THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CHYNNA TAYLOR-NG, individually and on behalf of others similarly situated,

Plaintiff,

v.

BA SPORTS NUTRITION, LLC,

Defendant.

Case No. _____

CLASS ACTION COMPLAINT

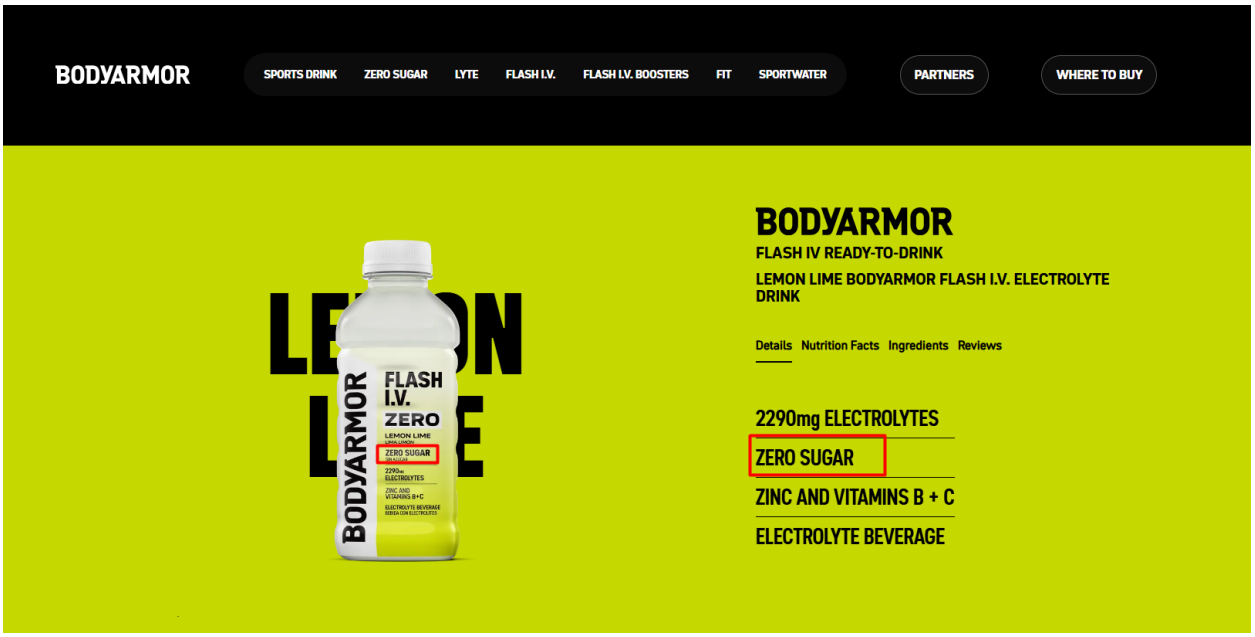
JURY TRIAL DEMANDED

Plaintiff Chynna Taylor-Ng ("**Plaintiff**"), individually and on behalf of all others similarly situated, by and through her attorneys, brings this Class Action Complaint against Defendant, BA Sports Nutrition, LLC, inclusive (collectively "**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 herself and her own actions, and upon information and belief, including the investigation of her counsel as follows:

NATURE OF THE ACTION

1. This class action challenges Defendant's false and misleading marketing of its Bodyarmor Flash I.V. Zero Sugar beverages (the "**Products**" or "**Beverage**"),[1] sold in grocery and department stores nationwide and marketed as containing "Zero Sugar" despite containing allulose. A true copy of the label of one of the Defendant's Products (Bodyarmor Flash I.V. Zero Sugar in the flavor Lemon Lime) is below:

[1] The Products include: Lemon lime, Pineapple Passion, and Watermelon Punch. The Products are substantially similar because they all contain the same deceptive representations alleged in this Complaint. Plaintiff reserves the right to amend the complete list of the Products included in this lawsuit as information arises through discovery.



2. Plaintiff, subclass and class members, who have purchased these Products, bring this Action because of material representations which are false and misleading: Defendant markets and advertises the Products as "Zero Sugar", and represents on its Nutrition Facts panel that the Product contains "0g" of sugar (collectively, the "**Representations**"). However, unbeknownst to reasonable consumers, the Products contain sugar in the form of allulose. Allulose is a monosaccharide and, therefore, undisputably a sugar. It is not present in trace amounts; the Product's ingredient list identifies allulose as one of the Product's principal ingredients by weight.

3. Defendant made its Representations about "zero" sugar in its Products in order to induce health-conscious consumers, like Plaintiff, to purchase the Products. But these representations are categorically misleading and false.

4. For as long as consumable goods have been sold, "healthwashing," which is the instigation of a sale of a consumer product by making it appear healthier than it is, has led consumers to buy products that either do not actually have any health benefits or are, in some

cases, harmful. The instant case is a classic occurrence of health-washing. Here, Defendant uses false advertising and deceptive conduct which promises health-related benefits. To compound matters, the misrepresentations made on the Products are not only potentially harmful but command a price premium consistent with these misrepresentations that Plaintiff and class members would not have paid had they known that Defendant's representations are false and misleading. The Products also intentionally contain no warning whatsoever about potential risks and the tendency to cause health risks.

5. Against this backdrop, Plaintiff, subclass and 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, subclass 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 the Products packaging and in advertising or would not have purchased the Products at all.

JURISDICTION AND VENUE

6. 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.

7. This Court has personal jurisdiction over Defendant because its headquarters is in this State.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because Defendant's headquarters are in this District and because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District. 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 Product in this District. Venue is also proper because Plaintiff resides in this District.

PARTIES

Plaintiff Chynna Taylor-Ng

9. Plaintiff, Taylor-Ng is an individual consumer who, at all times material hereto, is and was a resident and citizen of Astoria, New York.

10. Plaintiff Taylor-Ng purchased BA Sports' Bodyarmor Flash I.V. Zero Sugar Watermelon Punch, on or around March 11, 2026. Plaintiff purchased the Products at a Target store in New York.

11. Plaintiff Taylor-Ng reviewed and relied upon the Product's Representation of "Zero Sugar" when purchasing. She paid a price premium and would not have purchased the Product but for the "Zero Sugar" claim.

Defendant BA Sports Nutrition, LLC.

12. Defendant BA Sports Nutrition, LLC is a Delaware limited liability company that maintains its principal place of business at 17-20 Whitestone Expressway, Suite 101, Whitestone, New York 11357. Upon information and belief, Defendant controls the entire line of Product, presiding over its recipes, labeling, and marketing.

13. Defendant sells the Product throughout the United States, including New York. BA Sports' Bodyarmor Flash I.V. Zero Sugar Beverage products, including those purchased by Plaintiff and the proposed class members, are available at various retail and grocery stores throughout the United States, including New York. Defendant authorized the false, misleading, and deceptive marketing, advertising, distribution, and sale of the "Zero Sugar" Product to consumers nationwide, including New York.

COMMON FACTUAL ALLEGATIONS

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

14. 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."[2] Sugar-sweetened bever

15. ages are by far the top source of added sugars for Americans.[3]

16. For decades, federal health authorities have recommended limiting added sugar intake.[4] 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.[5]

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[2] *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.).

[3] 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

[4] *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/

[5] *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.

17. 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.

18. Defendant has capitalized on that demand. It markets Products whose predominant ingredient is allulose, a sugar, while labeling and advertising them as "Zero Sugar." Defendant thereby obtained an unfair competitive advantage over competitors whose sugar-free claims are true, at the expense of unwitting consumers.

Defendant's False and Misleading Representations

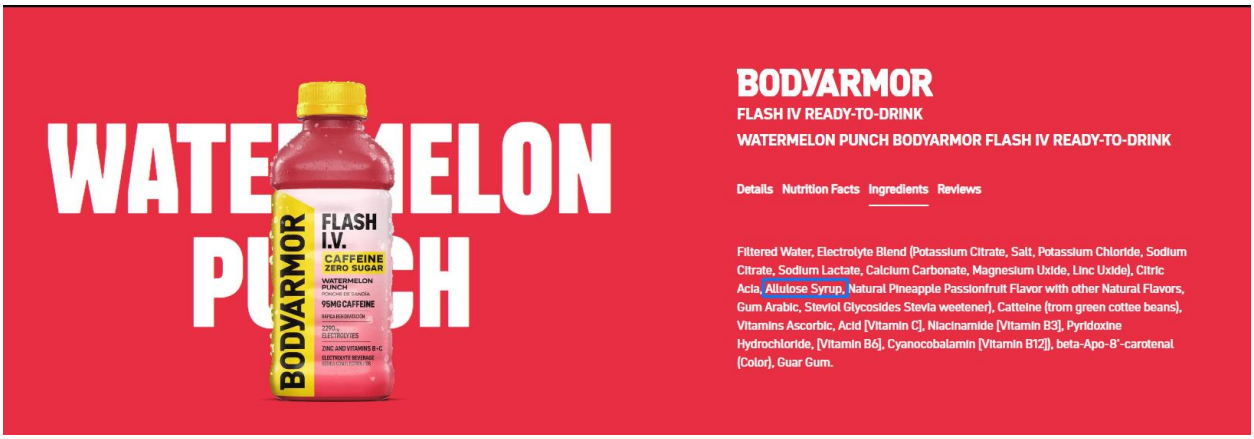
19. Defendant manufactures, markets, and sells its BA Sports' Bodyarmor Flash I.V. Zero Sugar Beverage Products. The Products are sold at major retailers throughout New York and the United States, including Target, Walmart, and grocery stores.

20. Below is an illustrative sampling of the Products and Representations (Bodyarmor Flash I.V. Zero Sugar Beverage in the Watermelon punch flavor):



21. On the front label of the Products, Defendant prominently represents that the

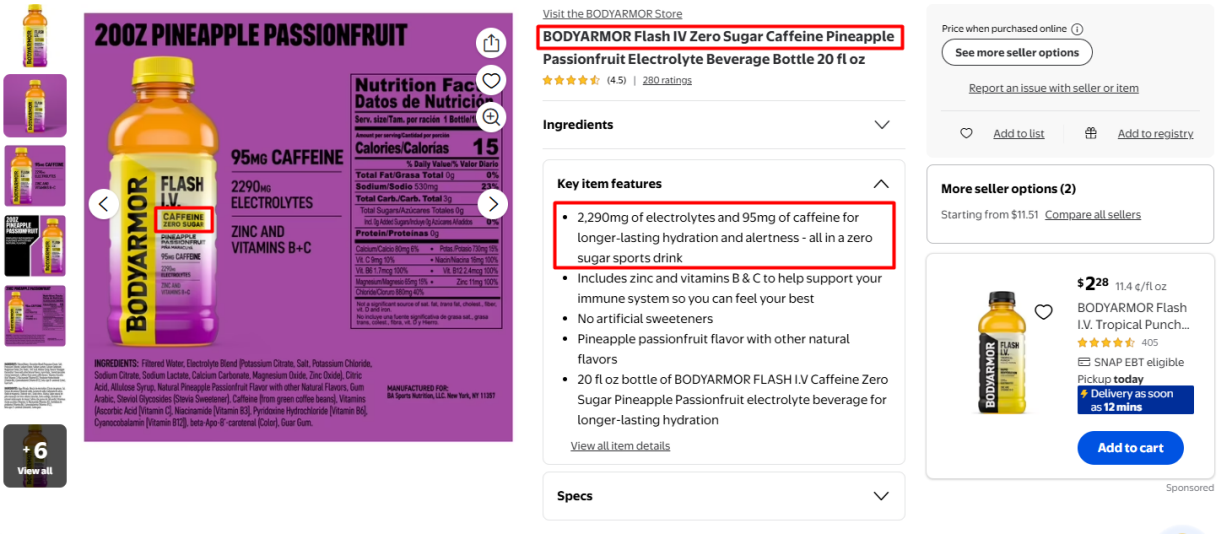
Products are "ZERO Sugar." Contrary to the representation on the Products' labels—that they contain Zero Sugar—the ingredient deck reveals the inclusion of allulose, a monosaccharide. It does not state that allulose is a free monosaccharide or sugar.[6]

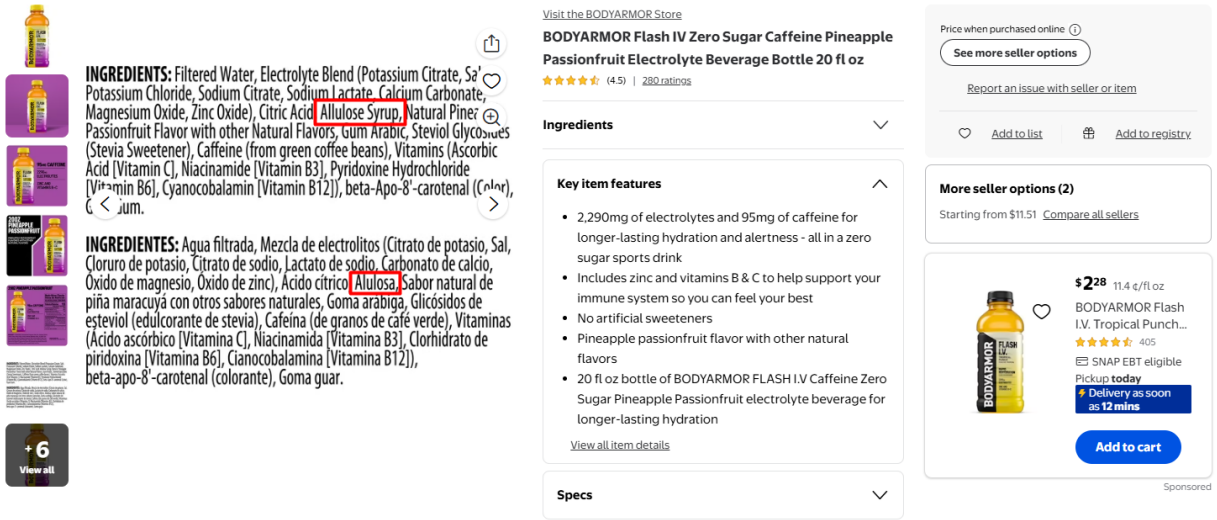


22. Defendant disseminated the Representations through the Products' packaging, Target.com, Walmart.com, and other online marketing. For example, on Walmart.com, Defendant advertises the Products as "all in a zero sugar sports drink". True and correct screenshots of Defendant's Products from Walmart.com product listings[7]:

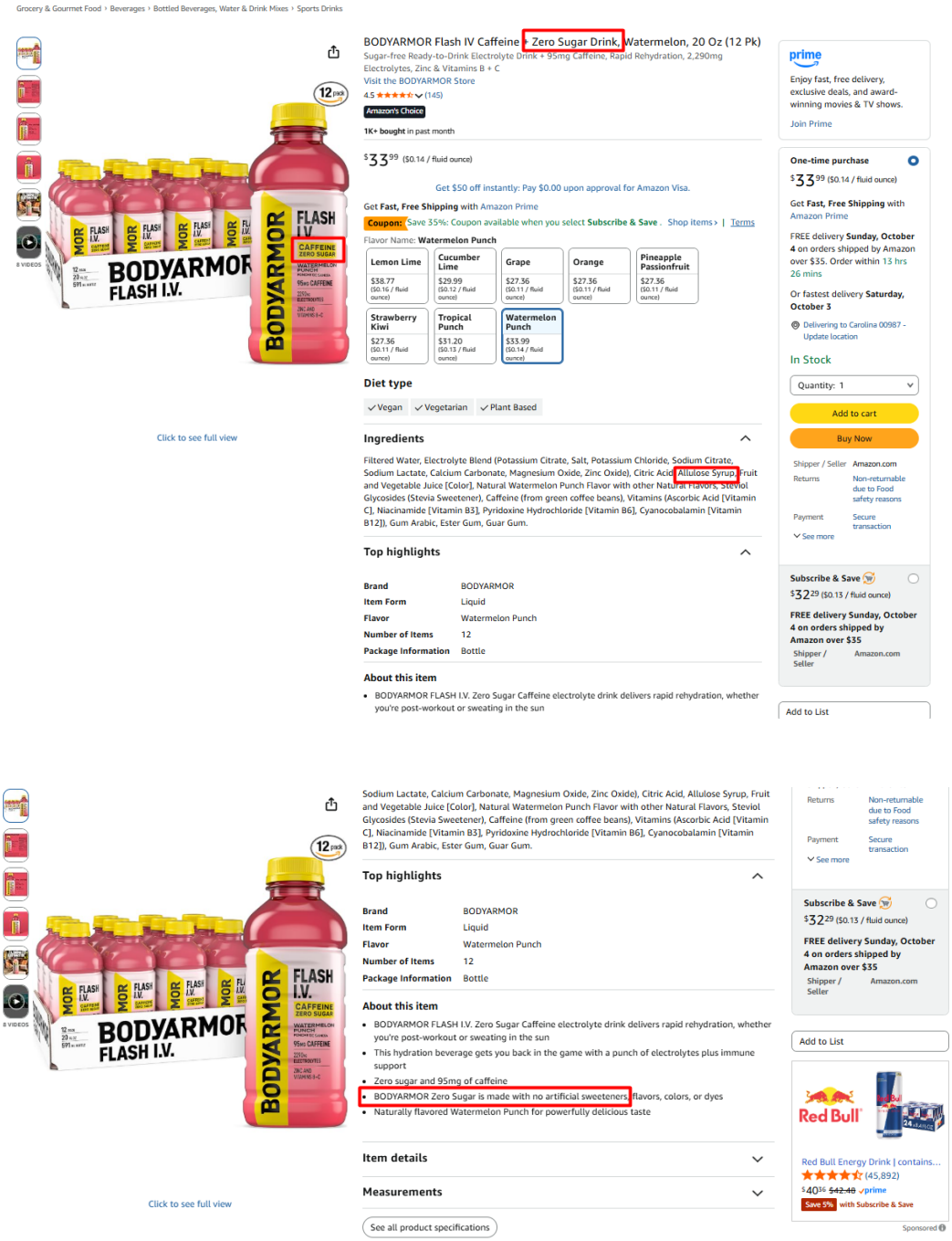
[6] *See* https://www.drinkbodyarmor.com/flash-iv-ready-to-drink/watermelon-punch (last accessed on September 29, 2026).

[7] *See* https://www.walmart.com/ip/BODYARMOR-Flash-IV-Zero-Sugar-Caffeine-Pineapple-Passionfruit-Bottle-20-fl-oz/19197900235?classType=REGULAR&from=/search (last accessed on September 29, 2026).


200Z PINEAPPLE PASSIONFRUIT
95MG CAFFEINE
2290MG ELECTROLYTES
ZINC AND VITAMINS B+C
BODYARMOR
FLASH I.V.
CAFFEINE ZERO SUGAR
Nutrition Facts
Datos de Nutrición
Calories/Calorias 15
Total Fat/Grasa Total 0g 0%
Sodium/Sodio 530mg 23%
Total Carb./Carb. Total 3g
Protein/Proteinas 0g
INGREDIENTS: Filtered Water, Electrolyte Blend (Potassium Citrate, Salt, Potassium Chloride, Sodium Citrate, Sodium Lactate, Calcium Carbonate, Magnesium Oxide, Zinc Oxide), Citric Acid, Allulose Syrup, Natural Pineapple Passionfruit Flavor with other Natural Flavors, Gum Arabic, Steviol Glycosides (Stevia Sweetener), Caffeine (from green coffee beans), Vitamins (Ascorbic Acid [Vitamin C], Niacinamide [Vitamin B3], Pyridoxine Hydrochloride [Vitamin B6], Cyanocobalamin [Vitamin B12]), beta-Apo-8'-carotenal (Color), Guar Gum.
MANUFACTURED FOR:
BA Sports Nutrition, LLC. New York, NY 11357
+6 View all
Visit the BODYARMOR Store
BODYARMOR Flash IV Zero Sugar Caffeine Pineapple Passionfruit Electrolyte Beverage Bottle 20 fl oz
(4.5) | 280 ratings
Ingredients
Key item features
2,290mg of electrolytes and 95mg of caffeine for longer-lasting hydration and alertness - all in a zero sugar sports drink
Includes zinc and vitamins B & C to help support your immune system so you can feel your best
No artificial sweeteners
Pineapple passionfruit flavor with other natural flavors
20 fl oz bottle of BODYARMOR FLASH I.V Caffeine Zero Sugar Pineapple Passionfruit electrolyte beverage for longer-lasting hydration
View all item details
Specs
Price when purchased online
See more seller options
Report an issue with seller or item
Add to list
Add to registry
More seller options (2)
Starting from $11.51 Compare all sellers
$2.28 11.4 ¢/fl oz
BODYARMOR Flash I.V. Tropical Punch...
405
SNAP EBT eligible
Pickup today
Delivery as soon as 12 mins
Add to cart
Sponsored


INGREDIENTS: Filtered Water, Electrolyte Blend (Potassium Citrate, Salt, Potassium Chloride, Sodium Citrate, Sodium Lactate, Calcium Carbonate, Magnesium Oxide, Zinc Oxide), Citric Acid, Allulose Syrup, Natural Pineapple Passionfruit Flavor with other Natural Flavors, Gum Arabic, Steviol Glycosides (Stevia Sweetener), Caffeine (from green coffee beans), Vitamins (Ascorbic Acid [Vitamin C], Niacinamide [Vitamin B3], Pyridoxine Hydrochloride [Vitamin B6], Cyanocobalamin [Vitamin B12]), beta-Apo-8'-carotenal (Color), Gum.
INGREDIENTES: Agua filtrada, Mezcla de electrolitos (Citrato de potasio, Sal, Cloruro de potasio, Citrato de sodio, Lactato de sodio, Carbonato de calcio, Óxido de magnesio, Óxido de zinc), Ácido cítrico, Alulosa, Sabor natural de piña maracuyá con otros sabores naturales, Goma arábiga, Glicósidos de esteviol (edulcorante de stevia), Cafeína (de granos de café verde), Vitaminas (Ácido ascórbico [Vitamina C], Niacinamida [Vitamina B3], Clorhidrato de piridoxina [Vitamina B6], Cianocobalamina [Vitamina B12]), beta-apo-8'-carotenal (colorante), Goma guar.
+6 View all
Visit the BODYARMOR Store
BODYARMOR Flash IV Zero Sugar Caffeine Pineapple Passionfruit Electrolyte Beverage Bottle 20 fl oz
(4.5) | 280 ratings
Ingredients
Key item features
2,290mg of electrolytes and 95mg of caffeine for longer-lasting hydration and alertness - all in a zero sugar sports drink
Includes zinc and vitamins B & C to help support your immune system so you can feel your best
No artificial sweeteners
Pineapple passionfruit flavor with other natural flavors
20 fl oz bottle of BODYARMOR FLASH I.V Caffeine Zero Sugar Pineapple Passionfruit electrolyte beverage for longer-lasting hydration
View all item details
Specs
Price when purchased online
See more seller options
Report an issue with seller or item
Add to list
Add to registry
More seller options (2)
Starting from $11.51 Compare all sellers
$2.28 11.4 ¢/fl oz
BODYARMOR Flash I.V. Tropical Punch...
405
SNAP EBT eligible
Pickup today
Delivery as soon as 12 mins
Add to cart
Sponsored

23. Defendant likewise disseminates the Representations through several grocery stores and online shopping platforms such as Amazon.com. As depicted below, the Product is promoted as containing "Zero Sugar" and "No artificial sweeteners."



24. The Representations communicate to reasonable consumers that the Products

contain no sugar. That is the plain and ordinary meaning of "Sugar-Free," "Zero Sugar," and "0 Sugar," and federal law prescribe an objective standard governing when those terms may be used.

25. "Sugar-Free" is an absolute, objective, and quantitative claim concerning a measurable physical attribute of the Products. Federal law permits that claim only when a product contains less than 0.5 grams of sugar per reference amount customarily consumed and per labeled serving, together with the regulation's other requirements. The Products' "0g" Nutrition Facts declarations further reinforce the no-sugar message to consumers, making it impossible for consumers to discover that the Products do, in fact, contain sugar.

Allulose Is a Sugar

26. 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.

27. 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.

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

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

29. 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]

30. 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.

31. FDA regulations distinguish mandatory or permitted declarations within the

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[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.")

[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.

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 separate "Sugar-Free," "Zero Sugar," and "0 Sugar" representations expressly characterize the level of sugar in the Products and are nutrient-content claims governed by 21 C.F.R. §§ 101.13(b) and 101.60(c)(1).

32. The "Sugar-Free," "Zero Sugar," and "0 Sugar" statements on the Products' packages 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 challenged message and are also alleged as misleading under applicable state law.

33. 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 . . . .").

34. Within Subpart D, section 101.60(c)(1) specifically governs the use of the "sugar free" and "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".

35. 21 C.F.R. § 101.60(c)(1)(i)–(ii). These quoted requirements are conjunctive; each must be satisfied.

36. The Products do not comply with these regulations. To determine the amount of sugar in a food, section 101.60(c)(1)(i) cross-references 21 C.F.R. § 101.9(c)(6)(ii), which provides that "[t]otal sugars shall be defined as the sum of all free mono- and disaccharides (such as glucose, fructose, lactose, and sucrose)." Allulose, as a monosaccharide epimer of fructose, falls squarely within that definition. The allulose in the Products must, therefore, be included when calculating the amount of sugars for purposes of the 0.5-gram threshold in section 101.60(c)(1)(i).

37. By Defendant's own admission on the Products' labels, each serving of the Products contains three grams of allulose, listed under total carbohydrates. That amount of sugar, by itself, is at least six times the FDA's threshold for labeling a product "sugar-free" or "zero sugar" under section 101.60(c)(1)(i). The Products, therefore, cannot lawfully bear the Representations.

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 New York state law provisions that adopt food-labeling requirements similar to federal requirements.

Reasonable Consumers Would Be Misled By Defendant's Deception.

40. Reasonable consumers have no reason to look at the back label of the Products

when presented with the conspicuous representation on the front of the package that the Products are "Zero Sugar." Consumers are not expected to look beyond misleading representations on the front of the package to discover that those representations are false.

41. Defendant's deception is especially misleading because a consumer who reviews the Nutrition Facts table would encounter a 0g Total Sugars disclosure, even though the Product contains allulose (a sugar).

42. 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

43. Defendant knew, or should have known, that the Representations were false, misleading, deceptive, and unlawful when its marketed, advertised, labeled, distributed, and sold the Products. Specifically, Defendant knew that: (a) the Products contain allulose; (b) allulose is a sugar; (c) its labels represented that the Products contained no sugar; (d) reasonable consumers would rely on those labels when purchasing; (e) consumers would not receive the represented benefit of the bargain; and (f) the Representations enabled Defendant to charge a premium for Products containing sugar.

44. 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 the Representations, Defendant chose to

continue using them, thereby causing consumers to buy or overpay for the Products.

Defendant's Zero Sugar Claims Injured Plaintiff and the Class

45. Defendant concealed or failed to disclose material facts about the Products, including: (a) the true nature of the Products' ingredients; (b) the fact that the predominant ingredient is a sugar; (c) the fact that the Products are not sugar free; and (d) the fact that the Products are misbranded under federal law when sold bearing the Representations.

46. 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 warranted; (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 New York Subclass and the Nationwide Class, purchased misbranded Products that could not lawfully have been sold in New York.

47. Accordingly, Plaintiff and the Class Members (as defined below) suffered injury in fact and lost money or property because of Defendant's wrongful conduct.

CLASS ALLEGATIONS

48. Plaintiff, individually and on behalf of all others, brings this class action pursuant to Fed. R. Civ. P. 23 on behalf of the following classes (collectively, the "Classes"):

Nationwide Class:

All persons in the United States who, during the maximum period of time

permitted by law, purchased Defendant's Products for their personal use.

New York Subclass:

> All persons in New York who, during the maximum period of time permitted by law, purchased Defendant's Products for their personal use ("NY Class" and together with NY Class as "Members of the Class," "Class Members" or "Class").

49. Excluded from 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 its immediate family members.

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

51. 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.

52. **Numerosity**: A class action is the only available 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 Class 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.

53. **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 were "Zero Sugar";

c. Whether reasonable consumers would understand Defendant's representations and warranties concerning the Products to be untrue and misleading;

d. Whether Defendant's representations and warranties were material;

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

f. Whether Defendant was unjustly enriched as a result of the unlawful conduct alleged in this Complaint;

g. Whether Plaintiff and the Members of the Class have suffered damages as a result of Defendant's actions and the amount of those damages;

h. Whether Plaintiff and the Members of the Class are entitled to statutory damages; and

i. Whether Plaintiff and the Members of the Class are entitled to attorneys' fees and costs.

54. With respect to the New York Subclass, additional questions of law and fact common to its members include whether Defendant violated New York General Business Law §§ 349 and 350.

55. **Typicality:** Plaintiff's claims are typical of the claims 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.

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

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

58. **Superiority of Class Action:** Since the damages suffered by individual Class Members, while not inconsequential, may be relatively small, the expense and burden of individual litigation by each member make 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.

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

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

61. Defendant's policies and practices challenged herein apply to and affect Class Members uniformly and Plaintiff's challenge of these policies and practices hinges on

Defendant's conduct with respect to the Class in its entirety, not on facts or law applicable only to Plaintiff.

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

63. 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 Class Members as a whole is appropriate under Federal Rule of Civil Procedure Rule 23.

CAUSES OF ACTION

COUNT I
VIOLATION OF NEW YORK GENERAL BUSINESS LAW ("GBL") § 349
(On behalf of Plaintiff and the NY Class)

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

65. Plaintiff brings this cause of action on behalf of herself and the NY Class members against Defendant.

66. New York General Business Law § 349 declares unlawful "[u]nfair, deceptive, or abusive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service in this state." N.Y. Gen. Bus. Law § 349(a).

67. Defendant is a "person" engaged in "business, trade or commerce" within the meaning of GBL § 349, and its marketing, labeling, and sale of the Products to New York consumers constitute business, trade, or commerce in New York.

68. Defendant's conduct was consumer-oriented. Defendant marketed and sold the Products to the public through uniform labeling and nationwide online listings directed to consumers, including New York consumers. Defendant profited by representing that the Products are "Zero Sugar" even though they contain sugar, in the form of allulose.

69. Defendant engaged in deceptive acts and practices by falsely representing that the Products are "Zero Sugar" even though they contain sugar in the form of allulose— a predominant ingredient by weight.

70. The Representations were material and were likely to mislead a reasonable consumer acting reasonably under the circumstances. *See* N.Y. Gen. Bus. Law § 349(2).

71. A reasonable consumer would understand the Representations to mean that the Products contain no sugar when, in fact, they contain allulose.

72. Plaintiff and members of the NY Class were injured as a result of Defendant's deceptive acts and practices.

73. In reliance on the Representations, Plaintiff and members of the NY Class paid a premium for Products they otherwise would not have purchased, or would have purchased only at a lower price, and received Products worth less than what they paid. Had they known that the Products contained allulose and were not zero sugar, Plaintiff and members of the NY Class would not have purchased the Products or would have paid significantly less for them.

74. Defendant made the Representations willfully and knowingly and with reckless disregard for the truth.

75. As a direct and proximate result of Defendant's violations of GBL § 349, Plaintiff and members of the NY Class are entitled to recover their actual damages or fifty dollars, whichever is greater, together with treble damages up to one thousand dollars for Defendant's willful and knowing violations, reasonable attorneys' fees, and injunctive relief enjoining Defendant from continuing the deceptive acts and practices alleged herein. N.Y. Gen. Bus. Law § 349(h).

COUNT II
VIOLATION OF NEW YORK GENERAL BUSINESS LAW ("GBL") § 350

(On behalf of Plaintiff and the NY Class)

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

77. Plaintiff brings this cause of action on behalf of herself and the NY Class members against Defendant.

78. New York General Business Law § 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." N.Y. Gen. Bus. Law § 350.

79. GBL § 350-a(1) defines "false advertising" as "advertising, including labeling, of a commodity . . . if such advertising is misleading in a material respect," and provides that, "[i]n determining whether any advertising is misleading, there shall be taken into account (among other things) not only representations made by statement, word, design, device, sound or any combination thereof, but also the extent to which the advertising fails to reveal facts material in the light of such representations." N.Y. Gen. Bus. Law § 350-a(1).

80. Defendant's labeling and advertising of the Products constitute "false advertising" within the meaning of GBL § 350-a(1).

81. Defendant engaged in false advertising by representing that the Products are "Zero Sugar" even though they contain sugar in the form of allulose—a predominant ingredient by weight. Defendant's advertising was misleading in a material respect and failed to reveal facts material in light of the representations Defendant made.

82. The Representations were material and were likely to mislead a reasonable consumer acting reasonably under the circumstances.

83. Plaintiff and members of the NY Class relied on Defendant's false advertising and were injured as a result. They paid a premium for Products they otherwise would not have

purchased, or would have purchased only at a lower price, and received Products worth less than what they paid. Had they known the truth, Plaintiff and members of the NY Class would not have purchased the Products or would have paid significantly less for them.

84. Defendant made the Representations willfully and knowingly and with reckless disregard for the truth.

85. As a direct and proximate result of Defendant's violations of GBL § 350, Plaintiff and members of the NY Class are entitled to recover their actual damages or five hundred dollars, whichever is greater, together with treble damages up to ten thousand dollars for Defendant's willful and knowing violations, reasonable attorneys' fees, and injunctive relief enjoining Defendant from continuing to disseminate the false advertising alleged herein. N.Y. Gen. Bus. Law § 350-e(3).

COUNT III
UNJUST ENRICHMENT
(On Behalf of Plaintiff and the Nationwide Class, or alternatively the NY Class)

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

87. Plaintiff brings this claim individually and on behalf of the Nationwide Class, or alternatively the NY Class, against Defendant under New York law or, in the alternative, under the substantially similar laws of the states applicable to members of the Nationwide Class.

88. To the extent required, Plaintiff asserts this cause of action in the alternative to her legal claims, as permitted by Federal Rule of Civil Procedure 8.

89. Plaintiff and the Nationwide Class, or alternatively the NY Class, conferred a benefit on Defendant in the form of revenues Defendant derived from their purchases of the Products.

90. Defendant knew of the benefit Plaintiff and the Class Members conferred on it.

91. Defendant has been unjustly enriched by retaining revenues from Plaintiff's and Class Members' purchases. That retention is unjust because Defendant misrepresented that the Products were "Zero Sugar," causing purchases that otherwise would not have occurred or would have occurred only at lower prices.

92. Defendant accepted and retained the benefit of revenues derived from sales of the Products to Plaintiff and Class Members.

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

94. Plaintiff and Class Members are therefore entitled to restitution in the form of revenues derived from Defendant's sale of the Products.

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

96. Plaintiff and the Class Members have suffered injury in fact and lost money as a result of Defendant's conduct.

97. Plaintiff and the Class Members lack an adequate remedy at law with respect to this claim and seek equitable relief as allowed by law.

98. Legal remedies available to Plaintiff and the Class Members 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.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the proposed Classes, respectfully requests that the Court enter judgment in their favor and against Defendant, as follows:

a. For an order certifying the Classes under Fed. R. Civ. P. 23 and naming the Plaintiff as the representative of the Class, and Plaintiff's Counsel as Class Counsel;

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

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

d. Awarding all actual, compensatory, statutory, and punitive damages to which Plaintiff and Class members are entitled;

e. Awarding equitable relief, including restitution and/or disgorgement of Defendant's revenues obtained by means of any wrongful act or practice;

f. Awarding reasonable attorneys' fees and costs, including expert witness fees and expenses as permitted by law;

g. Awarding pre- and post-judgment interest at the maximum rate permitted by applicable law;

h. Granting such other and further relief as this Court deems just and proper.

JURY TRIAL DEMANDED

Plaintiff hereby demands a trial by jury of all claims so triable.

Dated: November 6, 2026,

Respectfully Submitted,

By: /s/ Philip M. Hines

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Attorneys for Plaintiff
and the Putative Classes

Revised 7.16.2026; Effective 7.16.2026

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

Chynna Taylor-NG, individually and on behalf of others similarly situated,

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Held & Hines, LLP
622 Third Avenue, Suite 600
New York, New York
phines@heldhines.com

DEFENDANTS

BA Sports Nutrition, LLC

County of Residence of First Listed Defendant Whitestone
(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
- ☐ 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 *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	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 *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

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 Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment 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

FORFEITURE/PENALTY
- ☐ 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

BANKRUPTCY
- ☐ 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 SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

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 (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
- ☐ 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

PRISONER PETITIONS

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)***:
Class Action Fairness Act, 28 U.S.C. § 1332(d)

Brief description of cause:
Zero Sugar misinterpretation

VII. 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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Michael W. Fitzgerald DOCKET NUMBER 2:26-cv-10366

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

* Please respond to Part F on Page 2

PART A - 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, Philip M. Hines, counsel for Chynna Taylor-NG, 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:

PART B - DISCLOSURE STATEMENT - FEDERAL RULES of CIVIL PROCEDURE 7.1

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

PART C - 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."

PART D - 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? No
2. In actions not involving real property, is the action being brought against United States, its officers or its employees AND the majority of the plaintiffs reside in Nassau or Suffolk County? 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? ☐
   b. Do the majority of defendants reside in Nassau or Suffolk County? ☐
   c. Is a substantial amount of any property at issue located in Nassau or Suffolk County? ☐
4. If this is a Fair Debt Collection PracticeAct case, was the offending communication received in either Nassau or Suffolk County? ☐

(*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*).

PART E - BAR ADMISSION

1. 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

If you answered No to E(1), please see instructions and Local Civ. R. 1.3.

2. Are you currently the subject of any disciplinary action (s) in this or any other state or federal court? ☐ If yes, please explain:

PART F - IMMIGRATION HABEAS

1. Is this petition based on an immigration detention? ☐
2. Does this case require immediate attention of a judge? ☐

If you answered Yes in Part F, and are filing this action after business hours, please see instructions here: https://www.nyed.uscourts.gov/emergency-applications-filed-after-business-hours.

Check Form to Validate Before Signing

I certify the accuracy of all information provided above.

Signature: /f/Philip M. Hines Date: November 6, 2026

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:

Page One Instructions

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.
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 statute.

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 cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Page Two Instructions

A. Certification of Arbitration Eligibility: Indicate whether the case is eligible for arbitration under Local Civil Rule 83.7. If you answer No, please check at least one of the reasons that the case is not eligible.

B. Disclosure Statement - Federal Rules of Civil Procedure 7.1: If additional space is needed, please add the parties on an additional page.

C. Related Case Statement: If additional space is needed, please add the parties on an additional page.

D. Division of Business Rule 1(d)(3): Your answers in this section will determine whether your case will be designated as a Central Islip or Brooklyn case. Failure to complete this section may result in a delay assigning your case to a judge. Anwer all four (4) questions in this part, including 3(a), 3(b), and 3(c).

E. Bar Admission: Answer both questions.

F. Immigration Habeas: Answer both questions.

Click "Check Form to Validate Before Signing." If any required fields have not been completed, please do so before signing.

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