UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

RILEY MALLETT JR, individually and on behalf of all others similarly situated, Plaintiff, v. CREATION FOODS US INC., Defendant.	Case No. **CLASS ACTION COMPLAINT** **JURY DEMAND**

Plaintiff Riley Mallett Jr ("Plaintiff"), on behalf of himself and all others similarly situated, alleges the following class action complaint (the "Action") against Defendant Creation Foods US Inc. ("Creation" or "Defendant"), for violations of state statutes and common law doctrines seeking actual damages, statutory damages, restitution, pre and post-judgment interest, and reasonable costs and attorneys' fees upon personal knowledge as to himself and his own actions, and upon information and belief, including the investigation of his counsel as follows:

NATURE OF THE ACTION

1. Plaintiff brings this class action lawsuit on behalf of himself, and all similarly situated Illinois consumers who purchased Defendant's HighKey Original Sandwich Cookies with "0g Sugar" (collectively, the "Products").[1][2]

2. Plaintiff and class members, who have purchased the Products, bring this Action because of material representations which are false and misleading. Defendant markets and

[1] Products include all flavors, sizes, and pack configurations of "HighKey Original Sandwich Cookies"
[2] Discovery may reveal that additional of Defendant's products are within the scope of this Complaint. Accordingly, Plaintiff reserves the right to add additional products if necessary.

advertises the Products as "Sugar-Free Sandwich Cookies" that contain "0g Sugar" directly on the front label (collectively, the "Representations"). However, unbeknownst to reasonable consumers, the Products do in fact contain sugar in the form of allulose. Allulose is a monosaccharide and, therefore, a sugar under the applicable federal and Illinois labeling standards.

3. Defendant's own labeling establishes that each serving of the Products contains several grams of allulose. Each of the Products contains approximately 5 grams of allulose per serving, substantially more sugar than represented. Because allulose is a sugar under the applicable standards, each Product contains many multiples of the 0.5-gram cutoff for a food labeled "sugar-free." 21 C.F.R. §§ 101.9(c)(6)(ii), 101.60(c)(1)(i). Defendant's Representations are therefore false. The Products, therefore, cannot be classified as "0g Sugar" as claimed on the Products' packaging and advertising.

4. Federal law permits a "sugar-free" or "zero sugar" claim on a food that contains a sugar ingredient only where the listing of that ingredient in the ingredient statement is followed by an asterisk keyed to a footnote stating that the ingredient "adds a dietarily insignificant amount of sugar" or the equivalent. 21 C.F.R. § 101.60(c)(1)(ii). The Products' labels bear no such asterisk and no such footnote. Consumers are given no disclosure of any kind.

5. Defendant compounds the deception with a second, quantitative claim. In addition to proclaiming that the Products are "Sugar-Free", the principal display panel states that the Products contain "0g Sugar". That claim is false by the label's own arithmetic: Defendant's own labeling discloses approximately 5 grams of allulose- a sugar- in every three-cookie serving.

6. Against this backdrop, Plaintiff and the class members, on behalf of themselves and all others similarly situated, bring this Action seeking actual damages, statutory damages, restitution, pre and post-judgment interest, and reasonable costs and attorneys' fees under state statutes and common law doctrines due to Defendant's intentional failure to ensure that the Products were distributed, produced, and sold in a manner consistent with advertising. As a result of the foregoing, Plaintiff and Class Members (defined below) were harmed by paying a price premium for the Products, which they otherwise would not have paid due to the misrepresentations made on packaging and in advertising, or would not have purchased the Products at all.

JURISDICTION AND VENUE

7. This Court has subject-matter jurisdiction pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d) because (1) the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs, (2) the action is a class action, (3) there are members of the Class who are diverse from Defendant, and (4) there are more than 100 Class members. This Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367 because they form part of the same case or controversy as the claims within the Court's original jurisdiction.

8. This Court has personal jurisdiction over the Defendant because the claims asserted in this complaint arise from Defendant's contacts with this District. Defendant has been afforded due process because it has, at all times relevant to this matter, individually or through its agents, subsidiaries, officers, and/or representatives, operated, conducted, engaged in, and carried on a business venture in Illinois, and/or marketed, advertised, distributed and/or sold the Products, committed a statutory violation within Illinois related to the allegations made herein,

and caused injuries to Plaintiff and the putative class members, which arose out of the acts and omissions that occurred in the state of Illinois, during the relevant period. At that time, Defendant was engaged in business activities in Illinois.

9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in Illinois. Venue is also proper pursuant to 28 U.S.C. § 1391(c) because Defendant conducts substantial business in this District, has sufficient minimum contacts with this District, and otherwise purposely avails itself of the markets in this District through the promotion, sale, and marketing of the Products in this District. Venue is also proper because Plaintiff resides in this District.

THE PARTIES

Plaintiff Riley Mallett Jr

10. Plaintiff Riley Mallett Jr resides in Chicago, Illinois, and is a citizen of Illinois.

11. Plaintiff Mallett Jr purchased Defendant's HighKey Original Sandwich Cookies with "0g Sugar" for his personal use, from Walmart in Chicago, Illinois, on September 12, 2025. Prior to making his purchase, Plaintiff Mallett Jr saw and relied on Defendant's Representations on the front principal display panel of the Product packaging—that the Products were "Sugar Free" and contained "0g Sugar."

12. Based on these representations, Plaintiff reasonably believed that the Products contained no sugar. Plaintiff relied on these representations when he decided to purchase the Products. Accordingly, these representations were part of the basis of his bargain, in that Plaintiff would not have purchased the Products on the same terms had he known that the representations were untrue. Furthermore, in making his purchase, Plaintiff paid a price premium due to Defendant's false and misleading "Sugar Free" and "0g Sugar" claims. Plaintiff,

however, did not receive the benefit of the bargain because the Products were not, in fact, free of sugar. Instead, they are sweetened with allulose—a sugar— present at approximately 5 grams per serving, many multiples of the 0.5-gram cutoff for a product labeled "sugar free." Had Plaintiff known that Defendant's representations were false and misleading, he would not have purchased the Products or would have paid substantially less for them.

13. Plaintiff remains interested in purchasing food products that truly have zero sugar. However, he cannot know for certain whether the false labeling and marketing of the Products have been or will be corrected, and the Products' composition may change over time. If Defendant continues to make the Representations, Plaintiff will be unable to make informed purchasing decisions and is likely to be misled again unless Defendant is required to ensure that the Products' marketing is accurate. Plaintiff is an average consumer who is not sophisticated in the chemistry, manufacturing, or formulation of food and beverage products. Neither Plaintiff nor reasonable consumers have the specialized knowledge needed to determine independently whether allulose is a sugar.

Defendant Creation Foods US Inc.

14. Defendant Creation Foods US Inc. is a Delaware corporation with its principal place of business at 1830 Scout Pl, Ferndale, WA 98248. Defendant manufactures, formulates, labels, advertises, markets, distributes, and/or sells the Products in Illinois and throughout the United States. Defendant owns and controls the HighKey brand.

15. At all times during the class period, Defendant was the manufacturer, distributor, marketer, and seller of the Products. Defendant, directly and through its agents, has substantial contacts with and receives substantial benefits and income from and through the State of Illinois.

FACTUAL BACKGROUND

Consumers Seek Out and Pay More for Products That Contain No Sugar

16. It is well known that consuming added sugar can present a variety of dangerous health conditions, such as obesity, diabetes, and cardiovascular disease—indeed, the "right amount of added sugar" is "[a]s little as possible."[3] Sugar-sweetened desserts and sweet snacks compose 19% of added sugar for Americans.[4]

17. For decades, federal health authorities have recommended limiting added sugar intake.[5] In light of this clear, long-standing guidance from medical authorities, consumer demand for low- and no-sugar products has grown substantially. Recent surveys report that 75% of U.S. consumers and 83% of consumers globally are limiting or avoiding sugar in their diets.[6]

18. Food and beverage manufacturers are acutely aware of this demand and of the premium consumers will pay to satisfy it. Products labeled "sugar free" and "zero sugar" command higher prices than comparable products that do not bear those claims, and manufacturers reserve the front principal display panel of their packaging for the claims they believe will most motivate a purchase.

19. Defendant has capitalized on that demand. It markets Products containing allulose, a sugar, while labeling and advertising them as "Sugar Free." Defendant thereby obtained an

[3] *The Sweet Danger of Sugar*, Harv. Health Publ'g (Apr. 6, 2026), https://www.health.harvard.edu/diabetes-and-metabolic-health/the-sweet-danger-of-sugar (reviewed by Mallika Marshall, M.D.).
[4] U.S. Dep't of Agric. & U.S. Dep't of Health & Hum. Servs., *Dietary Guidelines for Americans, 2020–2025*, at 43 fig. 1-10 (9th ed. Dec. 2020), https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf#page=56
[5] *See, e.g.*, U.S. Dep't of Health & Hum. Servs., *The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity* 35 (2001), https://stacks.cdc.gov/view/cdc/28023/cdc_28023_DS1.pdf; .S. Dep't of Health & Hum. Servs., Office of the Surgeon General, *The Surgeon General's Vision for a Healthy and Fit Nation: Background on Obesity* (Jan. 2010), https://www.ncbi.nlm.nih.gov/books/NBK44656/
[6] *See Int'l Food Info. Council*, 2025 IFIC Food & Health Survey: A Focus on Sugars & Sweeteners 5, 9 (Dec. 2025) (reporting that 75% of surveyed Americans were trying to limit or avoid sugar), https://ific.org/wp-content/uploads/2025-IFIC-Food-Health-Survey-Sugars-Sweeteners.pdf; ADM, ADM Launches Sweet Insights Tool for Navigating Sugar Reduction Trends, Worldwide (reporting that 83% of 13,900 surveyed consumers across 15 countries were limiting or avoiding sugar), https://www.adm.com/en-us/news/adm-stories/adm-launches-sweet-insights-tool-for-navigating-sugar-reduction-trends-worldwide.

unfair competitive advantage over competitors whose zero-sugar claims are true, at the expense of unwitting consumers.

Defendant's False and Misleading Representations

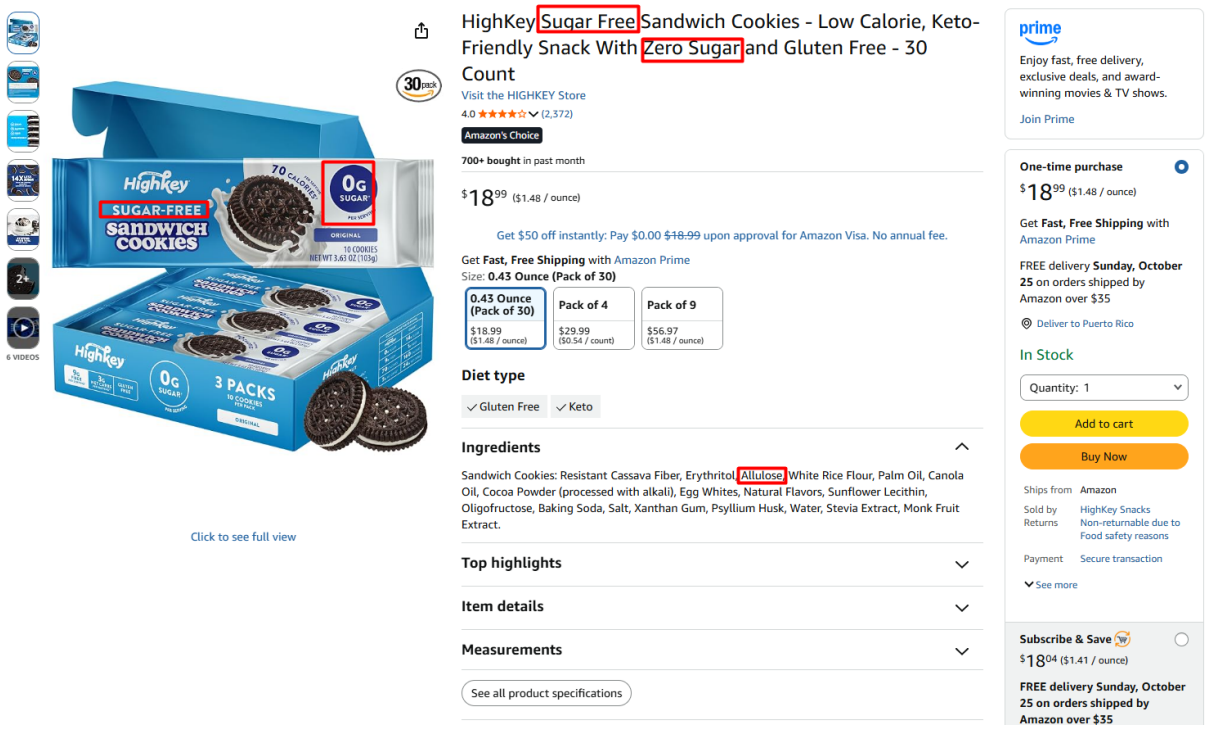
20. Defendant manufactures, markets, and sells its HighKey Original Sandwich Cookies, bearing "0g Sugar" on the front label. The Products are sold at major retailers throughout Illinois and the United States, including Amazon.com and Walmart, as well as grocery stores.

21. In addition, Defendant prominently states on the front principal display panel of each Product's package that the Product is "SUGAR FREE." The words "SUGAR FREE" appear on the panel, directly beneath Defendant's house mark, and are a visual element of the package. Below are illustrative samplings of the Products and the Representations:



22. Defendant likewise disseminates the Representations through its official retail listings. Defendant's online retail listings for the Products are titled "Sugar Free." True and correct screenshots of Defendant's Products from Amazon.com product listings:[7]

[7] *See HighKey Sugar Free Sandwich Cookies - Low Calorie, Keto-Friendly Snack With Zero Sugar and Gluten Free - 30 Count*, https://www.amazon.com/dp/B0BLPCSTL7?lv=shuf&channelId=500&plpRedirect=mhFallback&th=1



23. Defendant's own ingredient statements, however, disclose that Defendant's Products contain allulose— a sugar.

24. The Representations are uniform. Every purchaser of every Product was exposed to a materially identical zero-sugar claim, whether on the package, on Defendant's website, or in Defendant's retail listings.

25. The Representations communicate to reasonable consumers that the Products contain no sugar. That is the plain and ordinary meaning of "Sugar Free" and "0g Sugar" and federal and Illinois law prescribe an objective standard governing when those terms may be used.

26. The Representations are not ambiguous. "Sugar Free" and "0g Sugar" are absolute, objective, and quantitative claims concerning a measurable physical attribute of the

(last accessed on October 19, 2026).

Products. Each is a statement of fact—not puffery, not opinion, and not subject to competing reasonable interpretations. Federal law permits that claim only when a product contains less than 0.5 grams of sugars per reference amount customarily consumed and per labeled serving, together with the regulation's other requirements.

Allulose Is a Sugar

27. As a monosaccharide, allulose falls squarely within the Food and Drug Administration ("FDA")'s codified definition of sugar. 21 C.F.R. § 101.9(c)(6)(ii) (defining "Total sugars" as "the sum of all free mono- and disaccharides (such as glucose, fructose, lactose, and sucrose)"). Consistent with that definition, the FDA stated that allulose, "as a monosaccharide, must be included" in the Total Sugars declaration pending any future rulemaking that would otherwise exclude the substance.[8] No such rulemaking ever occurred.

28. In *Franco v. Chobani, LLC*, the Seventh Circuit recently confirmed that allulose is a sugar under federal labeling regulations. No. 25-2087, 2026 WL 2150193 (7th Cir. July 27, 2026). The court explained that 21 C.F.R. § 101.9(c)(6)(ii) defines "Total Sugars" as the sum of all free mono- and disaccharides and, because allulose is undisputedly a monosaccharide, it falls squarely within that definition. Accordingly, under the governing federal regulations, allulose is a sugar.

29. The industry also recognizes that allulose is a sugar. Indeed, one of the most predominant manufacturers of commercial-grade allulose has acknowledged that "[a]llulose is a monosaccharide, or simple sugar"[9] and has noted in multiple FDA filings that "[a]llulose is a

[8] Food Labeling: Revision of the Nutrition and Supplement Facts Labels, 81 Fed. Reg. 33,742, 33,795-96 (May 27, 2016).

[9] *Tate & Lyle Study*, Aug. 13, 2018, at p. 6, https://www.regulations.gov/document/FDA-2015-P-1201-0014 ("Allulose is a monosaccharide, or simple sugar, that naturally presents in small quantities in fruits like figs and raisins and a variety of sweet foods like caramel sauce, maple syrup and brown sugar.")

monosaccharide and is classified as a sugar."[10] Numerous medical and health-focused websites consistently refer to allulose as a "naturally occurring sugar."[11]

30. Not only is allulose a sugar, but its use as an additive can cause gastrointestinal effects such as nausea, bloating, diarrhea, and abdominal pain.[12] A large clinical trial on the gastrointestinal tolerance of allulose determined that, compared to traditional cane sugar, consumption of allulose resulted in significantly higher frequencies of symptoms of diarrhea, abdominal distention, and abdominal pain, and that increasing the level of ingested allulose resulted in incidences of severe nausea, abdominal pain, headache, anorexia, and diarrheal symptoms.[13]

31. The Products violate the FDA Nutrient Content Regulations. Congress empowered the FDA to oversee and regulate food labeling by enacting the Federal Food, Drug, and Cosmetic Act, as amended by the Nutrition Labeling and Education Act, 21 U.S.C. § 301 et seq. FDA promulgated the relevant food-labeling regulations in 21 C.F.R. part 101.

32. FDA regulations distinguish mandatory or permitted declarations within the Nutrition Facts panel from nutrient-content claims appearing elsewhere on a label or in labeling. Information appearing as part of the Nutrition Facts panel is not itself a nutrient-content claim. 21 C.F.R. § 101.13(c). By contrast, Defendant's Representations expressly characterize the level of sugar in the Products and are nutrient-content claims governed by 21 C.F.R. §§

[10] Citizen Petition Submitted by Tate & Lyle Ingredients Americas LLC requesting that Allulose be Exempt From Being Included As a Carbohydrate, Sugar, or Added Sugar in the Nutrition Facts Label on Foods and Beverages, April 10, 2015, Docket Number FDA-2015-P-1201.

[11] *See, e.g.*, *Cleveland Clinic, What You Need To Know About Allulose* (Nov. 4, 2024), https://health.clevelandclinic.org/what-is-allulose (last visited Aug. 28, 2026).

[12] *Memorandum from Center for Science in the Public Interest to Food and Drug Administration* (June 17, 2019), https://cspinet.org/sites/default/files/attachment/allulose%20final%20from%20CSPI.pdf

[13] Han Y, Choi BR, Kim SY, Kim SB, Kim YH, Kwon EY, & Choi M.S., *Gastrointestinal Tolerance of D-Allulose in Healthy and Young Adults. A Non-Randomized Controlled Trial*. Nutrients, 2018 Dec 19;10(12):2010, doi: 10.3390/nu10122010.

101.13(b) and 101.60(c)(1).

33. The Representations on the Products' packaging and other labeling are nutrient-content claims because they expressly characterize the level of sugar. 21 C.F.R. § 101.13(b). Defendant's advertisements repeat the same message and are also alleged as misleading under applicable state law.

34. Nutrient-content claims are strictly forbidden unless specifically allowed under FDA regulations. 21 C.F.R. § 101.13(b) ("A claim that expressly or implicitly characterizes the level of a nutrient of the type required to be in nutrition labeling under § 101.9 or under § 101.36 (that is, a nutrient content claim) may not be made on the label or in labeling of foods unless the claim is made in accordance with this regulation and with the applicable regulations in subpart D...").

35. Within Subpart D, section 101.60(c)(1)(i)-(ii) specifically governs the use of the "zero sugar" nutrient content claims at issue in this case. That regulation provides that terms such as "sugar free," "free of sugar," "no sugar," "zero sugar," "without sugar," "sugarless," and "trivial source of sugar" may not be used on the label or in labeling of a food unless, among other requirements:

> (i) The food contains less than 0.5 g of sugars, as defined in §101.9(c)(6)(ii), per reference amount customarily consumed and per labeled serving...; and
>
> (ii) The food contains no ingredient that is a sugar or that is generally understood by consumers to contain sugars unless the listing of the ingredient in the ingredient statement is followed by an asterisk that refers to the statement below the list of ingredients, which states "adds a trivial

amount of sugar," "adds a negligible amount of sugar," or "adds a dietarily insignificant amount of sugar".

36. 21 C.F.R. § 101.60(c)(1)(i)–(ii). These requirements are cumulative. Even assuming the Products satisfy subsection (i), they must independently satisfy subsection (ii). Merely listing allulose as an ingredient does not supply the required asterisk and explanatory statement. Conversely, a disclaimer would not excuse failure to satisfy the separate quantitative condition or other applicable requirements.

37. The Products satisfy neither condition because each serving contains approximately 5 grams of allulose, exceeding the less-than-0.5-gram threshold under subsection (i), and the Products fail to satisfy the disclosure requirements of subsection (ii). Allulose is a sugar ingredient and appears in the ingredient statements, but its listing is not followed by an asterisk linked to any of the three prescribed statements below the ingredient list. Footnotes concerning Daily Values in the Nutrition Facts panels do not identify allulose as adding sugar and do not provide the required ingredient disclosure. Plaintiff therefore alleges that the Products cannot lawfully bear the challenged "Sugar-Free" claims in their present form, regardless of whether subsection (i) is otherwise satisfied.

38. Because the Products' labels include deceptive and impermissible nutrient-content claims, the Products are "misbranded" under federal law. 21 U.S.C. § 343(a)(1), (r)(1)(A).

39. Plaintiff does not seek to enforce the FDCA directly. Rather, Plaintiff seeks relief under independently enforceable state consumer-protection laws, including Illinois state law provisions that adopt food-labeling requirements identical to federal requirements. The federal provisions identify the standards Illinois has adopted and the conduct that renders the Products misbranded under Illinois law.

Defendant's Conduct Violates Illinois's Food Labeling Laws

40. The Illinois Food, Drug and Cosmetic Act ("IFDCA"), 410 ILCS 620/1 et seq., prohibits the misbranding of food sold in Illinois. Under 410 ILCS 620/11(a), "[a] food is misbranded" if "its labeling is false or misleading in any particular."

41. In determining whether labeling or advertising is misleading, Illinois law requires consideration of "not only representations made or suggested by statement, word, design, device, sound or any combination thereof," but also whether the labeling or advertising fails to disclose material facts in light of the representations made. 410 ILCS 620/2.11.

42. The IFDCA also incorporates applicable federal food-labeling regulations into Illinois law. *See* 410 ILCS 620/21(j) ("[a] federal regulation automatically adopted pursuant to this Act takes effect in this State on the date it becomes effective as a Federal regulation."). Federal regulations provide that "sugars" include "all free mono- and disaccharides." 21 C.F.R. § 101.9(c)(6)(ii). Allulose is a monosaccharide and therefore constitutes a sugar under this regulatory definition.

43. Section 101.60(c)(1)(ii) requires an ingredient that is a sugar to be identified by an asterisk referring to one of the prescribed statements below the ingredient list when a product bears a "sugar free" claim. This disclosure condition applies independently of whether the separate quantitative condition is met.

44. Defendant prominently represents on the Products' labeling and packaging that the Products are "Sugar-Free" and "0g Sugar". Yet the ingredient statements list allulose without the required asterisk or a corresponding statement that it adds a trivial, negligible, or dietarily insignificant amount of sugar.

45. Defendant's Representations are misleading because they convey that the Products contain no sugar while omitting the required qualification concerning a sugar

ingredient. The omission deprives consumers of information material to evaluating the "Sugar Free" claims. See 410 ILCS 620/2.11.

46. Accordingly, Plaintiff alleges that the Products are misbranded under Illinois law because their unqualified "Sugar-Free" claims and omitted ingredient disclosure make the labeling false or misleading. This theory does not depend on alleging a particular number of grams of allulose per serving. Independently, the Products' "Sugar-Free" and "0g Sugar" claims are false because each serving contains 5 grams of allulose, a sugar, far exceeding the 0.5-gram limit of 21 C.F.R. 101.60(c)(1)(i).

Reasonable Consumers Would Be Misled By Defendant's Deception.

47. Reasonable consumers may rely on the conspicuous "Sugar-Free" claims without independently researching the chemical classification of allulose. Even consumers who read the ingredient statements receive no asterisk-linked disclosure that allulose adds sugar. Merely naming allulose does not communicate the qualification prescribed by § 101.60(c)(1)(ii).

48. Defendant's deception is especially misleading because a consumer who reviews the Nutrition Facts table would encounter 0g Total Sugars and 0g Added Sugars disclosures, even though each serving of the Products contains approximately 5 grams of allulose (a free monosaccharide sugar)- ten times the 0.5-gram cutoff for a "sugar-free" claim.



49. Consumers are not required to conduct independent scientific testing or research into the chemical classification of listed ingredients to verify express label claims. Reasonable consumers do not possess specialized knowledge of carbohydrate chemistry. Defendant is responsible for ensuring that its express labeling and marketing claims are truthful and not misleading.

Defendant Knew the Representations Were False

50. Defendant knew, or should have known, that the Representations were false, misleading, deceptive, and unlawful when it marketed, advertised, labeled, distributed, and sold the Products. Defendant controlled the labeling and identified allulose in the ingredient statements. On information and belief, Defendant knew that its labels omitted the asterisk and qualifying statement required by § 101.60(c)(1)(ii), that consumers would rely on the unqualified "Sugar-Free" claims, and that those claims enabled it to sell the Products at a premium.

51. Defendant, as the marketer and distributor of the Products, controlled, or participated in, making the Representations on the Products' labels and advertisements. Defendant could have stopped using the Representations or ensured that they were true. Despite its knowledge that consumers reasonably rely on Representations, Defendant chose to continue using them, thereby causing consumers to buy or overpay for the Products.

Defendant's "0g Sugar" and "Sugar Free" Claims Injured Plaintiff and the Class

52. Defendant omitted the ingredient-specific disclosure that would tell consumers that allulose adds sugar. Plaintiff alleges that this omission was material in light of the prominent "Sugar-Free" and "0g Sugar" claims and caused him and the Class Members to purchase the Products or pay more than they would have paid had the required qualification appeared on the

labels.

53. As an immediate, direct, and proximate result of Defendant's false, misleading, and deceptive representations and omissions, Defendant injured Plaintiff and the class members in that they: (a) paid money for Products that were not as represented; (b) paid a premium price for Products that were not as represented; (c) were deprived of the benefit of the bargain because the Products they purchased differed from what Defendant represented; (d) purchased Products worth less than represented; (e) did not receive Products that met the expectations Defendant created; (f) purchased Products that Plaintiff and members of the Classes did not expect or consent to receive; (g) purchased Products containing sugar despite intending to buy only Products represented to contain none; and (h) with respect to Plaintiff and members of the Illinois Subclass (as defined below), purchased misbranded Products that could not lawfully have been sold in Illinois.

54. Accordingly, Plaintiff and the class members suffered injury in fact and lost money or property because of Defendant's wrongful conduct.

CLASS ACTION ALLEGATIONS

55. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23 on behalf of the following classes (collectively, the "Classes," whose members are referred to as "Class Members"):

> **Illinois Subclass:** All persons in Illinois who, during the maximum period of time permitted by law, purchased Defendant's Products bearing the challenged "Sugar Free" and "0g Sugar" labeling described herein for their personal use.
>
> **Multi-State Consumer Protection Class**: All persons in the States of Florida, California, Illinois, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, and Washington who, during the maximum period of time permitted by law, purchased Defendant's Products bearing the challenged "Sugar Free" and "0g Sugar" labeling

described herein for their personal use ("Multi-State Class" and together with the Illinois Subclass "Class Members" or "Members of the Class(es)")[14].

56. Excluded from the Members of the Class are the following individuals and/or entities: Defendant and Defendant's parents, subsidiaries, affiliates, officers and directors, and any entity in which Defendant has a controlling interest; all individuals who make a timely election to be excluded from this proceeding using the correct protocol for opting out; any and all federal, state or local governments, including but not limited to its departments, agencies, divisions, bureaus, boards, sections, groups, counsels and/or subdivisions; and all judges assigned to hear any aspect of this litigation, as well as their immediate family members.

57. Plaintiff reserves the right to amend the above definitions or to propose subclasses in subsequent pleadings and motions for class certification.

58. This action has been brought and may properly be maintained as a class action under Federal Rule of Civil Procedure Rule 23 because there is a well-defined community of interest in the litigation, and membership in the proposed classes is easily ascertainable.

59. **Numerosity**: A class action is a superior method for the fair and efficient adjudication of this controversy, as the Members of the Class are so numerous that joinder of all members is impractical, if not impossible. Members of the Classes 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.

[14] While discovery may alter the following, the states in the Consumer Fraud Multi-State Class are limited to those states with similar consumer fraud laws under the facts of this case: Massachusetts (Mass. Gen. Laws Ch. 93A, et seq.); Michigan (Mich. Comp. Laws § 445.901, et seq.); Minnesota (Minn. Stat. § 325F.67, et seq.); Missouri (Mo. Rev. Stat. § 407.010, et seq.); New Jersey (N.J. Stat. § 56:8-1, et seq.); New York (N.Y. Gen. Bus. Law §§ 349 and 350); and Washington (Wash. Rev. Code § 19.86.010, et seq.). Plaintiff has standing to represent the proposed Multi State Class. Any challenge brought by Defendant regarding Plaintiff's standing to represent any proposed class should be deferred to the class certification stage because the question is more appropriately resolved at that stage.

60. **Commonality**: Plaintiff and the Class Members share a community of interests in that there are numerous common questions and issues of fact and law which predominate over any questions and issues solely affecting individual members, including, but not necessarily limited to:

a. Whether allulose is a sugar;

b. Whether the Products' ingredient statements omitted the asterisk and qualifying statement required by 21 C.F.R. § 101.60(c)(1)(ii);

c. Whether reasonable consumers would understand Defendant's unqualified "Sugar-Free" Representations to mean the Products contained no sugar;

d. Whether the Representations and omitted ingredient disclosure were material to consumers' purchase decisions;

e. Whether the Products are misbranded under federal law and, with respect to the Illinois Subclass, Illinois law;

f. Whether Defendant was unjustly enriched at the expense of Plaintiff and the Illinois Subclass as a result of the conduct alleged herein;

g. Whether Plaintiff and the members of the Classes have suffered damages as a result of Defendant's actions and the amount of those damages

h. Whether Plaintiff and the Class Members of the Class are entitled to statutory damages where authorized by the applicable state statute; and

i. Whether Plaintiff and the members of the Classes are entitled to attorneys' fees and costs

61. **Typicality**: Plaintiff's claims are typical of the claims of the Members of the Class.

Plaintiff and all Members of the Class sustained damages arising out of and caused by Defendant's common course of conduct in violation of law, as alleged herein.

62. **Adequacy of Representation**: Plaintiff in this class action is an adequate representative of the Members of the Class in that Plaintiff has the same interest in the litigation of this case as the Members of the Class, is committed to the vigorous prosecution of this case, and has retained competent counsel who are experienced in conducting litigation of this nature.

63. Plaintiff is not subject to any individual defenses unique from those conceivably applicable to other Members of the Class or the class in its entirety. Plaintiff anticipates no management difficulties in this litigation.

64. **Superiority of Class Action**: Since the damages suffered by individual Members of the Class, while not inconsequential, may be relatively small, the expense and burden of individual litigation by each member makes or may make it impractical for Members of the Class to seek redress individually for the wrongful conduct alleged herein. Should separate actions be brought or be required to be brought, by each individual Member of the Class, the resulting multiplicity of lawsuits would cause undue hardship and expense for the Court and the litigants.

65. The prosecution of separate actions would also create a risk of inconsistent rulings, which might be dispositive of the interests of the Members of the Class who are not parties to the adjudications and/or may substantially impede their ability to protect their interests adequately.

66. This class action is also appropriate for certification because Defendant has acted or refused to act on grounds generally applicable to the Members of the Class, thereby requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the Members of the Class and making final injunctive relief appropriate with respect to the Class in

its entirety.

67. Defendant's policies and practices challenged herein apply to and affect the Members of the Class uniformly and Plaintiff's challenge of these policies and practices hinge on Defendant's conduct with respect to the Class in its entirety, not on facts or law applicable only to Plaintiff.

68. Unless a Class-wide injunction is issued, Defendant may continue to act unlawfully as set forth in this Complaint.

69. Further, Defendant has acted or refused to act on grounds generally applicable to the Class and, accordingly, final injunctive or corresponding declaratory relief with regard to the Members of the Class as a whole is appropriate under Federal Rule of Civil Procedure Rule 23(b)(2).

CLAIMS FOR RELIEF

COUNT I
VIOLATIONS OF STATE CONSUMER FRAUD ACTS
(On behalf of Plaintiff and the Multi-State Consumer Protection Class[15])

70. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

71. Plaintiff brings this Count on behalf of himself and the Multi-State Class against Defendant.

72. The Consumer Fraud Acts of the States in the Multi-State Class prohibit unfair or deceptive business practices in trade or commerce. The specific laws at issue are:

a. California (Cal. Bus. & Prof. Code § 17200, et seq.);

b. Florida (Fla. Stat. § 501.201, et seq.);

[15] Plaintiff reserves the right to amend this list of states after discovery.

c. Illinois (815 ILCS 505/1, et seq.);

d. Massachusetts (Mass. Gen. Laws Ch. 93A, et seq.);

e. Michigan (Mich. Comp. Laws § 445.901, et seq.);

f. Minnesota (Minn. Stat. § 325F.67, et seq.);

g. Missouri (Mo. Rev. Stat. § 407.010, et seq.);

h. New Jersey (N.J. Stat. § 56:8-1, et seq.);

i. New York (N.Y. Gen. Bus. Law §§ 349 and 350); and

j. Washington (Wash. Rev. Code § 19.86.010, et seq.).

73. These statutes are materially similar and prohibit deceptive or unfair conduct in the course of business.

74. Defendant's uniform labeling and marketing Representations of the Products were deceptive and materially misleading.

75. Given Defendant's leading position in consumer products and its growing popularity as an established and trustworthy national brand, Plaintiff and reasonable consumers trusted and relied on Defendant's Representations, sustaining damages in an amount to be proven at trial.

76. In addition, Defendant's conduct showed malice, motive, and/or reckless disregard for the truth, so an award of punitive damages is appropriate.

77. Plaintiff and the other Members of the Multi-State Class have standing to pursue a cause of action for violations of the Consumer Fraud Acts of the states in the Multi-State Consumer Protection Class because Plaintiff and members of the Multi-State Class have suffered an injury in fact and lost money because of Defendant's actions set forth herein.

COUNT II
VIOLATION OF ILLINOIS CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT, 815 ILCS 505/1, ET SEQ. ("ICFA")
(On Behalf of Plaintiff and the Illinois Subclass)

78. Plaintiff realleges and reincorporates every allegation set forth in the preceding paragraphs as though fully set forth herein.

79. Plaintiff brings this claim on behalf of himself and the Illinois Subclass against Defendant.

80. Plaintiff and other Illinois Subclass members are persons within the context of the Illinois Consumer Fraud and Deceptive Business Practices Act ("ICFA"), 815 ILCS 505/1(c).

81. Defendant is a person within the context of the ICFA, 815 ILCS 505/1(c).

82. Plaintiff and the proposed Illinois Subclass are "consumers" who purchased the Products for personal, family, or household use within the meaning of the ICFA, 815 ILCS 505/1(e).

83. In its sale of the Products throughout the State of Illinois, at all relevant times herein, Defendant conducted business and trade within the meaning and intendment of the ICFA, 815 § 505/2.

84. The ICFA, 815 ILCS 505/2, prohibits unfair or deceptive acts or practices in the conduct of any trade or commerce.

85. The ICFA prohibits any deceptive, unlawful, unfair, or fraudulent business acts or practices, including using deception, fraud, false pretenses, false promises, false advertising, misrepresentation, or the concealment, suppression, or omission of any material fact, or the use or employment of any practice described in Section 2 of the Uniform Deceptive Trade Practices Act ("UDTPA"). 815 ILCS 505/2.

86. By the acts and conduct alleged herein, Defendant engaged in deceptive, unfair,

and misleading acts and practices by conspicuously representing on the Products' front labels that the Products contained zero sugar. Those representations are false or misleading because each serving of the Products contains approximately 5 grams of allulose sugar and the Products' labels omit the qualifying disclosure required by 21 C.F.R. § 101.60(c)(1)(ii). The Products do not conform to Defendant's Representations. The foregoing deceptive acts and practices were directed at consumers.

87. Defendant intended that Plaintiff and the Illinois Subclass members rely on the Representations when purchasing the Products, and the deceptive acts and practices occurred in the course of conduct involving trade or commerce.

88. The foregoing deceptive acts and practices are material because they misrepresent the nature, composition, sugar content, quality, and value of the Products – facts that reasonable consumers consider important in deciding whether to purchase.

89. As a result of Defendant's deceptive practices, the Illinois Subclass members suffered an economic injury because they would not have purchased the Products, or would have paid less for them, had they known that the Products contain a sugar and do not conform to the zero sugar Representations.

90. On behalf of himself and the Illinois Subclass members, Plaintiff seeks to recover actual economic damages, and reasonable attorneys' fees and costs, as provided under 815 ILCS 505/10a. Plaintiff and the Illinois Subclass are also entitled to injunctive relief, seeking an order enjoining Defendant's unfair and/or deceptive acts or practices.

COUNT III
UNJUST ENRICHMENT
(On Behalf of Plaintiff and the Illinois Subclass)

91. Plaintiff hereby incorporates the foregoing paragraphs as if fully set forth herein.

92. Plaintiff brings this claim individually and on behalf of the Illinois Subclass against Defendant.

93. To the extent required, Plaintiff and the Illinois Subclass assert this cause of action in the alternative to their legal claims, as permitted by Federal Rule of Civil Procedure 8.

94. Plaintiff and the Illinois Subclass members conferred a benefit on Defendant in the form of revenues Defendant derived from their purchases of the Products.

95. Defendant knew of the benefit Plaintiff and the Illinois Subclass conferred on it.

96. Defendant has been unjustly enriched by retaining revenues from Plaintiff's and Illinois Subclass's purchases. That retention is unjust because Defendant misrepresented that the Products were "Sugar Free" and had "0g Sugar," causing purchases that otherwise would not have occurred or would have occurred only at lower prices.

97. Defendant accepted and retained the benefit of revenues derived from sales of the Products to Plaintiff and Illinois Subclass.

98. Defendant has thereby profited under circumstances that make it unjust for Defendant to retain the benefit.

99. Plaintiff and Illinois Subclass are therefore entitled to restitution in the form of revenues derived from Defendant's sale of the Products.

100. As a direct and proximate result of Defendant's actions, Plaintiff and the Illinois Subclass have suffered damages in an amount to be proven at trial.

101. Plaintiff and the Illinois Subclass have suffered injury in fact and lost money as a result of Defendant's conduct.

102. Plaintiff and the Illinois Subclass lack an adequate remedy at law with respect to this claim and seek equitable relief as allowed by law.

103. Legal remedies available to Plaintiff and the Illinois Subclass are inadequate because they are not as prompt, certain, or efficient as equitable relief. Damages are not as certain as restitution because the standard that governs restitution is different from the standard that governs damages. Hence, the Court may award restitution even if it determines that Plaintiff has failed to adduce sufficient evidence to support an award of damages. Damages and restitution are not the same amount. Unlike damages, restitution is not limited to the amount of money a defendant wrongfully acquired plus the legal rate of interest. Equitable relief, including restitution, entitles a plaintiff to recover all profits from the wrongdoing, even where the original funds taken have grown far greater than the legal rate of interest would recognize. Legal claims for damages are not as certain as restitution because such claims require different elements. In short, significant differences in proof and certainty establish that any potential legal claim cannot serve as an adequate remedy at law.

104. Equitable relief is appropriate because Plaintiff may lack an adequate remedy at law if, for instance, damages resulting from his purchases of the Products are determined to be less than the price premiums he paid. Without compensation for the full price premiums, Plaintiff and the Illinois Subclass would be left without the parity in purchasing power to which they are entitled.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of himself and each member of the proposed Classes, respectfully requests that the Court enter judgment in his favor and in favor of the Classes and for the following specific relief against Defendant as follows:

1. That the Court declares, adjudge, and decrees that this action is a proper class action and certifies the proposed Classes under Federal Rule of Civil Procedure 23, including

the appointment of Plaintiff as Class Representative and Plaintiff's counsel as Class Counsel;

2. For an order declaring that Defendant's conduct violates each of the statutes referenced herein;

3. For an order finding in favor of Plaintiff and the Classes on all counts asserted herein;

4. For compensatory, statutory, and punitive damages in amounts to be determined by the Court and/or jury, consistent with applicable law, and only under causes of action that permit such relief;

5. For pre- and post-judgment interest on all amounts awarded;

6. For an order of restitution and all other forms of equitable monetary relief;

7. For injunctive relief as pleaded or as the Court may deem proper, including an order requiring Defendant to cease labeling, marketing, and selling the Products with the Representations and to make affirmative disclosures sufficient to dispel the public misperception created by Defendant's conduct; and

8. For an order awarding Plaintiff's and the Classes' reasonable attorneys' fees, expenses, and costs of suit; and

9. For such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff, individually and on behalf of the Classes, hereby demands a trial by jury for all issues triable by jury.

Dated: October 27, 2026

Respectfully submitted,

By: */s/Kevin Laukaitis*

LAUKAITIS LAW LLC
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Attorneys for Plaintiff and the Class

CIVIL COVER SHEET

The ILND 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

Riley Mallet Jr, individually and on behalf of all others similarly situated

(b) County of Residence of First Listed Plaintiff
(Except in U.S. plaintiff cases)
Cook County

(c) Attorneys *(firm name, address, and telephone number)*
Laukaitis Law LLC
654 Ave. Ponce de Leon, Suite 205 #10518
San Juan, PR 00907
(215) 559-6071

DEFENDANTS

Creation Foods US Inc

County of Residence of First Listed Defendant Whatcon County
(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 *(Check **one** box, only.)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government not a party.)*
- ☐ 2 U.S. Government Defendant
- ☑ 4 Diversity *(Indicate citizenship of parties in Item III.)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(For Diversity Cases Only.)*

*(Check **one** box, only for plaintiff and **one** box for defendant.)*

	PTF	DEF		PTF	DEF
Citizen of This State	☑ 1	☐ 1	Incorporated *or* Principal Place of Business in This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☑ 6

IV. NATURE OF SUIT *(Check **one** box, only.)*

CONTRACT
- ☐ 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 Loan (Excludes Veterans)
- ☐ 153 Recovery of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

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

PRISONER PETITIONS
- ☐ 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

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

PROPERTY RIGHTS
- ☐ 820 Copyright
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016 (DTSA)

OTHER STATUTES
- ☐ 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
- ☐ 485 Telephone Consumer Protection Act (TCPA)
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Arts
- ☐ 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
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/Accommodations
- ☐ 445 Amer. w/ Disabilities-Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus – Alien Detainee (Prisoner Petition)
- ☐ 465 Other Immigration Actions

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAXES
- ☐ 870 Taxes (U.S. Plaintiff or Defendant
- ☐ 871 IRS—Third Party 26 USC 7609

V. ORIGIN *(Check **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

(Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.) 23 USC 1223 (d)(2)(A)

VII. PREVIOUS BANKRUPTCY MATTERS

(For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)

VIII. REQUESTED IN COMPLAINT:

☑ 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: ☐ Yes ☐ No

IX. RELATED CASE(S) IF ANY *(See instructions):*

Judge Case Number

X. Is this a previously dismissed or remanded case? ☐ **Yes** ☐ **No** **If yes, Case #** **Name of Judge**

Date: October 27, 2026

Signature of Attorney of Record /s/Kevin Laukaitis

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.