021

Docket Clerk: BD

Case Number: 3:21-cv-104

District Judge: Kristine G. Baker

Magistrate Judge: Joe J. Volpe

Case Style: Coy's Honey Farm, Inc. v. Bayer Corporation, et al

Division: Northern

District Judge drawn from Assignment Deck

- ☒ Civil
- ☐ Discrimination and Title VII
- ☐ Social Security
- ☐ Prisoner
- ☐ Bankruptcy
- ☐ Pine Bluff Death Penalty
- ☐ Miscellaneous Case Matters

Magistrate Judge drawn from Assignment Deck

- ☒ Magistrate Case Matters
- ☐ Magistrate Social Security Referral
- ☐ Magistrate Prisoner 1983 & 550
- ☐ Magistrate Prisoner Habeas

Summons Issued: ☒ Yes ☐ No

If yes, Names of Defendants: all

Notice of Right to Consent provided: ☒ Yes ☐ No

Court Name: EASTERN DISTRICT OF ARKANSAS
Division: 4
Receipt Number: LIT002243
Cashier ID: bddunl
Transaction Date: 05/25/2021
Payer Name: RICHARD KAYS LAW FIRM

CIVIL FILING FEE- NON-PRISONER
For: RICHARD KAYS LAW FIRM
Case/Party: D-RSE-3-21-CV-000104-001
Amount: \$402.00

CREDIT CARD
Amt Tendered: \$402.00

Total Due: \$402.00
Total Tendered: \$402.00
Change Amt: \$0.00

"Only when bank clears the check,
money order, or verifies credit of
funds is the fee or debt officially
paid or discharged. A \$53 fee will
be charged for a returned check."

CIVIL COVER SHEET

3:21-CV-104-KGB

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

COY'S HONEY FARM, INC.

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Richard H. Mays, Richard Mays Law Firm PLLC, 2226
Cottondale LN#100, Little Rock, AR 72202 (501-891-6116)

DEFENDANTS

BAYER CORPORATION, ET AL

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

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

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

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

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input checked="" type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

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):
15 USC Sec. 1125(a); Ark. Code Ann. Sec. 16-226-101, et seq.

Brief description of cause:
Damage to Property Due to Defective Product

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
\$75,000+

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE May 25 2021 SIGNATURE OF ATTORNEY OF RECORD

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAY 25 2021

JAMES W. McCORMACK, CLERK
By: [Signature]
DEP CLERK

COY'S HONEY FARM, INC.

PLAINTIFF

VS.

No. 3:21-CV-104-KGB

BAYER CORPORATION;
BAYER U.S., LLC;
BAYER CROPSCIENCE (ARKANSAS) INC.;
BASF CORPORATION; and
BASF AGRICULTURAL SOLUTIONS SEED US LLC

This case assigned to District Judge Baker
and to Magistrate Judge Noipe

DEFENDANTS

COMPLAINT

Comes the Plaintiff, Coy's Honey Farm, Inc., and for its cause of action against the Defendants, Bayer Corporation; Bayer U.S., LLC; Bayer Cropscience (Arkansas) Inc.; BASF Corporation; BASF SE; BASF Crop Protection, and BASF Agricultural Solutions Seed US LLC (collectively "BASF"); and states:

The Parties

1. Plaintiff is a corporation organized and existing under the laws of the State of Arkansas, with its principal office in Craighead County, Arkansas. Plaintiff's principal business is the commercial keeping, reproduction and use of honey bees, and the harvesting, marketing and sale of honey produced by those bees.

2. Defendant, Bayer Corporation, is a foreign for-profit corporation authorized to do business in the State of Arkansas, whose principal address is 1884 Miles Avenue, Elkhart, Indiana 46515-0040, and whose agent for service in the State of Arkansas is Corporation Service Company, 300 Spring Building – Suite 900, 300 South Spring Street, Little Rock, Arkansas 72201.

3. Defendant, Bayer U.S. LLC, is a Delaware foreign limited liability company authorized to do business in the State of Arkansas, whose principal address is 100 Bayer Road, Pittsburgh, PA 15206, and whose agent for service in the State of Arkansas is Corporation Service Company, 300 Spring Building – Suite 900, 300 South Spring Street, Little Rock, Arkansas 72201.

4. Defendant, Bayer Cropscience (Arkansas) Inc., is a New York for-profit corporation authorized to do business in the State of Arkansas, whose address is 2 T.W. Alexander Drive, Durham, N.C. 27709, and whose agent for service in the State of Arkansas is Corporation Service Company, 300 Spring Building – Suite 900, 300 South Spring Street, Little Rock, Arkansas 72201.

5. Defendant, BASF Corporation is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 100 Park Avenue, Florham Park, New Jersey, and whose agent for service in the State of Arkansas is CT Corporation System, 124 West Capitol Avenue – Suite 1900, Little Rock, Arkansas 72201.

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