

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

EDWARD LOVERA, individually and
on behalf of all others similarly situated,

Plaintiff,

- against -

WHOLE FOODS MARKET GROUP
INC.,

Defendant.

Class Action Complaint

Jury Trial Demanded

Edward Lovera (“Plaintiff”), through Counsel, alleges upon information and belief, except for allegations about Plaintiff, which are based on personal knowledge:

1. The last ten years have seen Americans consume a greater percentage of their food as “snacks,” often consumed, “on-the-go,” instead of formal meals.
2. This is reportedly due to “increasingly busy lifestyles and changing family routines.”
3. Shoppers are seeking “healthy indulgences,” or “treat[s] with all the flavor and taste desired, without the guilt of eating something ‘bad’ for you,” due to the presence of “real ingredients,” associated with positive health benefits.
4. Consumer research company Mintel attributed this demand for “real ingredients,” in part due to media attention focused on lack of transparency in the

food industry.¹

5. The result is that shoppers want to consume foods with the types of ingredients they have in their refrigerators and pantries, instead of highly processed, synthetic substitutes, and/or lower quality byproducts.

6. One of the key ingredients to meet these nutritional and sensory demands is cheese.

7. Industry data confirms the increased popularity of cheese, with its relative price and per capita consumption rising over the past decade to an all-time high of 50 lbs.

8. Multiple reasons explain the surge in popularity for cheese.

9. First, demand for cheese is consistent with growing preferences for natural foods, made without chemicals or harsh processing.

10. Cheese’s definition, as “the coagulated, compressed, and usually ripened curd of milk separated from the whey,” fits this bill.²

11. Second, more than half the public consider cheese “healthy” and “nutritious,” because it is high in protein and “healthy” fats, with key vitamins and minerals, like calcium.

¹ Lynn Dornblaser, Director, Innovation & Insight, Mintel, “Clean Label: Why this Trend is Important Now,” 2017.

² Merriam-Webster definition.

12. That this factor was important to consumers was observed by a marketing executive, noting how “Dairy, in its many forms, is increasingly seen as an inherently healthy simple food.”

13. Third, the versatility of cheese means it can be used in prepared and packaged applications, instead of only consumed in cubes, slices, or sticks.

14. Fourth, marketers know claims like “made with real cheese” add value to the types of shelf stable, on-the-go, convenience snacks, that consumers may have written off years ago as full of artificial and highly processed ingredients.

15. This is because cheese “has indulgent properties for consumers who want to ‘treat themselves,’” in addition to its reputation as nutritious.³

16. To prevent unscrupulous merchants from exploiting “extrinsic cues such as visual information,”⁴ in marketing foods based on “real cheese,” yet delivering

³ Cara Rasch, [3 Top Trends Impacting Cheese Sales](#), Freedonia Group, Sept. 29, 2023.

⁴ Lancelot Miltgen et al., “Communicating Sensory Attributes and Innovation through Food Product Labeling,” *Journal of Food Products Marketing*, 22.2 (2016): 219-239; Helena Blackmore et al., “A Taste of Things to Come: The Effect of Extrinsic and Intrinsic Cues on Perceived Properties of Beer Mediated by Expectations,” *Food Quality and Preference*, 94 (2021): 104326; Okamoto and Ippaita, “Extrinsic Information Influences Taste and Flavor Perception: A Review from Psychological and Neuroimaging Perspectives,” *Seminars in Cell & Developmental Biology*, 24.3, Academic Press, 2013; Clement, J., *Visual Influence on In-Store Buying Decisions: An Eye-Track Experiment on the Visual Influence of Packaging Design*, *Journal of Marketing Management*, 23, 917-928 (2007); Gupta K, O. et al., *Package Downsizing: Is it Ethical?* 21 *AI & Society* 239-250 (2007).

lower quality and cheaper vegetable oils, the Federal Food, Drug and Cosmetic Act (“FFDCA”) of 1938, and this State’s identical Agriculture and Markets Law (“AGM”), prohibited “misbranding” and adulteration, not just for real cheese, but across the sources of nourishment sought by American families. 21 U.S.C. § 301 *et seq.*⁵ AGM § 3.⁶

17. To appeal to consumers who (1) are eating a greater proportion of snacks across eating occasions, (2) seek snacks promoting the types of ingredients they are familiar with, and/or (3) want snacks that are a “healthy indulgence,” Whole Foods Market Group Inc. (“Defendant”) manufactures, labels, markets, packages, distributes, and/or sells, (i) Organic Mini Sandwich Cheese Crackers, (ii) promoted as “Made with Real Organic Cheddar Cheese,” (iii) next to five cracker sandwiches, stuffed with what appears to be a real cheddar cheese filling, (iv) under the 365 Whole Foods Market brand (“Product”).

⁵ “Misbranded” is the statutory term for labeling that is false and/or misleading, while “adulterated” means to “render (something) poorer in quality by adding another substance, typically an inferior one.”

⁶ Article 17, Adulteration, Packing, and Branding of Food and Food Products, AGM § 198 *et seq.*; Official Compilation of Codes, Rules and Regulations of the State of New York (“N.Y.C.R.R.”), Title 1, Department of Agriculture and Markets, Chapter VI, Food Control, Subchapter C, Food and Food Products (Article 17, AGM), including 1 N.Y.C.R.R. § 250.1 (adopting federal standards of identify for foods), 1 N.Y.C.R.R. § 259.1(a) (adopting Parts 100, 101 and 102 of Title 21).



18. Despite the expectation that “Real Organic Cheddar Cheese” would be the Product’s exclusive, or predominant, filling ingredient, or at least present in a relatively significant amount, compared to non-cheese ingredients, if any, the ingredient list, in fine print, on the back of the package, reveals its main component is not “Real Organic Cheddar Cheese,” but “Palm Oil,” listed first. 21 C.F.R. § 101.4(a)(1).



BICARBONATE), MICROBIAL ENZYMES. **CHEDDAR CHEESE FILLING:** ORGANIC EXPELLER PRESSED **PALM OIL**, ORGANIC CHEDDAR SEASONING (ORGANIC **CHEDDAR CHEESE** [ORGANIC CULTURED PASTEURIZED MILK, SALT, MICROBIAL ENZYMES], ORGANIC NONFAT DRY MILK,

INGREDIENTS: ...CHEDDAR CHEESE FILLING:
ORGANIC EXPELLER PRESSED **PALM OIL**,
ORGANIC **CHEDDAR SEASONING** (ORGANIC **CHEDDAR CHEESE** [CULTURED PASTEURIZED ORGANIC MILK, SALT, MICROBIAL ENZYMES], ORGANIC NONFAT DRY MILK...

19. While the “Cheddar Cheese Filling” ingredients include “Real Organic Cheddar Cheese,” in the form of “Cheddar Seasoning,” for which “Organic Cheddar Cheese” is the first and main component, this is listed second, after the main palm oil component. 21 C.F.R. § 101.4(a)(1).

20. Based on information and belief, and the investigation of Counsel, including (1) the nutritional values for the various nutrients listed in the Nutrition Facts, based on USDA food database amounts, (2) identical federal and identical state standards for fortification of enriched flour, which require the addition of nutrients in specific quantities per pound, and/or (3) commonsense estimates based on formulation and/or trade practices, the percentage of the filling from palm oil compared to real organic cheddar cheese, is likely significantly greater than fifty percent, and such allegation is likely to have evidentiary support following a reasonable opportunity for discovery. 21 C.F.R. § 101.4(a)(1); 21 C.F.R. § 137.165(a); 1 N.Y.C.R.R. § 265.1 (adopting federal standards of identify for cereal flours and related products).

21. The Product is “adulterated” and misleads consumers, because despite the labeling and packaging, causing purchasers to expect real organic cheddar cheese was the Product’s exclusive, or predominant, filling ingredient, or at least was present in a relatively significant amount, compared to non-cheese ingredients, if any, “[the] valuable constituent [of real organic cheddar cheese] has been in whole or in part omitted or abstracted.” AGM § 200(7); 21 U.S.C. § 342(b)(1).

22. The Product is “adulterated” and misleads consumers, because despite the labeling and packaging, causing purchasers to expect that real organic cheddar cheese was the Product’s exclusive, or predominant, filling ingredient, or at least

was present in a relatively significant amount, compared to non-cheese ingredients, if any, “[palm oil] has been substituted wholly or in part [] for [real organic cheddar cheese].” AGM § 200(8); 21 U.S.C. § 342(b)(2).

23. Palm oil is made by extracting and/or expressing the oil from palm fruits.

24. Then, it is highly processed, through hydrogenation and/or interesterification, in the presence of chemical catalysts, through industrial manufacturing.

25. Unlike cheese, which contains protein, calcium, and vitamins A and D, palm oil has negligible nutritional value, due to the processing needed to render it palatable.

26. Unlike cheese, which contains heart-healthy fats, which help control cholesterol, palm oil contains harmful trans fats.

27. Whereas palm oil has a waxy and/or oily flavor or aroma, cheese is known for its savory and/or creamy taste.

28. In contrast to cheese, a natural food, palm oil is considered an ultra-processed food (“UPF”), and ingredient, frowned upon by nutrition authorities and public health bodies.

29. Since palm oil is made through an industrial process, and based upon harvesting palm fruits, the amount of palm oil available is roughly four times greater than the amount of cheese.

30. Instead of the nutritive value, such as protein, good fats, vitamins and minerals, provided to cheese from its most important component, milkfat, palm oil lacks such nutrients.

31. This absence of milkfat means palm oil also lacks the creamy and savory taste of real organic cheddar cheese.

32. Palm oil is used to produce cheese analogues that are similar to cheese in appearance and texture.

33. That palm oil is increasingly used to increase yield of foods with smaller amounts of real cheese, including cheddar cheese, at lower costs, is confirmed by academic treatises and journals.⁷

34. In fact, palm oil producers promote how “Cheese analogue[s] [are] cost effective compared to natural cheese due to the raw materials used,” *viz.*, palm oil, resulting in “a simpler and cheaper manufacturing processes.”⁸

35. They even bragged that palm oil can provide “comparable organoleptic attributes with natural cheese,” presumably with consumers unable to discern the difference.

⁷ Habliza, Reham, et al. "Production of Ras Cheese Analogue by Partially or Totally Substitution of Milk Fat with Palm Oil." *Alexandria Science Exchange Journal* 43.2 (2022): 343-352.

⁸ Malaysian Palm Oil Council (MPOC), [Healthy and Functional Palm-Based Cheese Analogue](#).

36. By including palm oil as a filler, companies can provide less real organic cheddar cheese.

37. Palm oil is not an ingredient used in any “real cheddar cheese,” but used extensively in imitation cheese products.

38. The Product is “adulterated” and misleads consumers, because despite the labeling and packaging, causing purchasers to expect real organic cheddar cheese was the Product’s exclusive, or predominant, filling ingredient, or at least was present in a relatively significant amount, compared to non-cheese ingredients, if any, “[palm oil] has been added thereto or mixed or packed therewith so as to increase its bulk or weight.” AGM § 200(8); 21 U.S.C. § 342(b)(4).

39. Palm oil is recognized as a bulking agent, or a type of filler, functioning as inexpensive extender for costly ingredients, like real cheddar cheese.

40. By using a predominant amount of palm oil in the filling, the amount of real cheddar cheese used is decreased significantly.

41. The Product is “misbranded” and misleads consumers, because the labeling and packaging, including “Made with Real Organic Cheddar Cheese,” next to five cracker sandwiches, stuffed with what appears to be a real cheddar cheese filling, causes consumers to expect real organic cheddar cheese is the Product’s exclusive, or predominant, filling ingredient, or at least was present in a relatively significant amount, compared to non-cheese ingredients, if any. AGM § 201(1); 21

U.S.C. § 343(a)(1).

42. Consumers expect that where a food, or a food's component, is represented as being "Made With," and/or "With," a valuable ingredient, like "real cheddar cheese," that ingredient will be the predominant component of whatever it is a part of, or at least present in a significant, and non-de minimis amount.

43. The Product is "misbranded" and misleads consumers, because its name, Organic Mini Sandwich Cheese Crackers, promoted as "Made with Real Organic Cheddar Cheese" next to five cracker sandwiches, stuffed with what appears to be a real cheddar cheese filling, "includes or suggests the name[s] of [real organic cheddar cheese]...but not all such ingredients [palm oil], even though the names of all such ingredients are stated elsewhere in the labeling," on the fine print, side of the package, in the ingredient list. AGM § 201(1); 21 U.S.C. § 343(a)(1); 21 C.F.R. § 101.18(b); 1 N.Y.C.R.R. § 259.1(a)

44. The Product is "misbranded" and misleads consumers, because the labeling and packaging, promoting real organic cheddar cheese, "fails to reveal facts material in light of such representations," because in place of an absolute and relatively greater amount of real organic cheddar cheese, it has substituted palm oil, a cheese replacement. AGM § 201(1); 21 U.S.C. § 343(a)(1); 15 U.S.C. § 55(a)(1).

45. Substituting palm oil for real organic cheddar cheese is of material interest to consumers, because (1) real organic cheddar cheese costs more than palm

oil, (2) real organic cheddar cheese contain more nutrients than palm oil, including the most valuable component, milkfat, and more protein, (3) real organic cheddar cheese is an ingredient purchasers know and are familiar with, such that they are likely to buy and/or consume it in a variety of contexts, as opposed to palm oil, and/or (4) real organic cheddar cheese has a creamy, sharp, and/or savory taste, due in part to milkfat and lactones, absent from palm oil.

46. As a result of the false and misleading representations and omissions, the Product is sold at a premium price, approximately \$5.99 for 7.5 ounces, excluding tax, higher than similar products, represented in a non-misleading way, and higher than it would be sold for absent the misleading representations and omissions.

JURISDICTION

47. Plaintiff Lovera is a citizen and resident of New York.

48. The Court has jurisdiction over Defendant because it transacts business within New York, and sells the Product to consumers within New York, through thirty-two Whole Foods grocery stores, and/or online, to citizens of this State.

49. Defendant transacts business in New York, through the sale of the Product to citizens of New York, from thirty-two Whole Foods grocery stores, and/or online, to citizens of this State.

50. Defendant has committed tortious acts within this State through the distribution and sale of the Product, which is misleading to consumers in this State.

51. Defendant has committed tortious acts outside this State by labeling, packaging, representing, and/or selling the Product in a manner which causes injury to consumers within this State, by misleading them as to its contents, production practices, type, origins, quantity, amount, and/or quality, by regularly doing or soliciting business, or engaging in other persistent courses of conduct to sell the Product to consumers in this State, and/or derives substantial revenue from the sale of the Product in this State.

52. Defendant has committed tortious acts outside this State by labeling the Product in a manner which causes injury to consumers within this State by misleading them as to its contents, ingredients, production practices, type, origins, amount, and/or quality, through causing the Product to be distributed throughout this State, such that it expects or should reasonably expect such acts to have consequences in this State and derives substantial revenue from interstate or international commerce.

VENUE

53. Plaintiff Lovera resides in New York County, New York.

54. Venue is in this Court because Plaintiff Lovera's residence is in Bronx County.

55. Venue is in this Court because a substantial and/or entire part of the events or omissions giving rise to Plaintiff Lovera's claims occurred in Bronx

County, where he consumed the Product.

56. Plaintiff Lovera purchased the Product in New York County.

57. Plaintiff Lovera applied, used, and/or consumed the Product in Bronx County, in reliance on the packaging and labeling identified here, and/or learned the representations and omissions identified here were false and/or misleading in Bronx County.

PARTIES

58. Plaintiff Lovera is a citizen of Bronx County, New York.

59. Defendant Whole Foods Market Group Inc. is a Delaware corporation with a principal place of business in Texas.

60. While Whole Foods sells leading national brands of products, it also sells many products under one of its private label brands, 365 Whole Foods Market.

61. Private label products are made by third-party manufacturers, and sold under the name of the retailer, or its sub-brands.

62. Previously referred to as “generic” or “store brand,” private label products have increased in quality, and often are superior to their national brand counterparts.

63. Products under the 365 Whole Foods Market brand have an industry-wide reputation for quality.

64. In releasing products under the 365 Whole Foods Market brand,

Defendant's foremost criteria was to have high-quality products that were equal to or better than the national brands.

65. Whole Foods gets national brands to produce its private label items due to its loyal customer base and high standards.

66. Private label products under the 365 Whole Foods Market brand benefit from their association with consumers' appreciation for the Whole Foods brand overall.

67. That 365 Whole Foods Market-branded products satisfy or would satisfy this high bar was or would be proven by focus groups, which rated or would rate them equal to or above their name brand equivalent.

68. A survey by The Nielsen Co. "found nearly three out of four American consumers believe store brands [like 365 Whole Foods Market] are good alternatives to national brands, and more than 60 percent consider them to be just as good."

69. Upon information and belief, private label products generate higher profits for retailers like Whole Foods, because national brands spend significantly more on marketing, contributing to their higher prices.

70. The result is that private label products can be sold at relatively lower costs compared to national brands.

71. The development of private label items is a growth area for Whole Foods, as they select only top suppliers to develop and produce 365 Whole Foods

Market products.

72. Plaintiff is like most consumers, and looks to, and/or cannot avoid viewing, the front label of foods, to see what she is buying, and/or to learn basic information about them.

73. Plaintiff is like most consumers, and is accustomed to the front label of packaging telling her about a food's predominant or significant ingredients, in terms of quality and/or value.

74. Plaintiff expected real organic cheddar cheese was the Product's exclusive, or predominant, filling ingredient, or at least was present in a relatively significant amount, compared to any non-cheese ingredients, if any.

75. Plaintiff did not expect real organic cheddar cheese was not the Product's exclusive, or predominant, filling ingredient, nor present in a relatively significant amount, compared to any non-cheese ingredients, if any.

76. Plaintiff is like most consumers, who seeks snacks which are a "healthy indulgence," and/or believed real organic cheddar cheese was a food and/or ingredient which met this criteria.

77. Plaintiff read, saw, and/or relied on the packaging and labeling, to mean real organic cheddar cheese was the Product's exclusive, or predominant, filling ingredient, or at least was present in a relatively significant amount, compared to any non-cheese ingredients, if any.

78. Plaintiff bought the Product with the labeling and packaging identified here, at or around the above-referenced price.

79. Plaintiff purchased the Product between August 2021 and August 2024, at Whole Foods locations in counties including New York County.

80. Plaintiff expected real organic cheddar cheese was the Product's exclusive, or predominant, filling ingredient, or at least was present in a relatively significant amount, compared to non-cheese ingredients, if any.

81. Plaintiff paid more for the Product than she would have, had she known real organic cheddar cheese was not the Product's exclusive, or predominant, filling ingredient, nor present in a relatively significant amount, compared to non-cheese ingredients, if any, as she would have paid less.

82. The Product was worth less than what Plaintiff paid, and she would not have paid as much absent Defendant's false and misleading statements and/or omissions.

83. The Product's features and/or attributes, when taken together, and/or utilized for the purpose of conjoint analysis, choice analysis, choice-based ranking, hedonic pricing, or other similar methods, impacted Plaintiff's purchasing choice, compared to similar products lacking its features and/or attributes.

CLASS ALLEGATIONS

84. Plaintiff seeks to represent the following class:

All persons in New York who purchased the Product in New York during the statutes of limitations for each cause of action alleged.

85. Excluded from the Class are (a) Defendant, Defendant’s board members, executive-level officers, members, and attorneys, and immediate family members of any of the foregoing persons, (b) governmental entities, (c) the Court, the Court’s immediate family, and Court staff and (d) any person that timely and properly excludes himself or herself from the Class.

86. Common questions of issues, law, and fact predominate and include whether Defendant’s representations were and are misleading and if Plaintiff and class members are entitled to damages.

87. Plaintiff’s claims and basis for relief are typical to other members because all were subjected to the same unfair, misleading, and deceptive representations, omissions, and actions.

88. Plaintiff is an adequate representative because her interests do not conflict with other members.

89. No individual inquiry is necessary since the focus is only on Defendant’s practices and the class is definable and ascertainable.

90. Individual actions would risk inconsistent results, be repetitive and are impractical to justify, as the claims are modest relative to the scope of the harm.

91. The class is sufficiently numerous, with over one hundred members,

because the Product has or had been sold throughout the State for several years, with the representations, omissions, packaging, and/or labeling identified here, from thirty-two Whole Foods grocery stores, and/or online, to citizens of this State.

92. Plaintiff’s Counsel is competent and experienced in complex class action litigation and intends to protect class members’ interests adequately and fairly.

CAUSES OF ACTION

COUNT I

General Business Law (“GBL”) §§ 349 and 350

93. To the extent required, this section incorporates by reference other paragraphs as necessary.

94. The purpose of the GBL is to protect consumers against unfair and deceptive practices.

95. This includes making state consumer protection and enforcement consistent with established policies of federal law relating to consumer protection.

96. The GBL considers false advertising, unfair acts, and deceptive practices in the conduct of any trade or commerce to be unlawful.

97. Violations of the GBL can be based on (1) other laws and standards related to consumer deception, (2) public policy, established through statutes, laws, or regulations, (3) principles of the Federal Trade Commission Act (“FTC Act”), (4) FTC decisions with respect to those principles, (5) any rules promulgated pursuant to the FTC Act, and/or (6) standards of unfairness and deception set forth and

interpreted by the FTC or the federal courts relating to the FTC Act . 15 U.S.C. §§ 41, 45, *et seq.*

98. Defendant’s false and deceptive representations and omissions with respect to the Product’s contents, origins, nutrient values, servings, ingredients, flavoring, type, functionality, and/or quality, are material in that they are likely to influence consumer purchasing decisions.

99. The replacement of real organic cheddar cheese with palm oil is of material interest to consumers, because (1) real organic cheddar cheese costs more than palm oil, (2) real organic cheddar cheese contains more nutrients than palm oil, including the most valuable component, milkfat, and more protein, (3) real organic cheddar cheese is an ingredient purchasers know and are familiar with, such that they are likely to buy and/or consume it in a variety of contexts, as opposed to palm oil, and/or (4) real organic cheddar cheese has a creamy and/or savory taste, due in part to milkfat and lactones, absent from palm oil.

100. The labeling of the Product violated the FTC Act, thereby violating the GBL, because the representations, omissions, packaging, and/or labeling, caused consumers to expect real organic cheddar cheese was the Product’s exclusive, or predominant, filling ingredient, or at least was present in a relatively significant amount, compared to non-cheese ingredients, if any, which was unfair and deceptive to consumers.

101. The labeling of the Product violated the GBL, because the representations, omissions, labeling, and/or packaging, caused consumers to expect real organic cheddar cheese was the Product’s exclusive, or predominant, filling ingredient, or at least was present in a relatively significant amount, compared to non-cheese ingredients, if any, which was unfair and deceptive to consumers.

102. The labeling of the Product violates laws, statutes, rules, regulations, and/or norms, which prohibit unfair, deceptive, and/or unconscionable conduct, against the public.

103. The labeling of the Product violated the GBL, because the representations, omissions, packaging, and/or labeling, was contrary to statutes and/or regulations, which prohibit consumer deception by companies in the labeling of food products.

<u>Federal</u>	<u>State</u>
21 U.S.C. § 342(b)(1)	AGM § 200(7)
21 U.S.C. § 342(b)(2)	AGM § 200(8)
21 U.S.C. § 342(b)(4)	AGM § 200(10)
21 U.S.C. § 343(a)(1)	AGM § 201(1)
21 C.F.R. § 101.18	1 N.Y.C.R.R. § 259.1(a)

104. Plaintiff believed real organic cheddar cheese was the Product’s exclusive, or predominant, filling ingredient, or at least was present in a relatively significant amount, compared to non-cheese ingredients, if any.

105. Plaintiff paid more for the Product, and would not have paid as much, if she knew that real organic cheddar cheese was not the Product's exclusive, or predominant, filling ingredient, nor present in a relatively significant amount, compared to non-cheese ingredients, if any.

106. Plaintiff seeks to recover for economic injury and/or loss she sustained based on the misleading labeling and packaging of the Product, a deceptive practice under the GBL.

107. Plaintiff may produce evidence showing how she and consumers paid more than they would have paid for the Product, relying on Defendant's representations, omissions, packaging, and/or labeling, using statistical and economic analyses, hedonic regression, hedonic pricing, conjoint analysis, and/or other advanced methodologies.

108. This means individual damages will be based on the value attributed to the challenged claims and/or omissions, a percentage of the total price paid.

109. As a result of Defendant's misrepresentations and omissions, Plaintiff was injured and suffered damages by payment of a price premium for the Product, which is the difference between what she paid based on its labeling, packaging, representations, statements, omissions, and/or marketing, and how much it would have been sold for without the misleading labeling, packaging, representations, statements, omissions, and/or marketing identified here.

Jury Demand and Prayer for Relief

Plaintiff demands a jury trial on all issues.

WHEREFORE, Plaintiff prays for judgment:

1. Declaring this a proper class action, certifying Plaintiff as representative and the undersigned as Counsel for the class;
2. Awarding monetary damages and interest;
3. Awarding costs and expenses, including reasonable fees for Plaintiff's attorneys and experts; and
4. Other and further relief as the Court deems just and proper.

Dated: September 20, 2024

Respectfully submitted,

/s/ Spencer Sheehan

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