

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ELIYAHU REITER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

HEALTH-ADE LLC,

Defendant.

Case No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Eliyahu Reiter (“Plaintiff”) brings this action on behalf of himself and all others similarly situated against Defendant Health-Ade LLC (“Defendant” or “Health-Ade”). Plaintiff makes the following allegations pursuant to the investigation of his counsel and based upon information and belief, except as to the allegations specifically pertaining to the Plaintiff, which are based on personal knowledge.

NATURE OF THE ACTION

1. Plaintiff brings this class action lawsuit on behalf of himself and similarly situated consumers who purchased SunSip prebiotic soda (the “Products”).
2. Over the last five years, companies like Olipop and Poppi¹ have popularized prebiotic sodas—soft drinks with prebiotic fiber that supposedly boost digestive health. Since that time, the prebiotic soda market has surged to become a multi-billion-dollar industry.
3. Defendant’s labeling on each can of Products touts that it is a “SODA WITH BENEFITS” because it contains “PREBIOTICS” that provide “good gut vibes.” And, on its website, Defendant repeatedly refers to SunSip as “gut-healthy soda.” But the Products each

¹ Poppi recently agreed to an \$8.9 million settlement to resolve claims that its digestive health representations regarding prebiotics were misleading. *In re VNGR Beverage, LLC Litig.*, 4:24-cv-03229-HSG (N.D. Cal.).

contain only up to three grams of prebiotic fiber, an amount too low to provide any meaningful digestive health benefits. In fact, studies show that prebiotics only begin to benefit consumers when they ingest 12 grams or more daily for at least one month. Thus, in order to reap the benefits of prebiotics, consumers would have to drink at least four cans of the Products every day for a month. And because the Products contain up to 5 grams of sugar per can, consumers would also ingest an additional 20 grams of sugar per day (40% of the FDA's daily recommended intake), negating any benefits from prebiotics.

4. Accordingly, despite Defendant's alluring "prebiotic" marketing claims, as one nutritionist bluntly explained: the Products "are basically sugared water," which has been shown to actually harm digestive health.

5. Plaintiff has purchased the Products. Now, on behalf of himself and all others similarly situated, he asserts claims for violations of New York General Business Law §§ 349 and 350.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332(d)(2)(a) because this case is a class action where the aggregate claims of all members of the proposed class are in excess of \$5,000,000.00 exclusive of interest and costs, there are over 100 members of the putative class, and at least one class member is a citizen of a state different than Defendant.

7. This Court has personal jurisdiction over Defendant because a substantial portion of the events that gave rise to Plaintiff's claims occurred in New York.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because a substantial portion of the events that gave rise to Plaintiff's claims occurred in this District.

PARTIES

9. Plaintiff Eliyahu Reiter is a citizen of New York who resides in Brooklyn, New York. Mr. Reiter has purchased the Products for himself numerous times during the applicable statute of limitations. For example, in or around December 2024, he purchased SunSip Cherry Cola Flavor from Whole Foods in Brooklyn, New York for approximately \$2.59. In purchasing the Products, Mr. Reiter relied on Defendant’s labeling representation that the Products prebiotics and understood that representation to mean that they contained a sufficient quantity of prebiotics to positively impact his gut health. Had Mr. Reiter known that Defendant’s representations were misleading, and that the Products would not improve his digestive health, he would not have purchased the Products or would have only been willing to purchase the Products at a lesser price.

10. Defendant Health-Ade LLC is a corporation organized under the laws of Delaware, with a principal place of business in Los Angeles, California. Defendant conducts business in this District and throughout the state of New York. Defendant formulates, advertises, manufactures, and/or sells the Products throughout New York and the United States.

GENERAL ALLEGATIONS

11. “Prebiotics” are a type of dietary fiber that stimulate the growth of healthy bacteria in the gut known as probiotics. Instead of being digested by the body, these prebiotic fibers travel to the large intestine, where—when they are consumed in sufficient quantities—they promote the growth of healthy gut bacteria that aid digestion and regulate the immune system.

12. Defendant conspicuously represents on the Products’ label that SunSip contains “Prebiotics” and that provide “good gut vibes”:



13. On its website, Defendant further explains that “SunSip is a gut-healthy soda with benefits from Health-Ade that delivers the flavors you love and the good stuff you need!” Defendant adds that the prebiotics in SunSip are “[g]ut healthy prebiotic fibers from agave inulin [that] nurture a happy gut because they provide “[f]uel for probiotics,” “[k]ick-start good bacteria growth,” and “[n]ourish a diverse microbiome.”

14. Indeed, Defendant repeatedly states on its website that the Products are “gut-healthy”:

Frequently asked questions

What is SunSip? +

Is SunSip Non-GMO, Vegan, Gluten-Free, and Kosher? +

What are the benefits of SunSip? +

SunSip is a gut-healthy soda with benefits from Health-Ade that delivers the flavors you love and the good stuff you need! This better-for-you soda swap includes prebiotics, vitamins and minerals, and NO caffeine or stevia.




Prebiotics: Our healthy prebiotic fibers from agave help nurture a happy gut.

Vitamins: A good source of Vitamins C, B6, and B12 support your everyday immunity and energy (without bringing on the jitters you might get from caffeine).

Minerals: A good source of Zinc and Selenium promote your inner and outer glow.

Plus, there is no stevia in sight! SunSip is sweetened with fruit juice, monk fruit and cane sugar. Each can contains 6 grams of sugar or less and 40 calories or less.

Free shipping on \$75+ orders [Shop Now](#)


Shop × [Subscribe & Save](#)  [Learn](#) [Rewards](#)  

SHOP BY COLLECTION


- Shop All
- Build Your Bundle
- Best Sellers
- Variety Packs
- Limited Edition
- Gift Card

Take Our Flavor Quiz


SHOP BY TYPE



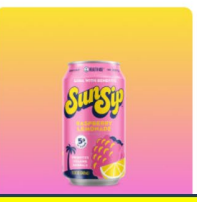
Kombucha in Cans
Our bubbly probiotic tea designed for all of life's adventures.



Kombucha in Bottles
Our OG probiotic tea in a variety of delicious flavors.



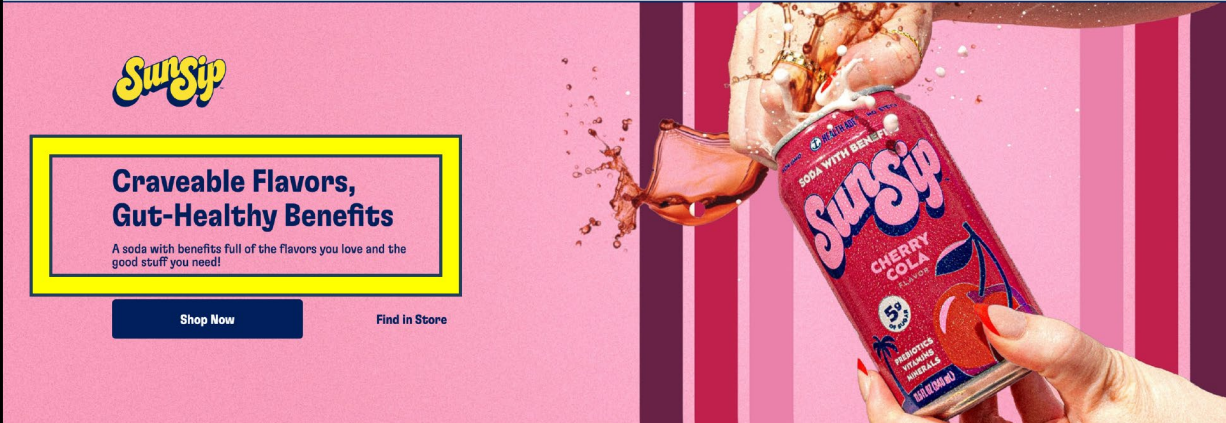
Glow Up Kombucha
Bubbly probiotic tea boosted with even more benefits.



SunSip New
Our gut-healthy soda with benefits, full of flavor, fizz and fun-ction!

Free shipping on \$75+ orders Shop Now

Shop ▾ Subscribe & Save HEALTH-ADE Learn ▾ Rewards 🔍 🛒



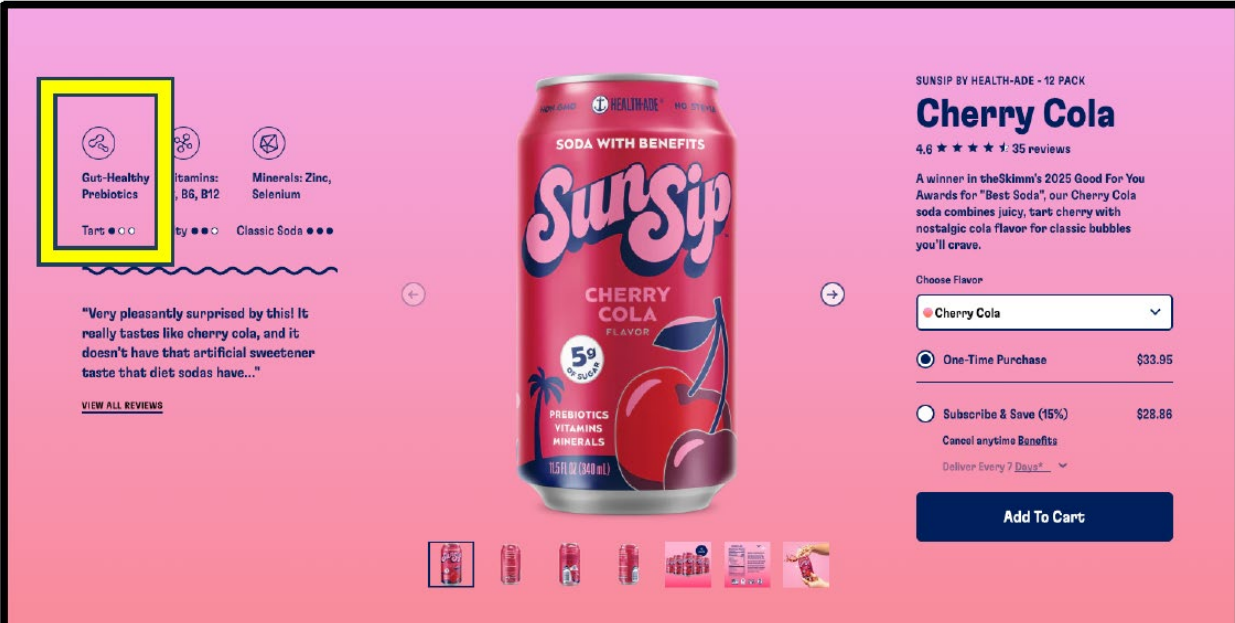
SunSip

**Craveable Flavors,
Gut-Healthy Benefits**

A soda with benefits full of the flavors you love and the good stuff you need!

[Shop Now](#) [Find in Store](#)

A gut-healthy soda with benefits that delivers the flavor you love and good stuff you need!



SUNSIP BY HEALTH-ADE - 12 PACK

Cherry Cola

4.6 ★★★★★ 35 reviews

A winner in theSkimm's 2025 Good For You Awards for "Best Soda", our Cherry Cola soda combines juicy, tart cherry with nostalgic cola flavor for classic bubbles you'll crave.

Choose Flavor

Cherry Cola

One-Time Purchase \$33.95

Subscribe & Save (15%) \$28.86

Cancel anytime Benefits

Deliver Every 7 Days*

[Add To Cart](#)

SODA WITH BENEFITS

SunSip

CHERRY COLA
FLAVOR

5g OF SUGAR

PREBIOTICS
VITAMINS
MINERALS

11.5 FL OZ (340 mL)

Gut-Healthy Prebiotics


Vitamins: B6, B12

Minerals: Zinc, Selenium

Tart ●○○ by ●●● Classic Soda ●●●

"Very pleasantly surprised by this! It really tastes like cherry cola, and it doesn't have that artificial sweetener taste that diet sodas have..."

[VIEW ALL REVIEWS](#)





4 Bubbly Benefits

- 
Prebiotics
 Gut-healthy prebiotic fibers from agave inulin nurture a happy gut.
- 
Vitamins
 A good source of Vitamins C, B6, and B12 support your everyday immunity and energy.
- 
Minerals
 A good source of Zinc and Selenium promote your inner and outer glow.
- 
No Stevia
 No stevia in sight! SunSip is sweetened with fruit juice, monk fruit, and cane sugar. Each can contains ≤6g of sugar and 40 calories or less.

15. Defendant makes similar claims about the Products being “gut-healthy” on social media:

Sponsored
Library ID: 65762533780069

40% off & free shipping for first time orders! SunSip is a gut-healthy soda with benefits that delivers the flavors you love and the good stuff you need:

- ✓ Gut-Healthy Prebiotics
- ✓ ≤ 6g of Sugar + NO Stevia
- ✓ Vitamins: Vitamins C, B6, and B12
- ✓ Minerals: Zinc and Selenium
- ✓ Only \$1.64 a Can for 12 Packs

Full Flavor. No Stevia. All Good.

Vitamins & Minerals
For Everyday Glow

Prebiotic Fiber
For a Happy Gut

5g of Sugar

40% OFF Your First Order + Free Shipping
Use Code **NEW2SUNSIP**


40% Off | Try the Gut-Healthy Soda by Health-Ade® Shop Now

Library ID: 1099823004907070
Oct 23, 2024 - Jan 1, 2025
Platforms @

This ad has multiple versions

Sponsored
Library ID: 1099823004907070

SunSip is more than just a soda with benefits! Craveable flavors meet gut-healthy goodness in every sip. 🌟



😊 Du!	PREBIOTICS	Nope 🙅
⚡ C, B6, B12	VITAMINS	None 🙅
🛡️ Zinc + Selenium	MINERALS	Zero 🙅
🍏 ≤ 40 calories	CALORIES	≥ 140 calories
🍷 ≤ 5 grams	SUGAR	≥ 40 grams

Learn More



16. Defendant makes these claims about prebiotics and gut health in an effort to capitalize on the growing market for healthy drinks. Indeed, health-conscious consumers are willing to pay a price premium for products labeled and advertised as healthy or as has having particular health benefits.

17. But, unfortunately for consumers, drinking SunSip will not positively impact their digestive health unless they drink four or more cans of its every day for at least a month. The prebiotics in SunSip are inulin, a type of fiber derived from plant material. When ingested in sufficient quantities, inulin supports digestive health because it is fermented by gut bacteria and causes the body to produce short-chain fatty acids (SCFAs)—organisms in the gut that help

to maintain immune homeostasis, glucose homeostasis, and intestinal barrier integrity.

18. A recent study, however, shows that SCFAs are not impacted by small amounts of inulin such as those in the Products. Participants in this study were given doses of 5 grams and 7.5 grams of inulin every day for 3 weeks. Ultimately, the study concluded that inulin by itself did not create a scientifically significant positive change in participants' SCFAs. As such, low levels of inulin, like those in the Products, do not provide the key benefits associated with prebiotic intake.

19. And if consumers were to drink four cans of the Products every day for a month, in order to consume sufficient quantities of inulin, that would result in them consuming an extra 20 grams of sugar per day, which is 40% of the FDA's daily recommended intake. Consuming sugar at this rate would not only counteract any prebiotic benefits of the Products, but it would actually be detrimental to consumers' health.

20. Many studies have examined the deleterious effects of sugar on gut health, including a recent study that found that "[h]igh sugar intake seems to stagger the balance of microbiota [in the gut] . . . to have increased pro-inflammatory properties, decreased immune-regulatory functions and decreased capacity to regulate epithelial [body tissue] integrity."

21. Another study conducted at Columbia University found that "dietary sugar alters the gut microbiome, setting off a chain of events that leads to metabolic disease, pre-diabetes, and weight gain."

22. As such, drinking enough of the Products to obtain any prebiotic benefit also inherently means ingesting enough sugar to negate those same benefits.

23. Additionally, on average, Americans already maintain high-sugar diets. The Center for Disease Control (CDC) suggests that people over the age of two should consume no

more than 12 teaspoons of added sugar daily (approximately 48 grams of sugar). However, overall, Americans consume 17 teaspoons of added sugar every day (approximately 68 grams of sugar).

24. This means that drinking any amount of the Products (each of which contain up to 5 grams of sugar) cannot counteract the negative effects of high-sugar diets that are already pervasive across America, and consuming four of the Products each day (amounting to up to 20 grams of additional grams of sugar) will only worsen the problem.

25. Defendant does not specify the number of cans of the Products that a consumer would have to drink to get enough prebiotics to benefit gut-health. As such, reasonable consumers understand Defendant's claims that the Products contain "Prebiotics" to mean that even one can of the Products will provide them with some benefit. But that is untrue. Nor would consumers understand that by ingesting the requisite number of cans they would necessarily also be ingesting large quantities of sugar that would counteract any potential benefits.

CLASS ACTION ALLEGATIONS

26. Plaintiff seeks to represent a class defined as all persons in the New York who, during the maximum period of time permitted by law, purchased the Products for personal, family, or household consumption, and not for resale (the "Class").

27. **Numerosity Fed. R. Civ. P. 23(a)(1).** Members of the Class are so numerous that their individual joinder herein is impracticable. On information and belief, members of the Class number in the millions. The precise number of Class members and their identities are unknown to Plaintiff at this time but may be determined through discovery. Class members may be notified of the pendency of this action by mail and/or publication through the distribution records of Defendant and third-party retailers and vendors.

28. **Commonality and Predominance (Fed. R. Civ. P. 23(a)(2) and 23(b)(3)).**

There is a well-defined community of interest in the questions of law and fact involved in this case. Common questions of law and fact that exist as to all Class members and predominate over questions affecting only individual Class members include, but are not limited to:

- (a) the amount of prebiotics in the Products;
- (b) the amount of prebiotics necessary to improve digestion;
- (c) the harmful impact of sugar in the Products;
- (d) whether Defendant's marketing, advertising, packaging, labeling, and other promotional materials for the Products are deceptive and misleading; and
- (e) whether Plaintiff and members of the Class have suffered damages as a result of Defendant's actions, and the amount thereof.

29. **Typicality (Fed. R. Civ. P. 23(a)(3)).** The claims of the named Plaintiff are typical of the claims of the Class in that the named Plaintiff was exposed to Defendant's misleading marketing, purchased Defendant's Products, and suffered a loss as a result of those purchases.

30. **Adequacy (Fed. R. Civ. P. 23(a)(4)).** Plaintiff is an adequate representative of the Class because his interests do not conflict with the interests of the Class members he seeks to represent, he has retained competent counsel experienced in prosecuting class actions, and he intends to prosecute this action vigorously. The interests of Class members will be fairly and adequately protected by Plaintiff and his counsel.

31. **Superiority (Fed. R. Civ. P. 23(b)(3)).** The class mechanism is superior to other available means for the fair and efficient adjudication of the claims of Class members. Even if every member of the Class could afford to pursue individual litigation, the court system could not. Individualized litigation would be unduly burdensome to the courts in which individual litigation of numerous cases would proceed. Individualized litigation would also increase the

delay and expense to all parties and would present the potential for varying, inconsistent, or contradictory judgments—magnifying the delay and expense to all parties and to the court system resulting from multiple trials of the same factual issues. In contrast, the maintenance of this action as a class action, with respect to some or all of the issues presented herein, presents far fewer management difficulties and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court on the issue of Defendant’s liability. Class treatment of the liability issues would ensure that all claims and claimants are before this Court for consistent adjudication of the liability issues. Plaintiff anticipates no difficulty in the management of this action as a class action.

CAUSES OF ACTION
COUNT I

Violation of the New York General Business Law § 349

32. Plaintiff incorporates by reference and re-alleges herein all paragraphs alleged above.

33. Plaintiff brings this cause of action on behalf of himself and members of the Class against Defendant.

34. Plaintiff and Class members are “persons” within the meaning of the GBL § 349(h).

35. Defendant is a “person, firm, corporation or association or agent or employee thereof” within the meaning of GBL § 349(b).

36. Under GBL § 349, “[d]eceptive acts or practices in the conduct of any business, trade or commerce are unlawful.”

37. Defendant engaged in deceptive acts and practices by marketing the Products as containing prebiotics and in claiming that they are “gut-healthy soda[s]” because the Products do

not contain sufficient quantities of probiotic fiber to confer any benefits to consumers. And, if consumers did drink enough of the products to reach the necessary threshold for the benefits of probiotics, any such benefits would be counteracted by the inclusion of sugar in the Products.

38. Defendant's deceptive acts and practices were materially misleading. Defendant's conduct was likely to and did deceive reasonable consumers, including Plaintiff, about the quality of its Products, as discussed throughout.

39. Plaintiff and the Class members were unaware of, and lacked a reasonable means of discovering, the material facts that Defendant withheld.

40. Defendant's actions set forth above occurred in the conduct of trade or commerce.

41. The foregoing deceptive acts and practices were directed at consumers.

42. Defendant's misleading conduct concerns widely purchased consumer products and affects the public interest. Defendant's conduct includes unfair and misleading acts or practices that have the capacity to deceive consumers and are harmful to the public at large. Defendant's conduct is misleading in a material way because it fundamentally misrepresents the quality of the Products.

43. Plaintiff and the Class members suffered ascertainable loss as a direct and proximate result of Defendant's GBL violations in that: (i) they would not have purchased the Products had they known the truth; and (ii) they overpaid for the Products on account of the misrepresentations and omissions, as described herein. As a result, Plaintiff and New York Class members have been damaged either in the full amount of the purchase price of the Products or in the difference in value between the Products as warranted and the Products as actually sold.

44. On behalf of himself and other members of the Class, Plaintiff seeks to enjoin Defendant's unlawful acts and practices described herein, to recover actual damages or \$50,

whichever is greater, reasonable attorney's fees and costs, and any other just and proper relief available under GBL § 349.

COUNT II

Violation of the New York General Business Law § 350

45. Plaintiff incorporates by reference and re-alleges herein all paragraphs alleged above.

46. Plaintiff brings this cause of action on behalf of himself and members of the Class against Defendant.

47. GBL § 350 provides that “[f]alse advertising in the conduct of any business, trade or commerce or in the furnishing of any service in this state is hereby declared unlawful.”

48. Defendant's labeling and advertisement of the Products was false and misleading in a material way. Specifically, Defendant advertised the Products as containing “Prebiotics” and that the Products are “gut-healthy soda[s]” even though the Products do not contain sufficient quantities of prebiotic fiber to confer any benefits to consumers. And, if consumers did drink enough of the products to reach the necessary threshold for the benefits of prebiotics, any such benefits would be counteracted by the inclusion of sugar in the Products.

49. These misrepresentations and omissions were consumer-oriented and were likely to mislead a reasonable consumer acting reasonably under the circumstances.

50. This misrepresentation has resulted in consumer injury or harm to the public interest.

51. As a result of this misrepresentation, Plaintiff and Class members have suffered economic injury because: (i) they would not have purchased the Product had they known the truth; and (ii) they overpaid for the Products on account of the misrepresentations and omissions, as described herein. As a result, Plaintiff and Class members have been damaged either in the

full amount of the purchase price of the Products or in the difference in value between the Products as warranted and the Products as actually sold.

52. By reason of the foregoing and as a result of Defendant's conduct, Plaintiff and Class members seek to enjoin the unlawful acts and practices described herein, to recover their actual damages or five hundred dollars, whichever is greater, three times actual damages, reasonable attorneys' fees and costs, and any other just and proper relief available under GBL § 350.

PRAYER FOR RELIEF

WHEREFORE Plaintiff, individually and on behalf of all others similarly situated, seeks judgment against Defendant, as follows:

- (a) For an order certifying the Class and under Rule 23 of the Federal Rules of Civil Procedure, naming Plaintiff as representative of the Class and, and naming Plaintiff's attorneys as Class Counsel to represent the Class;
- (b) For an order finding in favor of Plaintiff and the Class on all counts asserted herein;
- (c) For an order finding in favor of Plaintiff and the Class on all counts asserted herein;
- (d) For statutory damages in amounts to be determined by the Court and/or jury;
- (e) For prejudgment interest on all amounts awarded;
- (f) For an order enjoining Defendant from continuing the illegal practices detailed herein and compelling Defendant to undertake a corrective advertising campaign; and
- (g) For an order awarding Plaintiff and the Class their reasonable attorneys' fees and expenses and costs of suit.

DEMAND FOR TRIAL BY JURY

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of any and all issues in this action so triable as of right.

Dated: February 6, 2026

ARISOHN LLC

By: /s/ Joshua D. Arisohn
Joshua D. Arisohn

Joshua D. Arisohn
94 Blakeslee Rd.
Litchfield, CT 06759
Telephone: (646) 837-7150
Email: josh@arisohnllc.com

Attorney 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
Eliyahu Reiter
(b) County of Residence of First Listed Plaintiff Kings
(c) Attorneys (Firm Name, Address, and Telephone Number)
Arisohn LLC, 94 Blakeslee Rd., Litchfield, CT 06759

DEFENDANTS
Health-Ade LLC
County of Residence of First Listed Defendant
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 [X] 1 [] 1
Citizen of Another State [] 2 [] 2
Citizen or Subject of a Foreign Country [] 3 [] 3
Incorporated or Principal Place of Business In This State [] 4 [] 4
Incorporated and Principal Place of Business In Another State [] 5 [X] 5
Foreign Nation [] 6 [] 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)
[X] 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(d)(2)(a)
Brief description of cause:
Consumer protection and warranty claims based on false labeling of product

VII. REQUESTED IN COMPLAINT:
[X] CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,000+
CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE DOCKET NUMBER

DATE 2/6/2026 SIGNATURE OF ATTORNEY OF RECORD /s/ Joshua D. Arisohn

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I, **Joshua D. Arisohn**, counsel for **Plaintiff**, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000.00 exclusive of interest and costs,
- the complaint seeks injunctive relief, or
- the matter is otherwise ineligible for the following reason:

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks. Add an additional page if needed.

n/a

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 3 in Section VIII on the front of this form. Rule 3(a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 3(a) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case involves identical legal issues, or the same parties." Rule 3 further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (b), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NEW YORK EASTERN DISTRICT DIVISION OF BUSINESS RULE 1(d)(3)

If you answer "Yes" to any of the questions below, this case will be designated as a Central Islip case and you must select Office Code 2.

1. Is the action being removed from a state court that is located in Nassau or Suffolk County? Yes No
2. Is the action—not involving real property—being brought against United States, its officers or its employees AND the majority of the plaintiffs reside in Nassau or Suffolk County? Yes No
3. If you answered "No" to all parts of Questions 1 and 2:
 - a. Did a substantial part of the events or omissions giving rise to claim or claims occur in Nassau or Suffolk County? Yes No
 - b. Do the majority of defendants reside in Nassau or Suffolk County? Yes No
 - c. Is a substantial amount of any property at issue located in Nassau or Suffolk County? Yes No
4. If this is a Fair Debt Collection Practice Act case, was the offending communication received in either Nassau or Suffolk County? Yes No

(Note, a natural person is considered to reside in the county in which that person is domiciled; an entity is considered a resident of the county that is either its principal place of business or headquarters, of if there is no such county in the Eastern District, the county within the District with which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature: Joshua D. Arisohn

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

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

ELIYAHU REITER, individually and on behalf of all others similarly situated

Plaintiff(s)

v.

HEALTH-ADE LLC

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Health-Ade LLC
c/o C T Corporation System
28 Liberty Street
New York, NY 10005

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: Joshua D. Arisohn, 94 Blakeslee Rd., Litchfield, CT 06759

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.

BRENNA B. MAHONEY
CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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 \$ _____ 0.00 _____ .

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: