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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

STEPHAN DELGADO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

HEARTLAND CONSUMER PRODUCTS LLC,

Defendant.

Case No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

1 Plaintiff Stephan Delgado (“Plaintiff”) brings this action on behalf of himself and all others
 2 similarly situated against Heartland Consumer Products LLC (“Defendant”). Plaintiff makes the
 3 following allegations pursuant to the investigation of his counsel and based upon information and
 4 belief, except as to allegations specifically pertaining to Plaintiff, which are based on personal
 5 knowledge.

6 **NATURE OF THE ACTION**

7 1. Plaintiff brings this class action on behalf of himself and all similarly situated
 8 consumers who purchased Splenda Diabetes Care Shakes, now also marketed as Splenda Diabetic
 9 Nutrition Shakes, in Strawberry Cream, French Vanilla, Milk Chocolate, and Café Latte flavors,
 10 marketed as containing no added sugar (collectively, the “Products”).

11 2. Defendant markets and advertises the Products as containing “0g NO ADDED
 12 SUGARS” (collectively, the “No Added Sugar Representations”). However, unbeknownst to
 13 reasonable consumers, Defendant adds sugar to the Products in the form of allulose. Allulose is a
 14 monosaccharide and therefore a sugar under the applicable federal and California labeling standards.
 15 Defendant admits that the Products contain between 5.5 grams and 6.5 grams of allulose per bottle.¹

16 3. The Products display “0g” together with “NO ADDED SUGARS” on their principal
 17 display panels. Because allulose is a sugar added during processing, Defendant’s No Added Sugar
 18 Representations are false, misleading, and impermissible under 21 C.F.R. § 101.60(c)(2)(i).
 19 Accordingly, Plaintiff brings claims against Defendant for violations of: (1) California’s Consumers
 20 Legal Remedies Act, Cal. Civ. Code § 1750 et seq.; (2) California’s Unfair Competition Law, Cal.
 21 Bus. & Prof. Code § 17200 et seq.; (3) California’s False Advertising Law, Cal. Bus. & Prof. Code
 22 § 17500 et seq.; (4) materially similar state consumer-protection statutes; and (5) unjust enrichment.

23 **JURISDICTION AND VENUE**

24 4. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §
 25 1332(d)(2)(A) because the proposed Classes include more than 100 members, the aggregate claims

26
 27 ¹Splenda, What Makes Splenda® Diabetes Care Shakes “Keto-Friendly”?,
 28 <https://www.splenda.com/faqs/what-makes-splenda-diabetes-care-shakes-keto-friendly/> (last
 visited Sept. 29, 2026).

1 of the proposed Classes exceed \$5,000,000, exclusive of interest and costs, and at least one member
2 of the proposed Classes is a citizen of a state different from Defendant.

3 5. The Court has personal jurisdiction over Defendant because Defendant markets,
4 sells, and distributes the Products throughout California, including this District, and has sufficient
5 minimum contacts with California. Venue is proper in this District pursuant to 28 U.S.C. § 1391
6 because a substantial portion of the events giving rise to this action, including Plaintiff's purchase
7 while residing in Modesto, California, occurred in this District.

8 PARTIES

9 6. Plaintiff Stephan Delgado is a citizen of California residing in Modesto, California.
10 Plaintiff purchased one six-count package of Splenda Diabetes Care Shake Café Latte for his
11 personal use online from Walmart on May 1, 2026, for \$9.44. Before making his purchase, Plaintiff
12 saw and relied on Defendant's prominent representation that the Product contained "0g NO ADDED
13 SUGARS." Based on that representation, Plaintiff reasonably believed that no sugar had been added
14 to the Product. The representation was part of the basis of Plaintiff's bargain, and he would not have
15 purchased the Product on the same terms had he known it was untrue. Plaintiff also paid a price
16 premium because of Defendant's false and misleading no-added-sugar claim but did not receive the
17 benefit of his bargain because the Product contains added allulose. Had Plaintiff known the truth, he
18 would not have purchased the Product or would have paid substantially less for it.

19 7. Plaintiff remains interested in purchasing nutrition shakes that truly contain no added
20 sugar. However, he cannot know for certain whether Defendant's false labeling and marketing have
21 been or will be corrected, and the Products' composition may change over time. If Defendant
22 continues to make the No Added Sugar Representations, Plaintiff will be unable to make informed
23 purchasing decisions and is likely to be misled again unless Defendant is required to ensure that the
24 Products' marketing is accurate. Plaintiff is an average consumer who is not sophisticated in the
25 chemistry, manufacturing, or formulation of food products. Neither Plaintiff nor reasonable
26 consumers have the specialized knowledge needed to determine independently whether allulose is a
27 sugar.
28

8. Defendant Heartland Consumer Products LLC is a Delaware limited liability company with its principal place of business in Carmel, Indiana. Defendant owns the Splenda brand and formulates, labels, markets, distributes, and/or sells the Products throughout California and the United States, including in this District.

FACTUAL ALLEGATIONS

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

9. Consumer demand for products without added sugar is well documented. A 2022 nationwide survey found that 73% of Americans ages 18 to 80 reported trying to limit or avoid sugar.²

10. That demand accords with widespread public-health guidance. The 2025–2030 Dietary Guidelines for Americans state that no amount of added sugars is recommended or considered part of a healthy or nutritious diet and that one meal should contain no more than 10 grams of added sugars.³ The World Health Organization recommends limiting free sugars to less than 10 percent of total daily energy intake and states that limiting them further to 5 percent or less may provide additional health benefits.⁴ The American Heart Association recommends limiting added sugars to no more than 6 percent of daily calories.⁵

11. Food and beverage manufacturers are aware of this demand and of the premium consumers will pay to satisfy it. Products labeled “no added sugar,” “zero added sugar,” and “0g added 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.

²International Food Information Council, 2022 Food & Health Survey 57 (May 18, 2022), <https://ific.org/wp-content/uploads/2022/06/IFIC-2022-Food-and-Health-Survey-Report-May-2022.pdf>.

³ U.S. Department of Health and Human Services & U.S. Department of Agriculture, Dietary Guidelines for Americans, 2025–2030, at 4 (Jan. 2026), <https://cdn.realfood.gov/DGA.pdf>

⁴ World Health Organization, Healthy Diet (Jan. 26, 2026), <https://www.who.int/news-room/fact-sheets/detail/healthy-diet>

⁵ American Heart Association, Added Sugars, <https://www.heart.org/en/healthy-living/healthy-eating/eat-smart/sugar/added-sugars>.

12. Defendant has capitalized on that demand. It sells the Products containing allulose — an added monosaccharide sugar — while representing them as containing “0g NO ADDED SUGARS.” Defendant thereby obtained an unfair competitive advantage over competitors that accurately label comparable sweetened nutrition shakes.

B. Defendant’s No Added Sugar Representations and Warranties

13. Defendant prominently represents on the Products that they contain “0g NO ADDED SUGARS.” These statements are referred to herein as the “No Added Sugar Representations.” The Products are depicted below:



Café Latte — 8 fl oz (front and back labels)



French Vanilla — 8 fl oz (front and back labels)



Milk Chocolate — 8 fl oz (front and back labels)



Strawberry Cream — 8 fl oz (front and back labels)

14. The No Added Sugar Representations communicate to reasonable consumers that no sugar was added to the Products. That is the plain and ordinary meaning of “0g NO ADDED SUGARS.”

15. The No Added Sugar Representations are absolute, objective, and quantitative claims concerning whether and how much sugar was added to the Products. Those claims are false because Defendant adds allulose—a sugar—to the Products during processing.

16. The Products’ information panels reinforce, rather than cure, the materially misleading impression created by the No Added Sugar Representations. Their Nutrition Facts panels declare 0 grams of Total Sugars and 0 grams of Added Sugars, while the ingredient lists identify allulose without stating that it is a free monosaccharide sugar.

C. Allulose Is a Sugar

17. Allulose is a sugar.

18. Chemically, allulose is a monosaccharide. It is the C-3 epimer of D-fructose, meaning that allulose and fructose have the same molecular formula and connectivity but differ in the spatial orientation of a hydroxyl group at the third carbon. “D-allulose, a C-3 epimer of D-fructose, is a rare monosaccharide used as a food ingredient or a sweetener.”⁶ Allulose is accordingly “a rare sugar,” and “a monosaccharide that is low in calories and that maintains approximately 70% of sweetness relative to sugar.”⁷

19. Allulose is not merely a sugar as a matter of chemical classification. It is used as one. Allulose has “70% of the sweetness of sucrose, which means it is viewed as a potential alternative sweetener.”⁸ The food science literature describes allulose and other rare sugars as “monosaccharides

⁶ Han-Joo Maeng *et al.*, Metabolic Stability of D-Allulose in Biorelevant Media and Hepatocytes: Comparison with Fructose and Erythritol, 8 Foods art. 448, at 1 (2019), <https://doi.org/10.3390/foods8100448>.

⁷ Youngji Han *et al.*, Gastrointestinal Tolerance of D-Allulose in Healthy and Young Adults. A Non-Randomized Controlled Trial, 10 Nutrients art. 2010, at 1–2 (2018), <https://doi.org/10.3390/nu10122010>.

⁸ Maeng *et al.*, *supra* note 6, at 2.

1 with sweetness similar to those as caloric sugars, but [with] low caloric values,” which “are now
2 widely used as sugar substitutes.”⁹

3 20. Because allulose is less sweet than table sugar, it is used in gram-scale quantities as a
4 bulk sweetener. High-intensity sweeteners such as saccharin, aspartame, acesulfame potassium,
5 neotame, sucralose, and advantame are approximately 200 to 20,000 times as sweet as sucrose.¹⁰ By
6 contrast, allulose has approximately 70% of sucrose’s sweetness.¹¹

7 21. Allulose also behaves like sugar in food. “It is convenient for the food industry to
8 use D-allulose, as its chemical properties are similar to those of fructose in terms of solubility, water
9 activity, and viscosity.”¹² The study concludes that its findings may allow allulose to be used as a
10 partial replacement of added sugars in the Korean diet.¹³ Allulose is “widely regarded as a promising
11 substitute for sucrose”—that is, a substitute for table sugar, and one that is itself a sugar.¹⁴

12 22. The Food and Drug Administration (“FDA”) identifies allulose as a sugar. In its 2016
13 Nutrition Facts rulemaking, the FDA stated that allulose, “as a monosaccharide, must be included”
14 in the Total Sugars declaration pending any future rulemaking that would otherwise exclude the
15 substance.¹⁵ The current regulation continues to define Total Sugars as “the sum of all free mono-
16 and disaccharides” and does not exclude allulose. 21 C.F.R. § 101.9(c)(6)(ii).

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18
19
20 ⁹ *Maeng et al.*, *supra* note 6, at 10.

21 ¹⁰ U.S. Food & Drug Administration, Aspartame and Other Sweeteners in Food,
22 <https://www.fda.gov/food/food-additives-petitions/aspartame-and-other-sweeteners-food> (last
visited Aug. 18, 2026).

23 ¹¹ Mengting Tao, Wenli Zhang & Wanmeng Mu, D-Allulose: A New Generation of Potential Bulk
Sweeteners in the Food Industry, 73 J. Agric. & Food Chem. 27,833, 27,833–35 (2025)
(Viewpoint), <https://doi.org/10.1021/acs.jafc.5c13620>.

24 ¹² *Han et al.*, *supra* note 7, at 10.

25 ¹³ *Id.*

26 ¹⁴ Wenli Zhang *et al.*, D-Allulose, a Versatile Rare Sugar: Recent Biotechnological Advances and
Challenges, 63 Critical Revs. Food Sci. & Nutrition 5661, 5661 (2023) (published online Dec. 29,
27 2021), <https://doi.org/10.1080/10408398.2021.2023091>.

28 ¹⁵ Food Labeling: Revision of the Nutrition and Supplement Facts Labels, 81 Fed. Reg. 33,742,
33,796 (May 27, 2016).

23. The Calorie Control Council likewise states that “[a] monosaccharide, or simple sugar, allulose is absorbed by the body, but not metabolized, so it is nearly calorie-free.”¹⁶

24. Defendant identifies allulose as an ingredient in each of the Products and uses it as a sweetener.

D. The Products Violate the FDA Nutrient Content Regulations

25. 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.

26. 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 required or permitted by § 101.9 and appearing as part of the Nutrition Facts panel is not itself a nutrient-content claim. 21 C.F.R. § 101.13(c). By contrast, the No Added Sugar Representations appear outside the Nutrition Facts panel on the Products’ front labels and expressly characterize the level of added sugar in the Products.

27. 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 . . .”). The No Added Sugar Representations are nutrient-content claims because they expressly characterize the level of added sugar. As such, they are governed by 21 C.F.R. §§ 101.13 and 101.60(c)(2).

28. Section 101.60(c)(2) provides that terms such as “no added sugar,” “without added sugar,” or “no sugar added” may be used only if five conditions are met. The first condition requires that “[n]o amount of sugars, as defined in § 101.9(c)(6)(ii), or any other ingredient that contains

¹⁶ Calorie Control Council, Allulose, <https://caloriecontrol.org/ingredients/sweeteners/allulose/> (last visited Aug. 11, 2026).

sugars that functionally substitute for added sugars, is added during processing or packaging.” 21 C.F.R. § 101.60(c)(2)(i).

29. Section 101.9(c)(6)(ii) defines Total Sugars as “the sum of all free mono- and disaccharides.” Section 101.9(c)(6)(iii) defines Added Sugars to include sugars that are added during the processing of foods.

30. The conditions in 21 C.F.R. § 101.60(c)(2) are conjunctive; each must be satisfied. The Products’ statement that they are not low-calorie foods addresses a different condition, paragraph (v), but does not excuse noncompliance with paragraph (i).

31. Allulose is a free monosaccharide and thus a sugar within § 101.9(c)(6)(ii). Defendant adds it as an ingredient during processing. Because Defendant adds a sugar during processing, the No Added Sugar Representations fail § 101.60(c)(2)(i). Disclosure of allulose does not make the claims compliant because paragraph (i) prohibits adding any amount of sugars as defined in § 101.9(c)(6)(ii).

32. Because the Products’ labels and labeling bear false, misleading, and impermissible outside-panel nutrient-content claims, the Products are misbranded under federal law. 21 U.S.C. § 343(a)(1), (r)(1)(A); 21 C.F.R. §§ 101.9(c)(6)(ii)–(iii), 101.13(b), (c), and 101.60(c)(2)(i). Plaintiff does not seek to enforce the FDCA directly. He seeks relief under independently enforceable state consumer-protection and warranty laws, including California’s Sherman Law provisions adopting requirements identical to federal food-labeling requirements, and independently alleges that the No Added Sugar Representations mislead reasonable consumers.

E. Defendant’s Conduct Violates California’s Food Labeling Laws

33. Defendant’s marketing, advertising, distribution, and sale of the Products violate the misbranding provisions of California’s Sherman Food, Drug, and Cosmetic Law, Cal. Health & Safety Code § 109875 et seq. (the “Sherman Law”), which adopts federal food-labeling regulations as California regulations. Cal. Health & Safety Code § 110100(a).

34. Defendant’s marketing, advertising, distribution, and sale of the Products violate the Sherman Law’s misbranding provisions, including:

(a) Section 110660 (a food is misbranded if its labeling is false or misleading in any particular);

(b) Section 110670 (a food is misbranded if its labeling does not conform with the requirements for nutrient-content or health claims set forth in 21 U.S.C. § 343(r));

(c) Section 110760 (making it unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any food that is misbranded);

(d) Section 110765 (making it unlawful for any person to misbrand any food); and

(e) Section 110770 (making it unlawful for any person to receive in commerce any food that is misbranded or to deliver or proffer for delivery any such food).

35. Defendant's marketing, advertising, distribution, and sale of the Products also violate the Sherman Law's false-advertising provisions, including:

(a) Section 109885, which defines "advertisement" to include representations on products and their packages, and Section 110390, which prohibits dissemination of food advertisements that are false or misleading in any particular;

(b) Section 110395 (making it unlawful to manufacture, sell, deliver, hold, or offer to sell any falsely or misleadingly advertised food);

(c) Sections 110398 and 110400 (making it unlawful to advertise misbranded food or to deliver or proffer for delivery any food that has been falsely or misleadingly advertised).

36. Because the Products bear "0g NO ADDED SUGARS" nutrient-content claims despite containing added allulose, including between 5.5 grams and 6.5 grams per bottle, the Products are misbranded and falsely advertised under California law, and Defendant's advertising, distribution, and sale of the Products are unlawful.

F. Reasonable Consumers Cannot Detect Defendant's Deception

37. Reasonable consumers have no reason to search the side or back panels when presented with the conspicuous front-panel representation that the Products contain "0g NO ADDED SUGARS." Consumers are not expected to look beyond a misleading representation on the front of a package to discover that the representation is false. But even if they did, the Nutrition Facts panels

1 declare 0 grams of Total Sugars and 0 grams of Added Sugars. The ingredient lists identify allulose
2 but do not state that allulose is a free monosaccharide or sugar.

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

8 **G. Defendant Knew the No Added Sugar Representations Were False**

9 39. Defendant knew, or should have known, that the No Added Sugar Representations
10 were false or misleading when it marketed, advertised, labeled, distributed, and sold the Products.
11 Specifically, Defendant knew that: (a) the Products contain allulose; (b) allulose is a free
12 monosaccharide and sugar; (c) Defendant adds allulose to the Products during processing; (d) the
13 front labels nevertheless represent that the Products contain “0g NO ADDED SUGARS”; (e)
14 reasonable consumers would rely on the No Added Sugar Representations when purchasing; (f)
15 consumers would not receive the represented benefit of the bargain; and (g) the No Added Sugar
16 Representations enabled Defendant to charge a premium for the Products.

17 40. Defendant could have stopped using the No Added Sugar Representations, accurately
18 qualified them, or ensured that they were true, but chose not to.

19 **H. Defendant’s No Added Sugar Representations Injured Plaintiff and the Classes**

20 41. Defendant concealed or failed to disclose material facts about the Products, including:
21 (a) that allulose is a free monosaccharide; (b) that Defendant adds it during processing; (c) that the
22 Products do not comply with pertinent FDA regulations; (d) that the Products do not conform to the
23 No Added Sugar Representations; and (e) that the Products are misbranded under federal and
24 California law as a result of the No Added Sugar Representations.

25 42. As an immediate, direct, and proximate result of Defendant’s false, misleading, and
26 deceptive representations and omissions, Defendant injured Plaintiff and Class Members in that they:
27 (a) paid money for products that were not as represented; (b) paid a premium for the Products; (c)
28

were deprived of the benefit of their bargains; and (d) with respect to Plaintiff and the California Subclass, purchased misbranded Products that could not lawfully have been sold because they violate the FDA and California's Sherman Law regulations.

43. Accordingly, Plaintiff and Class Members suffered injury in fact and lost money or property because of Defendant's wrongful conduct.

I. Plaintiff Lacks an Adequate Remedy at Law

44. Plaintiff lacks an adequate remedy at law for the future harm described above. Damages cannot remedy his inability to rely on Defendant's No Added Sugar Representations when deciding whether to purchase the Products in the future. Only injunctive relief requiring Defendant to cease or correct the misleading No Added Sugar Representations can address that prospective harm.

45. Equitable relief is also necessary because legal remedies may prove inadequate to provide complete relief, including restitution measured by the difference between the prices Plaintiff and Class Members paid and the value of the Products as received, which may not be coextensive with damages.

46. The scope of actionable misconduct under the FAL and UCL is also broader than under the other causes of action asserted here. The FAL and UCL prohibit Defendant's fraudulent marketing scheme. Plaintiff's common-law and other statutory claims are more limited, focusing on duties arising from Defendant's No Added Sugar Representations at the point of purchase. The UCL may also borrow statutory prohibitions that do not themselves create a private cause of action.

CLASS ACTION ALLEGATIONS

47. Plaintiff brings this action on behalf of himself and all others similarly situated under Federal Rules of Civil Procedure 23(a), (b)(1), (b)(2), and (b)(3). The proposed classes are defined below (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.

Multi-State Consumer Protection Subclass: All persons who, during the maximum period permitted by law, purchased one or more of the Products for personal use in a state with a consumer-protection statute materially similar to the statutes identified herein.

California Subclass: All persons in California who, during the maximum period of time permitted by law, purchased Defendant's Products for their personal use.

48. The Classes do not include: (1) Defendant or its officers or directors; (2) the Judge or Magistrate Judge assigned to this action; (3) the assigned Judge's or Magistrate Judge's staff and family; or (4) Plaintiff's counsel or Defendant's counsel.

49. Plaintiff reserves the right to amend the class definitions and add classes or subclasses as appropriate based on investigation, discovery, and the specific theories of liability.

50. **Community of Interest:** There is a well-defined community of interest among members of the Classes, and the disposition of their claims in a single action will provide substantial benefits to all parties and to the Court.

51. **Numerosity:** While the exact number of Class Members is unknown to Plaintiff and can be determined only through discovery, upon information and belief, they number at least in the thousands, and joinder is impracticable. Class Members may be notified through Defendant's and third-party retailers' distribution and sales records and by publication.

52. **Existence and Predominance of Common Questions of Law and Fact:** Common questions of law and fact exist as to all Class Members and predominate over questions affecting only individual members. These common legal and factual questions include, but are not limited to:

- (a) Whether allulose is a free monosaccharide and sugar;
- (b) Whether the Products contain added allulose and fail the governing conditions for the No Added Sugar Representations, including 21 C.F.R. §§ 101.13 and 101.60(c)(2);
- (c) Whether reasonable consumers would understand Defendant's representations and warranties concerning the Products to be untrue or misleading;
- (d) Whether Defendant's representations and warranties were material;

(e) Whether the Products are misbranded under federal law and, with respect to the California Subclass, California law;

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

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

(h) Whether Plaintiff and Class Members are entitled to statutory damages; and

(i) Whether Plaintiff and Class Members are entitled to attorneys' fees and costs.

53. With respect to the California Subclass, additional questions of law and fact common to the members include whether Defendant violated California's Consumers Legal Remedies Act ("CLRA"), Cal. Civ. Code § 1750 *et seq.*, California's False Advertising Law ("FAL"), Cal. Bus. & Prof. Code § 17500 *et seq.*, and California's Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code § 17200 *et seq.*

54. **Typicality:** Plaintiff's claims are typical of those of other Class Members because Plaintiff was exposed to Defendant's No Added Sugar Representations, purchased a Product in reliance on them, and suffered the same type of economic loss.

55. **Adequacy:** Plaintiff will fairly and adequately represent and protect the Classes' interests as required by Federal Rule of Civil Procedure 23(a)(4). Plaintiff has no interests adverse to the Classes, is committed to vigorous prosecution, and has retained skilled and experienced counsel.

56. **Superiority:** A class action is superior to all other available methods for the fair and efficient adjudication of the asserted claims under Federal Rule of Civil Procedure 23(b)(3) because the expense and burden of individual litigation make it economically infeasible for Class Members to seek redress outside a class action. Even if Class Members could afford individual litigation, the burden on the courts would be substantial. Individualized litigation would risk varying or contradictory judgments and magnify delay and expense through repeated trials of the same factual issues. By contrast, maintaining this action as a class action with respect to some or all issues presents fewer management difficulties, conserves party and judicial resources, and protects each Class

1 Member's rights. Plaintiff anticipates no difficulty managing this action as a class action. Classwide
2 relief is essential to compel compliance with applicable consumer-protection laws, and separate
3 actions could subject Defendant to inconsistent obligations.

4 **CAUSES OF ACTION**

5 **COUNT I**

6 **Violation of California's Consumers Legal Remedies Act ("CLRA")**
7 **Cal. Civ. Code § 1750 et seq.**
8 **(On Behalf of Plaintiff and the California Subclass)**

9 57. Plaintiff incorporates by reference and re-alleges the allegations contained in all
10 preceding paragraphs of this Complaint.

11 58. Plaintiff brings this claim on behalf of himself and the California Subclass against
12 Defendant.

13 59. Civil Code § 1770(a)(5) prohibits "[r]epresenting that goods or services have
14 sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have
15 or that a person has a sponsorship, approval, status, affiliation, or connection that the person does
16 not have."

17 60. Civil Code § 1770(a)(7) prohibits "[r]epresenting that goods or services are of a
18 particular standard, quality, or grade, or that goods are of a particular style or model, if they are of
19 another."

20 61. Civil Code § 1770(a)(9) prohibits "advertising goods or services with intent not to
21 sell them as advertised."

22 62. Defendant profited from sales of the falsely and deceptively advertised Products by
23 representing that they contain "0g NO ADDED SUGARS," even though Defendant adds allulose
24 during processing, including between 5.5 grams and 6.5 grams per bottle.

25 63. Defendant's wrongful business practices constituted, and still constitute, a continuing
26 course of conduct in violation of the CLRA.

27 64. Plaintiff and California Subclass Members currently seek injunctive relief under the
28 CLRA and reserve the right to amend the Complaint to seek any additional relief authorized after

satisfying the statutory notice requirements. Cal. Civ. Code §§ 1780, 1782(d). Plaintiff presently does not seek CLRA damages.

COUNT II
Violation of California’s Unfair Competition Law (“UCL”)
Cal. Bus. & Prof. Code § 17200 et seq.
(On Behalf of Plaintiff and the California Subclass)

65. Plaintiff incorporates by reference and re-alleges the allegations contained in all preceding paragraphs of this Complaint.

66. Plaintiff brings this claim individually and on behalf of the California Subclass against Defendant.

67. Defendant violated California’s Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200–17210, by engaging in unlawful, unfair, and fraudulent business practices.

68. The UCL defines unfair competition to “mean and include any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and Professions Code.” Cal. Bus. & Prof. Code § 17200. A business act or practice is unlawful if it violates any established state or federal law. A practice is unfair if it (1) offends public policy; (2) is immoral, unethical, oppressive, or unscrupulous; or (3) causes substantial injury to consumers. The UCL allows a person who has suffered injury in fact and lost money or property to prosecute a civil action for violation of the UCL. Cal. Bus. & Prof. Code § 17204.

69. Defendant’s acts, as described above, constitute unlawful, unfair, and fraudulent business practices pursuant to California Business & Professions Code § 17200 *et seq.*

70. Defendant violated the UCL’s proscription against unlawful business practices through its violations of the FAL, Cal. Bus. & Prof. Code § 17500 *et seq.*; the CLRA, Cal. Civ. Code § 1750 *et seq.*; and the Sherman Law, including Cal. Health & Safety Code §§ 110100, 110390, 110395, 110398, 110400, 110660, 110670, 110760, 110765, and 110770. Through the Sherman Law’s adoption of federal food-labeling requirements, Defendant also violated the parallel standards in 21 U.S.C. § 343(a)(1), (r)(1)(A) and 21 C.F.R. §§ 101.9(c)(6)(ii)–(iii), 101.13(b), (c), and 101.60(c)(2)(i).

71. Defendant also violated the UCL's proscription against unfair business practices. Defendant's acts, omissions, misrepresentations, practices, and nondisclosures are substantially injurious to consumers, offend public policy, and are immoral, unethical, oppressive, and unscrupulous. The gravity of Defendant's conduct outweighs any asserted benefit. There is no utility in representing that nutrition shakes made with added allulose contain 0 grams of added sugar. Defendant's false and misleading representations also disadvantage competitors that either do not make similar claims or formulate their products to conform to them.

72. Plaintiff and California Subclass Members suffered substantial injury by buying Products they would not have purchased absent Defendant's unlawful, fraudulent, and unfair labeling, advertising, packaging, and omissions concerning added allulose.

73. The gravity of Defendant's conduct outweighs any justification, particularly considering lawful alternatives. Defendant could have removed the No Added Sugar Representations, accurately qualified them, or reformulated the Products. Its conduct offends established public policy and substantially injures Plaintiff and California Subclass Members.

74. Plaintiff and California Subclass Members could not reasonably have avoided their injury or known that the prominent labeling and marketing were inaccurate. Consumers lack specialized knowledge to identify allulose as a free monosaccharide and are not required to reconcile the front-panel promise with side-panel ingredient information.

75. Under California Business & Professions Code § 17203, Plaintiff and California Subclass Members seek restitution, injunctive relief, attorneys' fees, and all other relief the Court deems proper.

COUNT III
Violation of California's False Advertising Law
Cal. Bus. & Prof. Code § 17500
(On Behalf of Plaintiff and the California Subclass)

76. Plaintiff incorporates by reference and re-alleges the allegations contained in all preceding paragraphs of this Complaint.

77. Plaintiff brings this claim on behalf of himself and the California Subclass against Defendant.

78. Defendant's acts and practices have deceived or are likely to deceive California Subclass Members and the public. Defendant represents that the Products contain "0g NO ADDED SUGARS," even though Defendant adds allulose during processing.

79. Defendant has disseminated uniform advertising regarding the Products throughout California and the United States. The advertising was unfair, deceptive, untrue, or misleading within the meaning of Cal. Bus. & Prof. Code § 17500 and was intended and likely to deceive consumers.

80. In making and disseminating these statements, Defendant knew, or should have known, its advertising was untrue or misleading. Plaintiff Delgado and California Subclass Members based their purchasing decisions on the materially false No Added Sugar Representations and were injured in fact and lost money or property as a result.

81. Defendant's misrepresentations concerning the material facts described above constitute false and misleading advertising and therefore violate Cal. Bus. & Prof. Code § 17500 et seq.

82. Plaintiff and California Subclass Members seek restitution, injunctive relief, attorneys' fees, and all other relief the Court deems proper.

COUNT IV

Violation of Consumer Protection Statutes (On Behalf of Plaintiff and the Multi-State Consumer Protection Subclass)

83. Plaintiff incorporates by reference and re-alleges the allegations contained in all preceding paragraphs of this Complaint.

84. Plaintiff brings this claim individually and on behalf of the Multi-State Consumer Protection Subclass against Defendant.¹⁷

¹⁷ While discovery may alter the following, Plaintiff asserts that the states with similar consumer fraud laws under the facts of this case include, but are not limited to: Alaska Stat. § 45.50.471 et seq.; Ariz. Rev. Stat. §§ 44-1521 et seq.; Ark. Code § 4-88-101 et seq.; Cal. Bus. & Prof. Code § 17200 et seq.; Cal. Civ. Code § 1750 et seq.; Colo. Rev. Stat. Ann. § 6-1-101 et seq.; Conn. Gen. Stat. § 42-110a et seq.; 6 Del. Code § 2513 et seq.; D.C. Code § 28-3901 et seq.; Fla. Stat. Ann. § 501.201 et seq.; Ga. Code Ann. § 10-1-390 et seq.; Haw. Rev. Stat. § 480-2 et seq.; Idaho Code Ann. § 48-601 et seq.; 815 ILCS 505/1 et seq.; Ind. Code § 24-5-0.5-2 et seq.; Kan. Stat. Ann. §

85. Defendant represents that the Products contain “0g NO ADDED SUGARS,” even though Defendant adds allulose during processing. The foregoing deceptive acts and practices were directed at consumers.

86. The foregoing deceptive acts and practices are misleading in a material way because they fundamentally misrepresent the nature and value of the Products.

87. As a result of Defendant’s deceptive practices, Plaintiff and Multi-State Consumer Protection Subclass Members suffered economic injury because they would not have purchased the Products or would have paid less had they known the Products did not conform to the No Added Sugar Representations.

88. Plaintiff and Multi-State Consumer Protection Subclass Members seek actual damages, statutory damages, punitive damages, and reasonable attorneys’ fees and costs as allowed by applicable law.

COUNT V
Unjust Enrichment
(On Behalf of Plaintiff and the Nationwide Class)

89. Plaintiff incorporates by reference and re-alleges the allegations contained in all preceding paragraphs of this Complaint.

90. Plaintiff brings this claim individually and on behalf of the Nationwide Class against Defendant under California law or, in the alternative, under the substantially similar laws of the states applicable to Nationwide Class Members.

50-623 et seq.; Ky. Rev. Stat. Ann. § 367.110 et seq.; La. Rev. Stat. § 51:1401 et seq.; Me. Rev. Stat. tit. 5, § 207 et seq.; Md. Code Ann., Com. Law § 13-301 et seq.; Mass. Gen. Laws ch. 93A et seq.; Mich. Comp. Laws § 445.901 et seq.; Minn. Stat. § 325F et seq.; Mo. Rev. Stat. § 407 et seq.; Neb. Rev. Stat. §§ 59-1601 et seq.; Nev. Rev. Stat. § 41.600 et seq.; N.H. Rev. Stat. § 358-A:1 et seq.; N.J. Stat. Ann. § 56:8 et seq.; N.M. Stat. Ann. § 57-12-1 et seq.; N.Y. Gen. Bus. Law § 349 et seq.; N.C. Gen. Stat. § 75-1.1 et seq.; N.D. Cent. Code § 51-15 et seq.; Ohio Rev. Code § 1345.01 et seq.; Okla. Stat. tit. 15, § 751 et seq.; Or. Rev. Stat. § 646.605 et seq.; 73 Pa. Stat. § 201-1 et seq.; R.I. Gen. Laws § 6-13.1-5.2(b); S.C. Code Ann. §§ 39-5-10 et seq.; S.D. Codified Laws § 37-24-1 et seq.; Tenn. Code Ann. § 47-18-101 et seq.; Tex. Bus. & Com. Code § 17.41 et seq.; Utah Code Ann. § 13-11-1 et seq.; 9 V.S.A. § 2451 et seq.; Va. Code §§ 59.1-196 et seq.; Wash. Rev. Code § 19.86.010 et seq.; W. Va. Code § 46A et seq.; Wis. Stat. § 100.18 et seq.; and Wyo. Stat. Ann. § 40-12-101 et seq.

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

3 92. Defendant's false and misleading No Added Sugar Representations caused Plaintiff
4 and Class Members to pay a price premium for the Products.

5 93. Defendant thereby received a direct and unjust benefit at the expense of Plaintiff and
6 Class Members.

7 94. Plaintiff and Class Members seek the return of that unjust benefit.

8 **PRAYER FOR RELIEF**

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

- 11 a) For an order certifying the Classes under Fed. R. Civ. P. 23, naming Plaintiff as
12 representative of the Classes, and appointing Plaintiff's Counsel as Class Counsel;
13 b) For an order declaring that Defendant's conduct violates each of the statutes referenced
14 herein;
15 c) For an order finding in favor of Plaintiff and the Classes on all counts asserted herein;
16 d) For damages available under the asserted causes of action, excluding CLRA damages
17 unless and until properly added after satisfaction of Cal. Civ. Code § 1782;
18 e) For prejudgment interest on all amounts awarded;
19 f) For restitution to the extent permitted by applicable law;
20 g) For injunctive relief as pleaded or as the Court may deem proper, including an order
21 requiring Defendant to cease labeling, marketing, and selling the Products with the No
22 Added Sugar Representations and to make affirmative disclosures sufficient to dispel the
23 public misperception created by Defendant's conduct;
24 h) For an order awarding Plaintiff's and the Classes' reasonable attorneys' fees, expenses,
25 and costs of suit; and
26 i) For such other and further relief as the Court deems just and proper.

DEMAND FOR TRIAL BY JURY

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

Dated: September 29, 2026

Respectfully submitted,

GUCOVSKI LAW FIRM, PLLC.

By: /s/ Adrian Gucovski
Adrian Gucovski (State Bar No. 360988)
Nathaniel Haim Sari (State Bar No. 362634)
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Attorneys for Plaintiff

CLRA VENUE DECLARATION
(CAL. CIV. CODE § 1780(D))

I, Adrian Gucovschi, declare as follows:

1. I am an attorney at law licensed to practice in the State of California and a member of the bar of this Court. I am a partner at Gucovschi Law Firm, PLLC, counsel of record for Plaintiff in this action. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would competently testify thereto under oath.

2. The Complaint is filed in the proper place for trial under Civil Code Section 1780(d) because a substantial portion of the transaction alleged in the Complaint occurred in this District.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct, and that this declaration was executed on September 28, 2026, in Miami, Florida.

/s/ Adrian Gucovschi
Adrian Gucovschi

CIVIL COVER SHEET

Case 1:26-at-03572 Document 1-1 Filed 09/29/26 Page 1 of 2

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

Stephan Delgado, individually and on behalf of all others
similarly situated.

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

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

Gucovschi Law Firm, PLLC; Adrian Gucovschi; 165 Broadway, Fl. 23,
New York, NY 10006; Tel: (212) 884-4230

DEFENDANTS

Heartland Consumer Products LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 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)

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

28:1332 Diversity-Fraud

Brief description of cause:

False advertising

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$
5,000,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

September 29, 2026

/s/ Adrian Gucovschi

FOR OFFICE USE ONLY

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

Case 1:26-at-03572 Document 1-1 Filed 09/29/26 Page 2 of 2

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.
- 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.

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