

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

DAWN TWOMEY, individually and on
behalf of all others similarly situated,

Plaintiff,

- against -

AMERICAN TEXTILE COMPANY
INCORPORATED,

Defendant

Class Action Complaint

Jury Trial Demanded

Plaintiff Dawn Twomey (“Plaintiff”) alleges upon information and belief, except for allegations about Plaintiff, which are based on personal knowledge:

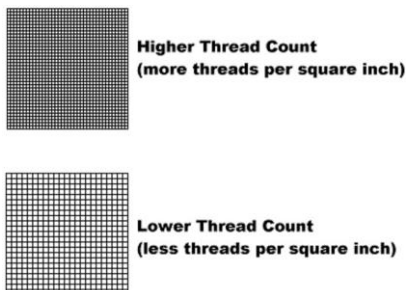
1. Bedsheets and pillowcases account for at least one-third of sales in the bedding products market, with their proportion growing rapidly.
2. Reports from industry trade group Cotton Incorporated indicate that the past two decades has seen significant shifts in what drives sales.
3. This is because consumers are placing greater importance on quality characteristics than to brand names and appearances.
4. Relevant quality criteria include thread count, weaving patterns, finishing, embellishments and fiber types and qualities.



5. According to LDB Interior Textiles, the leading publication in the home fashion industry, consumers are seeking higher thread count sheets at more reasonable prices.

6. Cotton Incorporated's Lifestyle Monitor confirmed these findings, noting that a substantial majority of consumers believe sheets with higher thread counts are higher quality, softer, and more likely to be made of cotton, the preferred fiber type.

7. Sheets with higher thread counts provide greater comfort, durability, and longevity, because they have "more threads per square inch," compared to lower thread counts with "less threads per square inch."



8. Surveys confirm that consumers are willing to, and do pay, more for

higher thread count sheets than lower thread count sheets.¹

9. As thread count increases, so does the price consumers pay, as does the quality, based on higher product ratings.

Price Comparison (King-size single flat sheet)				
Thread Count	Price	Price per Thread	Product Rating (stars)	Price per Star
400	\$50	\$0.13	4.6	\$10.87
500	\$60	\$0.12	4.9	\$12.24
600	\$76	\$0.13	4.7	\$16.17
700	\$77	\$0.11	4.8	\$16.04
1000	\$84	\$0.08	4.9	\$17.14
Price survey conducted 15 April 2023; ratings are on a 5-star scale based upon customer reviews at bedbathandbeyond.com				
(c) Len Penzo dot Com				

10. In prior decades, 180- or 200-thread count sheets were the standard, with more affordable options available with a 128-thread count.

11. However, increased global trade and increased industry competition has resulted in a rapidly rising market share for high thread count sheets.

12. This trend of “affordable luxury” allows consumers to buy higher quality products at more reasonable prices than decades ago, because of the increase in global trade.

13. Thread count is a simple and effective way for consumers to compare sheet quality across brands to determine value for their money.

14. To promote uniformity and prevent unfair competition, the global standards body, ASTM International, established ASTM Standard 3775, to

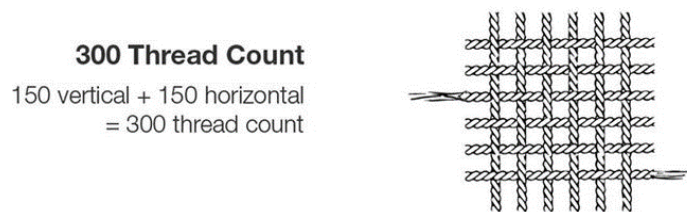
¹ ABC News, [Are Shoppers Short-Sheeted by Thread Count?](#), Jan. 2006.

standardize the method for counting threads used in textiles.²

15. This entails “Count[ing] individual warp ends (vertical threads) and filling (horizontal threads, referred to as ‘wefts’) picks as single units.”

16. When two yarns “are laid-in together and parallel,” the number of vertical (warp) and horizontal (weft) threads woven together in a square inch are counted separately, “regardless of whether it is comprised of single or plied components.”³

17. For example, 150 vertical threads plus 150 horizontal threads produce a thread count of 300.



18. However, “according to exposés from New York Magazine and Consumer Reports, many manufacturers use ‘creative math’ to inflate their numbers, advertising thread counts of 800, 1000, and 1200 – and leading consumers to believe they are getting a luxury product when they aren’t.”

19. Industry groups such as the National Textiles Association (“NTA”) and

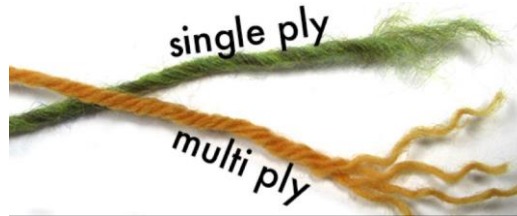
² Standard Test Method for Warp (End) Count and Filling (Pick) Count of Woven Fabrics; see also ASTM Designation: D3775-12; ASTM D 123-03, Standard Terminology Relating to Textiles.

³ ASTM Designation: D3775-12 at 9.1.2.

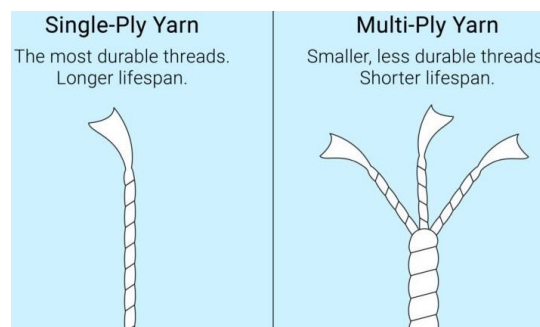
the American Textile Manufacturer's Institute ("ATMI"), and Consumer Reports, have observed how "extremely high [thread] counts are achieved by counting yarns within a ply as individual yarns, thus dramatically increasing the number of yarns in a square inch of fabric."⁴

20. Plies are individual strands of yarn, twisted together, to form a plied yarn.

21. Though a single-ply yarn is spun from a single strand of fiber, two-ply and three-ply yarns are spun from two and three single strands of fiber.

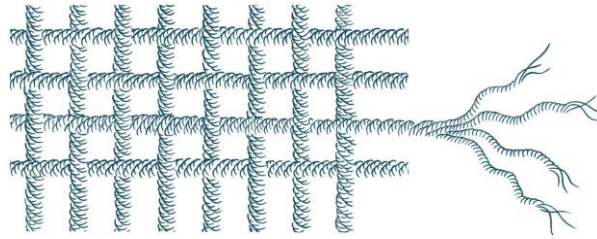


22. Single-ply yarns are "The most durable threads [with a] longer lifespan," while multi-ply yarns are "smaller, less durable threads [with a] shorter lifespan."

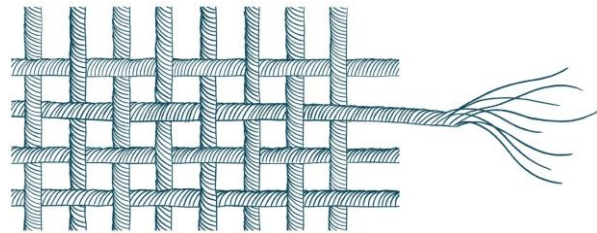


23. By "us[ing] thinner strands of fabric [known as plies] twisted together as if they were one," and counting each ply individually, the result is a higher thread count "more attractive to the consumer."

⁴ ATMI, Letter to FTC, Jan. 31, 2002.



24. This is in stark contrast to textiles made from single-ply yarns.



25. The use of multiple plies in single yarns requires using of thinner, lower quality fibers.

26. The Federal Trade Commission (“FTC”) confirmed that “[C]onsumers could be deceived or misled by the practice of stating an inflated thread count, achieved by multiplying the actual count by the number of plies within the yarn.”⁵

27. The U.S. International Trade Commission (“ITC”) has applied and accepted these findings in its investigations on this issue.

28. The FTC recognized this inflation of thread counts was unfair, deceptive and harmful to purchasers, who would be unable to compare similar products, because their “thread counts [] may have been calculated in two dramatically

⁵ FTC, Letter to ATMI, Mar. 18, 2002.

different ways.”⁶

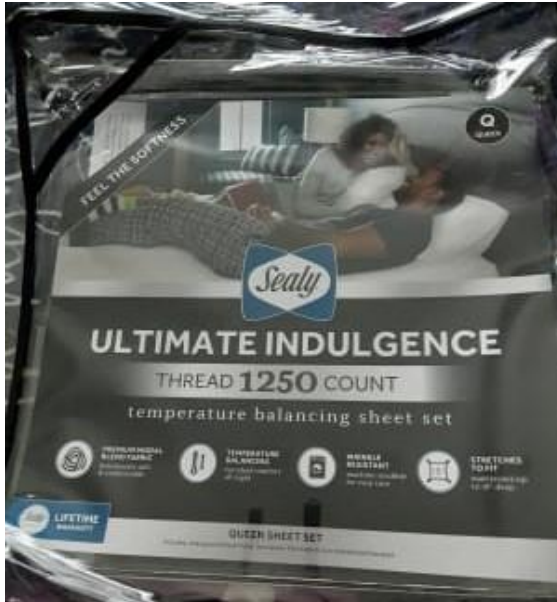
29. It noted that counting individual yarns within a ply to arrive at a total thread count was not supported by a “reasonable basis.”

30. The method proposed by the FTC for counting threads and disclosing this to consumers was consistent with the ASTM standard.

31. Specifically, it advised that companies should count the individual plies as part of single threads, such as “300 thread count, 2 ply yarn,” instead of “600 thread count,” which “would likely mislead consumers about the quality of the product being purchased.”

32. To meet consumer demand for sheets with higher thread counts, American Textile Company Incorporated (“Defendant”) manufactures and sells sheet sets represented with a thread count of 1,250 under the Sealy brand (“Product”).

⁶ FTC, Letter to NTA, Aug. 2, 2005.



33. However, laboratory testing in accordance with ASTM D 3775 determined that 1,250 is false and misleading with respect to the thread count of Sealy sheet sets.

34. This is because they have 57 warp yarns and 166 weft yarns per inch, for a total thread count of 233.

35. To reach the consumer appealing figure of 1,250, Defendant counted the 19 individual filaments in each warp yarn as separate yarns and multiplied this number by 57.

36. It then added 166 weft yarns, for a total of 1249.

37. By counting plied yarns individually, the thread count of Sealy sheet sets is not 1,250, and is inflated by almost six times what it would be if the industry standard and FTC-endorsed method was used.

38. The result was that consumers paid more money based on the expectation of a higher thread count product.

39. The Product was of lower quality, softness, comfort, durability, and longevity than it otherwise would be if it matched the represented thread count on the labeling.⁷

40. As a result of the false and misleading representations, the Product is sold at a premium price, approximately \$60.00 for a full-size sheet set, excluding tax and sales, 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

41. Plaintiff is a citizen of Florida.

42. Jurisdiction is based on the Class Action Fairness Act of 2005 (“CAFA”). 28 U.S.C. § 1332(d)(2).

43. The aggregate amount in controversy exceeds \$5 million, including any statutory or punitive damages, exclusive of interest and costs.

44. Defendant is a citizen of Pennsylvania based on its corporate formation

⁷ Defendant sells multiple variations of its Sealy sheets, under the “Ultimate Indulgence,” “Premium Comfort,” “Cool Comfort” lines, promoted with a 1,250 thread count of 1,250 while its “Premium Cooling” and “Superior Cooling” lines are promoted with a thread count of 1,000. In each line, the sheets are available in sizes including king, California king, twin, queen and full. The calculation of the thread count for all varieties is based on the same method described here.

and principal place of business.

45. The class of persons Plaintiff seeks to represent includes persons who are citizens of a different state from which Defendant is a citizen.

46. The members of the proposed class Plaintiff seeks to represent are more than one hundred, because the Product has been sold at hundreds of retail stores in this State, such as department stores, big box stores, home furnishing stores, warehouse club stores, bedding stores and/or online to citizens of this State.

47. The Court has jurisdiction over Defendant because it transacts business within Florida and sells its sheet sets with 1,250 thread counts to consumers within Florida from department stores, big box stores, home furnishing stores, warehouse club stores, bedding stores and/or online to citizens in this State.

48. Defendant transacts business in Florida, through the sale of its sheet sets with 1,250 thread counts to consumers within Florida from department stores, big box stores, home furnishing stores, warehouse club stores, bedding stores and/or online to citizens in this State.

49. Defendant has committed tortious acts within this State through the distribution and sale of its Sealy sheet sets with 1,250 thread counts to consumers within Florida from department stores, big box stores, home furnishing stores, warehouse club stores, bedding stores and/or online to citizens in this State.

50. Defendant has committed tortious acts outside this State by

manufacturing, labeling, representing and selling its Sealy sheet sets with 1,250 thread counts in a manner which causes economic injury to consumers within this State by misleading them as to its attributes, characteristics, contents, amount and/or quality, by regularly doing or soliciting business, or engaging in other persistent courses of conduct to sell its Sealy sheet sets with 1,250 thread counts to consumers in this State, and/or derives substantial revenue from the sale of its Sealy sheet sets with 1,250 thread counts to consumers in this State.

51. Defendant has committed tortious acts outside this State by manufacturing, labeling, representing and selling its Sealy sheet sets with 1,250 thread counts in a manner which causes economic injury to consumers within this State by misleading them as to its attributes, characteristics, contents, amount and/or quality, by regularly doing or soliciting business, or engaging in other persistent courses of conduct to sell its Sealy sheet sets with 1,250 thread counts to consumers in 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

52. Plaintiff resides in Pinellas County.

53. Venue in the Tampa Division of this District is based on Plaintiff's residence in Pinellas County.

54. Venue is based on Plaintiff's residence in Pinellas County because a substantial or the entire part of the events or omissions giving rise to her claims occurred in Pinellas County, including her purchase of the Product based on the representations and omissions identified here.

55. Venue is based on Plaintiff's residence in Pinellas County because this is where her causes of action accrued, including her purchase, payment of money for or towards, use and/or consumption of the Product.

56. Plaintiff purchased, paid money for or towards, used and/or consumed the Product in reliance on the representations and omissions identified here in Pinellas County.

57. Plaintiff first became aware the representations and omissions were false and misleading in Pinellas County.

PARTIES

58. Plaintiff Dawn Twomey is a citizen of Pinellas County, Florida.

59. Defendant American Textile Company Incorporated is a Pennsylvania corporation with a principal place of business in Pennsylvania.

60. Defendant is one of the largest textile manufacturers in the United States.

61. Defendant manufactures bedding products for dozens of brands, including Sealy.

62. Sealy is known worldwide for its premium mattresses.

63. Consumers seeing Sealy sheets will expect similarly high levels of quality based on its reputation.

64. Plaintiff is like most purchasers of all consumer goods, who sees things advertised with prominent figures and believes “the higher, the better.”

65. Plaintiff believed the thread count of sheets corresponded to quality, and that a higher thread count meant a higher quality set of sheets, in terms of softness, durability, and comfort.

66. Plaintiff expected the Sealy sheet promoted as having a thread count of 1,250, would provide greater comfort, durability, longevity and breathability than sheets advertised with a lower thread count, or no thread count at all.

67. Plaintiff read “1250” next to “Thread Count” on the label and/or other marketing materials.

68. Plaintiff read, saw and relied on the package’s statements of “1250” next to “Thread Count” on the label and/or in other marketing materials.

69. Plaintiff believed and expected the thread count promised on the label and/or in marketing materials was the thread count of the Product she was buying.

70. Plaintiff was not aware of the industry standard methods for calculating thread counts or the FTC endorsement of that method but believed that any numbers presented to her had a reasonable basis in fact.

71. Plaintiff did not expect such numbers to be inflated by almost six times

what they would be if the standard method for calculating thread count was used.

72. Plaintiff purchased Sealy sheets promoted as having a thread count of 1,250, made by Defendant, with the labeling and marketing identified here, at department stores, big box stores, home furnishing stores, warehouse club stores, bedding stores and/or online, in Pinellas County, between December 2019 and December 2023.

73. Plaintiff bought the Product at, around or exceeding the above-referenced price.

74. Plaintiff paid more for the Product than she would have had she known its thread count was almost six times higher than it would have been if standard methods for calculating thread counts were used.

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

CLASS ALLEGATIONS

76. Plaintiff seeks to represent the following class:

All persons in Florida who purchased Sealy sheet sets made by Defendant advertised as having a thread count of 1,250, in Florida, during the statutes of limitations for each cause of action alleged.

77. Excluded from the Class are (a) Defendant, Defendant's board members,

executive-level officers, 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.

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

79. 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.

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

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

82. 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.

83. The class is sufficiently numerous and likely includes several thousand people.

84. This is because Defendant sells its Sealy sheet sets promoted as having a thread count of 1,250 to consumers from hundreds of stores and online in the State

Plaintiff is seeking to represent.

85. 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

Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"),
Fla. Stat. § 501.201, et seq.

86. Plaintiff incorporates by reference paragraphs 1-40.

87. The purpose of FDUTPA is "To protect the consuming public...from those who engage in...deceptive, or unfair acts or practices in the conduct of any trade or commerce." Fla. Stat. § 501.202(2).

88. This includes "making state consumer protection and enforcement consistent with established policies of federal law relating to consumer protection." Fla. Stat. § 501.202(3).

89. FDUTPA considers any "unfair or deceptive acts or practices in the conduct of any trade or commerce [to be] unlawful." Fla. Stat. § 501.204(1).

90. Such "unfair or deceptive acts or practices" must be construed so that "due consideration and great weight shall be given to the interpretations of the FTC and the federal courts relating to [the FTC Act,] 15 U.S.C. § 45(a)(1)." Fla. Stat. § 501.204(2).

91. Violations of FDUTPA can be based on other laws and standards related

to consumer deception. Fla. Stat. § 501.203(3).

92. An FDUTPA violation occurs whenever “Any rules promulgated pursuant to the FTC Act, 15 U.S.C. § 41 *et seq.*” are violated. Fla. Stat. § 501.203(3)(a).

93. An FDUTPA violation occurs whenever “The standards of unfairness and deception set forth and interpreted by the Federal Trade Commission (‘FTC’) or the federal courts” relating to the FTC Act are violated. Fla. Stat. § 501.203(3)(b).

94. An FDUTPA violation occurs whenever “Any law, statute, rule, regulation, or ordinance which proscribes...unfair, deceptive, or unconscionable acts or practices” is violated. Fla. Stat. § 501.203(3)(c).

95. In considering whether advertising is misleading in a material respect, the FTC Act recognizes that the effect of advertising includes not just representations made or suggested by words and images, “but also the extent to which [it] fails to reveal facts material in the light of such representations.” 15 U.S.C. § 55(a)(1).

96. The FTC has stated that all advertisements and marketing must have a reasonable basis in fact.

97. The FTC stated that the calculation of a product’s thread count which counts plied yarns individually, as exists here, does not appear to have a reasonable basis in fact.

98. The FTC endorsed the industry standard method of calculating thread

counts, under which the Sealy 1,250 thread count sheet sets would be close to twenty percent of what was advertised.

99. Defendant's false and deceptive representations and omissions are material in that they are likely to influence consumer purchasing decisions.

100. This is because consumers prefer sheet sets with higher thread counts for reasons including durability, quality, softness and comfort.

101. The marketing of the sheet sets with thread counts of 1,250 violated the standards of unfairness and deception set forth and interpreted by the FTC, because counting plied yarns individually resulted in a thread count that was significantly inflated. Fla. Stat. § 501.203(3)(b).

102. The marketing of the sheet sets with thread counts of 1,250 violated laws, statutes, rules, regulations, or ordinances "which proscribe[]...unfair, deceptive, or unconscionable acts or practices," because the counting of individual plied yarns was a deceptive act, thereby violating FDUTPA. Fla. Stat. § 501.203(3)(c); 15 U.S.C. § 45(a)(1)

103. The labeling of the Product violated FDUTPA because counting individual plied yarns was an unfair or deceptive act or practice in the sale of sheet sets. Fla. Stat. § 501.204(1).

104. The labeling of the Product violated FDUTPA because this State recognized that "in construing subsection (1), due consideration and great weight

shall be given to the interpretations of the [FTC] [] relating to s. 5(a)(1) of the FTC Act.” Fla. Stat. § 501.204(1).

105. The FTC affirmed that since all marketing and advertisements must have a reasonable basis, and because the counting of individual plied yarns in the manner described here appears to lack such a basis, the practice employed by Defendant with its 1,250 thread count sheet sets is deceptive and unfair to consumers.

106. Plaintiff believed the thread count of the Sealy sheet set, marketed as 1,250, was accurate or reasonably accurate, because she had no basis to know of industry practices which counted plied yarns individually, resulting in inflated thread counts.

107. Plaintiff paid more for the Product and would not have paid as much if she knew that its thread count was significantly inflated over what it would be if industry standard and FTC-endorsed methods were used.

108. Plaintiff seeks to recover for economic injury and/or loss she sustained based on the misleading labeling, marketing and packaging of the Sealy sheet sets promoted as having a thread count of 1,250, a deceptive practice under FDUTPA, by paying more for it than she otherwise would have.

109. Plaintiff will produce evidence showing how she and consumers paid more than they otherwise would have paid for the Product, relying on Defendant’s representations and omissions, using statistical and economic analyses, hedonic

regression, hedonic pricing, conjoint analysis and other advanced methodologies.

COUNT II
False and Misleading Advertizing.
Fla. Stat. § 817.41

110. Plaintiff incorporates by reference paragraphs 1-40.

111. Defendant made misrepresentations and omissions of material fact, that its Sealy sheet sets had a thread count of 1,250, through its advertisements and marketing in various forms of media, product packaging and descriptions, and/or targeted digital advertising.

112. Defendant failed to truthfully disclose that the Sealy sheet sets had a true thread count roughly twenty percent of the advertised figure, and that the number promoted in the marketing and labeling was arrived at using methods which are not industry standard and results in inflated numbers.

113. Defendant falsely and/or deceptively stated and/or implied the Sealy sheet sets had a thread count of 1,250 even though this figure was reached by counting plied yarns individually.

114. Defendant's false and deceptive representations and omissions are material in that they are likely to influence consumer purchasing decisions, because thread count is one of the most important factors considered when buying sheet sets.

115. Defendant knew these statements and omissions were false and/or misleading.

116. Defendant intended for consumers to rely on its false statements and omissions for the purpose of selling the Sealy sheet sets advertised with a thread count of 1,250.

117. Plaintiff and class members did in fact rely upon these statements and omissions.

118. Reliance was reasonable and justified because of the public trust placed in companies selling bedding products and especially under the Seay brand, with consumers expecting them to be marketed truthfully and in a non-misleading manner.

119. Plaintiff paid more for the Sealy sheet sets marketed with a thread count of 1,250, as she would not have paid as much or bought it if she knew that its thread count was significantly less than advertised, and arrived at by using methods which are not used by others in the bedding industry, resulting in highly inflated thread counts.

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: January 29, 2024

Respectfully submitted,

/s/ William Wright

The Wright Law Office P.A.
515 N Flagler Dr Ste P300
West Palm Beach FL 33401
(561) 514-0904
willwright@wrightlawoffice.com

Notice of Lead Counsel Designation:

Lead Counsel for Plaintiff

William Wright

The Wright Law Office P.A.

Counsel for Plaintiff

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

DAWN TWOMEY, individually and on behalf of all others similarly situated

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

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

The Wright Law Office, P.A., 515 N Flagler Dr Ste P300 West Palm Beach FL 33401-4326 (561) 514-0904

DEFENDANTS

AMERICAN TEXTILE COMPANY, INCORPORATED

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)

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)

- | | PTF | DEF |
|---|---------------------------------------|----------------------------|
| Citizen of This State | ☒ 1 | ☐ 1 |
| Citizen of Another State | ☐ 2 | ☐ 2 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 |
- | | PTF | DEF |
|---|----------------------------|---------------------------------------|
| Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Incorporated and Principal Place of Business In Another State | ☐ 5 | ☒ 5 |
| Foreign Nation | ☐ 6 | ☐ 6 |

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

Click here for: Nature of Suit Code Descriptions .

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☒ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent-Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX S UITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities-Employment ☐ 446 Amer. w/Disabilities-Other ☐ 448 Education	Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement		

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 (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332

Brief description of cause:

False advertising

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

January 29, 2024

/s/ William Wright

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
Middle District of Florida

DAWN TWOMEY, individually and on behalf of
all others similarly situated,

Plaintiff(s)

v.

AMERICAN TEXTILE COMPANY,
INCORPORATED,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* American Textile Company, Incorporated
c/o Corporation Service Company
2595 Interstate Dr Ste 103
Harrisburg PA 17110-9378

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

William Wright, The Wright Law Office, P.A., 515 N Flagler Dr Ste P300 West
Palm Beach FL 33401-4326, (561) 514-0904

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

DAWN TWOMEY, individually and on
behalf of all others similarly situated,

Plaintiff,

- against -

AMERICAN TEXTILE COMPANY
INCORPORATED,

Defendant

NOTICE OF LEAD COUNSEL DESIGNATION

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear
in this case as lead counsel for Plaintiff Dawn Twomey.

Dated: January 29, 2024

Respectfully submitted,

/s/ William Wright

The Wright Law Office, P.A.
515 N Flagler Dr Ste P300
West Palm Beach FL 33401
(561) 514-0904
willwright@wrightlawoffice.com

Lead Counsel for Plaintiff