

PARTIES, JURISDICTION, AND VENUE

2. Plaintiff Alvi Armani Medical, Inc. is a corporation organized and existing under the laws of California, with a principal place of business located at 8500 Wilshire Blvd., Ste. 1010, Beverly Hills, CA USA 90211.

3. Plaintiff Dr. Armani is an individual domiciled and residing in Los Angeles, California, is a citizen of Canada, and maintains an address at 11548 Dona Evita Dr., Studio City, CA USA 91604

4. Defendant Hennessey is an individual domiciled and residing in Broward County, Florida, is a citizen of the United States of America, and maintains an address at c/o Media Visions, Inc., 9369 Sheridan Street, #355, Cooper City, FL USA 33024.

5. Defendant Media Visions, Inc., is a corporation organized and existing under the laws of Minnesota, with its principal place of business located at 9369 Sheridan Street, #355, Cooper City, FL USA 33024.

6. This action involves claims where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of the State of Florida and citizens of a different State, and therefore this Court has original jurisdiction under 28 U.S.C. § 1332(a)(1).

7. This Court has in personam jurisdiction over Defendants because they are found in this District, operate or carry on a business having a principal place of business in this District and/or are otherwise subject to jurisdiction pursuant to § 48.193, Fla. Stat. (2007).

8. Venue is proper in this judicial district under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claims herein occurred in this Judicial District.

FACTUAL BACKGROUND

A. Dr. Armani and Alvi Armani Medical, Inc.

9. Dr. Antonio Alvi Armani is a world-renowned, award-winning physician who practices the highest quality, cutting edge techniques and procedures for natural hair restoration and hair transplants.

10. Dr. Armani graduated from the University of Toronto Medical Program with an honors Medical Doctor Degree.

11. He is a member of the International Society of Hair Restoration Surgery, American Society of Hair Restoration Surgery, the European Society of Hair Restoration Surgery, the American Academy of Cosmetic Surgery, the Italian Society of Hair Restoration, the California Medical Board, the College of Physicians and Surgeons of Ontario, the Ontario Medical Association, and the Canadian Medical Association.

12. He has won numerous awards, including the prestigious “Italy Award” (an award given to hair transplant surgeons who demonstrate “excellence” in the field) and was voted “Best Cosmetic Surgeon” by Toronto Sun and Xtra.

13. Dr. Armani has written books on hair loss and hair transplantation including How to Beat Hair Loss (Second Edition 2003).

14. Dr. Armani founded the Company, Alvi Armani Medical, Inc., in 1999. Since its inception, the Company has grown to include offices in major metropolitan centers throughout Europe, North America, Asia, and the Middle East, and has clinics located in Toronto, Dubai and, more recently, Beverly Hills. The Company continues to offer the latest scientific and medical advancements in hair replacement technology through its own cutting-edge, dedicated research in the hair loss and hair restoration fields.

15. The Company's CEO, business directors, management professionals, and all colleagues adhere to a strict business practice and the code of medical ethics. The Company guidelines require that its employees act with honesty and integrity, that they respect fully and fairly all patients' sensitive information and that they comply with all laws, rules and regulations applicable to the jurisdiction of operations.

16. Furthermore, the Company has a clear procedure for addressing any patient dissatisfaction with received treatment. Hair restoration is a very personal issue and the success of "results" can be very subjective. The Company takes very seriously its commitment to assure 100% client satisfaction.

17. First, every case is assigned a patient consultant who works with the patient prior to the patient's surgery. The patient consultant advises and assists the patient in analyzing their options.

18. If a patient is dissatisfied with their treatment, they will typically call their patient consultant. Alternatively the patient may contact the Patient Care Staff, individuals specifically dedicated to providing post operative care to patients. The Company will offer a variety of solutions to satisfy the patient's concerns.

19. Occasionally, patients post messages on one of the hair loss forums, which the Company monitors. The Company reaches out to such patients to address their dissatisfaction. Once the patient is satisfied, the Company usually posts an official response acknowledging that the Company will do everything possible to satisfy its patients.

B. Defendants.

20. Upon information and belief, defendant Hennessey is the principal owner of Media Visions and controls its operations.

21. Upon information and belief, Media Visions is the owner, host, and publisher of a website called the “Hair Restoration Network,” which identifies itself as being dedicated to providing information to the consumer public about the hair restoration and transplant industry: <http://www.hairtransplantnetwork.com> (the “Website”). The Website proclaims that it is the “#1 Hair Transplant Site For Advice, Photos and Hairtransplant Surgeons.”

22. Upon information and belief, defendant Hennessey controls the operations of the Website.

23. The Websites states that “[t]oday, as the publisher of the Hair Restoration Network, [Hennessey] is joined by dozens of other former hair loss sufferers in helping others to cut past the hype to find quality treatments and prescreened physicians. . . . Visit our hair restoration discussion forum and use the “Find” feature to view posts about a particular surgeon. Just enter the physician’s last name.”

24. Upon information and belief, Bill Falceros (“Falceros”) is an employee of Media Visions and acts as “associate publisher” of the Website.

25. The Website promises that it is run for “patients” by “patients”:

CONSIDERING A HAIR TRANSPLANT? BE CAREFUL AND LEARN FROM PATIENTS FIRST.

The skill and technique of hair restoration surgeons vary widely, as do their hair transplant results. This site is published by hair transplant patients to help others get past the hype to find quality prescreened hair transplant surgeons in Canada, the USA, Europe, South America, Asia and Australia.

Learn about hair loss remedies that actually work, view over 500 hair restoration photos and share info with actual patients on our active hair restoration discussion forum. This hair restoration community also provides in depth information on all hair loss treatments and videos and animations.

(Emphasis added).

26. The Website contains and directs consumers and the public generally to its “Hair Transplant Forum” (the “Forum”) where purportedly bona fide hair transplant patients are permitted to post and share information about their surgery, results, and doctors. Defendants promise that the integrity of the information contained at the Website and posted on the Forum is to be trusted because it is generated from a “patient driven community driven by patient members, not physicians and consultants.”

27. Since the Website and its “Forum” are specifically and explicitly stated to be designed for this purpose, the forum “rules” require that any “poster” (i.e., a person who posts messages to the Forum chat board) who works for or is affiliated with an hair transplant doctor must disclose that affiliation in order to use the site to protect potential patients and maintain the integrity of the Forum. If they do not so disclose such affiliation, the rules require that they not be permitted to use the Forum. Defendants publicly purport to enforce these rules to gain the public’s confidence in the Website and the Forum.

28. As a result, the public has a reasonable expectation that the posters on the forum are either hair loss sufferers or people associated with hair transplant doctors who have identified themselves as such, and that such information can be relied upon.

29. It is a well-known fact in the hair restoration industry that patient forums such as the Forum here have a tremendous impact on consumer choices and that the information contained therein is heavily relied upon by such potential patients.

30. As set forth more fully below, Defendants have engaged in false, deceptive, and unfair business practices in knowingly posting disparaging and false statements about Dr. Armani and the Company and creating the impression that the posters are bona fide disgruntled patients of Plaintiffs when in fact the posters are either fictitious persons (and are the alter egos

of Defendants) or are undisclosed affiliates of doctors who are on the Website's "recommended" list of "pre-screened" doctors. Upon information and belief, such recommended doctors give consideration to Defendants for such sponsorship.

31. In addition, in furtherance of this wrongful conduct, Hennessey and Falceros have publicly and intentionally disparaged Dr. Armani and the Company's professional ethics and services.

32. Thus, Defendants have engaged in this false, deceptive, and unfair business practice specifically to harm the business reputation and goodwill of Plaintiffs and to benefit themselves financially.

C. Defendants' Prior Wrongful Conduct.

33. The circumstances giving rise to the claims set forth herein are not the first time that Defendants have engaged in tortious conduct directed at Plaintiffs.

34. Hennessey, who receives a monthly fee from other hair transplant doctors to place them on his "recommended list" on the Website, approached Dr. Armani and invited him to be on the "recommended list."

35. Shortly thereafter, however, upon information and belief, Hennessey changed his mind and publicly rejected Dr. Armani on baseless grounds as a result of pressure from Dr. Armani's competitors.

36. Hennessey then began a pattern of allowing false and incredibly damaging posts regarding Dr. Armani to be posted on the Forum, leaving them posted for extended periods of time and purposefully creating damage to Dr. Armani's reputation.

37. Plaintiffs purposefully do not reprint such posts here to prevent further damage, but will make same available to the Court upon request.

38. As soon as Dr. Armani learned of these disparaging and humiliating posts, he sent a letter, through counsel, to Hennessey demanding their removal.

39. At first, Hennessey ignored such demands.

40. Finally, Hennessey did respond to Dr. Armani's letter, on May 6, 2004, stating unequivocally in a voicemail message:

Not only are we going to remove that post [regarding Dr. Armani] – which of course I have no interest in personally, we're gonna remove every single post that has any reference to him at all and ban any posting regarding any reference to Dr. Alvi. This is the second instance where he's accused me of slandering him personally, so to avoid any further such problems we are gonna make sure that on [sic] one ever posts anything regarding Dr. Alvi on our network. Thank you.

41. Unfortunately, Hennessey did not honor this promise.

D. Fraudulent Posts by “EasyE” and “JimmyJam.”

42. In or around October 2007, a poster identified as “EasyE” starting posting messages on another hairloss website (www.hairlosshelp.com) owned and moderated by Farrel Mann (“Mann”), stating that he was a dissatisfied patient of Plaintiffs.

43. EasyE's posts were inappropriately hostile for the forum and so Mann requested that he tone down his comments.

44. EasyE refused to cease making inappropriate comments and was banned from posting on www.hairlosshelp.com on December 8, 2007.

45. On January 8, 2008, a new poster using the name “JimmyJam,” upon information and belief posting from the same IP address used by EasyE, created an account with www.hairlosshelp.com and began making posts on the forum about Dr. Armani and his technique called “follicular unit extraction megasessions.”

46. Upon realization that JimmyJam was using the same IP address as EasyE, Mann banned JimmyJam from posting on www.hairlosshelp.com.

47. Shortly thereafter, a user identified as “JimmyJam” appeared on the Forum claiming that Dr. Armani had performed a “follicular unit extraction megasession” on him that was improperly done and/or resulted in extremely bad results and made statements that otherwise disparaged Plaintiffs.

48. There was a lapse of less than a month between JimmyJam’s original posts on www.hairlosshelp.com and the date of his posts on the Forum complaining about the follicular unit extraction megasessions he allegedly received from Plaintiffs.

49. It takes significantly more than a month to evaluate the success or failure of a transplant (significant results are seen between 6 months to 12 months post-transplant) giving rise to the reasonable assumption that JimmyJam was not a bona fide patient of Plaintiffs.

50. It is industry practice and procedure to respond to this kind of posting by having the moderator of the website send a private message to the alleged “patient” requesting they privately submit verifying information to the moderator establishing their identity as a bona fide patient of the doctor in question. If the patient is verified as real then the clinic or hospital responsible for their treatment is allowed to post a response.

51. In this case, there was no such verification provided by the “patient.”

52. When other posters on the Website requested photos and documentation regarding the details of JimmyJam’s allegedly bad Alvi Armani transplant, he refused to do so.

53. Upon information and belief, “JimmyJam” is not a bona fide patient of Plaintiffs.

54. Mann and other posters on the Forum posted messages stating their concerns about JimmyJam’s fraudulent claims.

55. At the end of January, 2008, Shane O'Quinn ("O'Quinn"), an associate working for Plaintiffs, contacted both Hennessey and Falceros several times regarding the falsity of these posts by JimmyJam.

56. Hennessey and Falceros, however, refused to remove these fraudulent and disparaging posts by JimmyJam regarding Dr. Armani from the Website.

57. As it relates to Plaintiffs, Hennessey and Falceros have refused to comply with the industry practice of, when alerted to a potentially fraudulent "patient" poster, requesting verification of their status as a bona fide patient and if such verification is not provided, removing the false posts from the Forum.

58. Upon information and belief, Defendants knowingly caused or aided and abetted the false "JimmyJam" posts to mislead the public and cause harm to Plaintiffs.

E. Disparaging Posts by Hennessey and Falceros.

59. Defendant Hennessey has allowed numerous individuals, including but not limited to "JimmyJam," to falsely claim in their posts to be patients of Plaintiffs and disparage their professional ethics and services even when put on notice regarding the falsity of the posts.

60. Defendant Hennessey has refused to comply with the standard industry practice of verifying the identity of posters who have been called into question.

61. Furthermore, Hennessey, the publisher of the Website and the Forum, has attempted to lend weight to such posts, by publicly stating that Dr. Armani is unethical and making other statements, purportedly of "fact," that Plaintiffs prioritize revenues over patient care, including but not limited to a post on the forum dated September 18, 2007.

62. Falceros, the Forum's editor, published statements on the forum that Dr. Armani's hair transplant work will cause patients' donor areas to "look like swiss cheese," and has on repeated occasions stated on the Forum that Dr. Armani has questionable ethics.

63. All the while, Hennessey and Falceros have failed and refused to disclose to the public their own sponsor relationships with Dr. Armani's competitors, damaging Plaintiffs and misleading the public.

64. The Website is financially sponsored by several of Dr. Armani's competitors, who are on the Website's list of "accepted surgeons."

65. Upon information and belief, Defendants have made the false and/or misleading statements referred to herein, and have failed to advise of their financial relationships with Plaintiffs' competitors, to harm Plaintiffs and mislead the public.

F. Resulting Damages to Plaintiffs' Business.

66. The damage to the business and professional reputation of Plaintiffs as a direct result of Defendants' activities has been substantial.

67. Although the full extent of the damages has not yet been ascertained, Plaintiffs have already documented concrete evidence of actual harm. For example, as part of their wrongful conduct, Defendants, acting through Falceros, have actively counseled numerous individuals away from using Plaintiffs' services using false and fraudulent statements.

68. For example, on January 1, 2007, Falceros told "NYCguy" who had already a consultation with Dr. Armani that Dr. Armani's "ethics are question [sic] in general. [Falceros] just would personally rather go to someone who is ethically sound for everyone, that way [he] can feel rest assured that the doctor is indeed looking out for [his] best interest."

69. On September 23, 2007, “floridaguy80,” asked Defendants if they had heard of Dr. Armani and stated that he was “quite impressed on some of the before and afters on [the AlviArmani website].” Falceros responded, “I believe he is technically sound but his ethics are questionable.”

70. Falceros repeated the same advice to “stratman” on August 30, 2007, to “Lungs” on December 24, 2007, to “hairdud83” on November 8, 2007, and to countless others.

71. Upon information and belief, as a direct result of Defendants’ fraudulent and tortious behavior, many such individuals have decided not to use Plaintiffs’ services.

72. On December 24, 2007 a poster named “thanatopsis_awry” stated the following:

I was *super* keen on going to Armani . . . Had a consultation set, which, if I went to may very well have sealed the deal; right before, however, I closely examined some heavily debated [the Forum’s] threads where Armani’s head shill basically got GUTTED by Dr. Feller [a competitor of Plaintiffs], and I think B Spot and Bushy . . . I immediately cancelled my consultation.

73. Another poster named “Hairbank” stated on January 2, 2007 that “I’ve personally had no experience with Dr. Armani but from what I’ve read here [on the Forum] . . . I question his ethics.”

74. Thus, significant and continuing damage continues to occur to Plaintiffs’ reputation and business.

COUNT I
DECEPTIVE AND UNFAIR TRADE PRACTICES

75. Plaintiffs repeat and reallege each and every allegation of the Complaint contained in Paragraphs 1 through 74 as if fully set forth herein.

76. Florida's Deceptive and Unfair Trade Practices Act ("FDUTPA") prohibits "unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce." § 501.204(1), Fla. Stat. (2007).

77. At all times material, Dr. Armani is a "person who has suffered a loss as a result of a violation of FDUTPA. § 501.211(2), Fla. Stat. (2007).

78. Further, the Company was at all times material a legitimate business enterprises entitled to protection under FDUTPA. § 501.202(2), Fla. Stat. (2007).

79. At all times material, Defendants engaged in "trade or commerce" as defined in FDUTPA. *See* § 501.203(8), Fla. Stat. (2007).

80. Section 501.204(1), Florida statutes provides:

Unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.

§ 501.204(1), Fla. Stat. (2007).

81. Defendants' actions as alleged above constitute deceptive acts or practices in violation of Section 501.204.

82. As a direct and proximate result of Defendants' actions as alleged above, Plaintiffs have sustained and will continue to incur actual damages in excess of \$75,000, exclusive of interest, attorneys' fees, and costs.

WHEREFORE, Plaintiffs Dr. Armani and the Company demand a declaratory judgment declaring that Defendants violated FDUTPA, actual damages caused by Defendants' violation of FDUTPA, attorneys' costs and fees provided by FDUTPA in Section 501.2105, Florida Statutes, pre- and post-judgment interest, and any and all further relief that is just and proper.

COUNT II
DEFAMATION

83. Plaintiffs repeat and reallege each and every allegation of the Complaint contained in Paragraphs 1 through 74 as if fully set forth herein.

84. By reason of the allegations set forth above, Defendants intentionally defamed Plaintiffs under Florida common law.

85. The information Defendants published on, disseminated via, or failed to remove from the Website was false and made with actual malice because Defendants acted with reckless disregard as to the information's falsity.

86. This false and maliciously published information directly relates to, implicates, or discusses Dr. Armani and the Company.

87. This information was published on the Website and is therefore readily available to myriad people across the country and around the world who have access to the Internet. Consequently, this information has been published to innumerable third persons.

88. As a direct and proximate result of Defendants' actions and the falsity of information Defendants published, Plaintiffs have suffered damages in excess of \$75,000, exclusive of interests, attorneys' fees, and costs.

89. Defendants and Defendants' defamatory conduct are not entitled to any privilege that would bar Plaintiffs' action for defamation.

WHEREFORE, Plaintiffs Dr. Armani and the Company demand judgment for compensatory and punitive damages, attorney's fees, and costs, pre- and post-judgment interest, and any and all further relief that is just and proper.

COUNT III
TRADE LIBEL

90. Plaintiffs repeat and reallege each and every allegation of the Complaint contained in Paragraphs 1 through 74 as if fully set forth herein.

91. By reason of the allegations set forth above, Defendants intentionally committed trade libel against Plaintiffs under Florida common law.

92. The information Defendants published on, disseminated via, or failed to remove from the Website was false and made with actual malice.

93. This false and maliciously published information directly relates to, implicates, or discusses Dr. Armani and the Company.

94. This information was published on the Website and is therefore readily available to myriad people across the country and around the world who have access to the Internet. Consequently, this information has been published to innumerable third persons.

95. Defendants knew that by publishing the information on the Website it would defame and disparage Dr. Armani and the Company and would likely deter individuals from seeking treatment by Plaintiffs and dissuade current patients from continuing their treatment. Additionally, Defendants knew that information on the Website would deter other individuals from doing business with Plaintiffs, particularly with respect to Defendants' defamatory claims about Dr. Armani's ethics and integrity.

96. The actions of the Defendants were intended to cause damage to Plaintiffs.

97. The information published by Defendants has played a substantial and material role in inducing individuals not to seek treatment with Plaintiffs, as demonstrated by postings to the Website described above.

98. The information published by Defendants has also played a substantial and material role in inducing investors and potential investors to refrain from doing business with Plaintiffs.

99. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered damages in excess of \$75,000, exclusive of interest, attorneys' fees, and costs.

100. The actions of the Defendants were willful, wanton, without right or justifiable cause, and undertaken for the purpose of damaging Plaintiffs.

WHEREFORE, Plaintiffs Dr. Armani and the Company demand judgment for compensatory and punitive damages, attorneys' fees and costs, pre- and post-judgment interest, and any and all further relief that is proper and just.

COUNT IV
TORTIOUS INTERFERENCE WITH PROSPECTIVE AND
ADVANTAGEOUS BUSINESS RELATIONSHIPS

101. Plaintiffs repeat and reallege each and every allegation of the Complaint contained in Paragraphs 1 through 74 as if fully set forth herein.

102. Plaintiffs had business relationships with several patients who were undergoing hair restoration transplant treatment with Plaintiffs.

103. Plaintiffs also had prospective business relationships evidenced by actual and identifiable understandings or agreements with clients who consulted or were planning to consult with Plaintiffs and ultimately seek hair restoration transplant treatment with Plaintiffs.

104. Defendants knew or reasonably should have known of Plaintiffs' advantageous and prospective relationships with these clients or potential clients.

105. Additionally, Defendants interfered with Plaintiffs' relationships with these clients in an intentional, direct, and unjustified manner.

106. As a result, Plaintiffs' advantageous business relationships were terminated due to Defendants' tortious conduct.

107. Further, Plaintiffs' prospective business relationships in all probability would have been completed had Defendants not interfered by their tortious conduct.

108. As a direct and proximate result of Defendants' tortious actions, Plaintiffs have suffered damages in excess of \$75,000, exclusive of interest, attorneys' fees, and costs.

WHEREFORE, Plaintiffs Dr. Armani and the Company demand judgment for compensatory and punitive damages, attorneys' fees and costs, pre- and post-judgment interest, and any and all further relief that is proper and just.

COUNT V
TEMPORARY AND PERMANENT INJUNCTIVE RELIEF

109. Plaintiffs repeat and reallege each and every allegation of the Complaint contained in Paragraphs 1 through 74 as if fully set forth herein.

110. Defendants' actions, as described in the preceding paragraphs, have caused and are continuing to cause damages to the business and professional reputation of Plaintiffs.

111. Since Defendants' acts will continue in the future unless restrained, Plaintiffs have no adequate remedy at law for damages.

112. Defendants' acts are irreparably harming Plaintiffs because the false statements being published about Plaintiffs can destroy Plaintiffs' business and goodwill.

WHEREFORE, Plaintiffs demand judgment for a temporary and permanent injunction restraining Defendants from publishing any disparaging and false statements about Plaintiffs.

JURY TRIAL DEMAND

Plaintiffs Dr. Armani and the Company demand a trial by jury on all issues so triable.

Dated this 19th day of May, 2008.

Respectfully submitted,

BAKER & McKENZIE LLP

By: _____

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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.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS
 ALVI ARMANI MEDICAL, INC., a California corporation, and DR. ANTONIO ALVI ARMANI

DEFENDANTS
 PATRICK HENNESEY, and MEDIA VISIONS, INC., a Minnesota corporation

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

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
 Jose M. Ferrer, Esq.
 Baker & McKenzie LLP, 1111 Brickell Avenue, Suite 1700
 Miami, FL 33131 Telephone No.: 305-789-8900

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.
 Attorneys (If Known)

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER ST. JOHNS POLK SEMINOLE FLORIDA OKEECHOBEE HIGHLANDS

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 | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated in Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated in Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input 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 |

DADE-08-21449-WLENERD-CARREL

FILED
 2008 MAY 9 PM 4:32
 ST. JOHNS COUNTY CLERK
 D.C.

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

| | | | | |
|---|---|---|--|---|
| CONTRACT <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 | TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" 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 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 | FORFEITURE/PENALTY <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 | BANKRUPTCY <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 | OTHER STATUTES <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 Re-filed- (see VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S). (See instructions second page):
 a) Re-filed Case YES NO b) Related Cases YES NO
 JUDGE _____ DOCKET NUMBER _____

VII. CAUSE OF ACTION
 Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. § 1332(a)(1). Involves a claim where the matter in controversy exceeds the sum or value of \$75,000, and is between citizens of different states.
 LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMANDS** CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
 SIGNATURE OF ATTORNEY OF RECORD _____ DATE 5/19/08

FOR OFFICE USE ONLY
 AMOUNT \$350.00 RECEIPT # 980426
 05/19/08