

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 use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

OPERATING ENGINEERS CONSTRUCTION INDUSTRY AND
MISCELLANEOUS PENSION FUND, derivatively on behalf of JPMORGAN
CHASE & CO.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Christine M. Mackintosh, Rebecca A. Musarra, Vivek Upadhyal,
Grant & Eisenhofer, P.A., 123 Justison Street, Wilmington, DE 19801,
(302) 622-7000

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 1332; 28 U.S.C. § 1367(a)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY [] 310 AIRPLANE [] 315 AIRPLANE PRODUCT LIABILITY [] 320 ASSAULT, LIBEL & SLANDER [] 330 FEDERAL EMPLOYERS' LIABILITY [] 340 MARINE [] 345 MARINE PRODUCT LIABILITY [] 350 MOTOR VEHICLE [] 355 MOTOR VEHICLE PRODUCT LIABILITY [] 360 OTHER PERSONAL INJURY [] 362 PERSONAL INJURY - MED MALPRACTICE	FORFEITURE/PENALTY [] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY [] 365 PERSONAL INJURY PRODUCT LIABILITY [] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY [] 370 OTHER FRAUD [] 371 TRUTH IN LENDING	BANKRUPTCY [] 625 DRUG RELATED SEIZURE OF PROPERTY [] 690 OTHER PROPERTY RIGHTS [] 820 COPYRIGHTS [] 830 PATENT [] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION [] 840 TRADEMARK	OTHER STATUTES [] 422 APPEAL 28 USC 158 [] 423 WITHDRAWAL 28 USC 157 SOCIAL SECURITY [] 861 HIA (1395ff) [] 862 BLACK LUNG (923) [] 863 DIWC/DIWV (405(g)) [] 864 SSID TITLE XVI [] 865 RSI (405(g)) FEDERAL TAX SUITS [] 870 TAXES (U.S. Plaintiff or Defendant) [] 871 IRS-THIRD PARTY 26 USC 7609 SECURITY ACT (ERISA)	OTHER STATUTES [] 375 FALSE CLAIMS [] 376 QUI TAM [] 400 STATE REAPPORTIONMENT [] 410 ANTITRUST [] 430 BANKS & BANKING [] 450 COMMERCE [] 460 DEPORTATION [] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) [] 480 CONSUMER CREDIT [] 485 TELEPHONE CONSUMER PROTECTION ACT [] 490 CABLE/SATELLITE TV [] 850 SECURITIES/COMMODITIES/EXCHANGE [] 890 OTHER STATUTORY ACTIONS [] 891 AGRICULTURAL ACTS [] 893 ENVIRONMENTAL MATTERS [] 895 FREEDOM OF INFORMATION ACT [] 896 ARBITRATION [] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION [] 950 CONSTITUTIONALITY OF STATE STATUTES
	ACTIONS UNDER STATUTES		PRISONER PETITIONS [] 463 ALIEN DETAINEE [] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	IMMIGRATION [] 462 NATURALIZATION APPLICATION [] 465 OTHER IMMIGRATION ACTIONS		
	CIVIL RIGHTS		[] 530 HABEAS CORPUS [] 535 DEATH PENALTY [] 540 MANDAMUS & OTHER	[] 790 OTHER LABOR LITIGATION [] 791 EMPL RET INC SECURITY ACT (ERISA)		
REAL PROPERTY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)					
	[] 441 VOTING [] 442 EMPLOYMENT [] 443 HOUSING/ACCOMMODATIONS [] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	PRISONER CIVIL RIGHTS [] 550 CIVIL RIGHTS [] 555 PRISON CONDITION [] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT				
	[] 446 AMERICANS WITH DISABILITIES - OTHER [] 448 EDUCATION					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Jed S. Rakoff (22-10019 and, DOCKET NUMBER 22-10904)

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN *x* IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
			<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)			
<input type="checkbox"/> a. all parties represented						
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN *x* IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input type="checkbox"/> 3 FEDERAL QUESTION	<input checked="" type="checkbox"/> 4 DIVERSITY (U.S. NOT A PARTY)
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IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [x] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[x] 2	[x] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Operating Engineers Construction Industry and Miscellaneous Pension Fund
c/o Grant & Eisenhofer P.A.

123 Justison Street
Wilmington, Delaware 19801

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

See separate sheet

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

s/ Rebecca A. Musarra

DATE 05/09/2023

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[x] YES (DATE ADMITTED Mo. 05 Yr. 2010)
Attorney Bar Code # RM3781

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

OPERATING ENGINEERS
CONSTRUCTION INDUSTRY AND
MISCELLANEOUS
PENSION FUND,

Plaintiff,

v.

JAMES DIMON, ASHLEY BACON,
LINDA B. BAMMANN, JAMES A. BELL,
JOHN H. BIGGS, CRANDALL C.
BOWLES, STEPHEN B. BURKE, TODD A.
COMBS, DAVID M. COTE, JAMES S.
CROWN, MARY C. ERDOES, TIMOTHY
P. FLYNN, ELLEN V. FUTTER,
MELLODY HOBSON, JOHN J. HOGAN,
LABAN P. JACKSON, JR., JOHN W.
KESSLER, ROBERT I. LIPP, RICHARD A.
MANOOGIAN, MICHAEL A. NEAL,
DAVID C. NOVAK, LEE R. RAYMOND,
JAMES E. STALEY, WILLIAM C.
WELDON, and BARRY L. ZUBROW,

Case Number:

Defendants,

and

JPMORGAN CHASE & CO.,

Nominal Defendant.

SEPARATE SHEET OF DEFENDANTS/ADDRESSES

James Dimon
1185 Park Ave.
Manhattan, NY 10128-1308
New York County

Ashley Bacon
15 Andrews Rd.
Greenwich, CT 06830-4711
Fairfield County

Linda B. Bammann
9295 NW Highway 225A
Ocala, FL 34482-7348
Marion County

James A. Bell
13800 Mulholland Dr.
Beverly Hills, CA 90210-1130
Los Angeles County

John H. Biggs
1 McKnight Place Apt 251
Saint Louis, MO 63124-1983
St. Louis County

Crandall C. Bowles
1042 Highway 160 W
Fort Mill, SC 29715
York County

Stephen B. Burke
3300 Anderson Ln
Dillon, MT 59725-9572
Beaverhead County

Todd A. Combs
206 Fairacres Rd.
Omaha, NE 68132-2706
Douglas County

David M. Cote
7869 Route 82
Pine Plains, NY 12567-5265
Dutchess County

James S. Crown
65 E Goethe St. Unit 6NE
Chicago, IL 60610-2628
Cook County

Mary Callahan Erdoes
101 20th St.
Miami Beach, FL 33139-1903
Miami-Dade County

Timothy P. Flynn
4510 W. Cush Canyon Loop
Marana, AZ 85658-4430
Pima County

Ellen V. Futter
79 E 79th St., Unit 2
New York, NY 10075-0202
New York County

Mellody Hobson
800 N Michigan Ave., Apt 4802
Chicago, IL 60611-2155
Cook County

John James Hogan
10620 Gulf Shore Dr. Apt 502
Naples, FL 34108-4036
Collier County

Laban P. Jackson, Jr.
2261 Central Ave.
Harbor Springs, MI 49740-8309
Emmet County

John W. Kessler
220 Market St. Ste 200
New Albany, OH 43054-9031
Franklin County

Robert I. Lipp
1158 5th Ave., Apt 12A
New York, NY 10029-6917
New York County

Richard A. Manoogian
15520 Windmill Pointe Dr.
Grosse Pointe Park, MI 48230-1857
Wayne County

Michael A. Neal
3510 Fort Charles Dr.
Naples, FL 34102-7931
Collier County

David C. Novak
110 Ox Pasture Rd.
Southampton, NY 11968-4566
Suffolk County

Lee R. Raymond
1400 Hawthorn Way
Westlake, TX 76262-9033
Tarrant County

James E. Staley
930 Park Ave.
New York, NY 10028-0209
New York County

William C. Weldon
1264 Lake Worth Ln.
North Palm Beach, FL 33408-2905
Palm Beach County

Barry L. Zubrow
1100 S Flagler Dr., Unit 1601
West Palm Beach, FL 33401-6540
Palm Beach County