

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

ANDREW L. COLBORN,
Plaintiff

NETFLIX, INC.,
CHROME MEDIA, LLC, f/k/a
SYNTHESIS FILMS, LLC,
LAURA RICCIARDI, and
MOIRA DEMOS,

Case No. 19-CV-484

Defendants.

RENEWED JURY DEMAND

Plaintiff demanded a trial by jury in his original Complaint filed in the Circuit Court for Manitowoc County, Wisconsin, prior to removal of this action. Dkt #1-1, p. 16. It is Plaintiff's position that renewal of the demand should not be necessary. *See, e.g., Thomas v. Home Depot USA, Inc.*, 661 Fed. Appx. 575, 577-78 (11th Cir. 2016) (jury demand made in original Complaint governs throughout proceedings).

Nonetheless, in an abundance of caution, **Plaintiff hereby renews and reaffirms his prior demand and again demands a trial by jury of all issues so triable.**

Plaintiff's renewed demand is made within the time allowed for jury demands pursuant to Federal Rule of Civil Procedure 38(b)(1), which would govern if, for any reason, the demand made in the original Complaint did not control the issue. Wright & Miller, *Federal Practice* §2319, at 142 (Rule 38 governs jury demands if pleadings not complete at time of removal, in the absence of demand prior to removal); *Stewart v. RCA Corp.*, 790 F.2d 624, 629 (7th Cir. 1986) (Under Rule 38, Plaintiff may demand jury trial any time prior to time Defendant files an answer plus the additional period specified by Rule 38(b)(1) subsequently amended from 10 to 14 days)).

Dated this 16th day of January, 2020.

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.
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