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Counsel for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RAPHAEL M. ROSENBLATT, individually and on behalf of those similarly situated,	Case No. [formerly Superior Court of New Jersey Bergen County – Docket No. BER-L-250-16]
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Plaintiffs,

vs.

**THE NUPLEXA GROUP, INC. AND DR.
DENNIS BLACK,**

Defendants.

NOTICE OF REMOVAL

Defendants, The Nuplexa Group, Inc. and Dr. Dennis Black, hereby removes Case No, BER-L-250-16 from the Superior Court of New Jersey, Bergen County, to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and as grounds for its removal states as follows:

STATEMENT OF THE CASE

1. On January 8, 2016, Plaintiffs Rafael Rosenblatt filed a Complaint in the Superior Court for Bergen County, New Jersey styled Rafael M. Rosenblatt v. The Nuplexa Group, Inc. and Dr. Dennis Black, Case No. BER-L-250-16 (the “State Court Action”). A copy of the Complaint, with exhibits, is attached as Exhibit A hereto.

2. While the Complaint was filed in state court on January 8, 2016, Defendants Dr. Dennis Black and The Nuplexa Group, Inc were served with the summons and Complaint on January 29, 2016.

3. The Complaint purports to assert various theories of recovery for violation of the New Jersey Consumer Fraud Act (CFA). The Complaint also purports to assert violations of unspecified federal regulations promulgated by the United States Food and Drug Administration (FDA).

4. Plaintiffs purport to bring each of their claims on behalf of themselves, as well as a putative class.

5. The relief Plaintiffs seek on behalf of themselves and the putative class includes, inter alia: (a) treble damages; (b) Pre-judgment and post-judgment interest; (c) Fees and costs; (d) attorney’s fees; (e) civil penalties under CFA; and (f) “Any other such additional relief as this Court deems fair and proper.”

DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332(a)

6. This Court has jurisdiction over this matter under 28 U.S.C. § 1332(a), because there is complete diversity of citizenship between Plaintiffs and Defendants, The Nuplexa Group, Inc.

and Dr. Dennis Black, and more than \$75,000, exclusive of interest and costs, is at stake.

7. Plaintiffs allege that they are residents of the State of New Jersey and their primary residence is Bergen County, New Jersey.

8. Defendant The Nuplexa Group, Inc. is not a citizen of New Jersey because it is a Texas corporation with a principal place of business in Carrollton, Texas. Defendant Dennis Black is not a citizen of New Jersey because he resides in the State of Texas. Therefore, there is complete diversity between Plaintiffs and Defendants in this action.

9. Plaintiffs in this action request unspecified treble damages, pre-judgment and post-judgment interest, fee and costs, attorney's fees, and civil penalties as set forth in N.J.S.A. 56:8-19. Thus, well over \$75,000 is in controversy and the jurisdictional threshold under 28 U.S.C. § 1332(a) is satisfied.

JURISDICTION UNDER THE CLASS ACTION FAIRNESS ACTION (CAFA)

10. Jurisdiction also exists under 28 U.S.C. § 1332(d) because: (1) minimum diversity is satisfied; (2) the number of putative class members is greater than 100; and (3) the amount in controversy exceeds \$5 million. 28 U.S.C. §§ 1332(d)(2), (d)(5)(B).

11. For purposes of establishing minimum diversity necessary for jurisdiction under CAFA, Plaintiff Raphael Rosenblatt is a resident of the State of New Jersey. Defendant Dr. Dennis Black is a resident of the State of Texas. One member of the putative class is diverse from at least one defendant. Therefore, minimum diversity is satisfied.

12. Plaintiffs define the putative class as:

The proposed class consists of all consumers located within the State of New Jersey that purchased Texas Superfood for the six-year period preceding the filing of this action.

(Compl. ¶ 39). Plaintiffs allege in the Complaint that “the class is comprised of thousands of Consumers throughout the State of New Jersey.” (Id. ¶ 40). Thus, Plaintiffs allege that, more likely than not, the putative class has in excess of 100 members. See *Martin v. State Farm Mutual Auto. Ins. Co.*, No. 10-0144, 2010 WL 329418, *3(S.D.W.Va. Aug. 18, 2010) (stating that a “removing party must prove the jurisdictional amount by a preponderance of the evidence) (citing *Bartnikowski v. NVR, Inc.*, 307 Fed. Appx. 730 (4th Cir. 2009)).

13. Likewise, the amount in controversy in this matter exceeds \$5 million, as required by 28 U.S.C. § 1332(d)(2). The relief Plaintiffs seek on behalf of themselves and the putative class includes, inter alia: (a) treble damages for themselves in an unspecified amount; (b) pre-judgment and post-judgment interest in an unspecified amount; (c) attorney’s fees and costs; (d) civil penalties as set forth in N.J.S.A. 56:8-19; and (e) any other such additional relief as this court deems fair and proper.

14. Most significantly, Plaintiffs at least purport to seek an Order disgorging “all monies paid by class members to Defendants for the purchase of Texas Superfood, including all interest earned by Defendants...” (Compl. at p. 16).

15. The \$5 million jurisdictional threshold is plainly satisfied by Plaintiffs’ pleadings. Attorney’s fees are also properly included in the calculation of the amount in controversy in class actions where they are permitted by the statutes under which plaintiffs assert their claims. See *Bartnikowski*, 307 Fed. Appx. At 734-36; *Lowdermilk v. U.S. Bank Nat’l Assoc.*, 479 F. 3d 994, 1000 (9th Cir., 2007); *Lewis v. Ford Motor Co.*, 610 F. Supp. 2d 476, 484-86 (W.D. Pa. 2009)

(noting that “attorneys fees are commonly in the range of 27% to 30% of the direct damages”).

Here, attorneys’ fees are authorized by the CFA. See N.J.S.A. 56:8-19.

16. Because minimum diversity exists, the number of putative class members is greater than 100, and the amount in controversy exceeds \$5 million, this Court has jurisdiction under CAFA 28 U.S.C. §§ 1332(d)(2), (d)(5)(B).

ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

17. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all of the process, pleadings, orders, and documents from the State Court Action which have been served upon Defendants are being filed with this Notice of Removal. Plaintiffs will file true and legible copies of all other documents on file in the State Court Action within 30 days of the filing of this Notice of Removal.

18. This Notice of Removal has been filed within 30 days of the date that Defendants were served with the summons and the Complaint in this matter. Removal is therefore timely in accordance with 28 U.S.C. § 1446 (b).

19. Venue is proper in this Court pursuant to 28 U.S.C. §§1441(a) and 1446(a) because the U.S. District Court for District of New Jersey is the federal judicial district embracing Bergen County, New Jersey where the State Court Action was originally filed.

CONCLUSION

By this Notice of Removal, Defendants do not waive any objections it may have as to service, jurisdiction or venue, or any other defenses or objections it may have to this action. Defendants intend no admission of facts, law or liability by this Notice, and expressly reserves all defenses, motions and/or pleas.

February 25, 2016

THE LAW OFFICE OF ASHTON E. THOMAS

By: /s/Ashton E. Thomas
1209 East Grand Street, Suite 201
Elizabeth, New Jersey 07201
Tel: 908-289-3640
Fax: 908-353-8889

CERTIFICATION OF SERVICE

Pursuant to 28 U.S.C. § 1446(d), this is to certify that the foregoing NOTICE OF REMOVAL, with exhibits, was sent via United States mail on the 25th day of February, 2016, postage prepaid thereon to:

Raphael M. Rosenblatt, Esq.	Civil Div. Mgr.
21 Main Street, Court Plz. S., Suite 305	Bergen County Superior Court
Hackensack, NJ 07601	10 Main Street
Attorney for Plaintiff	Hackensack, NJ 07601-7699

/s/ Ashton E. Thomas, Esq.

1-29-16 GH

Attorney(s) Raphael M. Rosenblatt, Esq.
 Office Address Rosenblatt Law PC
21 Main Street, Court Plz. S., Suite 305
 Town, State, Zip Code Hackensack, NJ 07601
 Telephone Number (551) 444-8100
 Attorney(s) for Plaintiff Raphael M. Rosenblatt

RAPHAEL M. ROSENBLATT, Individually and on behalf of

those similarly situated

Plaintiff(s)

Vs.

THE NUPLEXA GROUP, INC. and DR. DENNIS BLACK

Defendant(s)

Superior Court of New Jersey

Bergen COUNTY
Law DIVISION

Docket No: BER-L-0250-16

CIVIL ACTION SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

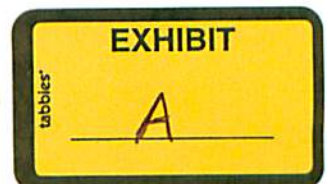
Dated: JAN. 15, 2016

Jennifer M. Perez
 Jennifer M. Perez,
 Acting Clerk of the Superior Court

Name of Defendant to Be Served: THE NUPLEXA GROUP, INC.

Address of Defendant to Be Served: 2837 Midway Road, Carrollton, Texas 75006

NOTE: The Case Information Statement is available at <http://www.njcourtsonline.com>



**DIRECTORY OF SUPERIOR COURT DEPUTY CLERK'S OFFICES
COUNTY LAWYER REFERRAL AND LEGAL SERVICES OFFICES**

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL

(609) 345-3444

LEGAL SERVICES

(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL

(201) 488-0044

LEGAL SERVICES

(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL

(609) 261-4862

LEGAL SERVICES

(800) 496-4570

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL

(856) 964-4520

LEGAL SERVICES

(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Court House, NJ 08210

LAWYER REFERRAL

(609) 463-0313

LEGAL SERVICES

(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL

(856) 692-6207

LEGAL SERVICES

(856) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL

(973) 622-6204

LEGAL SERVICES

(973) 624-4500

GLOUCESTER COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street
Woodbury, NJ 08096

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:
Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House—1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:
Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:
Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:
Deputy Clerk of the Superior Court,
Middlesex Vicinage
2nd Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:
Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:
Morris County Courthouse
Civil Division
Washington and Court Streets
P. O. Box 910
Morristown, NJ 07963-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:
Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL

(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079

LAWYER REFERRAL

(856) 678-8363
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, N.J. 08876

LAWYER REFERRAL

(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st FL, Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL

(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(908) 475-2010

**SUPERIOR COURT BERGEN COUNTY
FILED**

RAPHAEL M. ROSENBLATT

JAN - 8 2016

ROSENBLATT LAW PC

21 Main Street

Court Plaza South, Suite 305

Hackensack, New Jersey 07601

Tel: (551) 444-8100

Fax: (551) 497-4665

E-mail: Raphael@Rosenblattlegal.com

Attorneys for Plaintiff individually

and on behalf of those similarly Situated

[Signature]
DEPUTY CLERK

JAN - 8 P 12:27

**CIVIL DIVISION
CLERK'S OFFICE**

**RAPHAEL M. ROSENBLATT, individually
and on behalf of those similarly situated,**

Plaintiffs;

vs.

**THE NUPLEXA GROUP, INC. and DR.
DENNIS BLACK,**

Defendant.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY**

DOCKET NO.: BER-L- 250 -16

Civil Action

COMPLAINT AND JURY DEMAND

By way of Complaint against Defendants The Nuplexa Group, Inc. ("Nuplexa") and Dr. Dennis Black (collectively, "Defendants"), Plaintiff Raphael M. Rosenblatt respectfully alleges as follows:

PRELIMINARY STATEMENT

1. Plaintiff brings this action on his behalf and on behalf of all others similarly situated in order to obtain relief for injury and ascertainable loss resulting directly from the Defendants' deceptive conduct. As set forth in detail below, by violating state and federal law and engaging in fraudulent and deceptive conduct, Defendants have violated New Jersey's Consumer Fraud Act ("CFA") and other laws, and thus are liable to Plaintiff and members of the class on whose behalf this action is brought.

2. This putative class action consists of all New Jersey-based purchasers of Defendants' "Texas Superfood Select" ("Texas Superfood") whole food nutrition supplement during the six-year period prior to the filing of this action. Defendants advertised, promoted, marketed, distributed, and sold online and throughout the State of New Jersey, a dietary supplement in capsule form known as Texas Superfood. Defendants describe Texas Superfood as: "one daily dose of [Texas Superfood] capsules. . . delivers the vitamins, enzymes, and micronutrients contained in a healthful intake of raw fruits & vegetables." In radio advertisements, Defendants claim that "one daily dose of Texas Superfood delivers the same nutrition as 12, count 'em, 12 servings of raw fruits and vegetables."

3. In making these claims about the nutrition contained in Texas Superfood, Defendants make claims and promises that are simply untrue. Further, Defendants violate federal law, which regulates the sale and marketing of certain supplements such as Texas Superfood. Defendants' Texas Superfood product has not been approved by the United States Food and Drug Administration ("FDA") for its claimed or intended purpose.

THE PARTIES

4. At all times relevant hereto, Plaintiff Raphael M. Rosenblatt resided in Bergen County, New Jersey.

5. At all relevant times, Plaintiff was and is a consumer, with a residence in Bergen County, New Jersey.

6. Upon information and belief, Defendant Nuplexa is a Texas corporation with a principal place of business in Carrollton, Texas. At all times relevant to this action, Defendant Nuplexa was a "person" within the meaning of N.J.S.A. 56:8-1(d).

7. Defendant Nuplexa advertised, manufactured, marketed, distributed, and sold Texas Superfood in commerce throughout the United States, including but not limited to the State of New Jersey.

8. Defendant Dr. Dennis Black is an individual having a principal place of business in Carrollton, Texas. Dr. Dennis Black is a principal of Defendant Nuplexa and is the registrant of the websites www.texassuperfood.com and www.nuplexa.com. Dr. Dennis Black advertised, marketed, distributed, and sold Texas Superfood in commerce throughout the United States, including but not limited to the State of New Jersey.

9. At all relevant times and upon information and belief Defendants Nuplexa and Dr. Dennis Black both operated the websites www.texassuperfood.com and www.nuplexa.com for the purpose of marketing, advertising, and selling their Texas Superfood product in commerce throughout the United States, including but not limited to the State of New Jersey.

FACTS COMMON TO ALL COUNTS

Defendants' Marketing of and Representations About Texas Superfood

10. For the six-year period preceding the filing of this action, through Internet and radio marketing, as well as through online retail and available for purchase throughout the country, including the State of New Jersey, Defendants marketed, advertised, promoted, offered, and sold their Texas Superfood product to consumers as a dietary supplement designed to deliver the daily nutrition equal to the nutrition offered by twelve servings of raw fruits and vegetables.

11. Specifically, Defendants' website, www.texassuperfood.com, under a heading "What is Texas Superfood?" states: "Texas Superfood contains the nutrients of 55 naturally grown, raw, fruits and vegetables, picked at the peak of nutritional perfection." The website also

states unequivocally, the “nutrient-dense, whole food supplement . . . provides the widest possible range of nutritional benefits.”

12. Likewise, on Defendants’ www.nuplexa.com website, under a link entitled “What is in Texas Superfood?” states that Texas Superfood is “packed with all-natural, whole-food nutrition.”

13. Based on these representations of product nutritional benefit and Defendants’ marketing efforts, Plaintiff purchased the Texas Superfood product through Defendants’ www.texassuperfood.com website for a purchase price of \$78.60.

14. Based on representations by Defendants of product benefit and nutritional value of Texas Superfood, as well as Defendants’ marketing efforts, Defendants are believed to have sold significant amounts of Texas Superfood to consumers throughout the nation, including the State of New Jersey.

15. Defendants make the foregoing claims of nutritional value on their website and via radio advertising as well as product labeling with respect to Texas Superfood. Defendants’ Texas Superfood purportedly is a dietary supplement that consists of 30 fruits, 25 vegetables, and 7 “greens,” a term undefined anywhere on the Texas Superfood label.

Violations of the Law by Defendants

16. Defendants market Texas Superfood as a dietary supplement that provides a daily serving of the same essential nutrients as eating twelve servings of fresh fruits and vegetables. Defendants claim that Texas Superfood contains the nutrients of 55 naturally grown, raw fruits and vegetables.

17. The Gale *Encyclopedia of Medicine* defines six categories of essential nutrients that a human body must acquire from food: protein, carbohydrates, fat, fiber, vitamins and minerals, and water.

18. Fiber provides plants with texture and support, and typically is not broken down by the body for energy. There are two types of fiber – soluble (dissolvable in water) and insoluble (not dissolvable in water) – both of which are essential for proper human metabolism and nutrition. Soluble fiber can be found in various foods such as oats, legumes, apples, citrus fruit, carrots, and barley. Insoluble fiber may be found in various foods such as nuts, beans and vegetables such as cauliflower, green beans and potatoes. According to the United States Department of Agriculture (“USDA”), dietary fiber may help reduce the risk of obesity, cardiovascular disease, cancer, and type 2 diabetes. The USDA’s recommended daily intake of fiber is 25 grams per day for women and 38 grams per day for men. Thus, fiber is an essential nutrient required for a person’s health and well-being.

19. Texas Superfood claims to offer the same nutritional value as twelve servings of fresh fruits and vegetables. Yet the product contains only .5 grams of dietary fiber. By contrast, one medium-sized apple contains approximately 4.4 grams of fiber and a medium-sized pear contains approximately 5.5 grams of fiber. Thus, eating one apple – let alone twelve – will provide significantly more fiber than taking Texas Superfood in lieu of eating fruits and vegetables and relying on Defendants’ misrepresentations that Texas Superfood contains the same nutritional value as eating twelve servings of fruits and vegetables.

20. By labeling and advertising their Texas Superfood product in this manner, Defendants offer Texas Superfood as intended to provide a full compliment of required daily nutrition. Despite Defendants’ representations and promises, however, neither Texas Superfood

nor its ingredients provides the daily nutritional value of twelve servings of fruits and vegetables as advertised.

21. Moreover, Texas Superfood does not contain the term “dietary supplement” anywhere on its packaging. This violates the Food, Drug & Cosmetic Act (“FD&C Act”), codified at 21 C.F.R. 101.3(g).

22. Moreover, in a Warning Letter dated May 4, 2015, Defendant Dr. Dennis Black was warned by the FDA to remedy a number of “serious violations” of the FD&C Act relating to the marketing and sale of several of his products, including, but not limited to Texas Superfood products.

Defendant Causes Plaintiff's Losses

23. As a direct result of Defendants’ guarantees and representations of the health and nutritional benefits of Texas Superfood, Plaintiff and others similarly situated believed that Texas Superfood was effective and conformed to the requirements of federal law regulating the marketing and sale of products offering certain nutritional benefits. Plaintiff and members of the Class purchased Texas Superfood in reliance on Defendants’ claims of its nutritional value and Defendants’ representations that their marketing and sales efforts complied with state and federal law when such claims and representations were untrue, false, deceptive, and in violation of the law. If Plaintiff and the members of the Class had known the truth about Texas Superfood, they would not have purchased the product at all, or, alternatively, would have paid substantially less than the sum paid in reliance on Defendants’ misrepresentations and deceit. As a result, Defendants have wrongfully taken significant amounts of money from consumers located within the State of New Jersey.

24. Plaintiff brings this suit to recover funds taken by Defendants as a consequence of their ongoing deception of consumers within the State of New Jersey by marketing an illegal product.

25. Plaintiff and members of the Class are purchasers of Texas Superfood and, prior to purchasing the product, saw, read, and/or heard Defendants' advertisements, radio promotions, websites, product labeling, promises, claims, and representations about its nutritional value and efficacy, as aforesaid.

26. Plaintiff and members of the Class, prior to purchasing the product, saw, read, and/or heard Defendants' promises, product labeling, claims, and representations as aforesaid, and made an out-of-pocket payment to Defendants in response thereto.

27. Specifically, in reliance on Defendants' promises, product labeling, and representations, on November 27, 2015, Plaintiff purchased the Texas Superfood product through Defendants' www.texassuperfood.com website, paying the \$78.60 purchase price via credit card.

28. Defendants misrepresented the nutritional powers and benefits of their Texas Superfood product. Defendants also misrepresented the legality of their product branding and marketing, even though such branding and marketing violated state and federal law. Plaintiff and members of the Class paid for a product that Defendants misrepresented as lawful and effective.

29. Defendants have affirmatively misrepresented and mislabeled the Texas Superfood product.

30. Plaintiff and members of the Class received less than the benefit of their bargain because they purchased the Texas Superfood product based on Defendants' claim that Texas

Superfood contained the same nutritional value as twelve servings of raw fruits and vegetables when, in fact, these claims were unfounded, untrue, misleading, and deceptive.

31. As a result of Defendants' advertisements, promises and representations concerning Texas Superfood, consumers throughout the State of New Jersey who have purchased it have been subjected to misrepresentation, false promises, fraud, deceit, trickery, and false and deceptive advertising.

32. Defendants have made affirmative misrepresentations in connection with the sale, marketing, and/or advertisement of its Texas Superfood product.

33. Plaintiff and members of the Class suffered ascertainable loss in the form of actual out-of-pocket payment and expenditure, as set forth above, as a result of Defendants' unlawful conduct.

34. Plaintiff and members of the Class suffered ascertainable loss when they received, for their money, a product less than, and different from, the product promised by Defendants. The Defendants' product failed to measure up to the consumers' reasonable expectations based on the representations made by Defendants. Thus, purchasers of Texas Superfood were injured and suffered actual ascertainable loss.

35. For their money, Plaintiff and members of the Class received something less than, and different from, what they reasonably expected in view of Defendants' representations. As a result, they suffered ascertainable loss.

36. Defendants marketed and sold Texas Superfood – and consumers purchased it – on the premise that the product was lawfully sold in order to deliver a specific benefit. Thus, there is a direct causal relationship between Defendants' misrepresentations of Texas Superfood's nutritional value and the loss suffered by Plaintiff and the Class members.

37. The CFA was enacted and codified at N.J.S.A. 56:8-1, *et seq.*, in order to protect New Jersey consumers from unconscionable commercial practices, deception, fraud, false pretense, false promise, and/or misrepresentation in connection with the sale or advertisement of merchandise of the type engaged in by Defendants in connection with the marketing and sale of their Texas Superfood product.

38. Defendants' advertisements, promises, and representations concerning Texas Superfood and their labeling of same are illegal, false, and constitute a deception, a misrepresentation, an unconscionable trade practice, a sharp and deceitful marketplace practice, and are a false promise.

CLASS ALLEGATIONS

39. Plaintiff brings this suit as a class action individually and on behalf of others similarly situated pursuant to New Jersey Rules of Court 4:32. Subject to additional information obtained through further investigation and/or discovery, the definition of the class may be expanded or narrowed. The proposed class consists of all consumers located within the State of New Jersey that purchased Texas Superfood for the six-year period preceding the filing of this action.

40. This action has been brought and may be maintained as a class action pursuant to New Jersey Court Rule 4:32.

a. As to **Numerosity**: the members of the class are so numerous that joinder of all members is impracticable. The class is comprised of thousands of consumers throughout the State of New Jersey.

b. As to **Commonality**: common questions of law and fact exist as to all members of the class. These common questions predominate over the questions affecting only individual class members, and include:

- i. Whether Defendants made affirmative representations in violation of the Consumer Fraud Act;
- ii. Whether Defendants marketed and labeled Texas Superfood in violation of federal law; and
- iii. The appropriate measure of damages sustained by the Plaintiff and/or members of the class.

c. As to **Typicality**: Plaintiff's claims are typical of the claims of the members of the class, as all members of the class are similarly affected by Defendants' wrongful conduct. Plaintiff, like other members of the class, purchased Texas Superfood after exposure to the same misrepresentations and/or omissions in Defendants' advertising and received a product less than and different from the promised product. Plaintiff is advancing claims and legal theories typical to the class.

d. As to **Adequacy**: Plaintiff's claims are made in a representative capacity on behalf of all members of the class. Plaintiff has no interests antagonistic to the interests of the other members of the proposed class and is subject to no unique defenses.

41. Plaintiff is similarly situated in interest to all members of the proposed class and is committed to the vigorous prosecution of this action. Accordingly, Plaintiff is an adequate representative of the proposed class and will fairly and adequately protect the interests of the class. Should the Court require same as a condition of class certification, however, Plaintiff is

prepared to surrender the role of counsel for the putative class. Alternatively, a suitable alternative class representative will be identified.

42. This suit may be maintained as a class action because Defendants have acted, and/or have refused to act, on grounds generally applicable to the class, thereby making appropriate final relief.

43. At present, Plaintiff does not seek injunctive relief.

44. As to **Superiority**: in addition, this suit may be maintained as a class action because a class action is superior to all other available methods for the fair and efficient adjudication of this controversy, since joinder of all members is impracticable. The claims asserted herein are applicable to all consumers throughout the State of New Jersey who purchased Texas Superfood. The injury suffered by each individual class member is relatively small in comparison to the burden and expense of individual prosecution of complex and extensive litigation necessitated by Defendants' conduct. It would be virtually impossible for members of the class individually effectively and cost-effectively to redress Defendants' wrongful conduct. Individual litigation would enhance delay and expense to all parties. The class action device presents far fewer management difficulties, and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court.

COUNT ONE

1. Plaintiff repeats and realleges all of the prior allegations of this Complaint as if set forth at length herein.

2. Defendants' conduct constitutes an unconscionable commercial practice in violation of the New Jersey CFA, N.J.S.A. 56:8-2.

3. As a proximate result of Defendants' conduct, Plaintiff and members of the class suffered ascertainable loss and were damaged.

WHEREFORE, Plaintiff, individually and on behalf of the class, demands judgment against the Defendants for:

- a. Treble damages;
- b. Pre-judgment and post-judgment interest;
- c. Fees and costs;
- d. Attorney's fees;
- e. Civil penalties as set forth in N.J.S.A. 56:8-19; and
- f. Any other such additional relief as this Court deems fair and proper.

COUNT TWO

1. Plaintiff repeats and realleges all of the prior allegations of this Complaint as if set forth at length herein.

2. Defendants' conduct constitutes deception in violation of the New Jersey CFA, N.J.S.A. 56:8-2.

3. As a proximate result of Defendants' conduct, Plaintiff and members of the class suffered ascertainable loss and were damaged.

WHEREFORE, Plaintiff, individually and on behalf of the class, demands judgment against the Defendants for:

- a. Treble damages;
- b. Pre-judgment and post-judgment interest;
- c. Fees and costs;
- d. Attorney's fees;

- e. Civil penalties as set forth in N.J.S.A. 56:8-19; and
- f. Any other such additional relief as this Court deems fair and proper.

COUNT THREE

1. Plaintiff repeats and realleges all of the prior allegations of this Complaint as if set forth at length herein.

2. Defendants' conduct constitutes fraud in violation of the New Jersey CFA, N.J.S.A. 56:8-2.

3. As a proximate result of Defendants' conduct, Plaintiff and members of the class suffered ascertainable loss and were damaged.

WHEREFORE, Plaintiff, individually and on behalf of the class, demands judgment against the Defendants for:

- a. Treble damages;
- b. Pre-judgment and post-judgment interest;
- c. Fees and costs;
- d. Attorney's fees;
- e. Civil penalties as set forth in N.J.S.A. 56:8-19; and
- f. Any other such additional relief as this Court deems fair and proper.

COUNT FOUR

1. Plaintiff repeats and realleges the prior allegations of this complaint as if set forth at length herein.

2. Defendants' conduct constitutes false pretense, false promise, and/or misrepresentation, in violation of the New Jersey CFA, N.J.S.A. 56:8-2.

3. As a proximate result of Defendants' conduct, Plaintiff and members of the class suffered ascertainable loss and were damaged.

WHEREFORE, Plaintiff, individually and on behalf of the class, demands judgment against the Defendants for:

- a. Treble damages;
- b. Pre-judgment and post-judgment interest;
- c. Fees and costs;
- d. Attorney's fees;
- e. Civil penalties as set forth in N.J.S.A. 56:8-19; and
- f. Any other such additional relief as this Court deems fair and proper.

COUNT FIVE

1. Plaintiff repeats and realleges all of the prior allegations of this Complaint as if set forth at length herein.

2. Defendants' conduct constitutes knowing concealment, suppression and/or omission of material facts, namely that Texas Superfood delivered the same nutritional content as twelve servings of raw fruits and vegetables and that Defendants' marketing efforts complied with state and federal law, with the intent that others, including members of the class, rely upon such concealment, suppression and/or omission, in connection with the sale or advertisement of any merchandise in violation of the New Jersey CFA, N.J.S.A. 56:8-2.

3. As a proximate result of Defendants' conduct, Plaintiff and members of the class suffered ascertainable loss and were damaged.

WHEREFORE, Plaintiff, individually and on behalf of the class, demands judgment against the Defendants for:

- a. Treble damages;
- b. Pre-judgment and post-judgment interest;
- c. Fees and costs;
- d. Attorney's fees;
- e. Civil penalties as set forth in N.J.S.A. 56:8-19; and
- f. Any other such additional relief as this Court deems fair and proper.

COUNT SIX

1. Plaintiff repeats and realleges all of the prior allegations of this Complaint as if set forth at length herein.

2. As a result of Defendants' false and deceptive advertisements, claims, promises, and representations concerning Texas Superfood, and as a consequence of Defendants' unconscionable trade practices, its sharp and deceitful marketplace practices, and its false promises, all as set forth above, the class members paid money to and conferred a benefit upon Defendant in connection with the sale and/or marketing of Texas Superfood by Defendants to class members, which benefit was received and continues to be retained by Defendants.

3. Retention of the benefit without reimbursement by Defendants to Plaintiff-class members would be unjust, inequitable, and unreasonable.

4. Retention of the benefit without reimbursement by Defendants and at the expense of Plaintiff and all class members would be unjust, inequitable, and unreasonable.

5. Defendants, as a result of their false and deceptive conduct as set forth above, became indebted to class members for the sums paid by class members to Defendants for purchase of a misrepresented product. Retention of such sums, without reimbursement, would

result in the unlawful, unjust, and inequitable enrichment of Defendants beyond their lawful rights in connection with the sale of Texas Superfood to class members.

6. All monies paid by class members to Defendants for purchase of Texas Superfood, including all interest earned by Defendants on such monies while in wrongful possession thereof, should be disgorged by Defendants and reimbursed to class members under principles of unjust enrichment.

7. As a proximate result of Defendants' conduct, Plaintiff and members of the class suffered ascertainable loss and were damaged.

WHEREFORE, Plaintiff, individually and on behalf of the class, demands judgment against the Defendants for:

- a. Treble damages;
- b. Pre-judgment and post-judgment interest;
- c. Fees and costs;
- d. Attorney's fees;
- e. Civil penalties as set forth in N.J.S.A. 56:8-19; and
- f. Any other such additional relief as this Court deems fair and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues to triable.

TRIAL COUNSEL DESIGNATION

Pursuant to Rule 4:25-4 of the Rules of Court, this Court is respectfully advised that Raphael M. Rosenblatt, Esq. is hereby designated as trial counsel on behalf of Plaintiff.

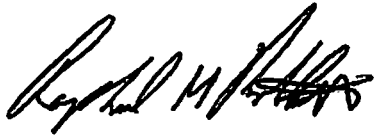
CERTIFICATION PURSUANT TO R. 4:5-1

The undersigned counsel for Plaintiff hereby certifies that the matter in controversy is not the subject of any other known pending action in this or any other Court or any pending arbitration, nor is any other action or arbitration known to be contemplated. At this time, no other known party, other than members of the class, are anticipated for joinder.

CERTIFICATION OF COMPLIANCE WITH R. 1:38-7

The undersigned counsel for Plaintiff hereby certifies that any confidential personal identifiers will be redacted from documents submitted to the Court in the future.

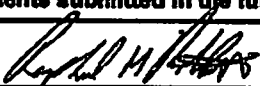
ROSENBLATT LAW PC

By: 

Raphael M. Rosenblatt, Esq.
Counsel for Plaintiff and all others
similarly situated

Dated: January 8, 2016

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR FILING BY PERSONAL PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule</i> 4:5-1 Pleading will be rejected for filing, under <i>Rule</i> 1:5-8(c), if information above the black bar is not completed or attorney's signature is not affixed			
	ATTORNEY / PRO SE NAME Raphael M. Rosenblatt		TELEPHONE NUMBER (551) 444-8100	
	COUNTY OF VENUE Bergen			
FIRM NAME (if applicable) Rosenblatt Law PC		DOCKET NUMBER (when available) BER-L- 0250-16		
OFFICE ADDRESS 21 Main Street, Court Plaza South, Suite 305 Hackensack, NJ 07601		DOCUMENT TYPE Complaint and Jury Demand JURY DEMAND ☒ YES ☐ NO		
NAME OF PARTY (e.g., John Doe, Plaintiff) Raphael M. Rosenblatt, individually and on behalf of others similarly situated, Plaintiff		CAPTION Raphael M. Rosenblatt, individually and on behalf of others similarly situated v. The Nuplexa Group, Inc. and Dr. Dennis Black		
CASE TYPE NUMBER (See reverse side for listing) 699	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? ☐ YES ☒ NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ YES ☒ NO		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ YES ☐ NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
Will an interpreter be needed? ☐ YES ☒ NO		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule</i> 1:38-7(b).				
ATTORNEY SIGNATURE: 				

CIVIL CASE INFORMATION STATEMENT	
Use for initial pleadings (not motions) under Rule 4:5-1	
(CIS)	
Side 2	
	
CASE TYPES (Choose one and enter number or case type in appropriate space on the reverse side.)	
Track I - 150 days' discovery 151 NAME CHANGE 176 FORFEITURE 302 TENANCY 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction) 602 BOOK ACCOUNT (debt collection matters only) 605 OTHER INSURANCE CLAIM (including declaratory judgment actions) 606 PIP COVERAGE 510 UM or UIM CLAIM (coverage issues only) 511 ACTION ON NEGOTIABLE INSTRUMENT 512 LEMON LAW 601 SUMMARY ACTION 602 OPEN PUBLIC RECORDS ACT (summary action) 609 OTHER (briefly describe nature of action)	
Track II - 300 days' discovery 305 CONSTRUCTION 508 EMPLOYMENT (other than CEPA or LAD) 599 CONTRACT/COMMERCIAL TRANSACTION 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold) 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold) 605 PERSONAL INJURY 610 AUTO NEGLIGENCE - PROPERTY DAMAGE 621 UM or UIM CLAIM (includes bodily injury) 699 TORT - OTHER	
Track III - 450 days' discovery 005 CIVIL RIGHTS 301 CONDEMNATION 602 ASSAULT AND BATTERY 604 MEDICAL MALPRACTICE 606 PRODUCT LIABILITY 607 PROFESSIONAL MALPRACTICE 608 TOXIC TORT 609 DEFAMATION 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES 617 INVERSE CONDEMNATION 618 LAW AGAINST DISCRIMINATION (LAD) CASES	
Track IV - Active Case Management by Individual Judge / 450 days' discovery 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION 303 MT. LAUREL 608 COMPLEX COMMERCIAL 513 COMPLEX CONSTRUCTION 614 INSURANCE FRAUD 620 FALSE CLAIMS ACT 701 ACTIONS IN LIEU OF PREROGATIVE WRITS	
Multicounty Litigation (Track IV) 271 ACQUITTAL/RETRIBUTION 274 RISK/PERDAM/RECOUPEL/ZYFREA 278 ZOMET/AREDA 279 GADUINIUM 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL 282 FOSAMAX 285 STRYKER TRIDENT HIP IMPLANTS 286 LEVAQUIN 287 YAZ/VASMIN/OCELA 288 PRUDENTIAL TORT LITIGATION 289 REGAN	
Putative Class Action ☐ Title 59 290 POMPTON LAKES ENVIRONMENTAL LITIGATION 291 PELVIC MESH/GYNECARE 292 PELVIC MESH/BARD 293 DEPUY ASR HIP IMPLANT LITIGATION 295 ALLODERM REGENERATIVE TISSUE MATRIX 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS 297 MIRANA CONTRACEPTIVE DEVICE 299 OLIMESARTAN MEDOXAMIL MEDICATIONS/BENICAR 300 TALC-BASED BODY POWDERS 601 ASBESTOS 623 PROPECIA	
If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."	
Please check off each applicable category	

BERGEN COUNTY COURTHOUSE
SUPERIOR COURT LAW DIV
BERGEN COUNTY JUSTICE CTR RM 415
HACKENSACK NJ 07601-7680

COURT TELEPHONE NO. (201) 527-2600
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: JANUARY 11, 2016
RE: ROSENBLATT VS THE NUPLEXA GROUP INC
DOCKET: BER L -000250 16

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON JAMES X. SATTELY

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (201) 527-2600.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: RAPHAEL M. ROSENBLATT
ROSENBLATT LAW PC
21 MAIN ST
COURT PLAZA SOUTH STE 305
HACKENSACK NJ 07601

JURDIAL

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

RAPHAEL M. ROSENBLATT, individually and on behalf of those situated

(b) County of Residence of First Listed Plaintiff Bergen, New Jersey
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)
Rosenblatt Law PC, 21 Main Street, Court Plaza South, Suite 305
Hackensack, NJ 07601 551 444-8100 Raphael@Rosenblattlegal.com

DEFENDANTS

THE NUPLEXA GROUP, INC. AND DR. DENNIS BLACK

County of Residence of First Listed Defendant Dallas, Texas
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)
Ashton E. Thomas, Esq., 1209 East Grand St., Suite 201, Elizabeth,
New Jersey 07201 908 289-3640 athomaslaw@verizon.net

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)

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

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☒ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

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

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

Brief description of cause:
Various theories under the New Jersey Consumer Fraud Act

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
02/25/2016

SIGNATURE OF ATTORNEY OF RECORD
s/ Ashton E. Thomas

FOR OFFICE USE ONLY

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