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 14 *and the Proposed Class*

15 **UNITED STATES DISTRICT COURT**
 16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 KIM ALLEN, on behalf of herself, all others
 18 similarly situated, and the general public,

19 Plaintiffs,

20 v.

21 SIMILASAN CORPORATION; and
 22 SIMILASAN AG

23 Defendants.

Case No.: '12CV0376 BTM WMC
 CLASS ACTION

COMPLAINT FOR:

**VIOLATION OF THE CONSUMERS
 LEGAL REMEDIES ACT, CAL. CIV. CODE
 §§ 1750, et seq.;**

**VIOLATION OF THE UNFAIR
 COMPETITION LAW, CAL. BUS. & PROF.
 CODE §§ 17200, et seq.;**

**VIOLATION OF THE FALSE
 ADVERTISING LAW, CAL. BUS. & PROF.
 CODE §§ 17500, et seq.;**

DEMAND FOR JURY TRIAL

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INTRODUCTION

1. Plaintiff Kim Allen (“Plaintiff”) by and through her attorneys of record, brings this action on behalf of herself, all others similarly situated, and the general public, against defendants Similasan Corporation and Similasan AG (collectively, “Defendants”).

2. Defendants are the manufacturers and sellers of homeopathic products that are nothing more than placebos. Nonetheless, Defendants claim their homeopathic products work effectively and that they have provided healthy relief to millions of people for over 20 years. The complaint concerns Defendants’ homeopathic products and especially those known as “Stress & Tension Relief,” “Anxiety Relief,” “Sleeplessness Relief,” and “Ear Wax Relief” (collectively the “Products”).

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JURISDICTION AND VENUE

3. This Court has original jurisdiction pursuant to 28 U.S.C. §1332(d)(2), as amended by the Class Action Fairness Act of 2005, because the matter in controversy, exclusive of interest and costs, exceeds the sum or value of \$5,000,000 and is a class action in which some members of the Class of plaintiffs are citizens of states different than defendants. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. §1367. Further, greater than two-thirds of the Class members reside in states other than the states in which Defendants are citizens.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because many of the acts and transactions, including the purchases and sales giving rise to this action, occurred in this district and because Defendants (i) are authorized to conduct business in this district, (ii) have intentionally availed themselves of the laws and markets within this district through the promotion, marketing, distribution and sale of its products in this district; (iii) do substantial business in this district; (iv) advertise to consumers residing in this district, and (v) are subject to personal jurisdiction in this district.

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THE PARTIES

5. Plaintiff Kim Allen is a resident of Sarasota, Florida.

1 10. Absent the misstatements described herein, Plaintiff would not have purchased Stress
2 & Tension Relief.

3 11. Plaintiff seeks justice for herself and for similarly-situated consumers of Stress &
4 Tension relief by means of this action to enjoin the ongoing deceptive practices described herein.

5 **B. Anxiety Relief**



12 12. During the Class Period defined herein, Plaintiff Allen purchased Anxiety Relief from
13 various Publix Supermarkets in Sarasota, Florida. Ms. Allen’s individual purchases were
14 approximately \$10.00.

15 13. Defendants advertise Anxiety Relief with the claims that it “soothes and calms during
16 anxiety-inducing situations or events,” and helps the consumers “get through situations that cause []
17 mental and physical discomfort and for those who have ongoing stress in their lives.”

18 14. In purchasing Anxiety Relief, Plaintiff relied upon various representations Defendants
19 made on the product’s label and elsewhere, that Anxiety Relief “Soothes and calms,” “Relieves
20 symptoms of apprehension, restlessness, and simple nervous tension,” among other representations.
21 The purportedly active ingredients in Anxiety Relief include *Argentum nitricum* 15X and
22 *Strophantus gratus* 12X. However, as with Stress & Tension Relief, the active ingredients, even if
23 they were otherwise effective, are ineffective due to extremely high dilutions, the ineffectiveness of
24 active ingredients in relieving such symptoms, or both. Hence, Defendants’ unfair and deceptive
25 practices have enriched them to the tune of tens of millions of dollars, at the expense of tens of
26 thousands of Americans.

27 15. Absent the misstatements described herein, Plaintiff would not have purchased
28 Anxiety Relief.

1 16. Plaintiff seeks justice for herself and for similarly-situated consumers of Anxiety
2 Relief by means of this action to enjoin the ongoing deceptive practices described herein.

3 **C. Sleeplessness Relief**



10 17. During the Class Period defined herein, Plaintiff Allen purchased Sleeplessness Relief
11 from various Publix Supermarkets in Sarasota, Florida. Ms. Allen’s individual purchases were
12 approximately \$10.00.

13 18. Defendants advertise Sleeplessness Relief as a homeopathic formula that addresses
14 “occasional sleeplessness and restlessness, specifically irregular or agitated sleep, difficulty in
15 falling asleep, frequent waking and light sleep which may be accompanied by excessive dreaming.”

16 19. In purchasing Sleeplessness Relief, Plaintiff relied upon various representations
17 Defendants made on the product’s label and elsewhere, that Sleeplessness Relief “Relieves
18 symptoms of occasional sleeplessness & restlessness,” serves as a “Night Time Sleep Aid” and is
19 “Naturally effective and safe.” The purportedly active ingredients in Sleeplessness Relief include
20 *Avena sativa* 12X, *Hepar sulphuris* 12X, *Pulsatilla* 15X and *Zincum valerianicum* 12X. However,
21 as with Stress & Tension Relief and Anxiety Relief, the active ingredients, even if they were
22 otherwise effective, are ineffective due to extremely high dilutions, the ineffectiveness of active
23 ingredients in relieving such symptoms, or both. Hence, Defendants’ unfair and deceptive practices
24 have enriched them to the tune of tens of millions of dollars, at the expense of tens of thousands of
25 Americans.

26 20. Absent the misstatements described herein, Plaintiff would not have purchased
27 Sleeplessness Relief.

1 21. Plaintiff seeks justice for herself and for similarly-situated consumers of Sleeplessness
2 Relief by means of this action to enjoin the ongoing deceptive practices described herein.

3 **D. Ear Wax Relief**



10 22. During the Class Period defined herein, Plaintiff Allen purchased Ear Wax Relief from
11 various stores in Sarasota, Florida, including Earth Origins Market (formerly known as the Granary
12 Natural Food Stores.) Ms. Allen's individual purchases were approximately \$8.00.

13 23. Defendants advertise Ear Wax Relief as a "Dual Action Formula" that "not only
14 removes wax and cleans the ear, but also stimulates the body's natural ability to reduce chronic ear
15 wax congestion (wax build-up)." Further, Defendants represent this product will not cause dry skin
16 or itching of the ear canal.

17 24. In purchasing Ear Wax Relief, Plaintiff relied upon various representations Defendants
18 made on the product's label and elsewhere that Ear Wax Relief "Removes wax, cleans ear, reduces
19 chronic ear wax congestion," among other representations. The purportedly active ingredients in Ear
20 Wax Relief include *Causticum* 12X, *Graphites* 15X, *Lachesis* 12X and *Lycopodium* 12X. However,
21 as with Stress & Tension Relief, Anxiety Relief and Sleeplessness Relief, the active ingredients,
22 even if they were otherwise effective, are ineffective due to extremely high dilutions, the
23 ineffectiveness of active ingredients in relieving such symptoms, or both. Hence, Defendants' unfair
24 and deceptive practices have enriched them to the tune of tens of millions of dollars, at the expense
25 of tens of thousands of Americans.

26 25. Absent the misstatements described herein, Plaintiff would not have purchased Ear
27 Wax Relief.

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1 31. Excluded from the Class are governmental entities, Defendants, any entity in which
2 Defendants have a controlling interest, and Defendants' officers, directors, affiliates, legal
3 representatives, employees, co-conspirators, successors, subsidiaries, and assigns. Also excluded
4 from the Class is the Court, its staff and officers, and members of their immediate families.

5 32. The proposed Class is so numerous that individual joinder of all its members is
6 impracticable. Due to the nature of the trade and commerce involved, however, Plaintiff believes the
7 total number of Class members is at least in the hundreds of thousands and members of the Class are
8 numerous and geographically dispersed across the United States. While the exact number and
9 identities of the Class members are unknown at this time, such information can be ascertained
10 through appropriate investigation and discovery. The disposition of the claims of the Class members
11 in a single class action will provide substantial benefits to all parties and to the Court.

12 33. There is a well-defined community of interest in the questions of law and fact
13 involved, affecting the Plaintiff and the Class and these common questions of fact and law include,
14 but are not limited to, the following:

- 15 a. Whether Defendants had adequate substantiation for their claims prior to making
16 them;
- 17 b. Whether the claims discussed above are true, misleading, or reasonably likely to
18 deceive;
- 19 c. Whether Defendants' alleged conduct violates public policy;
- 20 d. Whether the alleged conduct constitutes violations of the laws asserted herein;
- 21 e. Whether Defendants engaged in false or misleading advertising; and
- 22 f. Whether Plaintiff and Class members are entitled to declaratory and injunctive relief.

23 34. Plaintiff's claims are typical of the claims of the members of the Class. Plaintiff and
24 all members of the Class have been similarly affected by Defendants' common course of conduct
25 since they all relied on Defendants' representations concerning the homeopathic products at issue
26 and purchased the products based on those representations.

27 35. Plaintiff will fairly and adequately represent and protect the interests of the Class.
28 Plaintiff has retained counsel with substantial experience in handling complex class action litigation

1 in general and scientific claims in particular. Plaintiff and her counsel are committed to vigorously
2 prosecuting this action on behalf of the Class and have the financial resources to do so.

3 36. Plaintiff and the members of the Class suffered, and will continue to suffer harm as a
4 result of the Defendants' unlawful and wrongful conduct. A class action is superior to other
5 available methods for the fair and efficient adjudication of the present controversy. Individual
6 joinder of all members of the class impracticable. Even if individual class members had the
7 resources to pursue individual litigation, it would be unduly burdensome to the courts in which the
8 individual litigation would proceed. Individual litigation magnifies the delay and expense to all
9 parties in the court system of resolving the controversies engendered by Defendants' common course
10 of conduct. The class action device allows a single court to provide the benefits of unitary
11 adjudication, judicial economy, and the fair and efficient handling of all class members' claims in a
12 single forum. The conduct of this action as a class action conserves the resources of the parties and
13 of the judicial system and protects the rights of the class members. Furthermore, for many, if not
14 most, a class action is the only feasible mechanism that allows an opportunity for legal redress and
15 justice.

16 37. Adjudication of individual class members' claims with respect to Defendants would,
17 as a practical matter, be dispositive of the interests of other members not parties to the adjudication,
18 and could substantially impair or impede the ability of other class members to protect their interests.

19 **FIRST CAUSE OF ACTION**

20 **VIOLATION OF CALIFORNIA'S CONSUMERS LEGAL REMEDIES ACT**

21 **(By Plaintiff and on Behalf of the Class as Against All Defendants)**

22 38. Plaintiff repeats, realleges and incorporates by reference each and every allegation
23 contained above as if fully set forth herein.

24 39. This cause of action is brought pursuant to the Consumers Legal Remedies Act,
25 California Civil Code §1750, *et seq.* (the "Act"). Plaintiff is a consumer as defined by California
26 Civil Code §1761(d). The Products are goods within the meaning of the Act.

1 40. Defendants violated and continue to violate the Act by engaging in the following
2 practices proscribed by California Civil Code §1770(a) in transactions with Plaintiff and the Class
3 which were intended to result in, and did result in, the sale of the Products:

4 (5) Representing that [the Products have] ... characteristics ... uses [or] benefits ...
5 which it does not have ... ***

6 (7) Representing that [the Products are] of a particular standard, quality or grade... if
7 [they are] of another. ***

8 (9) Advertising a good... with intent not to sell it as advertised. ***

9 (16) Representing that [the Products have] been supplied in accordance with a previous
10 representation when [it have] not.

11 41. Defendants' violated the Act by representing through its advertisements the Products
12 as described above when they knew, or should have known, that the representations and
13 advertisements were unsubstantiated, false and misleading.

14 42. Plaintiff and other members of the Class reasonably relied upon the Defendants'
15 representations as to the quality and attributes of their Products.

16 43. Plaintiff and other members of the Class were deceived by Defendants'
17 representations about the quality and attributes of their Products, including but not limited to the
18 purported benefits of their Products, such as: "Relieves Symptoms of Stress & Simple Nervous
19 Tension," "Sooths and Relaxes," "Sooths and calms," "Relieves symptoms of apprehension,
20 restlessness, and simple nervous tension," "Relieves symptoms of occasional sleeplessness &
21 restlessness," "Removes wax, clean ear, reduces chronic ear wax congestion," and "Naturally
22 effective and safe," among other false claims. Plaintiff and other Class members would not have
23 purchased the Products had they known the Defendants' claims were either unfounded or untrue, and
24 the true nature of the Product.

25 44. Pursuant to California Civil Code §1782(d), Plaintiff and the Class seek a Court order
26 enjoining the above-described wrongful acts and practices of the Defendants.

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1 **SECOND CAUSE OF ACTION**

2 **VIOLATION OF CALIFORNIA BUSINESS AND PROFESSIONS**

3 **CODE SECTIONS 17200 *ET SEQ.***

4 **(By Plaintiff and on Behalf of the Class as Against All Defendants)**

5 45. Plaintiff repeats, realleges and incorporates by reference each and every allegation
6 contained above as if fully set forth herein.

7 46. California Business and Professions Code §17200 prohibits any “unfair, deceptive,
8 untrue or misleading advertising.” For the reasons discussed above, Defendants have engaged in
9 unfair, deceptive, untrue and misleading advertising in violation of California Business and
10 Professions Code §17200.

11 47. California Business and Professions Code §17200 also prohibits any “unlawful...
12 business act of practice.” Defendants have violated §17200’s prohibition against engaging in
13 unlawful acts and practices by, *inter alia*, making the representations and omissions of material
14 facts, as set forth more fully herein, and violating California Civil Code §§1572, 1573, 1709, 1710,
15 1711, 1770, Business and Professions Code §17200 *et seq.*, California Health and Safety Code
16 §110765, and the common law.

17 48. Plaintiff and the Class reserve the right to allege other violations of law which
18 constitute other unlawful business acts or practices. Such conduct is ongoing and continues to this
19 date.

20 49. California Business and Professions Code §17200 also prohibits any “unfair”...
21 business act or practice.”

22 50. Defendants’ acts, omissions, misrepresentations, practices and nondisclosures as
23 alleged herein also constitute “unfair” business acts and practices within the meaning of Business
24 and Professions Code §17200 *et seq.* in that their conduct is substantially injurious to consumers,
25 offends public policy, and is immoral, unethical, oppressive, and unscrupulous as the gravity of the
26 conduct outweighs any alleged benefits attributable to such conduct.

27 51. As stated in this Complaint, Plaintiff alleges violations of consumer protection, unfair
28 competition and truth in advertising laws in California and other states resulting in harm to

1 consumers. Plaintiff asserts violation of the public policy of engaging in false and misleading
2 advertising, unfair competition and deceptive conduct towards consumers. This conduct constitutes
3 violations of the unfair prong of California Business and Professions Code §17200 *et seq.*

4 52. There were reasonably available alternatives to further Defendants' legitimate
5 business interests, other than the conduct described herein.

6 53. Business and Professions Code §17200 also prohibits any "fraudulent business act or
7 practice."

8 54. Defendants' claims, nondisclosures and misleading statements, as more fully set forth
9 above, were false, misleading and/or likely to deceive the consuming public within the meaning of
10 Business and Professions Code §17200.

11 55. Defendants' conduct caused and continues to cause substantial injury to Plaintiff and
12 the other Class members. Plaintiffs have suffered injury in fact as a result of Defendants' unfair
13 conduct.

14 56. Defendants have thus engaged in unlawful, unfair and fraudulent business acts and
15 practices and false advertising, entitling Plaintiff to injunctive relief against Defendants, as set forth
16 in the Prayer for Relief.

17 57. Additionally, pursuant to Business and Professions Code §17203, Plaintiff seeks an
18 order requiring Defendants to immediately cease such acts of unlawful, unfair and fraudulent
19 business practices and requiring Defendants to engage in a corrective advertising campaign.

20 **THIRD CAUSE OF ACTION**

21 **VIOLATION OF CALIFORNIA BUSINESS AND PROFESSIONS**

22 **CODE SECTIONS 17500 *ET SEQ.***

23 **(By Plaintiff and on Behalf of the Class as Against All Defendants)**

24 58. Plaintiff repeats, realleges and incorporates by reference each and every allegation
25 contained above as if fully set forth herein.

26 59. Plaintiff has standing to pursue this claim as Plaintiff has suffered injury in fact as a
27 result of Defendants' actions as set forth herein. Specifically, prior to the filing of this action,
28 Plaintiff purchased the Products in reliance upon Defendants' marketing claims. Plaintiff used the

1 Products as directed, but the Products have not worked as advertised, nor provided any of the
2 promised benefits.

3 60. Defendants' business practices as alleged herein constitute unfair, deceptive, untrue,
4 and misleading advertising pursuant to California Business and Professions Code section 17500, *et*
5 *seq.* because Defendants have advertised Stress & Tension Relief, Anxiety Relief, Sleeplessness
6 Relief, and Ear Wax Relief in a manner that is untrue and misleading, and that is known to be untrue
7 or misleading.

8 61. Defendants' wrongful business practices have caused injury to Plaintiff and the Class.

9 62. Pursuant to section 17535 of the California Business and Professions Code, Plaintiff
10 and the Class seek an order of this court enjoining Defendants from continuing to engage in
11 deceptive business practices, false advertising, and any other act prohibited by law, including those
12 set forth in the complaint.

13 **PRAYER FOR RELIEF**

14 Wherefore, Plaintiff, on behalf of herself, all others similarly situated and the general public,
15 prays for judgment against all Defendants as to each and every cause of action, including:

- 16 A. An order declaring this action to be a proper Class Action and requiring
17 Defendants to bear the costs of class notice;
- 18 B. An order awarding declaratory and injunctive relief as permitted by law or
19 equity, including; enjoining Defendant from continuing the unlawful practices as set
20 forth herein;
- 21 C. An order compelling Defendants to engage in a corrective advertising campaign
22 to inform the public concerning the true nature of its products;
- 23 D. An order awarding attorneys' fees and costs to Plaintiff;
- 24 E. An order providing for all other such equitable relief as may be just and proper.

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JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues so triable.

Dated: February 10, 2012

/s/ Ronald A. Marron
By: Ronald A. Marron
LAW OFFICES OF RONALD A. MARRON, APLC
3636 4th Avenue, Suite 202
San Diego, California 92103
Telephone: (619) 696-9006
Facsimile: (619) 564-6665
Attorneys for Plaintiffs and the Proposed Class

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

KIM ALLEN, on behalf of herself, all others similarly situated, and the general public,

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

(c) Attorney's (Firm Name, Address, and Telephone Number)

RONALD A. MARRON, 3636 4th Avenue, Suite 202, San Diego, California 92103, (619) 696-9006

DEFENDANTS

SIMILASAN CORPORATION; and SIMILASAN AG

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

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

Attorneys (If Known)

'12CV0376 BTM WMC

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

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

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|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

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
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §1332(d)(2)

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

2/10/12

SIGNATURE OF ATTORNEY OF RECORD

/S/ Ron Marron

FOR OFFICE USE ONLY

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