

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

2014 JUN 10 PM 3:44

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS, FLORIDA

SUSAN GRACE STOKES, Individually on :  
Behalf of Herself and All Others Similarly :  
Situating. :

Plaintiff. :

v. :

SENSA PRODUCTS, LLC; and DOFS 1- :  
10, Inclusive. :

Defendants. :

Case No. :

CLASS ACTION COMPLAINT

2:14-cv-00322-SPC-CM

**PLAINTIFF SUSAN GRACE STOKES' COMPLAINT  
AND REQUEST FOR INJUNCTIVE RELIEF**

Plaintiff Susan Grace Stokes, individually and on behalf of all others similarly situated, alleges the following on information and belief:

**I. INTRODUCTION**

1. Sensa is a line of weight loss products marketed to the public as a way of losing weight without dieting. The Sensa product is a crystalline substance ("Sensa Products") that consumers are instructed to sprinkle on their food and which will cause them to lose weight. Sensa is marketed to the public through a variety of means, including television, radio, and print media. It is also marketed on-site in stores. Over and over, the public is told that Sensa Products provide significant and proven weight

loss benefits, including “Without Dieting.”<sup>1</sup> Sadly, Defendant’s claims are not true. Use of Sensa Products without dieting or lifestyle changes does not lead to weight loss. Recently, Defendant had to pay \$26.5 million to FTC in 2014 to settle charges over the Sensa Products.

2. Plaintiff brings this class action lawsuit to enjoin the ongoing deception of thousands of Florida consumers by Defendant, and to recover the money taken by this unlawful practice.

## II. THE PARTIES

3. Plaintiff Susan Grace Stokes is a resident of Florida and purchased and used Defendant’s Sensa Products from 2009 - 2013. Plaintiff spent approximately \$5,000 on Sensa Products. Plaintiff was exposed to and relied on Defendant’s representations regarding the weight loss efficacy of the Sensa Products, as detailed herein, and but for those representations, Plaintiff would not have purchased the Sensa Products. The Sensa Products do not provide the promised benefits. Had Plaintiff known the truth about Defendant’s product at the time of her purchase, she would not have purchased the Sensa Products. By purchasing the falsely advertised Sensa Products, Plaintiff suffered injury-in-fact and lost money.

4. Sensa Products, LLC is a Delaware limited liability company with its principal place of business and headquarters at 2301 Rosecrans Avenue, El Segundo, California 90245. Sensa Products manufactures, markets, and sells the Sensa Products across the United States.

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<sup>1</sup> See [www.sensa.com](http://www.sensa.com) (last visited May 19, 2014)

5. The true names and capacities of Defendants sued herein as DOES 1 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants by fictitious names. Each of the Defendants designated herein as a DOE is legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend this Complaint to reflect the true names and capacities of the DOE Defendants when such identities become know.

6. At all relevant times, each and every Defendant was acting as an agent and/or employee of each of the other Defendants and was acting within the course and/or scope of said agency and/or employment with the full knowledge and consent of each of the Defendants. Each of the acts and/or omissions complained of herein were alleged and made known to, and ratified by, each of the other Defendants (Sensa Products, LLC and DOE Defendants will hereafter collectively be referred to as “Defendants”).

### III. JURISDICTION AND VENUE

7. This Court has diversity jurisdiction over this class action pursuant to 28 U.S.C. § 1332, and amended by the Class Action Fairness Act of 2005, because the amount in controversy exceeds \$5,000,000, exclusive of interest and costs, and is a class action in which the members of the class are citizens of a different state than the Defendants. *See* 28 U.S.C. §1332(d)(2)(A).

8. This Court also has personal jurisdiction over Defendants because Defendants currently do business in this state.

9. Venue is proper in this jurisdiction pursuant to 28 U.S.C. § 1391, because Defendants are subject to personal jurisdiction in this district and a substantial portion of the conduct and harm complained of herein occurred in this district.

#### IV. FACTS

10. The Sensa Products are flavored powders marketed to the public by Defendants as weight-loss products that consumers may use “Without Dieting” to lose weight.<sup>2</sup> Defendants began selling the Sensa Products to the public in 2008. The persistent theme of Defendants’ marketing campaign for the Sensa Products is that by using the Sensa Products, a person may lose weight without changing anything else about their lifestyle. Consumers are told that all they need to do is “sprinkle [Sensa Products], eat, and lose weight.” The unfortunate truth is that nothing is that easy.

##### A. False Scientific Research

11. According to Defendants, the Sensa Products “work with your sense of smell and taste to help you feel full faster so you eat less and feel more satisfied.”<sup>3</sup> Defendants further claim that by sprinkling the Sensa Products on a meal, a consumer can “feel full faster without deprivation.” The full feeling caused by the Sensa Products will “caus[e] you to eat less and lose weight.”<sup>4</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> [www.sensa.com/original-sensa](http://www.sensa.com/original-sensa) (last visited January 7, 2014).

<sup>4</sup> *Id.*

12. To substantiate these fantastic claims, Defendants state that the Sensa Products are “based on over 25 years of scientific research on the science of smell and taste.”<sup>5</sup>

**B. False Website Marketing**

13. Defendants website, [www.dm.trysensa.com](http://www.dm.trysensa.com), states:

- SENSEA® helps you feel satisfied from less food without deprivation.
- SENSEA helps you kick cravings to the curb.
- TRY IT FREE! 100% SATISFACTION GUARANTEED
- Easy to use as SALT & PEPPER
- LOSE WEIGHT WITHOUT DEPRIVATION.
- Sensa® is based on 25 years of research.

These statements are false and misleading because the promised weight-loss gains are impossible without dieting or lifestyle changes.

**C. False Blog Testimonials**

14. Not satisfied with claiming the Sensa Products are based on “25 years” of research, Defendants also tout the results obtained by prior customers. These customers are paid by Sensa to advertise weight loss results. Defendants’ blog<sup>6</sup> includes a testimonial from “Fefe” who claims that the Sensa Products helped her lose 70 lbs in 11 months.

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<sup>5</sup> *Id.*

<sup>6</sup> ([blog.trysensa.com/index.php/fefe-lost-70-lbs-in-11-months](http://blog.trysensa.com/index.php/fefe-lost-70-lbs-in-11-months)) (last visited May 9, 2014)

15. However, Fefe's weight loss was not the result of only shaking Sensa Products on her meals. In very small type at the end of the blog, Fefe discloses she lost weight by using the Sensa® Inc. sensible diet. Not only that, Fefe was paid for her testimonial. Sensa paid Fefe to be a professional dieter and promote Sensa Products, but Defendants represent to the public that weight loss results may be achieved "without dieting." This is false and misleading.

**D. False Video Promotion Through TV and Internet**

16. Defendants market the Sensa Products through a variety of TV commercials, infomercials, and internet videos on YouTube. These false video promotions repeatedly state use of the Sensa Products will lead to weight loss without dietary or lifestyle changes. Plaintiff saw Defendants' TV advertising and relied on it.

17. One video on YouTube, "Sensa on the Street"<sup>7</sup>, has an announcer asking purportedly independent consumers participating in a taste-test: "What if I told you that the pizza on your right by eating it, you could actually lose weight?" The video has text appearing on-screen stating "Revolutionary Weight Loss System. When Diet & Exercise Aren't Enough."

18. Defendants produced another on-line video entitled, "Michelle's Weight Loss Story", repeating the false statements and reinforcing the deceptive message. In this video, someone states "I'm Michelle, from San Juan Capistrano, California, and I lost 40 pounds using Sensa."

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<sup>7</sup> [www.youtube.com/sensaweightloss](http://www.youtube.com/sensaweightloss).

19. In yet another YouTube video, “How Sensa Works”<sup>8</sup>, a nameless announcer states:

Announce: “How does Sensa work? As you eat, Sensa works with your sense of smell and taste to help stimulate your body’s natural hunger control switch. So one bite triggers your body into thinking that you’ve eaten more than you have. Let’s say you typically eat four slices of pizza in one sitting. Now imagine if you could feel full and satisfied from two slices, instead of your usual four. That might not sound like a major change, but suppose you had pizza for dinner every Friday night. A typical slice of cheese pizza has approximately 300 calories, so you’d save 31,200 calories in a year. You simply sprinkle Sensa on your food to help you feel full faster, curb your appetite, and reduce cravings.”

**E. Celebrity Endorsements**

20. Defendants have a series of infomercials with a “celebrity endorser”, Patti Stanger. The infomercial contains a question and answer session with the following colloquy:

Announcer: “What do you say to people that are just like, there is no way that you can tell me that this is all you do [depicting sprinkling the Sensa Products] and you’re gonna lose weight?”

Patti Stanger: “I’m sorry, the science is there. Go online, read Dr. Hirsch’s studies. It is there. And it works. You and I are living proof of it working.”

Announcer: “Absolutely.”

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<sup>8</sup> <http://www.youtube.com/watch?v=ebppfjqHaQ> (which has been viewed over 1.4 million times).

Patti Stanger: “And I don’t know why people are waiting. Pick up the phone. Call. Order it. Try it. What do you got to lose?”

**F. False and Misleading Print Advertisements**

21. Defendants’ print advertisements for its Sensa Products also repeat and reinforce the false and deceptive message of weight loss without dietary or lifestyle changes. One print advertisement states: “SENSA is clinically proven to help you lose 30 lbs. without dieting or spending all your time working out. Just sprinkle on your food, eat and lose weight!”

**G. Defendants’ Marketing Was False and Deceptive**

22. Defendants’ weight-loss promises are false and deceptive. The Sensa Products do not provide the significant weight loss benefits promised to consumers in the absence of dietary or lifestyle changes. Whereas, one of Defendants’ advertisements states “the science is there”, the Federal Trade Commission (hereafter “FTC”), has taken the opposite view stating, “the science just isn’t there”.<sup>9</sup> Sensa paid \$26.5 million to settle with the FTC over false advertising charges in 2014.

23. As the inventor, manufacturer, and distributor of Sensa Products, Defendants possess a superior position to the public to know whether its Sensa Products work as advertised. Defendants knew, but failed to disclose, that the Sensa Products do not provide the weight-loss benefits as advertised.

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<sup>9</sup> See Katy Bachman, “Sprinkle, Eat and Pay Up Big Time: Sensa Sheds \$26.5 million to Settle FTC Charges,” AdWeek Available at <http://www.adweek.com/news/advertising-branding/sprinkle-eat-and-pay-big-time-sensa-sheds-265-million-settle-ftc-charges-154781> (last visited May 9, 2014).



24. Defendants' false and deceptive marketing regarding the Sensa Products was designed to, and did, lead Plaintiff and the Class to believe that the Sensa Products could effectively cause weight-loss without dietary or lifestyle changes. Plaintiff and the Class justifiably relied on Defendants' misrepresentations. A one-month supply of the Sensa Product sells for approximately \$59. In the absence of the misrepresentation, Plaintiff and the Class would not have paid as much, if at all, for the Sensa Products.

25. Plaintiff and the Class were further damaged by relying on Defendants' misrepresentations and foregoing other healthy, effective weight-loss options.

#### **CLASS ACTION ALLEGATIONS**

26. Plaintiff brings this class action for injunctive relief, restitution, and other equitable and monetary relief on behalf of a class consisting of all persons in the United States who purchased Sensa Products at any time from 2008 until the present.

27. Excluded from the Class are Defendants, any entity in which Defendants have a controlling interest, and Defendants' officers, directors, affiliates, legal representatives, employees, co-conspirators, successors, subsidiaries, and assigns.

28. Plaintiff reserves the right to amend or modify the definition of the Class with greater specificity or further division into subclasses or limitation to particular issues as discovery and the orders of this Court warrant.

29. Members of the Class are so numerous that joinder of all members is impracticable. While the exact number of members of the Class is presently unknown, and can only be ascertained through appropriate discovery, Plaintiff believes that such individuals number in the thousands.

30. There is a well-defined community of interest in the questions of law and fact underlying the claims of each member of the Class, and these common questions predominate over any questions that may affect individual members of the Class. The common questions of fact and law include, but are not limited, the following:

a. whether information on Defendants' websites concerning Sensa Products was false, deceptive, or misleading;

b. whether representations made on Sensa Products packaging are false, deceptive, and/or misleading;

c. whether Defendants engaged in unfair, unlawful, and/or fraudulent business practices in violation of the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.201 et seq. ("FDUTPA");

d. whether Defendants defrauded consumers;

e. whether Sensa Products were materially defective in design and formulation, and unfit for their intended purpose;

f. whether Defendants breached express and/or implied warranties;  
and

g. whether Defendants were unjustly enriched.

31. Plaintiff's claims are typical of the claims of members of the Class. Plaintiff and all members of the Class have been similarly affected by Defendants' common course of conduct.

32. Plaintiff will fairly and adequately represent and protect the interests of the Class. Plaintiff has retained competent counsel with substantial experience in

handling complex class action litigation. Plaintiff and her counsel are committed to vigorously prosecuting this action on behalf of the Class.

33. Certification of this Class is appropriate because the questions of law or fact common to the respective members of the Class predominate over questions of law or fact affecting only individual members. This predominance makes class litigation superior to any other method available for the fair and efficient adjudication of these claims and provides substantial benefits.

34. Absent a class action, it would be highly unlikely that Plaintiff or any other members of the Class would be able to protect their own interests because the cost of litigation through individual lawsuits would exceed their expected recovery.

35. Certification is also appropriate because Defendants acted or refused to act on grounds generally applicable to the Class, thereby making appropriate the relief sought on behalf of the Class as a whole. Further, given the large number of consumers who purchased Sensa Products, allowing individual actions to proceed in lieu of a class action would run the risk of yielding inconsistent and conflicting adjudications.

36. A class action is a fair and appropriate method for the adjudication of the controversy, in that it will permit a large number of claims to be resolved in a single forum simultaneously, efficiently and without the unnecessary hardship that would result from the prosecution of numerous individual actions and the duplication of discovery, effort, expense and burden on the courts that such individual actions would engender. The benefits of proceeding as a class action, including providing a method for obtaining redress for claims that would not be practical to pursue individually,

outweigh any difficulties that might be argued with regard to the management of this class action.

**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY**

37. Plaintiff incorporates by reference all the above allegations as if fully set forth herein.

38. This First Cause of Action is asserted by Plaintiff on behalf of the Class under Florida law.

39. Plaintiff purchased Sensa Products and is in privity with Defendants.

40. Defendants sold Sensa Products to Plaintiff while knowing that they were defective.

41. Plaintiff purchased Sensa Products expecting that they would not suffer from material defects. Plaintiff did not receive the benefit of the bargain in purchasing Sensa Products.

42. Plaintiff had no notice of or ability to detect the defect to the Sensa Products. As such, there was a substantial disparity in the parties' bargaining power, and its acceptance of any warranty disclaimers was neither knowing nor voluntary, thereby rendering such limitations unconscionable and ineffective.

43. Had Plaintiff been aware of the defect in Sensa Products prior to its purchase, it would not have purchased the Sensa Products or at least would have paid less money for them.

44. Plaintiff has suffered damages as a result of Defendants' breach of implied warranty.

**SECOND CAUSE OF ACTION**

**(VIOLATION OF FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT, FLA. STAT. § 501.201, et. Seq.)**

45. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 33 above as if fully set forth herein.

46. This cause of action is brought pursuant to the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.201 et seq. (the "Act"). The stated purpose of the Act is to "protect the consuming public . . . from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce." Fla. Stat. § 501.201(2).

47. Plaintiff is a consumer as defined by Fla. Stat. § 501.203. Sensa Products are goods within the meaning of the Act. Defendants are engaged in trade or commerce within the meaning of the Act.

48. Plaintiff has standing to pursue this cause of action because Plaintiff has suffered injury in fact and lost money as a result of Defendants' actions as set forth herein. Specifically, Plaintiff purchased Sensa Products in reliance on Defendants' marketing claims on both the product labels and Defendants' websites. Plaintiff purchased Sensa Products, but it was not of the standard, quality, and grade advertised.

49. Defendants' actions as alleged in this Complaint constitute an unfair or deceptive business practice within the meaning of FDUTPA, § 501.201 *et seq.*, in that Defendants' actions are unfair, unlawful, and fraudulent and because Defendants have

made unfair, deceptive, untrue, or misleading statements in advertising media, including the Internet, within the meaning of FDUTPA, § 501.201 *et seq.*

50. In advertising and packing Sensa Products, Defendants make false and misleading statements concerning Sensa Products, and refuse to reveal true facts. Defendants do not have the requisite competent and reliable evidence to support the claims about Sensa Products made in Defendants' advertising and packaging.

51. Defendants' fraudulent and unfair business practices have caused economic injury to Plaintiff and the putative Class.

52. Defendants' business practices, as alleged herein, are unlawful because they violate the FDUTPA, as set forth herein.

53. Defendants knew or should have known by exercising reasonable care that its representations were false and/or misleading. During the Class Period, Defendants engaged in unfair, unlawful and fraudulent business practices in violation of FDUTPA, § 501.201 *et seq.*, by misrepresenting in its advertising and marketing of Sensa Products to Plaintiff, members of the Class, and the consuming public that Sensa Products was effective, safe, and had qualities and characteristics that it did not have.

54. Each of the aforementioned representations alleged in this Complaint was false and misleading because Sensa Products was not of the standard, quality or grade advertised.

55. Defendants' wrongful business practices constituted, and constitute, a continuing course of conduct of unfair competition since Defendants are marketing and selling Sensa Products in a manner likely to deceive the public.

56. As a direct and proximate result of Defendants' wrongful business practices in violation of FDUTPA, § 501.201 *et seq.*, Plaintiff and members of the Class have suffered economic injury by losing money as a result of purchasing Sensa Products. Plaintiff and members of the Class would not have purchased or would have paid less for Sensa Products, had they known that it was not as represented.

57. Pursuant to FDUTPA, Plaintiff and the Class seek an order of this Court enjoining Defendants from continuing to engage in unlawful, unfair, or deceptive business practices and any other act prohibited by law, including those set forth in the Complaint. Plaintiff and members of the Class also seek an order requiring Defendants to make full restitution of all money they wrongfully obtained from Plaintiff and members of the Class.

### **THIRD CAUSE OF ACTION**

#### **UNJUST ENRICHMENT**

58. Plaintiff incorporates by reference all the above allegations as if fully set forth herein.

59. This Third Cause of Action is asserted by Plaintiff on behalf of the Class under Florida common law.

60. Plaintiff alleges unjust enrichment in the alternative, to the extent that there are no other adequate remedies at law.

61. Plaintiff and members of the Class conferred a benefit on Defendants by purchasing Sensa Products.

62. Defendants have been unjustly enriched in retaining the revenues derived from Class members' purchases of Sensa Products, which retention under these circumstances, is unjust and inequitable because Defendants misrepresented the facts concerning the qualities and characteristics of the product and caused Plaintiff and the Class to lose money as a result thereof.

63. Defendants have benefited and have been unjustly enriched by their wrongful conduct alleged herein. Defendants sold Sensa Products to Plaintiff and the members of the Class based upon deceptive conduct, omissions, and misrepresentations as to uses and qualities which Sensa Products does not possess and which Defendants were, and still are, aware that it does not possess.

64. Defendants have knowledge of this benefit and have voluntarily accepted and retained this benefit.

65. Plaintiff and members of the Class suffered a loss of money as a result of Defendants' unjust enrichment because: (a) they would not have purchased Sensa Products on the same terms, if at all, if the true facts concerning Sensa Products had been known; and (b) they paid a price premium due to the false representations about Sensa Products.

66. The circumstances as described herein are such that it would be inequitable for Defendants to retain these ill-gotten benefits without paying the value thereof to Plaintiff and members of the Class members.



67. Plaintiff and members of the Class members are entitled to the amount of Defendants' ill-gotten gains, including interest, resulting from Defendants' unlawful, unjust, and inequitable conduct as described above.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff and members of the Class request that the Court enter an order or judgment against Defendants, and each of them as named in the future, as follows:

- A. Certification of the action as a class action pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure, and appointment of Plaintiff as a Class representative and her counsel of record as Class counsel;
- B. Injunctive relief and restitution under the FDUPTA;
- C. Restitution or restitutionary disgorgement as provided for under the implied warranty of merchantability;
- D. Restitution and appropriate relief under Florida common law of unjust enrichment;
- E. Attorneys' fees and expenses, including costs for experts; and
- F. Awarding such other and further relief as this Court may deem just and proper, including any extraordinary equitable relief and/or injunctive relief as permitted by law or equity to attach, impound or otherwise restrict Defendants' assets to ensure that Plaintiff and the members of the Class have an effective remedy.

Dated: June 10<sup>th</sup>, 2014

**CHEFFY PASSIDOMO, P.A.**

By: \_\_\_\_\_

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*Counsel for Plaintiff*

JS 44 (Rev. 12-12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein either replace, not supplement the filing and service of pleadings or other papers as required by law, except the provided by local rules of court. This form approved by the Judicial Conference of the United States in September 1979, is required for the use of the Clerk of Court for the purpose of indexing the civil docket sheet.

<p><b>I. (a) PLAINTIFFS</b> Susan Grace Stokes, Individually on Behalf of Herself and All Others Similarly Situated</p> <p>(b) County of Residence of First Listed Plaintiff: Collier <i>(County of Plaintiff's Home of Record)</i></p> <p>(c) Attorney's name, Name of Firm, and E. Sign. of the Firm: Cheffy Passidomo 821 Fifth Avenue South, Naples, FL 34102 Telephone: (239) 261-9300</p>	<p><b>DEFENDANTS</b> Sensa Products, LLC; and DOES 1-10, Inclusive.</p> <p>County of Residence of First Listed Defendant: Los Angeles <i>(County of Defendant's Home of Record)</i></p> <p>NOTE: IN FEDERAL CONFIRMATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorney's name:</p>
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<p><b>II. BASIS OF JURISDICTION</b> <i>(Check one)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal question</p> <p><input checked="" type="checkbox"/> 4 Diversity</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Check one)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTI</th> <th>DEF</th> <th>PTI</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Incorporated Principal Place of Business In This State</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>Incorporated Principal Place of Business In Another State</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Citizen of Subject of Foreign Country</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Foreign Corp.</td> <td><input type="checkbox"/></td> </tr> </table>		PTI	DEF	PTI	DEF	Citizen of This State	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Incorporated Principal Place of Business In This State	<input type="checkbox"/>	Citizen of Another State	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Incorporated Principal Place of Business In Another State	<input type="checkbox"/>	Citizen of Subject of Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Corp.	<input type="checkbox"/>
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IV. NATURE OF SUIT		FORFEITURE PENALTY	BANKRUPTCY	OTHER STATUTES
<p><b>CONTRACT</b></p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Marine Air</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Government Award or Payment of Indemnity</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defuncted State Funds</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholder's Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p><b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Battery &amp; Stun Gun</p> <p><input type="checkbox"/> 33 Federal Employers Liability</p> <p><input type="checkbox"/> 34 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 365 Personal Injury Medical Malpractice</p>	<p><b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 367 Personal Injury - Toxic Torts</p> <p><input type="checkbox"/> 368 Product Liability - Pharmaceutical</p> <p><input type="checkbox"/> 369 Personal Injury - Products</p> <p><b>PERSONAL PROPERTY</b></p> <p><input type="checkbox"/> 370 Other Personal Property</p> <p><input type="checkbox"/> 371 Employment - Wrongful Termination</p> <p><input type="checkbox"/> 372 Employment - Wrongful Termination - Pregnancy Discrimination</p> <p><input type="checkbox"/> 373 Employment - Wrongful Termination - Product Liability</p>	<p><input type="checkbox"/> 625 Dam. Related to Sale of Property</p> <p><input type="checkbox"/> 630 Other</p> <p><b>LABOR</b></p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor Management Relations</p> <p><input type="checkbox"/> 740 Family and Medical Leave Act</p> <p><input type="checkbox"/> 760 Other F.L.C.A. Violation</p> <p><input type="checkbox"/> 790 Employee Retirement Income Security Act</p> <p><b>IMMIGRATION</b></p> <p><input type="checkbox"/> 162 Naturalization Application</p> <p><input type="checkbox"/> 165 Other Immigration Action</p>	<p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><b>PROPERTY RIGHTS</b></p> <p><input type="checkbox"/> 520 Copyrights</p> <p><input type="checkbox"/> 525 Patent</p> <p><input type="checkbox"/> 530 Trademarks</p> <p><b>SOCIAL SECURITY</b></p> <p><input type="checkbox"/> 801 HRA 139510</p> <p><input type="checkbox"/> 802 HRA 139510</p> <p><input type="checkbox"/> 803 IRCA 1996</p> <p><input type="checkbox"/> 804 IRCA 1996</p> <p><input type="checkbox"/> 805 IRCA 1996</p> <p><b>FEDERAL TAX SUITS</b></p> <p><input type="checkbox"/> 850 Taxes of U.S. Plaintiff or Defendants</p> <p><input type="checkbox"/> 870 IRS - Individual 26 USC 7609</p>
<p><b>REAL PROPERTY</b></p> <p><input type="checkbox"/> 210 Eminent Domain</p> <p><input type="checkbox"/> 220 Eminent Domain</p> <p><input type="checkbox"/> 230 Rent Lease &amp; Ejectment</p> <p><input type="checkbox"/> 24 Tenure Land</p> <p><input type="checkbox"/> 245 Third Party Liability</p> <p><input type="checkbox"/> 250 Adverse Real Property</p>	<p><b>CIVIL RIGHTS</b></p> <p><input type="checkbox"/> 410 Other Civil Rights</p> <p><input type="checkbox"/> 411 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing - Accommodations</p> <p><input type="checkbox"/> 444 American Disabilities Act - Employment</p> <p><input type="checkbox"/> 445 American Disabilities Act - Other</p> <p><input type="checkbox"/> 446 Libel</p>	<p><b>PRISONER PETITIONS</b></p> <p><b>Habeas Corpus:</b></p> <p><input type="checkbox"/> 410 Habeas Corpus</p> <p><input type="checkbox"/> 411 Habeas Corpus - Habeas Corpus</p> <p><input type="checkbox"/> 412 Habeas Corpus 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<p><input type="checkbox"/> 420 Bankruptcy</p> <p><input type="checkbox"/> 430 Commerce</p> <p><input type="checkbox"/> 440 Deposition</p> <p><input type="checkbox"/> 450 Bankruptcy - Chapter 11</p> <p><input type="checkbox"/> 460 Chapter 11</p> <p><input type="checkbox"/> 470 Cable Service</p> <p><input type="checkbox"/> 480 Securities</p> <p><input type="checkbox"/> 490 Exchange</p> <p><input checked="" type="checkbox"/> 60 Other Statutes</p> <p><input type="checkbox"/> 80 Agriculture Act</p> <p><input type="checkbox"/> 805 Fair Labor Standards Act</p> <p><input type="checkbox"/> 806 Fair Labor Standards Act</p> <p><input type="checkbox"/> 807 Fair Labor Standards Act</p> <p><input type="checkbox"/> 808 Fair Labor Standards Act</p> <p><input type="checkbox"/> 809 Fair Labor Standards Act</p> <p><input type="checkbox"/> 810 Fair Labor Standards Act</p> <p><input type="checkbox"/> 811 Fair Labor Standards Act</p> <p><input type="checkbox"/> 812 Fair Labor Standards Act</p> <p><input 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**V. ORIGIN**

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District     6 Mandamus Enforcement

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Class Action Fairness Act of 2005

Brief description of cause of action:  
violations of the FDUPTA and various common law actions.

**VII. REQUESTED IN COMPLAINT:**

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

DEMANDS: \_\_\_\_\_

CHECK if this only if demands are sought: JURY DEMAND:  Yes     No

**VIII. RELATED CASE(S) IF ANY**

Case No. \_\_\_\_\_ Title \_\_\_\_\_ Docket Number \_\_\_\_\_

DATE: 6/10/14

STATEMENT OF ATTORNEY'S RECEIPT: \_\_\_\_\_

FOR OFFICE USE ONLY: Louis D. D'Agostino, Esq.

RECEIVED: \$2,400 (1514 6/12/14) 2:14cv322 FHM 38CM