

JUDGE PAULEY

CIVIL COVER SHEET

This cover sheet is to be filed with the information contained herein neither replaces nor supplements the filing and service of the complaint. **** Example of Class Action ****

PLAINTIFFS
TOM CUMMINS, Individually and on Behalf of All Others Similarly Situated

DEFENDANTS
VIRTUS INVESTMENT PARTMENTS INC., GEORGE R. AYLWARD,
MICHAEL A. ANGERTHAL, FRANCIS G. WALTMAN and MARK S. FLYNN

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
ZAMANSKY LLC
50 Broadway, 32nd Floor, New York, NY 10004
(212) 742-1414

ATTORNEYS (IF KNOWN)
15 CV 1249

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(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Securities Exchange Act of 1934, Sections 10(b) and 20(a)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL	[] 625 DRUG RELATED
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	INJURY/PRODUCT LIABILITY	SEIZURE OF PROPERTY
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	21 USC 881
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 690 OTHER
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT	
OVERPAYMENT &	EMPLOYERS'	LIABILITY	
ENFORCEMENT	LIABILITY	PERSONAL PROPERTY	
OF JUDGMENT	[] 340 MARINE	[] 370 OTHER FRAUD	
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 371 TRUTH IN LENDING	
[] 152 RECOVERY OF	LIABILITY		
DEFAULTED	[] 350 MOTOR VEHICLE		
STUDENT LOANS	[] 355 MOTOR VEHICLE		
(EXCL VETERANS)	PRODUCT LIABILITY		
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR
OVERPAYMENT	INJURY	PROPERTY DAMAGE	[] 710 FAIR LABOR
OF VETERAN'S	[] 362 PERSONAL INJURY -	PRODUCT LIABILITY	STANDARDS ACT
BENEFITS	MED MALPRACTICE		[] 720 LABOR/MGMT
[] 160 STOCKHOLDERS			RELATIONS
SUITS			[] 740 RAILWAY LABOR ACT
[] 190 OTHER			[] 751 FAMILY MEDICAL
CONTRACT			LEAVE ACT (FMLA)
[] 195 CONTRACT	ACTIONS UNDER STATUTES	PRISONER PETITIONS	FEDERAL TAX SUITS
CONTRACT	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	[] 870 TAXES (U.S. Plaintiff or
PRODUCT	[] 440 OTHER CIVIL RIGHTS	[] 510 MOTIONS TO	Defendant)
LIABILITY	(Non-Prisoner)	VACATE SENTENCE	[] 871 IRS-THIRD PARTY
[] 196 FRANCHISE		28 USC 2255	26 USC 7609
		[] 530 HABEAS CORPUS	[] 893 ENVIRONMENTAL
		[] 535 DEATH PENALTY	MATTERS
		[] 540 MANDAMUS & OTHER	[] 895 FREEDOM OF
			INFORMATION ACT
			[] 896 ARBITRATION
			[] 899 ADMINISTRATIVE
			PROCEDURE ACT/REVIEW OF
			APPEAL OF AGENCY DECISIO
			[] 950 CONSTITUTIONALITY O
			STATE STATUTES
REAL PROPERTY		IMMIGRATION	
[] 210 LAND	[] 441 VOTING	[] 462 NATURALIZATION	
CONDEMNATION	[] 442 EMPLOYMENT	APPLICATION	
[] 220 FORECLOSURE	[] 443 HOUSING/ ACCOMMODATIONS	[] 465 OTHER IMMIGRATION	
[] 230 RENT LEASE &	[] 445 AMERICANS WITH	ACTIONS	
EJECTMENT	DISABILITIES -		
[] 240 TORTS TO LAND	EMPLOYMENT		
[] 245 TORT PRODUCT	[] 446 AMERICANS WITH		
LIABILITY	DISABILITIES -OTHER		
[] 290 ALL OTHER	[] 448 EDUCATION		
REAL PROPERTY			

Check if demanded in complaint:

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

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2 Removed from State Court
 - a. all parties represented
 - b. At least one party is pro se.
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- 1 U.S. PLAINTIFF
- 2 U.S. DEFENDANT
- 3 FEDERAL QUESTION (U.S. NOT A PARTY)
- 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] DEF []	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] DEF []	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] DEF []
CITIZEN OF ANOTHER STATE	[] PTF [] DEF []	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] PTF [] DEF []	FOREIGN NATION	[] PTF [] DEF []

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)
 TOM CUMMINS
 c/o Zamansky LLC
 50 Broadway, 32nd Floor, New York, NY 10004
 New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)
 VIRTUS INVESTMENT PARTNERS Inc., and All Defendants
 c/o Virtus Investment Partners Inc.
 1540 Broadway
 New York, NY 10036
 New York County

DEFENDANT(S) ADDRESS UNKNOWN
 REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE: 2/20/15
 SIGNATURE OF ATTORNEY OF RECORD: EDWARDS H. GUBIN JR.

ADMITTED TO PRACTICE IN THIS DISTRICT
 NO
 YES (DATE ADMITTED Mo. 9 Yr. 2002)
 Attorney Bar Code # EG-0042

Magistrate Judge is to be designated by the Clerk of the Court.
 Magistrate Judge _____ is so Designated.
 Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.