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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

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CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: [Signature]  
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**S A 1 0 C A 0 9 8 1**  
CASE NO. \_\_\_\_\_ **XR**

ELEANOR Z. RABIN, an individual,

Plaintiffs,

v.

DOUGLAS A. MCCLAIN, SR., an individual, ARGYLL BIOTECHNOLOGIES, LLC, a Texas limited liability company, and JAMES T. MICELI, an individual.

Defendants.

**COMPLAINT FOR:**

- 1) **VIOLATION OF SECURITIES EXCHANGE ACT;**
- 2) **FRAUD AND FRAUD IN THE INDUCEMENT;**
- 3) **BREACH OF CONTRACT;**
- 4) **VIOLATION OF RICO;**
- 5) **CONSPIRACY TO VIOLATE RICO; and**
- 6) **CIVIL CONSPIRACY;**

Now comes the plaintiff ELEANOR Z. RABIN (collectively, "PLAINTIFF") and for her complaint against ARGYLL BIOTECHNOLOGIES, LLC, JAMES T. MICELI, DOUGLAS A. MCCLAIN, SR., (collectively, "DEFENDANTS") and state as follows:

**Parties**

- 1. Plaintiff, Eleanor Z. Rabin ("RABIN"), is a resident of Florida.
- 2. Immunosyn Corporation ("IMMUNOSYN"), is a Delaware corporation with its principal place of business at 10815 Rancho Bernado Road, Suite 101, San Diego, California.
- 3. Defendant, Argyll Biotechnologies, LLC ("ARGYLL BIOTECH"), is a Texas limited liability company with its principal place of business at 10815 Rancho Bernado Road, Suite 101, San Diego, California.
- 4. Defendant, James T. Miceli ("MICELI"), is a resident of California. MICELI is the Chief Executive Officer of ARGYLL BIOTECH and has done business in the State of Texas during the relevant time frame.
- 5. Defendant, Douglas A. McClain, Sr. ("MCCLAIN, SR.") is a resident of Texas.

MCCLAIN SR. is an owner and/or controlling person with respect to ARGYLL BIOTECH and holds himself out to be ARGYLL BIOTECH's Chief Science Officer.

6. Douglas A. McClain, Jr. ("MCCLAIN, JR.") is a resident of Georgia.

MCCLAIN, JR. is owner and/or controlling person of ARGYLL BIOTECH and holds himself out to be an officer of IMMUNOSYN.

#### **Jurisdiction and Venue**

7. This action is brought personally by PLAINTIFFS pursuant to the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. § 78m, 78r and 78t and RICO statute 18 U.S.C. § 1964 *et seq.* Jurisdiction of this court and venue in this district are proper pursuant to 15 U.S.C. § 78aa and 18 U.S.C. § 1964 *et seq.* Further, jurisdiction is conferred under 15 U.S.C. § 1332(a)(1) because PLAINTIFFS and DEFENDANTS are citizens of different states and the amount in controversy exceeds \$75,000 in damages.

#### **Background of the Defendants and Corporate Entities**

8. On or about January 15, 1999, MICELI, MCCLAIN, SR. and MCCLAIN, JR. entered into a written partnership agreement, "for the purpose of devising, creating, designing, pursuing, formulating, enacting and engaging in all companies, corporations, partnerships or legal entities which are or have been or will be used by the parties for the purpose of creating any income or tangible item recognized as having value foreign or domestic" with a term of "fifteen years." (hereinafter the "Partnership Agreement").

9. On or about August 26, 1999, MICELI was convicted of felony money laundering, forgery, perjury and theft over \$100,000 in the State of Illinois.

10. MCCLAIN, JR., SR., MCCLAIN and MICELI worked together at International Profit Associates ("IPA") in Illinois.

11. Through IPA, MCCLAIN SR. became involved with a public entity known as Nextpath Technologies. MCCLAIN SR. was able to obtain and sell a large volume of shares of Nextpath Technologies to unsuspecting investors, based on false information concerning the company, for approximately \$6,000,000.

12. MCCLAIN SR. received funds and/or distributed Nextpath Technologies stock certificates through the US mail or other carriers interstate to unsuspecting investors.

13. MCCLAIN SR. communicated with prospective investors over the telephone interstate, to convince and deceive them into purchasing Nextpath Technologies stock.

14. Salvatore and Frank Bramante (hereinafter the "Bramantes") were investors duped by MCCLAIN SR. to buy Nextpath Technologies stock based upon false and misleading information.

15. The Bramantes were promised unrestricted stock in Nextpath Technologies, a public company, but after much delay, were provided with restricted stock by MCCLAIN, SR.

16. The Bramantes sued MCCLAIN, SR. in United States District Court for the District of Massachusetts and obtained judgment against him for about \$4,500,000.

17. After MCCLAIN, SR.'s involvement with Nextpath Technologies, MCCLAIN, SR., MCCLAIN, JR. and MICELI left IPA and worked together in an entity called FIT Management.

18. Money from the sale of Nextpath Technologies stock was used to finance the start of FIT Management. FIT Management financed the start of Argyll Equities, LLC.

19. As a result of numerous civil judgments against FIT Management and/or MCCLAIN, SR., MCCLAIN, SR. did not publically own Argyll Equities, but instead operated for the company as a consultant and secret owner.

20. Argyll Equities had the appearance of a legitimate financial/stock lender, but operated more akin to a Ponzi scheme, as described in a lawsuit brought by Gerald W. Schlieff, Southern District of Texas, Houston Division, C.A. No. 08-cv-2128. The Gerald W. Schlieff lawsuit alleges that MICELI, MCCLAIN SR. and others violated the Racketeer Influenced and Corrupt Organizations Act ("RICO") and committed numerous racketeering activities.

21. Argyll Equities was used to defraud several borrowers and/or companies, including but not limited to Gerald W. Schlieff, Siko Venture Limited, Louis D. Paolino, Jr., and Servicios Directivos Servia, S.A. de C.V. Each of these persons/entities brought civil lawsuits

against Argyll Equities.

22. Upon information and belief, numerous unsatisfied civil judgments exist against Argyll Equities, FIT Management, and MCCLAIN, SR. for fraud, the Ponzi scheme described in the Gerald Schlieff Complaint, securities fraud and/or stock lending fraud.

23. During Argyll Equities' demise as a allegedly reputable and financially stable company, through numerous lawsuits and judgments entering against it, Argyll Equities' financed the start up of ARGYLL BIOTECH.

24. ARGYLL BIOTECH and/or Argyll Equities financed the start up of IMMUNOSYN and financially control IMMUNOSYN.

25. At all relevant time hereto, ARGYLL BIOTECH claimed to own, develop, and promote a drug called SF-1019.

26. At all relevant times hereto, IMMUNOSYN claimed in its SEC filings and website to own the exclusive rights to market and sell SF-1019.

27. Similar to MCCLAIN, SR.'s false and misleading promotion and sale of Nextpath Technologies stock, the DEFENDANTS have engaged in the false and misleading promotion of IMMUNOSYN stock, for financial gain, to the detriment of others.

28. The DEFENDANTS have been promoting IMMUNOSYN stock through various mediums so that they may sell their own stock at a great profit, while investors, such as PLAINTIFF were unable to sell their stock because it was not delivered as promised.

29. Upon information and belief, the DEFENDANTS, personally, through various agents, and through entities that they control, have sold IMMUNOSYN stock from April 2007 through the present totaling more than \$14,000,000.

30. MICELI and MCCLAIN, SR. have been personally involved in the development of media statements and promotional statements made on their companies' websites concerning SF-1019.

31. MICELI, MCCLAIN, SR., and MCCLAIN, JR. control ARGYLL EQUITIES, ARGYLL BIOTECH and IMMUNOSYN.

32. MICELI, MCCLAIN, SR., and MCCLAIN, JR. have financially stripped Argyll Equities and ARGYLL BIOTECH of assets purposely and through the judgments rendered against said companies due to their active fraud. Prior to leaving Argyll Equities and ARGYLL BIOTECH “judgment proof,” said entities were used by MICELI and MCCLAIN, SR. to commit fraud upon the PLAINTIFF.

33. With respect to the operation of Argyll Equities and ARGYLL BIOTECH, MICELI, MCCLAIN, SR., and MCCLAIN, JR. have failed to follow corporate formalities, segregate their personal assets from business assets, and make required tax filings for money received by them from the companies and money paid to employees, consultants, and 1099 labor.

34. MICELI, MCCLAIN, SR., and MCCLAIN, JR. are the alter egos of Argyll Equities and ARGYLL BIOTECH.

#### **The Fraud Upon the Plaintiff**

35. In 2006, MCCLAIN, SR. enlisted the help of Leo From, PLAINTIFF’S boyfriend, to sell IMMUNOSYN stock.

36. MCCLAIN, SR., MICELI, and MCCLAIN, JR. devised a scheme wherein they would associate with and befriend persons in local communities to sell IMMUNOSYN stock. The salespersons or agents they associated with were not licensed stock brokers or salesperson, simply people who could draw upon their connections and friendships to sell stock in a hyped up new company called IMMUNOSYN.

37. Two persons enlisted by MICELI, MCCLAIN, SR. and MCCLAIN, JR. to sell stock were Dr. Jochen Brenner and Mr. Leo From.

38. The scheme to sell stock was as follows: MICELI, MCCLAIN, SR. and/or MCCLAIN, JR. would convince a local “agent” to accept stock as a gift or an advance from one of the entities holding said stock for their benefit. The stock would be sold by the local agent and the funds transferred to MICELI, MCCLAIN, SR. and/or their companies. The local agent would be gifted stock as his commission or in certain instances the agent retained some of the

proceeds from the sale of stock or could sell the stock he was gifted.

39. The scheme allowed MICELI, MCCLAIN, SR. and MCCLAIN, JR. to have agents convince their friends and family to buy stock, relying upon their trust and relationships to complete the deal, while they fed the local agent “hype” about the stock that the local agent could repeat and “hype” to friends and family, the local agent receiving a healthy commission to convince people to buy the stock.

40. This “agent” network extended the reach of the DEFENDANTS to sell stock and also insulated them from directly committing fraud. Most people who bought stock never talked to MICELI, MCCLAIN, SR. and MCCLAIN, JR., but MICELI, MCCLAIN, SR. and MCCLAIN, JR. received all or some of the money from these individuals buying stock.

41. The use of agents to sell gifted stock also prevented MICELI, MCCLAIN, SR. and MCCLAIN, JR., as insiders of IMMUNOSYN, from having to disclose the sale of stock as insiders and also insulated them from having to report the taxable capital gains from the sale of these securities.

### **COUNT I – THE EXCHANGE ACT**

(Against MCCLAIN, SR., and ARGYLL BIOTECHNOLOGIES)

42. PLAINTIFF hereby incorporates and restates herein the foregoing paragraphs 1-41 as if fully stated herein.

43. PLAINTIFF is a senior citizen who suffers from Charcot-Marie-Tooth (CMT).

44. PLAINTIFF found out about IMMUNOSYN stock and SF-1019 through her boyfriend who was selling SF-1019 for MCCLAIN, SR. and/or Argyll Biotechnologies, LLC. She learned from her boyfriend that IMMUNOSYN would own and sell SF-1019 to the public.

45. PLAINTIFF heard from her boyfriend, Leo From, about the positive news concerning SF-1019 and how it could help with various diseases.

46. Suffering from CMT, PLAINTIFF, living in Florida, telephoned MCCLAIN, SR. during December 2006, to learn if SF-1019 would help her medical condition. MCCLAIN, SR. told PLAINTIFF that SF-1019 should most certainly help her and that he would send her some

vials of SF-1019 for a doctor to administer to her. He also told her that SF-1019 had FDA approval in Utah.

47. PLAINTIFF also asked MCCLAIN, SR. if she could buy stock in the company. MCCLAIN, SR. told PLAINTIFF that she could buy stock. PLAINTIFF understood that MCCLAIN, SR. worked for ARGYLL BIOTECH and that his family owned the company.

48. During December 2006, PLAINTIFF, calling from Florida, informed MCCLAIN, SR. via telephone that she was selling her condo and that she would receive about \$80,000 from the sale that she would like to invest in order to obtain enough money to buy another home. MCCLAIN, SR. said that she could buy 80,000 shares with \$80,000 and that she would become a millionaire because the stock was going to come out on the NASDAQ at \$15.00 per share.

49. During this phone call, PLAINTIFF informed MCCLAIN, SR. that the \$80,000 was all the money she had in the world and that she was looking to MCCLAIN, SR. for guidance that it was right thing to do so that she could use the profits to buy a new home. MCCLAIN, SR. said it was guaranteed safe.

50. During this phone call, MCCLAIN, SR. also told PLAINTIFF that he would send the stock certificates to her before the stock went public as long as she sent him the money.

51. PLAINTIFF was told by MCCLAIN, SR. to send the money to an account in his mother's name, Muriel McClain. PLAINTIFF agreed and sent \$80,000 in early 2007 (\$50,000 on January 9, 2007 and \$30,000 on January 23, 2007) to MCCLAIN, SR.'s mothers bank account.

52. MCCLAIN, SR. received PLAINTIFF's \$80,000 prior to IMMUNOSYN going public, but he failed to send her the stock certificates until January/February 2008, long after IMMUNOSYN went public.

53. After receiving PLAINTIFF'S money, MCCLAIN, SR. told the PLAINTIFF that he did not send her the shares right away because he did not want her to sell them on the open market.

54. By the time PLAINTIFF received the IMMUNOSYN corporation stock it had dropped from the opening price of \$15 per share to a few dollars per share.

55. PLAINTIFF sold a small number of shares almost immediately after receipt, but she was informed by MCCLAIN, SR. during early 2008 that the stock was going to go back to \$15 a share because they were going to obtain the FDA approval for the entire country, which she was previously told was already obtained for Utah, and that they were obtaining approval for sale of SF-1019 in Malaysia, so she held onto the stock and did not sell it at that time.

56. During 2008, PLAINTIFF was regularly communicating with MCCLAIN, SR., who expressed that she should not sell her shares and she was fearful that MCCLAIN, SR. would become angry with her if she sold her shares against his instruction.

57. Being desperate for money, PLAINTIFF ultimately sold her remaining stock for about \$0.12 cents per share on the OTC, said stock never being listed on the NASDAQ and never receiving FDA approval anywhere, her overall loss equaling about \$65,000.

58. PLAINTIFF's boyfriend, Leo From, passed away in November 2008 and she has been homeless and dependent upon others for financial assistance since his death.

59. MCCLAIN, SR. fraudulently induced PLAINTIFF into agreeing to purchase stock in IMMUNOSYN by directly representing that she would become a millionaire because the stock would open at \$15.00 per share on the NASDAQ and by telling her, directly and through his agent, Leo From, that SF-1019 had FDA approval in Utah.

60. MCCLAIN, SR. told PLAINTIFF that she would get her shares of stock in advance of the stock going public and PLAINTIFF reasonably relied upon MCCLAIN, SR.'s representation in buying said stock, so that she could sell it for \$15.00 per share when it went public on the NASDAQ. PLAINTIFF also reasonably relied upon MCCLAIN, SR.'s representation, through is agent, that SF-1019 had FDA approval in Utah, and was going to be listed on the NASDAQ, both of which MCCLAIN, SR. knew to be untrue at the time he made said representations.

61. MCCLAIN, SR. breached his agreement to send PLAINTIFF the stock she purchased prior to it going public and he knowingly did not send her the shares she bought in order to prevent the sale of said stock to protect the stock price for his own benefit and the benefit of the other majority stock holders, MICELI, MCCLAIN, JR. and ARGYLL BIOTECH.

62. As a result of MCCLAIN, SR. failing to send PLAINTIFF her stock prior to IMMUNOSYN going public, she was unable to sell it at \$15 per share or the price said stock was being sold for on the opening day of trading.

63. PLAINTIFF has suffered damages in an amount approaching \$1,200,000 (\$15 per share for 80,000 shares).

64. ARGYLL BIOTECH is liable to the PLAINTIFF to the same extent as MCCLAIN, SR. as his alter ego and under a theory of respondeat superior.

WHEREFORE, Plaintiff prays for damages against Douglas A. McClain, Sr. and Argyll Biotechnologies, LLC in an amount to be proven at trial, plus costs, interest and attorneys fees.

## **COUNT II – FRAUD AND FRAUD IN THE INDUCEMENT**

(Against MCCLAIN, SR. and ARGYLL BIOTECH)

65. PLAINTIFF hereby incorporate and restate herein the foregoing paragraphs 1-64 as if fully stated herein.

66. In violation of common law or statute, MCCLAIN, SR., made several misrepresentations to PLAINTIFF in Florida via telephone during December 2006 to January 2007 concerning when he would send PLAINTIFF her stock, the fact that she would become a millionaire, that SF-1019 cured various diseases, that SF-1019 had FDA approval in Utah, and that IMMUNOSYN stock would be listed on the NASDAQ in order to induce PLAINTIFF to purchase IMMUNOSYN stock from him.

67. The representations made by MCCLAIN, SR. were false or misleading when made and he knew them to be false, because: 1) MCCLAIN, SR. did not intend on sending PLAINTIFF her stock prior to IMMUNOSYN going public, 2) SF-1019 has never had FDA approval in Utah or anywhere, 3) it has not been proven that SF-1019 cures any diseases, and 4)

IMMUNOSYN stock was never listed on the NASDAQ.

68. If PLAINTIFF had not been provided with false and/or misleading information by MCCLAIN, SR., she would not have purchased IMMUNOSYN stock.

69. PLAINTIFF reasonably relied upon MCCLAIN, SR.'s material representations in purchasing and continuing to hold IMMUNOSYN stock.

70. As a result of the purchase of stock in IMMUNYSON, PLAINTIFF lost \$65,000 and suffered about \$1,200,000 in lost profits.

71. The conduct of MCCLAIN, SR., as alleged above, was oppressive, fraudulent and malicious and was committed willfully and/or with reckless disregard for the rights of PLAINTIFF, and without just cause or excuse. Accordingly, PLAINTIFF is entitled to exemplary damages in an amount to be determined at trial.

WHEREFORE, Plaintiff prays for damages against Douglas A. McClain, Sr. and Argyll Biotechnologies, LLC in an amount to be proven at trial, plus costs, interest, attorneys' fees, and exemplary damages.

### **COUNT III – BREACH OF CONTRACT**

(Against ARGYLL BIOTECH and MCCLAIN, SR.)

72. PLAINTIFFS hereby incorporate and restate herein the foregoing paragraphs 1-71 as if fully stated herein.

73. PLAINTIFF and MCCLAIN, SR. orally agreed that she would pay \$80,000 in exchange for IMMUNOSYN stock that would be sent her prior to it going public so that she could sell it on the opening day at \$15 per share.

74. MCCLAIN, SR. did breach the oral agreement by failing and/or refusing to send PLAINTIFF her IMMUNOSYN stock until months after it went public.

75. PLAINTIFF was unable to sell her stock at \$15 per share as she anticipated based upon the representations of MCCLAIN, SR.

76. PLAINTIFF has suffered damages as a result of MCCLAIN, SR.'s failure to deliver said stock timely, including direct damages and lost profits in the amount of about \$1,200,000.

WHEREFORE, Plaintiff prays for damages against Douglas A. McClain, Sr. and Argyll Biotechnologies, LLC in an amount to be proven at trial, plus costs, interest, consequential damages and lost profits.

#### **COUNT IV – VIOLATION OF RICO**

(Against MICELI and MCCLAIN, SR.)

77. PLAINTIFFS hereby incorporate and restate herein the foregoing paragraphs 1-76 as if fully stated herein.

78. MICELI, MCCLAIN, SR. and MCCLAIN, JR., operate as an enterprise through various entities as described *supra* and through their association and agreement to make money through the sale of IMMUNOSYN stock and otherwise.

79. MICELI, MCCLAIN, SR. and MCCLAIN, JR., have engaged in a pattern of racketeering activity, to the detriment of others, including PLAINTIFF.

80. MICELI, MCCLAIN, SR. and MCCLAIN, JR., have engaged in monetary transactions (including but not limited to the creation of IMMUNOSYN and ARGYLL BIOTECH) with money derived from unlawful activities and/or racketeering activity in prior enterprises.

81. MICELI and MCCLAIN, SR. continue to commit unlawful activity, personally and through agents, by selling stock without a license to do so.

82. MICELI and MCCLAIN, SR. agreed to and have committed mail fraud by sending stock to more than two individuals, including PLAINTIFF, based upon false representations.

83. MICELI and/or MCCLAIN, SR. mailed PLAINTIFF her stock during late January/early February 2008 in furtherance of the fraud committed upon her.

84. MICELI separately mailed during May 2007 Immunosyn stock certificates to both David Irwin and Robert Albergo, both residents of Florida, individuals alleging fraud in the sale of stock to them by MICELI, MCCLAIN, SR. and others.

85. MICELI acted in furtherance of MCCLAIN, SR.'s wrongful conduct described herein by supplying the stock that MCCLAIN, SR. was selling in IMMUNOSYN and by sharing in the profits from the sale of stock by MCCLAIN, SR. and others acting on their behalf.

86. As a result of the unlawful conduct and RICO violations committed by MICELI and MCCLAIN, SR., PLAINTIFF has been damaged.

WHEREFORE, Plaintiff prays for damages in amount to be proven at trial as against James T. Miceli and Douglas A. McClain, Sr. including but not limited to compensatory damages, lost profits, treble damages, interest, costs and attorneys fees.

#### **COUNT V – CONSPIRACY TO VIOLATE RICO**

(Against MICELI and MCCLAIN, SR.)

87. PLAINTIFF hereby incorporate and restate herein the foregoing paragraphs 1-86 as if fully stated herein.

88. RICO prohibits any person from conspiring to violate RICO.

89. MICELI, MCCLAIN, SR. and MCCLAIN, JR. had agreements and/or understandings with each other to engage in racketeering activities.

90. MICELI, MCCLAIN, SR. and MCCLAIN, JR. have committed racketeering activities.

91. Plaintiff has been harmed by MICELI and MCCLAIN, SR.'s conspiracy to violate RICO and have suffered actual damages.

92. As a result of MICELI and MCCLAIN, SR.'s unlawful conspiracy to commit RICO violations, Plaintiff has suffered damages.

WHEREFORE, Plaintiff prays for damages in amount to be proven at trial as against James T. Miceli and Douglas A. McClain, Sr. including but not limited to compensatory damages, lost profits, treble damages, interest, costs and attorneys fees.

**COUNT VI – CIVIL CONSPIRACY**

(Against MICELI and MCCLAIN, SR.)

93. PLAINTIFF hereby incorporates and restate herein the foregoing paragraphs 1-92 as if fully stated herein.

94. MICELI, MCCLAIN, SR. and MCCLAIN, JR. had agreements and/or understandings with each other to sell stock to unsuspecting investors, such as PLAINTIFF, based upon false pretenses.

95. MICELI and MCCLAIN, SR. have committed acts in furtherance of the fraud committed upon PLAINTIFF, including receiving money from the PLAINTIFF and/or mailing stock certificates to the PLAINTIFF.

96. PLAINTIFF has been harmed by MICELI and MCCLAIN, SR.'s conspiracy to commit fraud upon her.

97. During October 2010, PLAINTIFF read the complaint filed in the matter styled Denise Campbell v. James T. Miceli et al. which caused her to realize that fraud had been committed upon her and to seek legal assistance from counsel.

98. Given that the fraud was concealed from PLAINTIFF, the statute of limitations should be tolled in this matter. Florida law should apply since PLAINTIFF was always in Florida during the matters described in this complaint.

99. Further, given that MCCLAIN, SR. and MICELI, committed fraud upon the PLAINTIFF, a senior citizen, taking funds from the sale of her primary residence and intended for the purchase of her primary residence, she is entitled to an award of punitive damages.

WHEREFORE, Plaintiff prays for damages in amount to be proven at trial as against James T. Miceli and Douglas A. McClain, Sr. including but not limited to compensatory damages, lost profits, penal damages, interest, costs and attorneys fees.

Respectfully submitted,  
*/s/ Gershon D. Cohen*



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GERSHON D. COHEN  
Local Counsel  
State Bar No. 04508325  
1250 N.E. Loop 410, Suite 234  
San Antonio, TX 78209  
(210) 748-8505 – Tel.  
(210) 832-8003 - Fax  
Email: gershon.cohen@gmail.com

JS 44 (Rev. 12/07)

**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.)

**I. (a) PLAINTIFFS**

*ELEANORA Z. RABIN*  
 (b) County of Residence of First Listed Plaintiff FLORIDA  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**DEFENDANTS**

*DOUGLAS A. MULLAIN, SA  
 AAGVLL BIOTECHNOLOGIES, LLC  
 SAMUEL T. MILELI*  
 County of Residence of First Listed Defendant BEXAR  
 (IN U.S. PLAINTIFF CASES ONLY)

**SA 10CA 0981 XR**  
 ATTORNEYS (IF KNOWN) *NOT KNOWN*

(c) Attorney's (Firm Name, Address, and Telephone Number)  
*GETASNOW D. COHEN SAT  
 1250 NE LOOP 410 #234 7809*

**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)

- (For Diversity Cases Only)
- |   |                                       |   |   |                                |                                |
|---|---------------------------------------|---|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1        | DEF <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2                | Incorporated and 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     |

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

CONTRACT	FORTS	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	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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 checked="" 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	IMMIGRATION
<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 <b>Habeas Corpus:</b> <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"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 462 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 checked="" 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

**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
  - 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
*SECURITIES EXCHANGE ACT OF 1934, 15 USC 78m 781*  
 Brief description of cause:  
*SECURITIES FRAUD 781*

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  
 DEMAND \$ *17,000,000*  
 CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE *NOT APPLICABLE see exhibit A* DOCKET NUMBER \_\_\_\_\_

DATE *12/3/2010* SIGNATURE OF ATTORNEY OF RECORD *Getasnow D. Cohen*

FOR OFFICE USE ONLY: RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**MJ-NSN**

**EXHIBIT A**

Civil Action No. 06-CA-0010 OLG-NSN, In The United States District Court for the Western District of Texas, San Antonio Division

Frank Bramante and Salvatore Bramante, Plaintiffs

v.

Douglas A. McClain, Sr., Douglas A. McClain, Jr., SW Argyll Investments, LLC, Yellow Jacket Management Company, Argyll Equities, LLC, F.I.T. Management, LLC A/K/A F.I.T. Management Group, LLC, F.I.T. Holdings, Ltd., B.V.I. Offshore Fund, The Fit Group, Inc., The Argyll Group, LLC, F.I.T. Equities, LLC, F.I.T. Investments, LLC, F.I.T. Capital, LLC, Argyll Management, LLC, Argyll Capital, LLC Argyll Energy, LLC, Argyll Investment, LLC, The F.I.T. Group, A Texas Limited Liability Company, Argyll Equities, LLC, Argyll Biotechnologies, LLC, Padmore Holdings, Ltd. and Debra A. McClain, Defendants,

and

First Southwest Company, et al, Trustees.

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Civil Action No. SA-10-CA-0534-OLG, In The United States District Court for the Western District of Texas, San Antonio Division

Peter Bramante, Michael Bramante, Ernest Covino, Robert Kaminski, Ernest Ramey, Christopher Bramante, and Donna M. Bramnate, Plaintiffs

v.

Douglas A. McClain, Sr., Padmore Holdings Ltd. And Burt Martin Arnold Securities, Inc., Defendants

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Civil Action No. B-09-197, In the United States District Court for the Southern District of Texas, Brownsville Division

Denise Campbell, on behalf of herself and those similarly situated, Plaintiff

v.

Immunosyn Corporation, Argyll Biotechnologies, LLC, James T. Miceli, Douglas A. McClain, Jr., Frank Morales, Argyll Equities, LLC, Stephen Ferrone, and Douglas A. McClain, Sr., Defendants

DUPLICATE

Court Name: TEXAS WESTERN  
Division: 5  
Receipt Number: 500010036  
Cashier ID: khunt  
Transaction Date: 12/07/2010  
Payer Name: GERSHON D. COHEN, ATTY.

CIVIL FILING FEE  
For: GERSHON D. COHEN, ATTY.  
Amount: \$350.00

CHECK  
Check/Money Order Num: 719  
Amt Tendered: \$350.00

Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

SA10CV981-RABIN V. MCCLAIN, ET AL.