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7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 YOUNGEVITY INTERNATIONAL
11 CORP., a Delaware Corporation; and
12 DAVID BRISKIE, an individual and
Florida resident,

13
14 Plaintiffs,

15 v.

16 DOES 1–10, inclusive.

17 Defendants.
18
19
20
21

Case No. '16CV0965 L JLB

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR:**

1. Common Law Defamation;
2. Federal Product Disparagement (Lanham Act 15 U.S.C. § 1125(a)(1)); and
3. California Unfair Competition (Cal. B&P Code §§ 17200, *et seq.*).

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

1
2 1. Plaintiffs Youngevity International Corp. (“YGYI”) and David
3 Briskie (“Briskie”) (collectively, “Youngevity”), by counsel, file this Complaint
4 for Damages and Injunctive Relief against defendants Does 1–10 (“Defendants”).¹
5 Briskie is currently the President and Chief Financial Officer (“CFO”) of YGYI.
6 This action arises out of three internet postings made by purportedly “anonymous”
7 internet users. The Defendants have unlawfully defamed Youngevity in violation
8 of common law defamation and made false statements about Youngevity in
9 violation of the Federal Lanham Act (15 U.S.C. §§ 1051 et seq.). Those unlawful,
10 unfair, and fraudulent postings also violate California’s Unfair Competition Law
11 (Cal. B&P Code §§ 17200, *et seq.*). Public information posted by Defendants to
12 online, highly visible websites states that Youngevity’s President and CFO, Dave
13 Briskie, was convicted of securities crimes and sentenced to prison. Those
14 statements are outright false and defamatory. Briskie has never been charged or
15 convicted of any crime. On information and belief, the posts were designed to
16 damage Youngevity’s commercial interests, tarnish Youngevity’s reputation and
17 goodwill, and dissuade prospective businesses or customers from contracting with
18 Youngevity or purchasing the company’s stock or, conversely, encouraging the
19 fire selling of previously purchased stock.

20 **I. PARTIES**

21 2. Briskie is an individual and Florida resident, and resides part-time in
22 San Diego County, California.

23 3. YGYI is a corporation organized in 1997 and operates under the laws
24 of Delaware with its principal place of business in Chula Vista, California.

25
26 ¹ Youngevity intends to immediately move the Court ex-parte for leave to
27 conduct expedited and limited discovery to identify the Defendants, after which it
28 will file an Amended Complaint identifying all parties subject to liability for the
defamatory posts.

1 4. Defendants are the individuals who posted defamatory content on
2 three separate blogs. Upon information and belief, all of the Defendants sell
3 products and/or services, or acted as agents for businesses selling products, that
4 compete with Youngevity for marketshare. Upon information and belief, none of
5 the Defendants is a resident of the States of California, Delaware, or Florida, but
6 each have substantial contacts with the State of California.

7
8 **II. JURISDICTION AND VENUE**

9 5. This Court has subject-matter jurisdiction over this civil action under
10 15 U.S.C. § 1051, et seq. (the “Lanham Act”) through federal question jurisdiction,
11 and, independently, under 28 U.S.C. § 1332 because the matter in controversy
12 exceeds the sum of \$75,000, exclusive of interests and costs, and, upon
13 information and belief, this matter is between citizens of different states, as Briskie
14 is a resident of Florida, YGYI maintains its principal place of business in
15 California and is incorporated under the laws of Delaware, and none of the
16 Defendants is a citizen of California, Delaware, or Florida.

17 6. This Court has personal jurisdiction over all Defendants and venue is
18 proper in this District because Briskie resides part-time in this District and is a full
19 time employee of YGYI which is located in this District, and because all
20 Defendants have sufficient minimum contacts with California. All Defendants
21 knowingly injured Youngevity with knowledge that Youngevity is located in this
22 District and that the damages would be incurred by Youngevity in this District.
23 Further, upon information and belief, all Defendants have substantial contacts with
24 the State of California.

25 7. Venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial
26 part of the events giving rise to Youngevity’s claims herein occurred in this
27 District. Briskie is a part-time California resident and full time employee of YGYI
28

1 in San Diego County, California and YGYI maintains its principal place of
2 business in San Diego County, California.

3 **III. FACTUAL BACKGROUND**

4 8. YGYI is a corporation organized in 1997 and operates under the laws
5 of Delaware with its principal place of business in Chula Vista, California. YGYI
6 develops and distributes a wide range of consumer products through a global
7 network of independent, direct-sellers known as “distributors.” YGYI is a
8 successful, nineteen year-old, publicly traded, “direct selling company ” (DSC)
9 company that operates through direct selling networks worldwide, as well as
10 wholly owned subsidiaries, including, e.g., AL Global Corporation; CLR Roasters,
11 LLC; Financial Destinations, Inc.; and FDI Management, Inc.

12 9. Originally a domestic company that sold specialty liquid based
13 vitamin and mineral formulas created by Dr. Joel D. Wallach, DVM, ND, YGYI
14 has fulfilled Dr. Wallach’s vision of becoming a global enterprise, selling a wide
15 range of consumer and lifestyle products, including, but not limited to, health,
16 food, gourmet coffee, wellness, beauty, cosmetic, high-end clothing, photo
17 organization and ancestry, and jewelry products to consumers globally through its
18 distributor network. Distributors generally sell through peer-to-peer relationships,
19 e-commerce, and social marketing. YGYI’s distributors market products through
20 corporate-backed marketing channels, including internet websites, the airwaves,
21 trade shows, lectures, community events, local shops, and home meetings.

22 10. YGYI invests more than seventy million dollars annually on sales,
23 incentives, and marketing efforts to support its distributor networks. YGYI now
24 sells in excess of 1000 products, including, but not limited to, nutritional products,
25 sports and energy drinks, health and wellness-related services, lifestyle products,
26 gourmet coffees, and cosmetics.

27 11. YGYI is a publicly traded corporation trading under the symbol:
28 YGYI.

1 12. In 2007, Briskie became CEO and CFO of Javalution Coffee
2 Company (“Javalution”). In 2009, Javalution launched its direct sales force.
3 Javalution was a fully vertical coffee roasting and distribution company, owner of
4 the Direct Marketing Brand JavaFit, and the retail brand, Café La Rica, as well as
5 the category creator of functional gourmet coffee.

6 13. In 2009, Briskie caused Javalution to become a publicly traded
7 corporation trading under the symbol: JCOF.

8 14. On July 11, 2011, Javalution merged with YGYI.

9 15. Post-Merger, Briskie became President of Commercial Operations and
10 ultimately became YGYI’s CFO in May of 2012. On November 2, 2016, Briskie
11 was appointed to the position of President and, since then, maintains his positions
12 as YGYI’s CFO and President.

13 16. The financial success of YGYI—and by extension, Briskie—is highly
14 dependent on its reputation in the DSC universe. YGYI relies on peer-to-peer
15 relationships, e-commerce, and social marketing to sell products. YGYI’s
16 distributors market products through corporate-backed marketing channels,
17 including internet websites, the airwaves, trade shows, lectures, community events,
18 local shops, and home meetings. Any harm to YGYI’s reputation or the reputation
19 of its officers, directors, employees, or distributors, diminishes Youngevity’s
20 competitive market advantage and causes significant damage to all shareholders
21 and the value of their investment in YGYI securities.

22 17. On Monday, May 9, 2011, at 9:05 P.M., a Doe Defendant with the
23 pseudonym “David Willow” posted a blog post at the url: [http://david-](http://david-briskie.Blogger.com/2011/05/david-briskie-convicted-sec-stock.html)
24 [briskie.Blogger.com/2011/05/david-briskie-convicted-sec-stock.html](http://david-briskie.Blogger.com/2011/05/david-briskie-convicted-sec-stock.html) (the “Blogger
25 Article”). See Exh. A. The Blogger Article contains lies and false statements
26 concerning Briskie.

27 18. The Blogger article was titled “**David Briskie**” (emphasis in original)
28 and sub-titled:

1
2 Blog warning others about convicted penny stock fraudster David
3 Briskie. His new penny stock pump & dump is Javaluation [sic]
4 Coffee – It trades on the notorious pink sheets exchange under the
5 symbol JCOF.

6 *See id.*

7 19. The Blogger Article stated that Briskie “was convicted of securities
8 fraud and sentenced to two years in prison.” *See id.*

9 20. The Blogger Article purports to contain “Undeniable Proof [that]
10 David Briskie’s JCOF is a Fraud[.]” *See id.* That purported proof consists of a
11 screenshot of posts on an unidentified internet forum wherein anonymous posters
12 are recommending either buying or selling JCOF. *See id.*

13 21. When an internet user searches for “David Briskie” on Google.com,
14 the Blogger Article is the first result and bears the title “David Briskie: David
15 Briskie – Convicted SEC Stock Fraudster.” *See Exh. B.*

16 22. In March 2016, the Defendants posted an article on Anonyme.com
17 (the “Anonyme Article”) (*see Exh. C*). Anonyme then posted that same article on
18 Facebook.com (the “Facebook Article”) (*see Exh. D*). The Anonyme and
19 Facebook articles republished the false facts contained in the earlier Blogger
20 Article. *See Exhs. C, D.*

21 23. The Anonyme and Facebook Articles also stated that YGYI “hired
22 that crook Dave Briskie who has been known to pump and dump stocks[.]” and
23 that Briskie “was also convicted with one year in jail.” *See Exhs. C, D.*

24 24. On March 28, 2016, counsel for Youngevity sent a letter to Anonyme
25 demanding that it remove the false and defamatory Anonyme and Facebook
26 Articles. Anonyme complied with Youngevity’s request shortly thereafter,
27 removing those two articles on or about March 29, 2016.

28 25. The statements from the articles in Paragraphs 18 through 23, above,
are false and defamatory. David Briskie is not a crook and has not ever been

1 charged or convicted of any crime and has never served any jail time. *See* Decl. of
2 David S. Briskie, attached as Exh. E, at ¶¶ 4–6.

3 26. The Blogger, Anonyme, and Facebook Articles contain false and
4 defamatory misstatements of fact and have disrupted Youngevity’s relationships
5 with distributors, customers, potential distributors, and potential customers, caused
6 damage to shareholder value, and damaged Youngevity’s reputation and goodwill.
7 By continuing to publish false and defamatory statements in the Blogger Article in
8 the face of Youngevity’s corrective action, Defendants have shown that legal
9 action is necessary to prevent ongoing false and defamatory publications.

10 27. The Blogger, Anonyme, and Facebook Articles contained false and
11 misleading statements of fact in commercial advertising, identified in paragraphs
12 18 through 23. Those articles are intended to, and do in fact, deceive the intended
13 audience, to wit, Youngevity’s customers, distributors, potential customers,
14 potential distributors, and shareholders. The Articles influence the purchasing
15 decisions of Youngevity’s customers, distributors, potential customers, and
16 potential distributors. The Defendants posted the Articles on publicly available
17 websites, including Blogger, Anonyme, and Facebook, causing the false and
18 misleading statements to enter interstate commerce. The false and misleading
19 statements resulted in actual and probable additional injury to Youngevity,
20 including lost sales of Youngevity products and harm to Youngevity’s stock price,
21 thus hurting each of its shareholders.

22
23 **COUNT ONE**

24 **Defamation**

25 28. The allegations of paragraphs 1 through 27 are incorporated herein by
26 reference.

27 29. Defendants defamed Youngevity in their Blogger, Anonyme, and
28 Facebook Articles, by and through which Defendants published false statements of

1 fact concerning Youngevity. Those statements denigrate Youngevity's business
2 character and impute questionable business methods to them.

3 30. The false statements of fact published by the Defendants in the
4 Blogger, Anonyme, and Facebook Articles were verifiably false at the time the
5 Defendants published them.

6 31. At the time the Defendants published the statements in the Blogger,
7 Anonyme, and Facebook Articles, Defendants knew the statements were false or
8 published them in reckless disregard of their truth or falsity.

9
10 **COUNT TWO**

11 **Product Disparagement**

12 **(Lanham Act 15 U.S.C. § 1125(a)(1)(B))**

13 32. The allegations of paragraphs 1 through 26 are incorporated herein by
14 reference.

15 33. The Lanham Act provides the basis for product disparagement
16 claims. *See Zenith Elc. Corp. v. Exzec, Inc.*, 182 F.3d 1340, 1347–48 (Fed. Cir.
17 1999).

18 34. Defendants made false and misleading statements of fact about
19 Youngevity in commercial advertising.

20 35. Defendants' false and misleading statements of fact were likely to and
21 did deceive the intended audience.

22 36. Defendants' false and misleading statements of fact were likely to
23 influence consumer purchasing decisions.

24 37. Defendants caused the false and misleading statements of fact to enter
25 interstate commerce.

26 38. Defendants' false and misleading statements of fact resulted in
27 probable and actual injury to Youngevity and each of its Shareholders.
28

COUNT THREE

(California State Unfair Competition)

(California Business and Professions Code §§ 17200, et seq.)

39. The allegations of paragraphs 1 through 33 are incorporated herein by reference.

40. The Defendants’ acts, as alleged herein and including the publication of all false statements concerning Youngevity, constitute unlawful, unfair, or fraudulent business practices in violation of California Business and Professions Code §§ 17200, et seq.

41. Defendants’ acts, as alleged herein, violate the “fraudulent” prong of the UCL because they are likely to mislead and confuse a statistically significant percentage of reasonable consumers and shareholders, and were performed by Defendants with intent to defraud consumers and shareholders.

42. Defendants’ acts, as alleged herein, violate the “unlawful” prong of the UCL because they constitute violations of the Lanham Act and common law defamation discussed herein this Complaint.

43. Defendants’ acts, as alleged herein, have unjustly enriched Defendants and caused monetary damage to Youngevity in an amount to be proven at trial.

44. Youngevity has no adequate remedy at law, and if Defendants’ activities are not enjoined, Youngevity will continue to suffer irreparable harm and injury to its goodwill and reputation and stock price.

PRAYER FOR RELIEF:

WHEREFORE, Youngevity prays for judgment in its favor and against Defendants and requests that this Court award Youngevity the following:

45. Awarding Youngevity compensatory damages, including pre- and post-judgment interest.

46. Awarding Youngevity punitive and exemplary damages.

1 47. Preliminary Permanently Enjoining Defendants from:

2 a. Publishing libelous statements about Youngevity and their goods,
3 services, products, officers, employees, and/or directors;

4 b. Engaging in unfair business acts, practices, and/or conduct.

5 c. Publicly speaking libelous statements in any forum pertaining to
6 Youngevity and their goods, services, products, officers, employees, and/or
7 directors.

8 48. Awarding Youngevity all costs and expenses in connection with this
9 action, including their reasonable attorneys' fees, expenses, and costs.

10 49. Awarding Youngevity any other relief as the Court may deem just or
11 appropriate.

12
13 **JURY DEMAND**

14 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Youngevity
15 hereby demands a trial by jury.

16
17 DATED: April 21, 2016

18 Respectfully submitted,

19
20 YOUNGEVITY INTERNATIONAL,
21 CORP. and DAVID S BRISKIE

22
23 By: /s/ Peter A. Arhangelsky
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EXHIBIT A



David Briskie

Blog warning others about convicted penny stock fraudster David Briskie. His new penny stock pump & dump is Javaluation Coffee - It trades on the notorious pink sheets exchange under the symbol JCOF.

Monday, May 9, 2011

David Briskie - Convicted SEC Stock Fraudster

David Briskie

This is a warning for people about *David Briskie*. He was convicted in 1996 of securities fraud and sentenced to two years in prison.

He is now out of prison and has started his new scam, Javaluation Coffee a pink sheets listed public company.



The pink sheets is a notorious stock exchange and breeding ground for career criminals like David Briskie.

Read an SEC warning about pink sheets stock scams here: <http://www.sec.gov/investor/pubs/microcapstock.htm>

In my opinion, David Briskie's JCOF is what the SEC consider a "Classic Pump & Dump Scam":

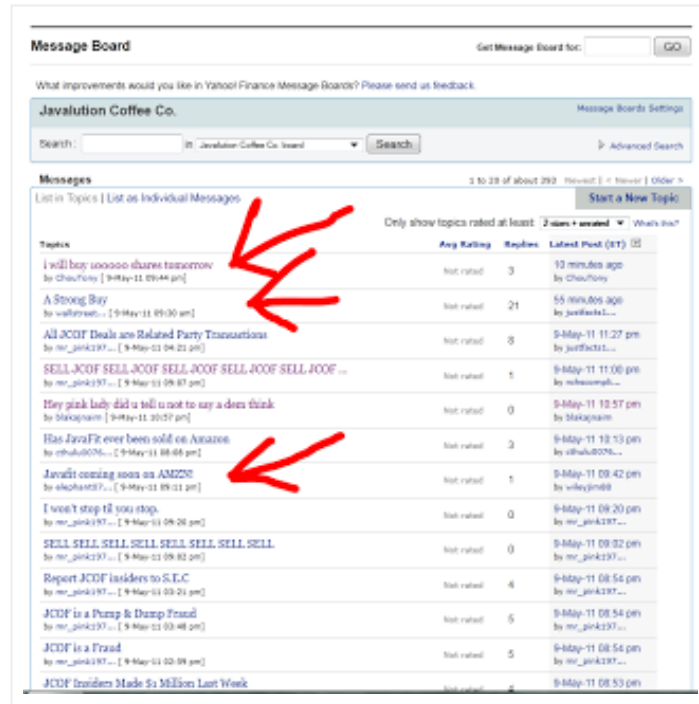
The Classic "Pump and Dump" Scheme It's common to see messages posted on the Internet that urge readers to buy a stock quickly or to sell before the price goes down, or a telemarketer will call using the same sort of pitch. Often the promoters will claim to have "inside" information about an impending development or to use an "infallible" combination of economic and stock market data to pick stocks. In reality, they may be company insiders or paid promoters who stand to gain by selling their shares after the stock price is pumped up by the buying frenzy they create. Once these fraudsters sell their shares and stop hyping the stock, the price typically falls, and investors lose their money.

(From: <http://www.sec.gov/investor/pubs/microcapstock.htm>)

Undeniable Proof David Briskie's JCOF is a Fraud:

Read the above paragraph titled "**The Classic "Pump and Dump" Scheme**" It is a paragraph from an SEC warning page about how to spot a pump and dump.

Now take a look at the screenshot below:



In this screenshot is the Yahoo Finance message board for JCOF (Javalution Coffee).

See: <http://messages.finance.yahoo.com/mb/JCOF.PK>

This is proof of David Briskie's fraud, since many usernames are all posting similar messages telling others to buy JCOF stock. Many are putting price targets on JCOF - A highly illegal practice used by stock criminals to "pump" stocks higher so that they can eventually "dump" their worthless shares earning millions of dollars for very little work or effort.

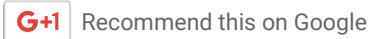
Notice there are some real people on the forum attempting to warn others about David Briskie's scam, using post titles like "JCOF is a fraud" "Stay away from JCOF".

Dave Briskie's Bio From the Web Site of JCOF:

Dave's drive to excel was apparent early as he received many high school accolades including the coveted Paul DeLorenzo scholar-athlete award and in 1983 graduated magna cum laude from Fordham University with a double major in marketing and finance. He is the proud father of two talented daughters who currently attend universities in North Carolina. Beginning in 2007, Dave accepted the position of CEO of Javalution Coffee Company (JavaFit). He is energized to bring to JavaFit the experience he has garnered from an exciting and rewarding 18-year career with Drew Pearson Marketing, Inc. (DPM). Four years after he took over the sales effort, DPM's growth rate was phenomenal, reaching \$30 million in sales. During this time, The Dallas100 recognized and honored DPM as the 2nd fastest growing privately held entrepreneurial company. By 1996, DPM's sales reached \$70 million dollars and now have offices in Dallas, New York, Hong Kong and Minnesota. Dave's team introduced the Drew Pearson brand to 15 European countries, Canada, Mexico, Latin

America and Asia. Named CEO of both DPM and DPI in 1996, he is credited with negotiating multi-million dollar contracts and building relationships with a multitude of fortune 1000 companies including, Disney, Warner Bros, NFL, NBA, MLB, NHL, various major universities, Anheiser Bush and General Motors. In 2001, Dave orchestrated a merger of DPM and DPI with its key manufacturing partner, Mainland Headwear, and the merged company was taken public on the Hong Kong Stock Exchange. As part of the merger, Dave executed a five year employment contract, was a director of the Hong Kong Corporation, and remained as CEO of Drew Pearson Marketing through the conclusion of his agreement. Priding himself on building an amazing team that drove DPM and DPI to meet its goals, Dave's passion is building businesses from start up, and stands ready to build another strong brand and profitable company with JavaFit.

Posted by David Willow at 9:05 PM



Labels: [Dave Briskie](#), [David Briskie](#)

1 comment:



[JavaSpeak](#) May 11, 2011 at 12:45 PM

This is David Briskie, the CEO of Javalution Coffee Company. I normally do not respond to blogs, but felt compelled to respond since this outrageous blog defames my character. The claims in the blog regarding myself and Javalution Coffee Company are an outright lie. Anyone having any information on how to contact the blogger, that goes by the name, David Willow or anyone related to this outrageous post, please report this information to my e-mail address so I may pursue legal action for defamation of charactger. I will defend my reputation and the repuation of Javalution Coffee Company with all of my resources.

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David Willow

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▼ [May](#) (1)

David Briskie - Convicted SEC Stock
Fraudster

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EXHIBIT B



David Briskie

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David Briskie: David Briskie - Convicted SEC Stock Fraudster

david-briskie.blogspot.com/2011/.../david-briskie-convicted-sec-stock.ht...
May 9, 2011 - In my opinion, David Briskie's JCOF is what the SEC consider a "Classic Pump & Dump Scam" ... Dave Briskie's Bio From the Web Site of JCOF:.

Dave Briskie | LinkedIn

<https://www.linkedin.com/in/dave-briskie-b458146>
Chula Vista, California - President and CFO at Youngevity International Inc (YGYI) - Youngevity International Inc (YGYI)
President and CFO at Youngevity International Inc (YGYI) ... Join LinkedIn and access Dave's full profile. ... Youngevity International, trading under Stock Symbol YGYI, fuels my passion to build a business that is a game changer while fueling my personal passion of social responsibility ...

Joyce Riley Interviews David Briskie of Youngevity JavaFit ...



<https://www.youtube.com/watch?v=Av9bsmkQPwI>
May 15, 2012 - Uploaded by JoyceRileyPowerHour
Joyce Riley Interviews DAVID BRISKIE, CEO of Youngevity's JavaFit Coffee, provides a line of healthy ...

Compensation Information for David Briskie , Chief Financial ...

www1.salary.com/David-Briskie-Salary-Bonus-Stock-Options-for-YOU...
... Officer at YOUNGEVITY INTERNATIONAL INC. How much did David Briskie make as Chief Financial Officer of YOUNGEVITY INTERNATIONAL INC in 2014.

David Stephen Briskie: Executive Profile & Biography ...

www.bloomberg.com/research/.../person.asp?... Bloomberg L.P.
Mr. David Stephen Briskie, also known as Dave, serves as the Chief Executive Officer of Subsidiaries in United States of Mainland Headwear Holdings Ltd. and ...

David Briskie Profiles | Facebook

<https://www.facebook.com/public/David-Briskie> Facebook
View the profiles of people named David Briskie on Facebook. Join Facebook to connect with David Briskie and others you may know. Facebook gives people...

David Briskie - CEO of Javalution Coffee Company, a start ...

<https://about.me/davidbriskie>
View David Briskie on about.me. About.me makes it easy for you to learn about David Briskie's background and interests.

David Briskie - Executive Bio, Compensation History, and ...

people.equilar.com/bio/david-briskie-youngevity-international/.../87315...
View David Briskie, Dir. and President at Youngevity International, executive profile on Equilar Atlas to see current salary at Youngevity International and ...

David Briskie (@DavidBriskie) | Twitter

<https://twitter.com/davidbriskie>
The latest Tweets from David Briskie (@DavidBriskie). CEO of Javalution Coffee Company, a start-up venture with fresh ideas for the coffee market.

David Briskie, Javalution Coffee Company - United States ...

us.viadeo.com/en/profile/david.briskie
Fort Lauderdale - CEO - Javalution Coffee Company
CEO, Javalution Coffee Company - Experienced businessman David Briskie made a name for himself early in his career with strong leadership and innovative ...

We Found David Briskie

Ad www.beenverified.com/

Current Address, Phone and Photos. Free To Search, Try It Now!

Types: Background Checks, Public Records, Social Media Profiles, Property Records,...

Services: Reverse Phone Search, Search a Name, Reverse Address Search, Reverse...

New Info: People Search - Online Background Check - Find Contact Information

David Briskie:Found

Ad www.whitepages.com/David+Briskie ▾

Current Address, Phone and Age. Find **David Briskie**, Anywhere.

Local Phone Book · Reverse Address Search · Reverse Phone Lookup

Lookup Cells & Landlines - Public Records Search - Criminal Background Check

We Found David Briskie - Current Address, Phone and Age

Ad www.peoplefinders.com/ ▾

Find **David briskie**, Anywhere.

Background Checks - Search By Address - Search By Email - Search By Name

Searches related to David Briskie

david briskie **baltimore** **lisa** briskie

david briskie **facebook** david briskie **javafit**

dave briskie david briskie **javafit coffee**

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EXHIBIT C



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Youngevity Looking Suspect

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March 25 2016

Network Marketing is suppose to be something you are able to do on the side of your current job and make additional income. There have been some companies preying on the ignorance of distributors because of their loyalty and paychecks. Distributors are more gullible then I have ever seen. I have been following a company called Youngevity for quite some time. I watched their strong product line get swallowed up by bad corporate management. Six years ago they were not even on the map and then the best thing they could have done is hire this Andreoli guy. Andreoli grew that company overnight and then quit when he was making a boatload of money. Something had to be terribly wrong for this to happen. Furthermore why would an entire corporate team who has credibility in the industry just leave as well? YGY distributors cheer on the COO Michelle Wallach's childish post on social media and her husband's cowardly ways. I dug a little and saw Michelle Wallach was just sued for sexual harassment of their old CFO. Speaking of CFO I don't know what YGY was thinking when they hired that crook Dave Briskie who has been known to pump and dump stocks. He was also convicted with one year in jail. He also brought coffee to YGY but that has never turned a profit but YGY reps are so infatuated with the company they don't pay attention to the finances of the company. I had several of complaints 5 months ago accusing YGY of sending out checks late and bouncing checks as well. I have not met one person who had a good vibe about this guy. Seems to me all he does is spend money and take out large loans and get money from current YGY distributors such as Keith Halls. All YGY reps have to do is look at the large loans YGY keeps taking out over the past 3 years. This is why MLM companies don't work because they attract distributors who have no common sense. Then you have Master Distributor (Tom Chenault) who builds by Steve Wallach just moving people under him even know he left the company for 7 years. How can you train how to build when you never have? YGY distributors keep listening so I guess he will keep training. I read through a current lawsuit they filed after the company filed on them originally and it sounded frivolous. This company has been unethical for years. Its founder travels 300 days out of the year at 75 years of age still sleeping with YGY distributors and promising extra positions in the company and cross recruiting in his own company. I have heard so much cross recruiting within their policies and procedures that I was shocked they filed a suit against anyone. I then found an editorial from Troy Dooley in which YGY and Tom Chenault pays this guy for his bias opinions. Its funny he was talking about a pyramid scheme but he endorsed Zeek Rewards where thousands of people got hurt because of his opinion and he got paid. I did some investigating and found out Troy Dooly never even talked to both parties. After following the practices from this company and reviewing the financials. I would be surprised if there are around 5 years from now. The writing is on the wall with all of the team who has left this company in the last 4 years. My suggestion to the current YGY reps, who never see the behind the scenes activity to speak with caution. I will have more to report on this company at a later date once I see the original lawsuit. Oh yeah YGY reps anyone can file a suit it's proving the suit what counts. So if I were you I would not get my hopes up high.



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EXHIBIT D

**Anonyme**

Yesterday at 4:23pm ·

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YOUNGEVITY is Looking Suspect

Network Marketing is suppose to be something you are able to do on the side of your current job and make additional income. There have been some companies preying on the ignorance of distributors because of their loyalty and paychecks. Distributors are more gullible then I have ever seen. I have been following a company called Youngevity for quite some time. I watched their strong product line get swallowed up by bad corporate management. Six years ago they were not even on the map and then the best thing they could have done is hire this Andreoli guy. Andreoli grew that company overnight and then quit when he was making a boatload of money. Something had to be terribly wrong for this to happen.

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<https://www.anonyme.com/.../2a86070c-60aa-4820-85d5-cbc7d5309...>

#Youngevity

EXHIBIT E

1 Peter A. Arhangelsky, Esq. (SBN 291325)
2 parhangelsky@emord.com
3 Emord & Associates, P.C.
4 3210 S. Gilbert Road, Suite 4
5 Chandler, AZ 85286
6 Phone: (602) 388-8899
7 Fax: (602) 393-4361
8 Attorney for Plaintiffs

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
12

13 YOUNGEVITY INTERNATIONAL
14 CORP., a Delaware Corporation; and
15 DAVID BRISKIE, an individual and
16 Florida resident,

Case No.

**DECLARATION OF DAVID S.
BRISKIE**

Plaintiffs,

v.

DOES 1-10, inclusive.

Defendants.

19
20 **DECLARATION OF DAVID S. BRISKIE**

21 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the
22 following is true and correct

23 1. I, David S. Briskie, am over the age of 18 and competent to testify to
24 the information below. All matters contained herein are of my own personal
25 knowledge unless stated as based upon information and belief.

26 2. I am one of the plaintiffs in the above-entitled action. I am currently
27 the President and Chief Financial Officer (CFO) of Youngevity International,
28 Corp.

1 3. In April, 2016, I hired Sterling I-Check to perform a criminal
2 background search on me. Attached to this Declaration as "Attachment A" is a
3 true and correct copy of that completed criminal background search.

4 4. As that criminal background search evidences, I have never been
5 charged or convicted of any crime and have never served any jail time.

6 5. The statement that I "was convicted of securities fraud and sentenced
7 to two years in prison" is false.

8 6. The statement that I "was also convicted with one year in jail" is false.
9

10
11 Executed on this 18th day of April, 2016

12
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16 David S. Briskie
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ATTACHMENT A

My Report

| Provided Information | | | |
|--|---------------|---------------------|----------|
| Name: | DAVID BRISKIE | Reference #: | 24671418 |
| SSN: | xxx-xx-5923 | | |
| ** Additional Personal Information Is On File. For Privacy and Security Purposes It Is Not Shown Here. ** | | | |

Caution

California Applicants/Employees Only: The report does not guarantee the accuracy or truthfulness of the information as to the subject of the investigation, but only that it is accurately copied from public records, and information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the consumer who is the subject of the report. An investigative consumer reporting agency shall provide a consumer seeking to obtain a copy of a report or making a request to review a file, a written notice in simple, plain English and Spanish setting forth the terms and conditions of his or her right to receive all disclosures, as provided in Section 1786.26.

Sólo para los Solicitantes/Empleados de California: En el informe no se garantiza la exactitud o veracidad de la información en cuanto al tema de la investigación, sino sólo que se ha copiado exactamente de los registros públicos, y la información generada como resultado del robo de identidad, incluyendo las pruebas de una actividad delictiva, podría estar incorrectamente asociada con el consumidor que sea el sujeto del informe. Una agencia investigadora de informes de crédito deberá suministrarle a un consumidor que trate de obtener una copia de un informe o solicite revisar un archivo una notificación por escrito en inglés y español lisos y llanos, en la que se establezcan los términos y las condiciones de su derecho a recibir toda la información, como se dispone en la Sección 1786.26.

Pursuant to Minn. Stat. Ann. § 332.70(4): The report may include information that has been expunged, sealed, or has otherwise become inaccessible to the public since the date it was collected.

Results pertaining to the subject's potential criminal background results are only included in the report if there is an exact match between the full name and date of birth provided by the subject and the court record. To ensure the integrity of our results, the criminal information reported appears exactly as it is received from each search.

As sex offender, office of foreign asset control and federal criminal offender databases may only list names, information is provided only if there is a complete name match between the subject and the entry in the government records.

Department of motor vehicle records are provided only if there is an exact match between the license number provided by the subject and the agency record.

Credit reports are provided by the credit bureau based on 2 matching criteria among name,

address and social security number.

To the extent criminal background results are duplicative of findings from non-criminal background checks, such as a sex offender hit, the results are duplicated in the report. Accordingly, a thorough review of the complete report is required to ensure that the company properly recognizes duplicative results.

The purpose of Social Security Trace/Address Locator Report is to locate jurisdictions for purposes of expanding the scope of the criminal background check. The Social Security number provided by the applicant is not checked against the Social Security Administration database since the Social Security Administration database generally is not accessible for pre-employment screening purposes. In determining whether a number appears to be validly issued, SSN protocols are applied but please note that due to the randomization of the issuance of social security numbers, any conclusion regarding whether the number is valid may not be accurate for recently issued numbers.

AS IT MAY NOT BE PERMISSIBLE OR RECOMMENDED TO USE CERTAIN INFORMATION CONTAINED IN THIS REPORT FOR EMPLOYMENT DECISIONS, IT IS ADVISABLE TO CONSULT WITH COUNSEL PRIOR TO MAKING ANY ADVERSE HIRING DECISIONS. BY REQUESTING AND ACCEPTING THIS REPORT, CLIENT CONFIRMS IT IS ACTING IN COMPLIANCE WITH ITS END USER CERTIFICATION.

| Report Status | | | |
|--|------------|-----------------|------------|
| Status: | Complete | Result: | Clear |
| Completed: | 04/18/2016 | Expires: | 07/17/2016 |
| **Attention** This report was completed on 04/18/2016. Any actions that occur after this date or changes in reported criminal records will not be reflected beyond the date of completion of this report. | | | |

| Service Detail | | | |
|---|-----------|-----------------|--------------|
| Product | Reference | Status | Result |
| Enhanced National Criminal | | Complete | Clear |
| Search Performed On 04/07/2016 | | | |
| **CLEAR** | | | |
| Sex Offender Registry Check | | Complete | Clear |
| Search Performed On 04/06/2016 | | | |
| There were no records found in the Registered Sex Offender database, including 50 states, Guam, Puerto Rico and the Northern Mariana Islands, matching the submitted search criteria based upon the information provided. | | | |
| Global Terrorist Watchlist Search | | Complete | Clear |
| Search Performed On 04/06/2016 | | | |

No Match was found in the Global Terrorist Watchlist

County Criminal Record **BROWARD, FL** **CompleteClear**

*** ALIAS NAMES HAVE BEEN SEARCHED ***

No Criminal Records Found

DAVE BRISKLE
DAVE BRISKIE
DAVID BRISKIE

County Criminal Record **MIAMI-DADE, FL** **CompleteClear**

*** ALIAS NAMES HAVE BEEN SEARCHED ***

No Criminal Records Found

DAVE BRISKIE
DAVID BRISKIE
DAVE BRISKLE

County Criminal Record **SAN DIEGO, CA** **CompleteClear**

*** ALIAS NAMES HAVE BEEN SEARCHED ***

No Criminal Records Found

County Criminal Record **HARRIS, TX** **CompleteClear**

*** ALIAS NAMES HAVE BEEN SEARCHED ***

No Criminal Records Found

DAVID BRISKIE
DAVE BRISKIE
DAVE BRISKLE

County Criminal Record **DALLAS, TX** **CompleteClear**

*** ALIAS NAMES HAVE BEEN SEARCHED ***

No Criminal Records Found

DAVE BRISKIE
DAVE BRISKLE
DAVID BRISKIE

Misdemeanor/Other Public Record Information **BROWARD, FL** **CompleteClear**

Please refer to County Criminal Record service for result information

Misdemeanor/Other Public Record Information **MIAMI-DADE, FL** **CompleteClear**

Please refer to County Criminal Record service for result information

Misdemeanor/Other Public Record **SAN DIEGO, CA** **CompleteClear**

Information

Please refer to County Criminal Record service for result information

Misdemeanor/Other Public Record

HARRIS, TX

CompleteClear

Information

Please refer to County Criminal Record service for result information

Misdemeanor/Other Public Record

DALLAS, TX

CompleteClear

Information

Please refer to County Criminal Record service for result information

Federal Record Check

**FL, SOUTHERN DISTRICT OF
FLORIDA**

CompleteClear

*** ALIAS NAMES HAVE BEEN SEARCHED ***

Federal Criminal Record Check *** CLEAR ***

Jurisdiction: FL, SOUTHERN DISTRICT OF FLORIDA

Records Were Checked For a Minimum of Seven Years

The above court was checked and no Federal records were found based upon the information provided.

Federal Record Check

**CA, SOUTHERN DISTRICT OF
CALIFORNIA**

CompleteClear

*** ALIAS NAMES HAVE BEEN SEARCHED ***

Federal Criminal Record Check *** CLEAR ***

Jurisdiction: CA, SOUTHERN DISTRICT OF CALIFORNIA

Records Were Checked For a Minimum of Seven Years

The above court was checked and no Federal records were found based upon the information provided.

Federal Record Check

**TX, SOUTHERN DISTRICT OF
TEXAS**

CompleteClear

*** ALIAS NAMES HAVE BEEN SEARCHED ***

Federal Criminal Record Check *** CLEAR ***

Jurisdiction: TX, SOUTHERN DISTRICT OF TEXAS

Records Were Checked For a Minimum of Seven Years

The above court was checked and no Federal records were found based upon the information provided.

Federal Record Check

NY, SOUTHERN DISTRICT OF

CompleteClear

NEW YORK

*** ALIAS NAMES HAVE BEEN SEARCHED ***

Federal Criminal Record Check *** CLEAR ***

Jurisdiction: NY, SOUTHERN DISTRICT OF NEW YORK

Records Were Checked For a Minimum of Seven Years

The above court was checked and no Federal records were found based upon the information provided.

Federal Record Check

TX, NORTHERN DISTRICT OF TEXAS

CompleteClear

*** ALIAS NAMES HAVE BEEN SEARCHED ***

Federal Criminal Record Check *** CLEAR ***

Jurisdiction: TX, NORTHERN DISTRICT OF TEXAS

Records Were Checked For a Minimum of Seven Years

The above court was checked and no Federal records were found based upon the information provided.

CIVIL COVER SHEET

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 the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Youngevity International, Corp., a Delaware Corporation; and David Briskie, an individual and Florida resident

(b) County of Residence of First Listed Plaintiff San Diego (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Peter A. Arhangelsky, Emord & Associates, P.C., 3210 S. Gilbert Rd., #4, Chandler, AZ 85286; (602) 388-8899

DEFENDANTS

Does 1-10, Inclusive.

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'16CV0965 L JLB

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Lanham Act, 15 U.S.C. 1125(a)(1)
Brief description of cause: Anonymous Defendants posted defamatory articles about Plaintiffs on the internet

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ <\$75,000 and Injunction CHECK YES only if demanded in complaint: JURY DEMAND: X Yes O No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 04/20/2016 SIGNATURE OF ATTORNEY OF RECORD /s/ Peter A. Arhangelsky

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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 the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.