UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JESSICA HARRIS, individually and on behalf of all others similarly situated, Plaintiff, v. TC HEARTLAND LLC, Defendant.	Case No. _____ **CLASS ACTION COMPLAINT** **JURY TRIAL DEMANDED**

Plaintiff Jessica Harris ("Plaintiff"), individually and on behalf of all others similarly situated, by and through her attorneys, brings this Class Action Complaint against Defendant TC Heartland LLC ("Defendant") for violations of Illinois statutes and common law. Plaintiff seeks actual damages, restitution, injunctive relief, pre- and post-judgment interest, reasonable attorneys' fees and costs, and all other relief available by law. Plaintiff alleges the following upon personal knowledge as to herself and her own actions and upon information and belief, including the investigation of counsel, as to all other matters.

NATURE OF THE ACTION

1. This class action challenges Defendant's false and misleading marketing of Splenda® Magic Baker Sweetener and Splenda® Magic Baker Brown (collectively, the "Products"). Defendant markets the Products as "Sugar Free" and "Zero Sugar" (collectively, the "Sugar Free Representations" or "Representations"), although both contain allulose, a monosaccharide included within the applicable federal regulatory definition of sugar.[1]

2. Plaintiff challenges the affirmative sugar-content representations appearing

[1] 21 C.F.R. § 101.9(c)(6)(ii) (2026); *see also* 21 C.F.R. § 101.60(c)(1) (2026).

outside the Products' Nutrition Facts panels. Plaintiff alleges that these representations convey to reasonable consumers that the Products contain no sugar, notwithstanding Defendant's use of allulose as a sweetening ingredient in both Products.[2] Defendant markets and sells the Products throughout Illinois and the United States through its website and third-party retailers.

3. Defendant reinforces the Products' appeal to health-conscious consumers by including the statement "#1 recommended brand by doctors and dietitians" in its marketing for both Products. Plaintiff alleges that this recommendation claim, considered together with the sugar-content representations, creates the impression that the Products are medically recommended as healthier alternatives to conventional sugar.

4. Both Products list erythritol, a sugar alcohol, as their first ingredient.[3] Published research has raised concerns about erythritol's potential cardiovascular effects. A 2023 study reported an association between higher blood erythritol levels and cardiovascular events.[4] A small 2024 human study reported increased platelet responsiveness following erythritol consumption.[5] Platelets are blood cells involved in clotting. Plaintiff alleges that these reported concerns are material to consumers evaluating the health-related impression created by Defendant's recommendation marketing and deciding whether, and at what price, to purchase the Products.

5. Before purchasing Splenda® Magic Baker Brown, Plaintiff encountered Defendant's "Sugar Free" representation and its doctor-and-dietitian recommendation claim.

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[2] Splenda®, *Splenda® Magic Baker™ Sweetener, 16 oz Pouch*, https://www.splenda.com/product/splenda-magic-baker-16-oz- (last visited Oct. 20, 2026); Splenda®, *Splenda® Magic Baker™ Brown, 16 oz Pouch*, https://www.splenda.com/product/splenda-magic-baker-brown-16-oz (last visited Oct. 20, 2026).

[3] *See* Splenda product pages cited *supra* note 2, under "Ingredients."

[4] Marco Witkowski et al., *The Artificial Sweetener Erythritol and Cardiovascular Event Risk*, 29 Nature Medicine 710 (2023), https://doi.org/10.1038/s41591-023-02223-9.

[5] Marco Witkowski et al., *Ingestion of the Non-Nutritive Sweetener Erythritol, but Not Glucose, Enhances Platelet Reactivity and Thrombosis Potential in Healthy Volunteers,* 44 Arteriosclerosis, Thrombosis, and Vascular Biology 2136 (2024), https://doi.org/10.1161/ATVBAHA.124.321019.

Plaintiff understood these statements, taken together, to mean that the product contained no sugar and was a healthy alternative to conventional sugar. These representations were material to her purchasing decision, and she relied on them in purchasing the product at the price charged. Had Defendant accurately represented the product's sugar content and the health-related attributes challenged in this Action, Plaintiff would not have purchased it or would have paid less.

6. Plaintiff alleges that Defendant used the challenged representations to induce consumers to purchase the Products and pay a premium for their represented attributes. As a result, Plaintiff and members of the proposed Class suffered economic injury by paying more for the Products than they otherwise would have paid absent the challenged representations. Plaintiff brings this Action individually and on behalf of the proposed Class, seeking actual damages, restitution, pre- and post-judgment interest, reasonable attorneys' fees and costs, and other relief available under the causes of action pleaded.

JURISDICTION AND VENUE

7. This Court has subject-matter jurisdiction under the Class Action Fairness Act, 28 U.S.C. § 1332(d), because: (1) this is a proposed class action involving more than 100 members; (2) at least one proposed Class member is a citizen of a State different from Defendant; and (3) the aggregate amount in controversy exceeds $5,000,000, exclusive of interest and costs. This Court has supplemental jurisdiction over Plaintiff's state-law claims under 28 U.S.C. § 1367 because those claims form part of the same case or controversy.

8. This Court has personal jurisdiction over Defendant because the claims asserted in this Complaint arise from Defendant's contacts with this District. Defendant has been afforded due process because it has, at all times relevant to this matter, individually or through its agents, subsidiaries, officers, and/or representatives, operated, conducted, engaged in, and

carried on a business venture in Illinois, and/or marketed, advertised, distributed and/or sold the Products, committed a statutory violation within Illinois related to the allegations made herein, and caused injuries to Plaintiff and the putative class members, which arose out of the acts and omissions that occurred in the state of Illinois, during the relevant period. At that time, Defendant was engaged in business activities in Illinois.

9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in 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 purposefully avails itself of the markets in this District through the promotion, sale, and marketing of the Products in this District. Plaintiff resides in this District and purchased the Product here.

THE PARTIES

Plaintiff Jessica Harris

10. Plaintiff Jessica Harris is a citizen of Illinois residing in Coal City, Illinois. On or about January 4, 2026, Plaintiff purchased Splenda® Magic Baker Brown for personal use at a Walmart store located in Morris, Illinois, for approximately $8.99. Before purchasing the Product, Plaintiff saw and relied on the prominent "Sugar Free" representation on its packaging. Plaintiff understood that representation to mean that the Product contained no sugar. The representation was part of the basis of her bargain.

11. Plaintiff remains interested in purchasing sweeteners that truly contain no sugar. However, she cannot know for certain whether the false labeling and marketing of the Products have been or will be corrected, and the Products' composition may change over time. If Defendant continues to make the Sugar Free Representations, Plaintiff will be unable to make

informed purchasing decisions and is likely to be misled again unless Defendant is required to ensure that the Products' marketing is accurate. Plaintiff is an average consumer who is not sophisticated in chemistry, manufacturing, or formulation of food products. Neither Plaintiff nor reasonable consumers have the specialized knowledge needed to determine independently whether allulose is sugar.

Defendant TC Heartland LLC

12. Defendant TC Heartland LLC is a limited liability company organized under the laws of Indiana and maintains its principal place of business at 14390 Clay Terrace Blvd., Suite 205, Carmel, Indiana 46032. Upon information and belief, Defendant controls the entire line of Products, presiding over their recipes, labeling, and marketing.

13. Upon information and belief, Defendant, directly or through its subsidiaries, participates in the labeling, advertising, and marketing of the Products, including the representations challenged in this action.

14. Plaintiff reserves the right to seek leave to amend this Complaint to name additional responsible parties or entities as warranted by information obtained through discovery.

FACTUAL BACKGROUND

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

15. It is well known that consuming sugar can contribute to a variety of dangerous health conditions, such as obesity, diabetes, and cardiovascular disease; indeed, the "right amount of sugar" is "[a]s little as possible."[6]

16. For decades, federal health authorities have recommended limiting sugar intake.[7]

[6] *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.).

[7] *See, e.g.*, U.S. Dep't of Health & Hum. Servs., *The Surgeon General's Call to Action to Prevent and Decrease*

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.[8]

17. Food manufacturers are aware of this demand and of the premium consumers will pay to satisfy it. Products labeled "Sugar Free" command higher prices than comparable products that do not bear that claim, and manufacturers reserve the front principal display panels of their packaging for claims they believe will most strongly influence a purchase.

18. Defendant markets the Products, which contain allulose as the second-listed ingredient, while labeling and advertising them as "Sugar Free." Plaintiff alleges that these representations mislead reasonable consumers into believing that the Products contain no sugar and enable Defendant to charge a price premium.

Defendant's False and Misleading Sugar Free Representations

19. Defendant manufactures, markets, distributes, and sells the Products under the Splenda® brand. The Products' labeling represents that they are "Sugar Free."

20. The Products are sold at major retailers throughout Illinois and the United States, including Target, Walmart, and grocery stores, as well as on third-party online marketplaces.

21. Below are illustrative examples of the Products and the Representations:

Overweight and Obesity 35 (2001), https://stacks.cdc.gov/view/cdc/28023/cdc_28023_DS1.pdf; U.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/.

[8] *See* Int'l Food Info. Council, *2025 IFIC Food & Health Survey: A Focus on Sugars & Sweeteners* 5, 9 (Dec. 2025), 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*, https://www.adm.com/en-us/news/adm-stories/adm-launches-sweet-insights-tool-for-navigating-sugar-reduction-trends-worldwide (last visited Sept. 10, 2026).



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22. On the principal display panels of the Products' packaging, Defendant prominently represents that the Products are "Sugar Free."

23. On the back of the Splenda® Magic Baker Sweetener packaging, Defendant represents that the product provides "SUGAR-FREE SWEETNESS." The ingredient list identifies "Erythritol, Allulose, Stevia Leaf Extract," expressly disclosing allulose as an ingredient.

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

25. "Sugar Free" is an 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 sugars per reference amount customarily consumed and per labeled serving and satisfies the regulation's other requirements. Plaintiff alleges that the Products' "Sugar Free" representations convey to reasonable consumers that the Products contain no

[9] *See* https://www.splenda.com/product/splenda-magic-baker-brown-16-oz (last visited Oct. 14, 2026).
[10] *See* https://www.splenda.com/product/splenda-magic-baker-16-oz- (last visited Oct. 14, 2026).

sugar, despite their inclusion of allulose.

Defendant Reinforces Its Sugar-Content Claims Through Medical-Recommendation Marketing

26. Defendant includes the statement "#1 recommended brand by doctors and dietitians" in its marketing for both Products. Plaintiff alleges that the use of this recommendation claim alongside the sugar-content representations creates the impression that the Products are medically recommended as healthier alternatives to conventional sugar.[11]

27. Both Products also list erythritol, a sugar alcohol, as their first ingredient. Published research has raised concerns about erythritol's potential cardiovascular effects, including an association between higher blood erythritol levels and cardiovascular events and findings from a small human study reporting increased platelet responsiveness after erythritol consumption. Plaintiff alleges that these reported concerns are material to consumers evaluating the health-related impression created by Defendant's recommendation marketing.[12]

Defendant Uses Erythritol in the Products—A Dangerous Ingredient

28. Despite Defendant's marketing, both Products contain erythritol, a synthetic sugar alcohol. Although trace amounts occur naturally in certain fruits and fermented foods, those levels are minuscule, hundredths of a gram per pound, making natural sourcing economically impossible.

29. The erythritol used in processed foods, including the Products, is instead industrially produced, typically by fermenting corn-derived glucose with specialized yeast strains. It is added to foods in gram-level quantities that far exceed the negligible amounts found in nature.

[11] *See supra* notes 9–10.
[12] Witkowski et al., *The Artificial Sweetener Erythritol and Cardiovascular Event Risk*, *supra* note 4; Witkowski et al., *Ingestion of the Non-Nutritive Sweetener Erythritol*, *supra* note 5.

30. As a result, consumers ingest erythritol at levels that natural dietary sources could never generate. As alleged below, a single erythritol-sweetened serving can raise blood erythritol concentrations more than 1,000-fold. Medical evidence links erythritol to adverse cardiovascular events:[13] it increases platelet clotting and elevates the risk of heart attack and stroke. These findings come from leading medical institutions, including the National Institutes of Health and the Cleveland Clinic.[14]

31. Landmark research from Dr. Stanley Hazen and colleagues at the Cleveland Clinic's Lerner Research Institute, published February 27, 2023, in *Nature Medicine*, examined more than 4,000 subjects across U.S. and European cohorts. The study found that individuals with elevated blood erythritol levels were roughly twice as likely to experience a major adverse cardiovascular event—heart attack, stroke, or death—within three years compared to those with low levels. This association persisted independent of traditional risk factors such as hypertension, diabetes, and smoking.[15] The study was funded in part by the National Heart, Lung, and Blood Institute and the Office of Dietary Supplements of the National Institutes of Health, and the NIH itself published a summary of the findings, underscoring their significance.

32. The mechanistic data are even more alarming. In laboratory studies, erythritol made human platelets markedly easier to activate, increasing their tendency to form dangerous clots. Animal studies confirmed that elevated erythritol accelerated clot formation and shortened the time to arterial blockage. Pharmacokinetic testing showed that a single erythritol-sweetened beverage caused blood erythritol levels to spike more than 1,000-fold within minutes, remaining

[13] *See* https://www.nih.gov/news-events/nih-research-matters/erythritol-cardiovascular-events; https://pubmed.ncbi.nlm.nih.gov/36849732/ (last visited Sept. 18, 2026).
[14] *See* https://www.nih.gov/news-events/nih-research-matters/erythritol-cardiovascular-events; https://pubmed.ncbi.nlm.nih.gov/36849732/; https://my.clevelandclinic.org/podcasts/health-essentials/nutrition-essentials-are-you-risking-your-health-using-artificial-sweeteners (last visited Sept. 18, 2026).
[15] Witkowski et al., *The Artificial Sweetener Erythritol and Cardiovascular Event Risk*, *supra* note 4; *see also* Nat'l Insts. of Health, *Erythritol and Cardiovascular Events*, https://www.nih.gov/news-events/nih-research-matters/erythritol-cardiovascular-events (last visited Sept. 18, 2026).

above the threshold known to impair platelet function for at least 48 hours. Equivalent amounts of glucose produced none of these effects.[16] Because the human body cannot metabolize erythritol, it enters the bloodstream directly and circulates until excreted. A consumer who uses Splenda® Magic Baker Sweetener or Splenda® Magic Baker Brown in the morning may therefore experience heightened platelet reactivity well into the following day, creating an extended window of increased stroke and heart attack risk with each consumption occasion.

33. The Cleveland Clinic team reinforced these findings in a 2024 intervention study published in *Arteriosclerosis, Thrombosis, and Vascular Biology*. In a direct comparison between erythritol and glucose in healthy volunteers, erythritol ingestion, unlike glucose, enhanced platelet responsiveness in every subject, across every agonist and dose tested. The authors concluded that the collective evidence, "combined with recent large-scale clinical observational studies and mechanistic cell-based and animal model studies," warranted discussion of whether erythritol should be banned.[17] Importantly, both the 2023 and 2024 studies examined healthy volunteers with no pre-existing cardiovascular disease and still found the same pro-thrombotic effects. As Dr. Hazen has warned, "We need to make sure the foods we eat aren't hidden contributors," specifically cautioning clinicians advising patients who consume "sugar-free" products, the very category of products Splenda® markets as health products.

34. Independent research corroborates these findings. In June 2025, scientists at the University of Colorado Boulder's Integrative Vascular Biology Laboratory published a

[16] Witkowski et al., *The Artificial Sweetener Erythritol and Cardiovascular Event Risk*, *supra* note 4, https://pmc.ncbi.nlm.nih.gov/articles/PMC10334259/.
[17] Witkowski et al., *Ingestion of the Non-Nutritive Sweetener Erythritol*, *supra* note 5; Cleveland Clinic, *Cleveland Clinic Study Adds to Increasing Evidence That Sugar Substitute Erythritol Raises Cardiovascular Risk* (Aug. 8, 2024), https://newsroom.clevelandclinic.org/2024/08/08/cleveland-clinic-study-adds-to-increasing-evidence-that-sugar-substitute-erythritol-raises-cardiovascular-risk.

peer-reviewed study in the *Journal of Applied Physiology* examining human cerebral microvascular endothelial cells exposed to erythritol at levels comparable to those produced by a typical serving of an erythritol-sweetened product.[18]

35. The researchers found that erythritol increased oxidative stress, impaired nitric-oxide production (which dilates blood vessels), increased endothelin-1 (which constricts blood vessels), and reduced release of t-PA, the body's natural clot-dissolving protein. Each mechanism independently impairs cerebral blood-vessel function; together, they compound the stroke risk associated with erythritol consumption.

36. At minimum, erythritol's safety is the subject of serious, credible, and unresolved scientific controversy. NIH-funded, peer-reviewed research published in leading medical journals has linked erythritol to a doubling of major adverse cardiovascular events, and researchers themselves have called for discussion of whether the ingredient should be banned.

37. Defendant's representations are therefore false and misleading for an additional, independent reason: they convey that the Products are medically recommended, healthful, and safe, when in fact a key ingredient carries a serious, undisclosed risk profile that Defendant never reveals to consumers.

Allulose Is a Sugar

38. As a monosaccharide, allulose falls squarely within the codified definition of sugar adopted by the Food and Drug Administration ("FDA"). 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

[18] Berry et al., *The Non-Nutritive Sweetener Erythritol Adversely Affects Brain Microvascular Endothelial Cell Function*, 138 J. Applied Physiology 1571 (June 2025), https://doi.org/10.1152/japplphysiol.00276.2025.

rulemaking that would otherwise exclude the substance.[19] FDA has not completed such rulemaking.

39. The industry also recognizes that allulose is a sugar. Indeed, one of the leading manufacturers of commercial-grade allulose has acknowledged that "[a]llulose is a monosaccharide, or simple sugar"[20] and has noted in multiple FDA filings that "Allulose is a monosaccharide and is classified as a sugar."[21] Numerous medical and health-focused websites consistently refer to allulose as a "naturally occurring sugar."[22]

40. Allulose is not merely classified as sugar; it is used as one. Allulose has approximately seventy percent of the sweetness of sucrose and is used as a bulk sweetener and substitute for conventional sugar.[23] Its chemical properties are similar to those of fructose in terms of solubility, water activity, and viscosity.[24] Defendant adds multiple grams of allulose to the Products, although the amount varies by Product, demonstrating that it is deliberately used as a functional ingredient rather than being present merely in trace quantities.

41. Scientific literature has examined gastrointestinal symptoms associated with allulose consumption at certain dosage levels.[25] A large clinical trial on the gastrointestinal tolerance of allulose determined that, compared to traditional cane sugar, consumption of

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[19] Food Labeling: Revision of the Nutrition and Supplement Facts Labels, 81 Fed. Reg. 33,742, 33,795–96 (May 27, 2016).
[20] Tate & Lyle Ingredients Americas LLC, *Allulose: A Monosaccharide or Simple Sugar* 6 (Aug. 13, 2018), https://www.regulations.gov/document/FDA-2015-P-1201-0014.
[21] Citizen Petition from Tate & Lyle Ingredients Americas LLC to the U.S. Food & Drug Administration, *Citizen Petition Requesting that Allulose Be Exempt from Being Included as a Carbohydrate, Sugar, or Added Sugar in the Nutrition Facts Label on Foods and Beverages* (Apr. 10, 2015), FDA Docket No. FDA-2015-P-1201, https://www.regulations.gov/docket/FDA-2015-P-1201.
[22] *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).
[23] 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), https://doi.org/10.1021/acs.jafc.5c13620; 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 1–2 (2019), https://doi.org/10.3390/foods8100448.
[24] Tao et al., *supra* note 23.
[25] Ctr. for Sci. in the Pub. Int., *Comments Regarding the Declaration of Allulose on Nutrition and Supplement Facts Labels* (June 17, 2019), https://cspinet.org/sites/default/files/attachment/allulose%20final%20from%20CSPI.pdf.

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.[26]

42. 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 ("FDCA"), 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. pt. 101.

43. FDA regulations distinguish mandatory or permitted declarations within the Nutrition Facts panel from nutrient-content claims appearing elsewhere on a label or in labeling. Information appearing as part of the Nutrition Facts panel is not itself a nutrient-content claim. 21 C.F.R. § 101.13(c). By contrast, Defendant's separate "Sugar Free" 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).

44. The "Sugar Free" 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 advertising repeats the same challenged message and is also alleged to be misleading under applicable state law.

45. 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

[26] Youngji Han et al., *Gastrointestinal Tolerance of D-Allulose in Healthy and Young Adults: A Non-Randomized Controlled Trial*, 10 Nutrients art. 2010, at 6–10 (2018), https://doi.org/10.3390/nu10122010.

claim is made in accordance with this regulation and with the applicable regulations in subpart D . . .").

46. Section 101.60(c)(1) governs nutrient-content claims such as "sugar free," "no sugar," and "zero sugar." Defendant's Sugar Free Representations characterize the sugar content of the Products and must satisfy that regulation. Relevant here, § 101.60(c)(1)(i) requires that the food contain less than 0.5 grams of sugars, as defined in § 101.9(c)(6)(ii), per reference amount customarily consumed and per labeled serving.

47. The Products do not comply with these requirements. Section 101.60(c)(1)(i) cross-references 21 C.F.R. § 101.9(c)(6)(ii), which defines total sugars as the sum of all free mono- and disaccharides. Allulose, a monosaccharide epimer of fructose, falls within that definition. Accordingly, the allulose contained in the Products must be considered when determining whether the Products satisfy the requirements governing the Sugar Free Representations.

48. By Defendant's own admission on the Products' labels, each Product's Nutrition Facts panel identifies a serving size of two teaspoons, weighing 8 grams, and declares 8 grams of total carbohydrate, including 4 grams of erythritol. Splenda® Magic Baker Sweetener lists "Erythritol, Allulose, Stevia Leaf Extract" as its ingredients. Splenda® Magic Baker Brown lists "Erythritol, Allulose, Molasses, Glycerin, Stevia Leaf Extract." Both Products identify allulose as their second ingredient.

49. These declarations, considered together with the ingredients' order of predominance by weight, support Plaintiff's allegation, on information and belief, that each of the Products contains at least 0.5 grams of allulose per labeled serving. This allegation rests on the declared carbohydrate and erythritol amounts and allulose's position ahead of the remaining ingredients; the labels do not separately disclose the precise amount of allulose.

50. Independently, the Products' ingredient statements identify allulose without an asterisk referring to a qualifying sugar statement below the ingredient list. The general statements within the Nutrition Facts panels do not provide the ingredient-specific qualification. Plaintiff therefore alleges that the Products' challenged "Sugar Free" representations also fail the separate condition imposed by 21 C.F.R. § 101.60(c)(1)(ii).

51. FDA's nonbinding guidance on allulose (the "Allulose Guidance") does not authorize the challenged Sugar Free Representations. The guidance announces enforcement discretion, pending rulemaking, for excluding allulose from the gram amounts of Total Sugars and Added Sugars declared within the Nutrition Facts panel.

52. The guidance does not amend § 101.9(c)(6)(ii), address the requirements governing "no sugar" claims under § 101.60(c)(1), or authorize a separate outside-panel representation that a product containing multiple grams of added allulose is "Sugar Free."

53. In *Franco v. Chobani, LLC*, the Seventh Circuit held that § 101.9(c)(6)(ii) unambiguously includes every monosaccharide, including allulose. The court further concluded that FDA's Allulose Guidance announced an enforcement policy rather than amending or interpreting the regulation and held that the plaintiffs' parallel state-law claims were not expressly preempted on the theory presented. 184 F.4th 599, 604–07 (7th Cir. 2026).

54. Moreover, Defendant's "Sugar Free" representations are false and misleading because the Products contain intentionally added allulose, a monosaccharide, while conveying to reasonable consumers that they contain no sugar.

55. 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).

56. Plaintiff does not seek to enforce the FDCA directly. She seeks relief under independently enforceable Illinois consumer-protection law, including the Illinois Consumer

Fraud and Deceptive Business Practices Act. The federal provisions identify the applicable labeling standards and the conduct that renders the Products misbranded. Plaintiff's claims do not seek to impose any labeling requirement different from or additional to federal law. *See Franco*, 184 F.4th at 606–07.

Defendant's Conduct Violates Illinois's Food Labeling Laws

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

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

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

60. Federal regulations further prohibit the use of the terms "Sugar Free" or other terms having the same meaning unless the food contains less than 0.5 grams of sugars per reference amount customarily consumed and per labeled serving. 21 C.F.R. § 101.60(c)(1).

61. Defendant prominently represents on the Products' labeling and packaging that the Products are "Sugar Free." Plaintiff alleges that these representations are false and misleading because they convey to reasonable consumers that the Products contain no sugar,

despite Defendant's intentional addition of allulose, a monosaccharide, to the Products' sweetener blends.

62. Defendant's representations are particularly misleading because they expressly communicate to consumers that the Products contain no sugar, when, in fact, they contain multiple grams of allulose, a sugar under the applicable regulatory definition. The Products' labeling therefore misrepresents the nature and sugar content of the Products and fails to disclose material facts necessary to prevent Defendant's "Sugar Free" representations from misleading consumers. *See* 410 ILCS 620/2.11.

63. Accordingly, because the Products bear "Sugar Free" nutrient-content claims despite containing quantities of allulose exceeding the threshold established by 21 C.F.R. § 101.60(c)(1), the Products are misbranded under Illinois law. Defendant's advertising, distribution, and sale of the misbranded Products therefore violate the IFDCA and the food-labeling requirements incorporated into Illinois law.

Reasonable Consumers Would Be Misled by Defendant's Deception

64. 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 "Sugar Free." Consumers are not expected to look beyond misleading representations on the front of a package to discover that those representations are false.

65. Defendant's conduct is misleading because the Products' "Sugar Free" representations convey to reasonable consumers that the Products contain no sugar, even though Defendant intentionally adds erythritol, a sugar alcohol, and allulose, a monosaccharide, as part of the Products' sweetener blends.

66. Although the Products' ingredient statements identify allulose, those disclosures do not explain that allulose is a free monosaccharide included within the definition of total

sugars under 21 C.F.R. § 101.9(c)(6)(ii). Plaintiff alleges that listing allulose as an ingredient does not cure the misleading impression conveyed by the Products' separate "Sugar Free" representations.

67. 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

68. Defendant knew, or should have known, that the Representations were false, misleading, deceptive, and unlawful when it formulated, labeled, marketed, advertised, distributed, and sold the Products. Specifically, Defendant knew that: (a) the Products contain allulose; (b) allulose is a free monosaccharide and sugar; (c) Defendant adds multiple grams of allulose to the Products during processing; (d) the Products' labels nevertheless represent that they are "Sugar Free"; (e) reasonable consumers would rely on those labels when purchasing the Products; (f) consumers would not receive the represented benefit of the bargain; and (g) the representations enabled Defendant to charge a premium for Products containing allulose.

69. Defendant, as the formulator, manufacturer, marketer, and distributor of the Products, controlled, or participated in, making the Representations on the Products' labels and advertisements. Defendant controls the Products' formulation, ingredient statements, Nutrition Facts panels, packaging, and marketing. Defendant lists allulose as an ingredient while printing the Sugar Free Representations prominently on the Products' packaging.

70. Defendant could have stopped using the Representations, accurately qualified them, or reformulated the Products to ensure that the Representations 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 Sugar Free Representations Injured Plaintiff and the Class

71. Defendant concealed or failed to disclose material facts about the Products, including: (a) that allulose is a free monosaccharide and sugar; (b) that Defendant deliberately adds multiple grams of allulose to the Products during processing; (c) that the Products do not comply with the conditions governing "no sugar" claims under 21 C.F.R. § 101.60(c)(1); (d) that the Products do not conform to the Sugar Free Representations; and (e) that the Products are misbranded under federal and Illinois law as a result of the Sugar Free Representations.

72. As an immediate, direct, and proximate result of Defendant's false, misleading, and deceptive representations and omissions, Defendant injured Plaintiff and class members in that they: (a) paid money for Products that were not as represented; (b) paid a premium for the Products; (c) were deprived of the benefit of their bargains; and (d) purchased misbranded Products that could not lawfully have been sold as labeled because they violate the applicable federal nutrient-content regulations and Illinois food-labeling law.

73. Had Plaintiff and class members known that Defendant deliberately added allulose to the Products, they would not have purchased the Products or would have paid substantially less for them.

74. 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 ACTION ALLEGATIONS

75. Plaintiff brings this action pursuant to the provisions of Rules 23(a), (b)(2), and (b)(3) of the Federal Rules of Civil Procedure, on behalf of herself and the following Classes:

Illinois Class:

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

Multi-State Consumer Protection Class:

> All persons in the States of Illinois, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, and Washington who, during the maximum period of time permitted by law, purchased Defendant's Products for their personal use (the "Multi-State Class" and, together with the Illinois Class, the "Classes"; members of the Classes are "Class Members" or "Members of the Class(es)").[27]

76. Excluded from the Class Members 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 their departments, agencies, divisions, bureaus, boards, sections, groups, councils and/or subdivisions; and all judges assigned to hear any aspect of this litigation, as well as their immediate family members.

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

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

79. 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

[27] While discovery may alter the following, the states in the Multi-State Consumer Protection Class are limited to those states with similar consumer fraud laws under the facts of this case: Illinois (815 ILCS 505/1 et seq.); Massachusetts (Mass. Gen. Laws ch. 93A, § 1 et seq.); Michigan (Mich. Comp. Laws § 445.901 et seq.); Minnesota (Minn. Stat. § 325F.67 et seq.); Missouri (Mo. Rev. Stat. § 407.010 et seq.); New Jersey (N.J. Stat. Ann. § 56:8-1 et seq.); New York (N.Y. Gen. Bus. Law §§ 349 and 350); and Washington (Wash. Rev. Code § 19.86.010 et seq.). Plaintiff has standing to represent the proposed Multi-State Class. Any challenge brought by Defendant regarding Plaintiff's standing to represent any proposed class should be deferred to the class certification stage.

all members is impracticable, if not impossible. Members of the Classes may be notified of the pendency of this action by mail and/or publication through the distribution records of Defendant and third-party retailers and vendors.

80. 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 form of sugar;

b. Whether the Products are "Sugar Free";

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 Illinois Class, Illinois 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 Classes have suffered damages as a result of Defendant's actions and the amount of those damages;

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

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

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

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.

82. Adequacy of Representation: Plaintiff in this class action is an adequate representative of the Class Members 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.

83. 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.

84. 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.

85. 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.

86. 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.

87. 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.

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

89. 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 23.

CLAIMS FOR RELIEF

COUNT I
VIOLATIONS OF STATE CONSUMER FRAUD ACTS
(On behalf of Plaintiff and the Multi-State Consumer Protection Class[28])

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

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

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

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

b. Massachusetts (Mass. Gen. Laws ch. 93A, § 1 et seq.);

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

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

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

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

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

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

h. Washington (Wash. Rev. Code § 19.86.010 et seq.).

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

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

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

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

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

COUNT II
VIOLATIONS OF THE ILLINOIS CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT, 815 ILCS 505/1 et seq. ("ICFA")
(On behalf of Plaintiff and the Illinois Class)

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

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

100. Plaintiff and other Illinois Class members are persons within the context of the ICFA, 815 ILCS 505/1(c).

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

102. At all times relevant hereto, Defendant was engaged in trade or commerce as defined under the ICFA, 815 ILCS 505/1(f).

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

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

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

106. Defendant's conduct as alleged constitutes unfair and deceptive acts and practices violating the ICFA. Defendant engaged in deceptive marketing by misrepresenting and omitting material facts regarding the sugar amount in the Products. The Representations were likely to mislead a reasonable consumer.

107. Plaintiff and the other Illinois Class members reasonably relied upon Defendant's Representations, labeling, and omissions alleged herein regarding the Products' Sugar Free claims.

108. Defendant's misconduct, as described herein, took place within the State of Illinois and constitutes unfair or deceptive acts or practices in the course of trade and commerce, violating 815 ILCS 505/1 et seq. by representing that the Products have characteristics or benefits that they do not have. Defendant also did not intend to sell the Products as advertised,

in violation of 815 ILCS 505/2 and 815 ILCS 510/2(a)(9).

109. Defendant engaged in fraudulent and/or deceptive conduct, which creates a likelihood of confusion or misunderstanding in violation of 815 ILCS 505/2 and 815 ILCS 510/2(a)(12).

110. Defendant's uniform marketing claims were deceptive and materially misleading. Defendant named and labeled the Products in a way that would most impact consumer choices and gain market share. Defendant knew that consumers purchasing the Products would reasonably understand the "Sugar Free" representations to mean that the Products contained no sugar.

111. As a direct and proximate result of Defendant's violations of the ICFA, as set forth above, Plaintiff and the Illinois Class members have suffered ascertainable money losses caused by Defendant's Sugar Free Representations. Had they been aware of the true nature of the Products, Plaintiff and Illinois Class members would have paid less for the Products or would not have purchased them.

112. Based on Defendant's unfair and/or deceptive acts or practices, Plaintiff and the Illinois Class members are entitled to relief, including restitution, actual damages, treble damages, punitive damages, costs, and attorneys' fees, under 815 ILCS 505/10a.

COUNT III
UNJUST ENRICHMENT
(On behalf of Plaintiff and the Illinois Class)

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

114. Plaintiff brings this Count on behalf of herself and the Illinois Class.

115. This claim is brought under the law of the State of Illinois.

116. This claim is brought in the alternative to the other Counts. Illinois law and the

Federal Rules of Civil Procedure allow Plaintiff to plead alternative theories.

117. Defendant's conduct violated, *inter alia*, state and federal law by manufacturing, advertising, labeling, marketing, distributing, and selling the Products while misrepresenting and omitting material facts, including by making the labeling Representations alleged herein.

118. As a direct result of Defendant's deceptive conduct, it obtained unjust and inequitable benefits at the expense of Plaintiff and Illinois Class members. Defendant's conduct violated fundamental principles of justice, equity, and good conscience. Accordingly, it would be inequitable for Defendant to retain the revenues derived from sales induced by its misleading Representations.

119. Plaintiff and the Illinois Class members conferred substantial financial benefits upon Defendant, through retail purchases of the Products, which materially differed from the representations made by Defendant.

120. Plaintiff and the Illinois Class members seek the imposition of a constructive trust over the profits improperly obtained by Defendant, from which Plaintiff and the Illinois Class members may obtain restitution and disgorgement.

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. Certifying the Illinois and Multi-State Classes pursuant to Federal Rule of Civil Procedure 23, and appointing Plaintiff and her counsel to represent the Classes;

b. Declaring that Defendant's conduct constitutes:

i. A violation of the Illinois Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/1 et seq.);

ii. Violations of substantially similar consumer protection statutes of other states;

iii. Unjust enrichment;

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

d. Awarding equitable and injunctive relief, including restitution and/or disgorgement of Defendant's revenues obtained by means of any wrongful act or practice, and an order enjoining Defendant from continuing the unlawful practices alleged herein;

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

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

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

JURY DEMAND

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

Dated: October 29, 2026

Respectfully submitted,

By: */s/ Kevin Laukaitis*

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**Pro Hac Vice admission forthcoming*

Attorneys for Plaintiff and the Class

CIVIL COVER SHEET

The ILND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(See instructions on next page of this form.)*

I. (a) PLAINTIFFS

Jessica Harris, individually and on behalf of all others similarly situated

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

(c) Attorneys *(firm name, address, and telephone number)*
Laukaitis Law LLC, 954 Avenida Ponce De Leon, Suite 205, #10518, San Juan, PR 00907. (215) 559-6072.

DEFENDANTS

TC Heartland LLC

County of Residence of First Listed Defendant Hamilton County
(In U.S. plaintiff cases only)
Note: In land condemnation cases, use the location of the tract of land involved.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Check **one** box, only.)*

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

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

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

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

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

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loan (Excludes Veterans)
- ☐ 153 Recovery of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☒ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

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

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729 (a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 485 Telephone Consumer Protection Act (TCPA)
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Arts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

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

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

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

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

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

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

V. ORIGIN *(Check **one** box, only.)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

(Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

23 U.S.C. § 1223(d)(2)(A)

VII. PREVIOUS BANKRUPTCY MATTERS

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

VIII. REQUESTED IN COMPLAINT:

☒ Check if this is a **class action** under Rule 23, F.R.CV.P.

Demand $ $5,000,000

CHECK Yes only if demanded in complaint:
Jury Demand: ☒ Yes ☐ No

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

Judge Case Number

X. Is this a previously dismissed or remanded case?

☐ **Yes** ☒ **No** **If yes, Case #** **Name of Judge**

Date: October 29, 2026

Signature of Attorney of Record */s/Kevin Laukaitis*

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

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

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

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

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

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

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

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

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

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

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

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