

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. **09-61731-CIV-LENARD/GARBER**

09-61731

MELANIE E. DAMIAN,
as Receiver for
the Estate of Sean Nathan Healy,

Plaintiff,

v.

WHCC, LLC, d/b/a WESTON HILLS
COUNTRY CLUB,

Defendant.

MAGISTRATE JUDGE
GARBER

CIV-LENARD

FILED by	AS	D.C.
ELECTRONIC		
Oct 29, 2009		
STEVEN M. LARIMORE CLERK U.S. DIST. CT. S. D. OF FLA. - MIAMI		

COMPLAINT

Plaintiff Melanie E. Damian, Esq., in her capacity as the Court-appointed Receiver for the Estate of Receivership Defendant Sean Nathan Healy (“Mr. Healy”) and for certain assets of Receivership Relief Defendants Shalese Rania Healy (“Mrs. Healy”) and Sand Dollar Investments, LLC (“Sand Dollar”) (collectively, the “Receivership Defendants”) in the enforcement actions styled *U.S. Securities and Exchange Commission v. Sean Nathan Healy, et al.*, Case No. 1:09-CV-1330, and *U.S. Commodities Futures Trading Commission v. Sean Nathan Healy, et al.*, Case No. 1:09-CV-1331 (collectively, the “Enforcement Actions”), pending in the United States District Court for the Middle District of Pennsylvania, Harrisburg Division (Conner, J.) (The Pennsylvania District Court”), files this Complaint alleging claims to avoid fraudulent transfers and unjust enrichment against WHCC, LLC, d/b/a WESTON HILLS COUNTRY CLUB (“Defendant” or “Weston Hills”), and alleges as follows:

PARTIES

1. Plaintiff Melanie E. Damian, Esq. was appointed Receiver for the Estate of Mr. Healy and for certain assets of the Mrs. Healy and Sand Dollar, by the Pennsylvania District Court in the Enforcement Actions.

2. Defendant at all times material to this Complaint was a Delaware limited liability company with its principal place of business in Dallas, Texas. Defendant owns and operates in the Southern District of Florida the Weston Hills Country Club, which received the funds underlying this action that the Receivership Defendant obtained fraudulently from investors and fraudulently transferred to Defendant.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §754 and the principles of ancillary or supplemental jurisdiction under 28 U.S.C. § 1367. This action is so related to the claims in the Enforcement Action, over which the Pennsylvania District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, that it forms “part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a). Because Plaintiff’s claims against Defendant herein seek to accomplish the ends sought and directed by the Pennsylvania District Court in the Enforcement Actions, which, among other things, appointed Plaintiff as Receiver and authorized her to commence actions to recover assets of the Receivership Estate, this Court’s jurisdiction over this action is attributed to the jurisdiction upon which the Enforcement Actions rests.

4. Pursuant to § 48.193 of the Florida Statutes, this Court has personal jurisdiction over Defendant because the claims asserted herein arise from tortious acts committed within the State of Florida and, in particular, in the Southern District of Florida. Defendant, who resides in Florida, received transfers of funds from Receivership Defendants Sean Nathan Healy and/or

Shalese Rania Healy (“the Healys”), who were operating, conducting, engaging in, and carrying on a fraudulent business or business venture in, among other locations, the Southern District of Florida. More specifically, Defendant received proceeds from this fraudulent scheme.

5. Venue is proper in the Southern District of Florida under 28 U.S.C. § 1391(b), because a substantial part of the events and the conduct giving rise to the Receiver’s claims, including the transfer and receipt of the fraud proceeds, occurred in the Southern District of Florida. Further, the funds at issue come from the fraudulent scheme that the Healys operated in this District.

RECEIVER’S STANDING TO BRING FUFTA CLAIMS

6. The Receiver has standing to bring these claims pursuant to the Pennsylvania District Court’s July 13, 2009 *Temporary Restraining Order, Order Freezing Assets and Granting Other Relief, and Order to Show Cause* [Case No. 09-1330, D.E. 12], and *Order Granting Plaintiff’s Ex Parte Emergency Motion for Statutory Restraining Order, Expedited Discovery, Preliminary Injunction, and Other Equitable Relief* [Case No. 09-1331, D.E. 14] (collectively, the “TROs”), which were modified and extended by that Court’s July 20, 2009 *Stipulation and Order granting Preliminary Injunction, freezing Assets and other Relief* [Case No. 09-1330, D.E. 21] and *Consent Order of Preliminary Injunction and for Other Equitable Relief Against Defendant Sean Nathan Healy* [Case no. 09-1331, D.E. 19], (collectively, the “Preliminary Injunctions”). The TROs and Preliminary Injunctions specifically require the Receiver to assume possession, title and control of all “Recoverable Assets,” which the Court defined as “all assets of the Defendant Sean Nathan Healy . . . and those assets of the Relief Defendants that . . . are attributable to funds derived from investors or clients of the Defendant.” Further, the TROs and Preliminary Injunctions direct the Receiver to bring claims against third parties in possession of such Recoverable Assets, such as Defendant here, to recover those assets

for the benefit of the defrauded investors. Plaintiff brings these claims as the Receiver of the Estate of Sean Nathan Healy and of certain assets of Shalese Rania Healy and Sand Dollar Investing Partners, LLC.

7. The Receiver also has standing to bring this action pursuant to 28 U.S.C. § 754, which provides that “[a] receiver appointed in any civil action or proceeding involving property, real, personal or mixed, situated in different districts shall . . . be vested with complete jurisdiction and control of all such property with the right to take possession thereof [and] shall have capacity to sue in any district without ancillary appointment[.]” In accordance with § 754, the Receiver, on July 15, 2009, two days after the filing of the commencement of the Enforcement Actions, and the entry of the Orders appointing her as Receiver, filed in this Court – the District in which the Healys’ property and the investor funds transferred to Defendant are located – the SEC and CFTC Complaints and Orders from the Enforcement Actions in the U.S. District Court for the Southern District of Florida, commencing Miscellaneous Case No. 09-61046-MC-SEITZ/O’Sullivan in this Court.

8. Finally, the Receiver has standing to bring FUFTA claims by virtue of her status as a creditor pursuant to the Uniform Commercial Code, Florida Statutes, 671.201(13) and 679.1021(zz) (“Statutory Creditor”).

FACTS COMMON TO ALL CLAIMS

9. On July 13, 2009, the Pennsylvania District Court entered the TROs, finding that the Commission had made a sufficient and proper showing in support of the relief requested by evidence demonstrating a *prima facie* showing of the securities laws violations alleged, and appointing Plaintiff as Receiver for the Estate of Mr. Healy and for certain assets of Mrs. Healy and Sand Dollar.

10. Under the TROs, Plaintiff is authorized to investigate the affairs of the Receivership Defendants, to marshal and safeguard these entities' assets, and to institute legal proceedings for the benefit and on behalf of the Receivership Defendant's investors and other creditors against individuals or entities which Plaintiff claims have improperly received funds traceable from investors defrauded by the Receivership Defendants, including but not limited to actions seeking constructive trusts, disgorgement of profits and recovery and avoidance of fraudulent transfers under Florida Statute § 726.101, *et seq.* ("FUFTA") or otherwise.

11. In addition, the TROs authorize Plaintiff to "bring such legal actions based on law or equity in any state, federal, or foreign court as the Receiver deems necessary or appropriate in discharging his/her duties as Receiver." *See* SEC TRO at XVI, ¶ 8 [Case No. 09-1330, D.E. 12].

12. Since at least 2005, Receivership Defendant Mr. Healy has obtained as much as \$20 million from approximately fifty investors by promising that he would use the money to trade in securities and commodities on their behalf. Most recently, between May 2008 and February 2009, Mr. Healy obtained approximately \$15 million from Alfred Madeira, a Chambersburg, Pennsylvania resident who invested his own money and money provided by his attorney and more than forty of his friends, acquaintances and business associates. At Mr. Healy's direction, Mr. Madeira caused these funds to be deposited into a bank account held in the name of Defendant's wife, Shalese Healy.

13. Mr. Healy repeatedly made assurances that he was investing the money he received from Mr. Madeira and others and that his trading was earning excellent returns. In fact, Mr. Healy did not invest the monies he received in securities, futures and/or options, but rather used the money for daily living expenses and to purchase, among other things: numerous luxury vehicles; jewelry; gold bullion; a \$2.4 million home; approximately \$2.3 million in home

furnishings and home improvements, including a \$500,000 home movie theater; and, most pertinently for purposes of this Complaint, the \$36,000 initiation fee and ten months of pre-paid monthly dues to Defendant.

14. When questioned about his trading, Mr. Healy provided falsified bank and trading records to Mr. Madeira and to the United States Attorney's Office for the Middle District of Pennsylvania.

15. By misappropriating investor funds and making false statements, either directly or indirectly, to the investors regarding, among other things, trading activity and profits supposedly generated from that trading, Mr. Healy violated Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. § 77q(a)], Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 10b-5 thereunder [15 U.S.C. § 78j(b); 17 C.F.R. § 240.10b-5].

16. In addition, Mrs. Healy and Sand Dollar each received ill-gotten gains or property as a result of Mr. Healy's fraudulent conduct and to which they do not have a legitimate claim.

17. The Commission brought the Enforcement Action to enjoin the Receivership Defendants' unlawful acts and to seek recovery of the investors' funds.

18. Accordingly, the Receiver brings the instant action pursuant to the Florida Uniform Fraudulent Transfer Act, Section 726.101 *et seq.* of the Florida Statutes in order to collect monies that the Receivership Defendants fraudulently transferred to Defendant.

19. All conditions precedent to the bringing of this action have been performed or satisfied or have occurred.

20. This action is brought within the pertinent statutory limitations period.

CLAIMS FOR RELIEF

COUNT I

(Fraudulent Transfer under §§ 726.105(1)(a) and 726.105(1)(b))

21. Plaintiff repeats and re-alleges and incorporate by reference the allegations set forth in paragraphs 1 through 20 of this Complaint as if fully set forth herein.

22. This is a claim to avoid and recover fraudulent transfers pursuant to Sections 726.105(1)(a) and 726.105(1)(b) of the Florida Statutes against Defendant.

23. As detailed herein, the Receivership Defendants transferred \$45,444.75 to Defendant, including a \$36,000.00 initiation fee, ten months of pre-paid monthly dues of \$6,872.40, and sales tax of \$2,572.35.

24. Of this sum, the Receiver seeks to recover the last three months of the pre-paid monthly dues (\$2,061.72) plus a pro-rated portion of the July, 2009 dues (\$399.06), and the initiation fee (\$36,000.00) totaling \$38,460.78.

25. At the time of the transfer, Receivership Defendant Sean Healy was operating a Ponzi scheme and thus he had the actual intent to delay, hinder, or defraud creditors and made the transfers to delay, hinder, or defraud creditors. Thus, the transfer was inherently fraudulent, and the Receiver may avoid the transfer pursuant to Florida Statute § 726.105(1)(a).

26. In addition, the Receiver may avoid the transfer pursuant to Florida Statutes § 726.105(1)(b). Defendant received the \$38,460.78 from the Receivership Defendants without providing valid consideration or reasonably equivalent value in exchange for such transfers.

27. When the transfer was made, the Receivership Defendants were engaged in a business or transaction for which their remaining assets were unreasonably small in relation to the business or transaction.

28. When the transfer was made, the Receivership Defendants intended to incur, or believed or reasonably should have believed that they would incur, debts beyond their ability to pay as they became due.

29. The Receiver lacks an adequate remedy at law because, unless the relief sought herein is granted, the Receiver will be unable to recover the \$38,460.78 in funds belonging to other investors that the Receivership Defendants fraudulently transferred to Defendant.

30. As a direct and proximate result of the Receivership Defendants' fraudulent transfers to Defendant, the Receivership Estate has been diminished in the amount of \$38,460.78. The Receiver is informed and believes that the remaining assets of the Estate of Sean Nathan Healy are insufficient to pay the Receivership Estate's debts and liabilities, including, most notably, the claims of the other investors who were defrauded by the Receivership Defendants.

WHEREFORE, the Receiver respectfully requests that the Court: (i) set aside the transfer of \$38,460.78 from the Receivership Defendants to Defendant and, if necessary, impose a constructive trust and/or equitable lien on the funds or other assets traceable to such transfers; (ii) enter a money judgment against Defendant in the amount of \$38,460.78, representing the amount that the Receivership Defendants fraudulently transferred to Defendant; and (iii) grant such further relief as this Court deems just and proper.

COUNT II

(Fraudulent Transfer under § 726.106(1))

31. Plaintiff repeats, re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 20 of this Complaint as if fully set forth herein.

32. This claim is brought by the Receiver based on her standing to bring FUFTA actions pursuant to the TRO.

33. This claim seeks to set aside the transfer made to Defendant pursuant to Florida Statute § 726.106(1).

34. The Receivership Defendants did not receive a reasonably equivalent value in exchange for the transfer to Defendant.

35. The Receivership Defendants were insolvent at the time of the transfer, or became insolvent as a result of the transfers.

WHEREFORE, the Receiver respectfully requests that the Court (i) set aside the transfer of \$38,460.78 from the Receivership Defendants to Defendant and, if necessary, impose a constructive trust and/or equitable lien on the funds or other assets traceable to such transfers; (ii) enter a money judgment against Defendant in the amount of \$38,460.78, representing the amount that the Receivership Defendants fraudulently transferred to Defendant; and (iii) grant such further relief as this Court deems just and proper.

COUNT III
(Unjust Enrichment)

36. Plaintiff repeats and re-alleges and incorporate by reference the allegations set forth in paragraphs 1 through 20 of this Complaint as if fully set forth herein.

37. This is a claim for unjust enrichment against Defendant Weston Hills. This claim is asserted as an alternative assuming the statutory remedy in Section 726, Florida Statutes, does not provide an adequate remedy at law.

38. The Receivership Defendants transferred \$38,460.78 to Defendant.

39. The funds that Defendant received and accepted conferred benefits upon Defendant.

40. It is inherently unfair and inequitable that the funds of other investors defrauded in the Receivership Defendants' Ponzi scheme are retained and used to personally benefit entities

such as Defendant, rather than being returned to the Receivership Estate for the benefit of all of the defrauded investors.

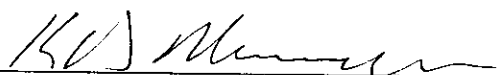
41. As a direct and proximate result of Defendant's retention of the \$38,460.78 that the Receivership Defendants fraudulently transferred to Defendant, the Receivership Estate has been diminished, and, under the circumstances, equity dictates that Defendant return the funds it received from the Receivership Defendants, and any assets acquired with those funds, to the Receiver for the benefit of all of the defrauded investors.

WHEREFORE, the Receiver respectfully requests that the Court (i) set aside the transfer of \$38,460.78 from the Receivership Defendants to Defendant and, if necessary, impose a constructive trust and/or equitable lien on the funds or other assets traceable to such transfers; (ii) enter a money judgment against Defendant in the amount of \$38,460.78, representing the amount that the Receivership Defendants fraudulently transferred to Defendant; and (iii) grant such further relief as this Court deems just and proper.

Dated this 29TH day of October, 2009.

Respectfully submitted,

DAMIAN & VALORI, LLP
Counsel for Receiver Melanie E. Damian, Esq.
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JS 44 (Rev. 11/05)

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 is provided 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.**

09-61731

I. (a) PLAINTIFFS

Melanie E. Damian, as Receiver for the Estate of Sean Healy

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

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

Damian & Valori, LLP
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131 - Telephone: 305.371.3960

09-CV-61731-Lenard/Garber

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE

DEFENDANTS

WHCC, LLC d/b/a WESTON HILLS COUNTRY CLUB

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

NOTES IN LAND CONDEMNATION CASES: USE THE LOCATION OF THE TRACT LAND INVOLVED. FILED BY **D.C.** INTAKE

Attorneys (If Known)
Unknown

OCT 29 2009

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

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

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

- | | | | | | |
|---|---|--------------------------------|---|--------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> PTF 1 | <input type="checkbox"/> DEF 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> PTF 4 | <input type="checkbox"/> DEF 4 |
| Citizen of Another State | <input 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"/> 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	<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	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<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	<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	<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	<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 <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	<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

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 **Patricia Ann Seitz**

DOCKET NUMBER **09-61046-MC-SEITZ/O'SULLIVAN**

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):

LENGTH OF TRIAL via **3-5** 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
DEMAND \$ 38,460.78

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

[Signature] **10-29-09**

FOR OFFICE USE ONLY

AMOUNT **350.00**

RECEIPT # **1011016**

IFP

10/29/09