

Edgar Filing: MIDDLEBY CORP - Form 8-K

MIDDLEBY CORP  
Form 8-K  
April 07, 2005

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): APRIL 6, 2005

THE MIDDLEBY CORPORATION  
(Exact Name of Registrant as Specified in its Charter)

DELAWARE	1-9973	36-3352497
(State or Other Jurisdiction of Incorporation)	(Commission File Number)	(IRS Employer Identification No.)

1400 TOASTMASTER DRIVE, ELGIN, ILLINOIS 60120  
(Address of Principal Executive Offices) (Zip Code)

(847) 741-3300  
(Registrant's telephone number, including area code)

N/A  
(Former Name or Former Address, if Changed Since Last Report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

ITEM 8.01 OTHER EVENTS.

On April 6, 2005, a Current Report on Form 8-K (the "Misfiled Form 8-K") was erroneously filed with the Securities and Exchange Commission (the "SEC") by an unaffiliated third party who inadvertently caused the filing to occur under The Middleby Corporation's (the "Company") filing numbers. The Misfiled Form 8-K pertained to changes in management of an unrelated third party known as Packaging Dynamics Corporation.

None the Company, its officers, directors or employees were aware of, and none of such persons authorized the filing of, the Misfiled 8-K

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under the Company's name or filing numbers. When the Company became aware of the Misfiled Form 8-K, it notified the SEC of the situation and requested that the Misfiled Form 8-K be removed from the EDGAR system as soon as practicable.

### SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

THE MIDDLEBY CORPORATION

Dated: April 6, 2005

By: /s/ Timothy J. FitzGerald

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Timothy J. FitzGerald  
Vice President and Chief Financial Officer