

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BARRY LEE SMALLEY,

Petitioner,

v.

THE PROCTER & GAMBLE  
COMPANY,

Respondent.  
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ORDER

06-C-0295-C

On June 16, 2006, I issued an order instructing petitioner Barry Lee Smalley to submit an affidavit answering certain questions concerning diversity jurisdiction. I advised petitioner that if he could satisfy the court that diversity jurisdiction exists, I would grant him leave to proceed on his state law claim of negligence against respondent The Procter & Gamble Company. Petitioner has submitted an affidavit setting forth information sufficient to establish that he is domiciled in the state of Wisconsin and therefore is a citizen of Wisconsin for the purpose of diversity jurisdiction. Accordingly, I will grant him leave to proceed in forma pauperis against respondent.

## ORDER

IT IS ORDERED that

1. Petitioner Barry Lee Smalley is GRANTED leave to proceed on his state law claim that respondent The Procter & Gamble Company was negligent when it failed to warn that its “Joy Dish Soap” should not be used for bathing.

2. For the remainder of this lawsuit, petitioner must send respondent a copy of every paper or document that he files with the court. Once petitioner has learned what lawyer will be representing respondent, he should serve the lawyer directly rather than respondent. The court will disregard any documents submitted by petitioner unless petitioner shows on the court’s copy that he has sent a copy to respondent or to respondent’s attorney.

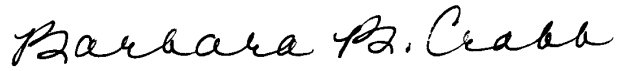
3. Petitioner should keep a copy of all documents for his own files. If petitioner does not have access to a photocopy machine, he may send out identical handwritten or typed copies of his documents.

4. A completed Marshals Service form and summons will be forwarded with a copy of petitioner’s complaint to the United States Marshal for service on the respondent.

5. The unpaid balance of petitioner Barry Lee Smalley's filing fee is \$337.44; petitioner is obligated to pay this amount when he has the means to do so, as described in 28 U.S.C. § 1915(b)(2).

Entered this 30th day of June, 2006.

BY THE COURT:

A handwritten signature in cursive script that reads "Barbara B. Crabb".

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BARBARA B. CRABB  
District Judge