

SUPREME COURT OF THE STATE OF NEW YORK

UCS-840C
3/2011

COUNTY OF ERIE _____ x

Index No. 814682/2023 _____

People of the State of New York,
by Letitia James, Attorney General of the State of New York
-against- Plaintiff(s)/Petitioner(s)

RJI No. (if any) _____

PepsiCo, Inc.; Frito-Lay, Inc.; and, Frito-Lay North America, Inc.
Defendant(s)/Respondent(s) _____ x

COMMERCIAL DIVISION
Request for Judicial Intervention Addendum

COMPLETE WHERE APPLICABLE [add additional pages if needed]:

Plaintiff/Petitioner's cause(s) of action [check all that apply]:

- Breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g. unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (e.g. sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices)
- Transactions governed by the Uniform Commercial Code (exclusive of those concerning individual cooperative or condominium units)
- Transactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only
- Shareholder derivative actions — without consideration of the monetary threshold
- Commercial class actions — without consideration of the monetary threshold
- Business transactions involving or arising out of dealings with commercial banks and other financial institutions
- Internal affairs of business organizations
- Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters
- Environmental insurance coverage
- Commercial insurance coverage (e.g. directors and officers, errors and omissions, and business interruption coverage)
- Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures — without consideration of the monetary threshold
- Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues — without consideration of the monetary threshold

Plaintiff/Petitioner's claim for compensatory damages [exclusive of punitive damages, interest, costs and counsel fees claimed]:

\$ Tens of Millions, based on purported relief sought by Plaintiff _____

Plaintiff/Petitioner's claim for equitable or declaratory relief [brief description]:

Declaration that pollution in Buffalo River is a public nuisance that Defendants contributed to and continue to contribute to;
requiring Defendants to take action to abate such alleged nuisance; compelling Defendants to review and alter business practices
in relation to same; enjoining Defendants to add warning on packaging; enjoining Defendants from using certain forms of packaging;
declaring that Defendants violated GBL 349, and enjoining Defendants' conduct thereunder

Defendant/Respondent's counterclaim(s) [brief description, including claim for monetary relief]:

I REQUEST THAT THIS CASE BE ASSIGNED TO THE COMMERCIAL DIVISION. I CERTIFY THAT THE CASE MEETS THE JURISDICTIONAL REQUIREMENTS OF THE COMMERCIAL DIVISION SET FORTH IN 22 NYCRR § 202.70(a), (b) AND (c).

Dated: 12 / 19 / 2023

/s/ James P. Domagalski

SIGNATURE

James P. Domagalski

PRINT OR TYPE NAME