

1 David E. Bower (SBN 119546)
2 Christopher Hayes (SBN 277000)
3 **FARUQI & FARUQI, LLP**
4 10866 Wilshire Boulevard, Suite 1470
5 Los Angeles, California 90024
6 Telephone: (424) 256-2884
7 Facsimile: (424) 256-2885
8 E-Mail: dbower@faruqilaw.com

9 *Attorneys for Plaintiffs*

BY: _____
12 APR 16 PM 3:26
CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

FILED

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 **CV12-03306** DDP(DTBx)

13 LINDA HAWKINS and GEORGE
14 STEZ on behalf of themselves and all
15 others similarly situated,
16
17 v.
18 GENERAL MILLS, INC., a Delaware
19 corporation and YOPLAIT USA, INC.,
20 a Delaware corporation and Does 1
21 through 10,
22

Case No.:

23 **CLASS ACTION COMPLAINT**

- 24 **I. Magnuson-Moss Warranty Act**
- 25 **II. Breach of Express Warranty**
- 26 **III. Unjust Enrichment**
- 27 **IV. Injunctive and Declaratory Relief**
- 28 **V. Violation of Consumer Fraud Laws of Several States**
- VI. Injunctive Relief Under California Consumer Legal Remedies Act**
- VII. Injunctive Relief Under California False Advertising Law**
- VIII. Injunctive Relief Under California Unfair Competition Laws**

JURY TRIAL DEMANDED

BY FAX

29 Plaintiffs Linda Hawkins and George Stez, ("Plaintiffs"), bring this action
30 against General Mills, Inc. ("General Mills") and Yoplait USA, Inc. ("Yoplait,"
31 collectively with General Mills, "Defendants") on behalf of themselves and all

32 **CLASS ACTION COMPLAINT**

1 others similarly situated. Plaintiffs make the following allegations upon
2 information and belief, except as to allegations specifically pertaining to
3 themselves, which are based on personal knowledge.

4 **NATURE OF THE ACTION**

5 1. This is a class action lawsuit on behalf of purchasers of Yoplait
6 Greek[®] fat free yogurt (“Yoplait Greek”), marketed by Defendants as fat free
7 Greek yogurt. In reality, Yoplait Greek is neither authentic Greek yogurt, nor
8 yogurt at all. Yoplait Greek does not comply with the standard of identity of
9 yogurt. Indeed, Yoplait Greek contains Milk Protein Concentrate (“MPC”) which
10 is not among the permissible ingredients of yogurt, non-fat yogurt, and low-fat
11 yogurt (collectively “yogurt”) as set forth under the Food, Drug, and Cosmetic Act
12 (“FDCA”), 21 C.F.R. 131.200, 21 C.F.R. 131.203 and 21 C.F.R. 131.206. Thus,
13 Yoplait Greek is a misbranded product as defined under the FDCA, 21 U.S.C.
14 §343 and the California Health and Safety Code §110710, which provides that any
15 food is misbranded if it purports to be, is represented as or is labeled as a food
16 specified in a standard of identity but fails to conform to the standard of identity.
17

18 2. Defendants marketed and sold Yoplait Greek containing significant
19 levels of MPC. By doing so, Yoplait marketed and sold a product as yogurt that
20 did comply with the applicable standard of identity for yogurt. Yoplait thus failed
21 to provide purchasers of Yoplait Greek with the yogurt they were led to believe
22 they were purchasing. Defendants engaged in unlawful and unfair conduct,
23 causing injury in fact and loss of money to Plaintiffs and other consumers who
24 purchased Yoplait Greek.

25 3. When Plaintiffs, and the Class members, purchased Yoplait Greek,
26 they relied on Defendants’ representation that the yogurt he purchased was Greek
27 yogurt. Greek yogurt is to yogurt what sour cream is to cream. Greek Yogurt is
28

1 made by straining the whey out of plain yogurt resulting in a product that is
2 thicker, creamier, richer, and more flavorful than traditional yogurt. Plaintiffs
3 then discovered that Yoplait Greek is the result of straining plain yogurt, but
4 rather it is thickened with MPC, and because MPC is not enumerated in yogurt's
5 standard of identity, it is neither yogurt nor Greek yogurt.

6 4. Plaintiffs assert claims on their own behalf and on behalf of a
7 nationwide class for violations of the Magnuson-Moss Act, 15 U.S.C. § 2301, *et*
8 *seq.*, unjust enrichment and breach of express and implied warranties. Plaintiffs
9 also assert claims on behalf of subclasses under California law for violations of
10 the California *Consumers Legal Remedies Act* ("CLRA"), Civil Code §§ 1750, *et*
11 *seq.*, *Unfair Competition Law* ("UCL"), *Business & Professions Code* §§ 17200 *et*
12 *seq.*, and *False Advertising Law* ("FAL"), and *Business & Professions Code* §§
13 17500 *et seq.*

14 **JURISDICTION AND VENUE**

15 5. This Court has subject matter jurisdiction under 28 U.S.C. § 1331
16 (federal question). This Court has supplemental jurisdiction over state law claims
17 pursuant to 28 U.S.C. § 1367.

18 6. This Court also has subject matter jurisdiction pursuant to 28 U.S.C.
19 § 1332(d)(2)(A) because this case is a class action where the aggregate claims of
20 all members of the proposed class are in excess of \$5,000,000.00, exclusive of
21 interest and costs, and Plaintiffs, as well as most members of the proposed class,
22 are citizens of states different from Defendants.

23 7. Venue is proper in this District pursuant to 28 U.S.C. §1391(a),
24 because Defendants do business in this District and the events giving rise to
25 Plaintiffs' claims occurred in this District, as is more fully set forth below.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE PARTIES

8. Plaintiff George Stez is a citizen of California who resides in Placentia, California. George Stez purchased and consumed Yoplait Greek from retail store(s) in Los Angeles and Riverside counties in California.

9. Plaintiff Linda Hawkins is a citizen of California who resides in Los Angeles, California. Linda Hawkins purchased and consumed Yoplait Greek from retail store(s) in Los Angeles California.

10. Defendant General Mills is a Delaware Corporation, with its principal place of business at One General Mills Blvd., Minneapolis, Minnesota 55426.

11. Defendant Yoplait is a Delaware Corporation, with its principle place of business at One General Mills Blvd., Minneapolis, Minnesota 55426. Yoplait is a wholly-owned subsidiary of General Mills, Inc. Yoplait manufactures, markets and sells Yoplait Greek in the United States.

FACTS COMMON TO ALL CAUSES OF ACTION

FALSE AND MISLEADING MARKETING OF YOPLAIT GREEK YOGURT

12. Greek yogurt is one of the fastest growing segments in a major food category in the United States. A 2011 UBS Investment Research report on Greek yogurt, entitled *The Rise of Greek Yogurt*¹ stated:

"The Greek yogurt segment is now driving the vast majority of yogurt growth as the yogurt category has accelerated its share gains of total

¹ Available at [http://msnbcmedia.msn.com/i/CNBC/Sections/News And Analysis/ News/ EDIT 20Englewood 20Cliffs/The 20Rise 20of 20Greek 2003-22%20\(2\).pdf](http://msnbcmedia.msn.com/i/CNBC/Sections/News And Analysis/ News/ EDIT 20Englewood 20Cliffs/The 20Rise 20of 20Greek 2003-22%20(2).pdf) (Last accessed on March 29, 2012)

1 breakfast and meal occasions. In 2008, overall yogurt category sales
2 were dominated by traditional (non-Greek) yogurt, which represented
3 98% of category sales. Since that time Greek yogurt sales have
4 increased at a 130% CAGR and now represents 19% of the overall
5 yogurt category. To put this in perspective, in the latest 52 weeks
6 ending 2/19/11, overall yogurt category sales have increased 12%
7 YOY, of which 85% was driven by a 146% increase in Greek yogurt
8 sales, while a 2% increase in traditional yogurt sales accounted for
9 only 15% of category growth.”

10 13. Consumers pay a premium for Greek yogurt over the price of
11 traditional yogurt. Greek yogurts are typically more expensive in part because
12 they require more milk to produce. Greek yogurt is to yogurt what sour cream is
13 to cream. It is thicker, creamier, richer, and more flavorful. Greek Yogurt is made
14 by straining the whey out of plain yogurt using a cloth or paper bag. The resulting
15 thicker yogurt is now called Greek yogurt. Greek yogurt is higher in protein and
16 lower in sugar and carbohydrates than unstrained yogurt

17 14. In order to capitalize on the rapidly growing market for Greek
18 Yogurt, Defendants began selling Yoplait Greek in the U.S. in or about January
19 2010.

20 15. Defendants' advertisements, were directed at marketing its Yoplait
21 Greek as low fat yogurt with the beneficial attributes of Greek yogurt. For
22 example, Defendants represent that Yoplait Greek contains twice as much protein
23 per serving as a regular yogurt.
24
25
26
27
28



16. Upon information and belief, Greek yogurt now accounts for approximately 20-25% of the total U.S. yogurt market, with many consumers switching from regular yogurt to Greek yogurt because of its healthier qualities and other attributes (higher protein, lower fat, natural flavors).

17. Defendants do not strain Yoplait Greek to achieve its consistency and higher protein content. Rather, Defendants add MPC to its "Yoplait Greek" yogurt to give it a thicker consistency and higher protein count.

18. The ingredients in Yoplait Greek include Cultured Pasteurized Grade A Nonfat Milk, **Milk Protein Concentrate**, and Sugar.



19. MPC is not enumerated by the FDCA's standard of identity for yogurt, nonfat yogurt or low fat yogurt. As such, products labeled as yogurt, non-fat yogurt or low fat yogurt that contain MPC are misbranded.

20. A food which purports to be a standardized product, but contains ingredients not recognized in the standard of identity, is misbranded even if its label accurately describes the product's ingredients.

21. While Defendants label Yoplait Greek as low fat yogurt, Yoplait Greek is neither Greek Yogurt nor even yogurt.

22. A product that contains MPC cannot be lawfully labeled and sold as "yogurt."

23. Reasonable consumers do not research a product's standard of identity prior to purchasing such product. Defendants fail to disclose the fact that Yoplait Greek was not actually yogurt, because Defendants' advertisements and packaging brand Yoplait Greek as both Greek yogurt and fat free yogurt.

1 24. The mislabeling and misrepresentations made by Defendants were
2 material. A reasonable consumer's decision to purchase Yoplait Greek over
3 another Greek yogurt product would be affected by whether the Greek yogurt
4 product was actually yogurt. Defendants' conduct of labeling and marketing
5 Yoplait Greek as low fat yogurt and Greek Yogurt, is false and misleading.

6 **YOPLAIT GREEK CONTAINS MILK PROTEIN CONCENTRATE**

7
8 25. Defendants do not strain Yoplait Greek to achieve its consistency and
9 higher protein content. Rather, Defendants add MPC to its Yoplait Greek to give
10 it a thicker consistency and higher protein count.

11 26. MPC is used as an additive to certain products, including imitation
12 Greek yogurt. While there is no formal definition or standard of identity for MPC,
13 MPC is essentially a blend of dry dairy ingredients. MPC is sold in a powdered
14 form but is not powdered milk. MPC is not necessarily made from cow's milk.

15 27. The use of MPC is financially advantageous to Defendants, as its
16 addition increases the protein level of a product at a low cost, while not attributing
17 additional flavor to the product.

18 28. MPC is often imported from countries with lower food standards than
19 the United States. MPC is less expensive than other forms of dairy proteins such
20 as farm milk and nonfat dry milk.

21 29. MPC is a food additive which is not included by the FDA among
22 food additives "Generally Regarded as Safe" (GRAS) or on the FDA's Everything
23 Added to Food in the United States ("EAFUS") list of additives.

24 30. The FDA has previously warned dairy food product makers that
25 when MPC is not listed as an optional dairy ingredient in products governed by a
26
27
28

1 standard of identity, the use of MPC is not permitted and would render the product
2 mislabeled.²

3 **YOPLAIT GREEK DOES NOT SATISFY THE FDA'S STANDARD**
4 **OF IDENTITY FOR YOGURT**

5 31. California adopts the FDCA's standards of identity and uses them to
6 define and independently impose its own requirements pursuant to the Sherman
7 Laws. Cal. Health & Saf. Code § 110505.

8 32. Standards of identity define certain food products and govern the
9 ingredients that must be used, or may be used, in the manufacture of those foods.
10 The FDA sets forth the standard of identity for Yogurt which describes the
11 components and/or processes that can be used to make yogurt. The FDA's
12 standard of identity for yogurt, nonfat yogurt and low fat yogurt are found at 21
13 C.F.R. 131.200, 21 C.F.R. 131.203 and 21 C.F.R. 131.206.
14

15 33. The FDA's standard of identity for yogurt states:

16 "Yogurt is the food produced by culturing one or more of the optional dairy
17 ingredients specified in paragraph (c) of this section with the characterizing
18 bacterial culture that contains the lactic acid producing bacteria,
19 Lactobacillus Bulgaricus and Streptococcus thermophilus. One of more of
20 the other optional ingredients specified in paragraphs (b) and (d) of this
21 section may also be added."

22 21 C.F.R. 131.200(a)

23 34. 21 C.F.R. (b) concerns to the vitamins that may be added to yogurt.

24
25 ² See e.g. Warning Letter, December 18, 2002 to Kraft Foods North America Inc.
26 (available at
27 <http://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2002/ucm145363>.
28 [htm](#) last accessed March 29, 2012).

1 35. 21 C.F.R. (c) lists the optional dairy ingredients that can be added to
2 yogurt, and reads as follows:

3 "Optional dairy ingredients. Cream, milk, partially skimmed milk, or skim
4 milk, used alone or in combination."

5 21 C.F.R. 131.200(c).

6 36. 21 C.F.R. 131.200(d) lists the "other optional ingredients" that can be
7 added to yogurt:

8 "*Optional dairy ingredients.*"

9
10 (1) Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose,
11 lactalbumins, lactoglobulins, or whey modified by partial or complete
12 removal of lactose and/or minerals, to increase the nonfat solids content of
13 the food: Provided, that the ratio of protein to total nonfat solids of the food,
14 and the protein efficiency ratio of all protein present shall not be decreased
15 as a result of adding such ingredients.

16 (2) Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane;
17 invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other
18 than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose;
19 maltose sirup; dried maltose sirup; malt extract, dried malt extract; malt sirup,
20 dried malt sirup; honey; maple sugar; or any of the sweeteners listed in Part 168 of
21 this chapter, except table sirup.

22 (3) Flavoring ingredients.

23 (4) Color additives.

24 (5) Stabilizers."

25 21 C.F.R. 131.200(d).

26 37. MPC is not expressly listed or described as a permitted ingredient by
27 the applicable standards of identity for yogurt. Because Yoplait Greek includes
28 MPC, it does not satisfy the applicable standards of identity for yogurt, and thus is
neither yogurt nor Greek yogurt within the definition established by the applicable
standards of identity.

YOPLAIT GREEK IS MISBRANDED UNDER THE FDCA.

38. If a food product bearing fails to comply with its applicable standard of identity, but is nonetheless marketed and labeled as the product defined by the standard of identity, that food product is misbranded pursuant to §403(g)(1) of the FDCA 21 U.S.C. §343(g). Under the FDCA's misbranding provision, a food product is "misbranded" if:

(i) It does not conform with the applicable standard of identity; or

(ii) Its label does not bear the name of the food specified in the definition and standard.

21 U.S.C. §343(g).

39. Defendants market Yoplait Greek as low-fat Greek yogurt. Because Yoplait Greek contains MPC, it does not conform with the applicable standard of identity. Thus Yoplait Greek is misbranded under the FDCA's misbranding provision.

40. Indeed, in 2002 the FDA issued a warning letter to Kraft Foods North America, Inc. because Kraft cheese products contained MPC, an ingredient not contained in the standard of identity for that food, and where thus were misbranded within the meaning of Section 403(g)(1). The FDA stated³:

The use of [MPC] in these products constitutes a violation of Section 403(g)(1) of the Act because the products are represented as foods for which standards of identity have been prescribed by regulation and the use of milk protein concentrate in these products does not conform to the standards.

³ See e.g. Warning Letter, December 18, 2002 to Kraft Foods North America Inc. (available at <http://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2002/ucm145363.htm> last accessed March 29, 2012).

CLASS ACTION ALLEGATIONS

1
2 41. Plaintiffs bring this action on behalf of themselves and all other
3 similarly situated persons pursuant to Rule 23 of the *Federal Rules of Civil*
4 *Procedure*.

5 42. Plaintiffs seek to represent a Class defined as all persons in the
6 United States who purchased a Yoplait Greek product. Excluded from the Class
7 are persons or entities that purchased Yoplait Greek products for resale,
8 Defendants and their subsidiaries and affiliates.

9 43. Plaintiffs George Stez and Linda Hawkins further seek to represent a
10 subclass defined as all Class members who are California residents or who
11 purchased Yoplait Greek® products within the State of California (hereafter, the
12 "California Subclass").

13 44. Members of the Class and Subclasses are so numerous that joinder of
14 all members is impracticable. While the exact number of Class members is
15 presently unknown, and can only be ascertained through appropriate discovery,
16 Plaintiffs believe the members of the Class exceed hundreds of thousands, if not
17 millions of persons.
18

19 45. Common questions of law and fact exist as to all members of the
20 Class and Subclasses and predominate over any questions solely affecting
21 individual members of the Class and Subclasses. Among questions of law and
22 fact common to the Class and Subclasses are:

23 a. Whether Yoplait Greek manufactured, marketed and sold by
24 Defendants complies with the applicable standards for identity or is misbranded;

25 b. Whether MPC is an ingredient within the applicable standards of
26 identity for yogurt;
27
28

1 c. Whether Defendants expressly and/or impliedly warranted that
2 Yoplait Greek is Greek yogurt;

3 d. Whether Defendants expressly and/or impliedly warranted that
4 Yoplait Greek is Greek yogurt;

5 e. Whether Defendants breached warranties by making the
6 representations above;

7 f. Whether Defendants have been unjustly enriched as a result of their
8 unlawful business practices;

9 g. Whether Defendants' actions as described above violated the
10 Magnuson-Moss Act, 15 U.S.C. § 201, *et seq.*,

11 h. Whether Defendants' actions as described above violated the
12 California *Unfair Competition Law*, California *Business & Professions Code* §§
13 17200, *et seq.*;

14 i. Whether Defendants' actions as described above violated the
15 California *False Advertising Law*, California *Business & Professions Code* §§
16 17500, *et seq.*;

17 j. Whether Defendants' actions as described above violated the
18 California *Consumers Legal Remedies Act*, California *Civil Code* §§ 1750, *et.*
19 *seq.*;

20 k. Whether Defendants should be enjoined from continuing the above-
21 described practices; and

22 l. Whether Defendants should be required to make restitution, disgorge
23 profits, reimburse losses, pay damages and pay treble damages as a result of the
24 above described practices.
25
26
27
28

1 46. Plaintiffs' claims are typical of the claims of Class and California
2 Subclass members because Plaintiffs and each member of the Class purchased
3 Yoplait Greek and suffered a loss of money as a result of that purchase.

4 47. Plaintiffs are an adequate representative of the Class and California
5 Subclass because their interests do not conflict with the interests of the Class and
6 California Subclass members they seek to represent, they have retained competent
7 counsel experienced in prosecuting class actions, and they intend to prosecute this
8 action vigorously. The interests of Class and California Subclass will be fairly
9 and adequately protected by Plaintiffs and their counsel.

10 48. A class action is superior to all other available methods for the fair
11 and efficient adjudication of this controversy since joinder of all members is
12 impracticable. Furthermore, as the damages suffered by the individual members
13 of the Class and California Subclass may be relatively small, the expense and
14 burden of individual litigation make it impossible for members of the Class and
15 Subclass to individually redress the wrongs done to them. There will be no
16 difficulty in the management of this class action.

17
18 **COUNT I**
19 **VIOLATION OF MAGNUSON-MOSS WARRANTY ACT**
20 **(15 U.S.C. § 2301, *et seq.*)**

21 49. Plaintiffs and Class members reallege and incorporate by reference
22 each allegation set forth above and further allege as follows.

23 50. Plaintiffs bring this Count I individually and on behalf of the
24 members of the Class, against all Defendants.

25 51. Yoplait Greek products are consumer products as defined in 15
26 U.S.C. § 2301(1).

27 52. Plaintiffs and Class members are consumers as defined in 15 U.S.C.
28 § 2301(3).

1 53. Defendants are suppliers and warrantors as defined in 15 U.S.C. §
2 2301(4) and (5).

3 54. In connection with the sale of Yoplait Greek, Defendants issued
4 written warranties as defined in 15 U.S.C. § 2301(6), which warranted that the
5 products were Greek yogurt.

6 55. By reason of Defendants' breach of the express written warranties
7 stating that the products were Greek yogurt, Defendants violated the statutory
8 rights due Plaintiffs and Class members pursuant to the Magnuson-Moss Warranty
9 Act, 15 U.S.C. § 2301 *et seq.*, thereby damaging Plaintiffs and Class members.

10
11 **COUNT II**
12 **UNJUST ENRICHMENT**

13 56. Plaintiffs incorporate by reference and re-allege each and every
14 allegation set forth above as though fully set forth herein.

15 57. Plaintiffs bring this Count II individually and on behalf of the
16 members of the nationwide Class against all Defendants.

17 58. "The unjust enrichment claim can be made from common classwide
18 proof." *Westways World Travel, Inc. v. AMR Corp.*, 218 F.R.D. 223, 239 (C.D.
19 Cal. 2003) (certifying a nationwide class where plaintiffs alleged defendants were
20 unjustly enriched through a common scheme.). "Although there are numerous
21 permutations of the elements of the unjust enrichment cause of action in the
22 various states, there are few real differences. In all states, the focus of an unjust
23 enrichment claim is whether the defendant was unjustly enriched. At the core of
24 each state's law are two fundamental elements – the defendant received a benefit
25 from the plaintiffs and it would be inequitable for the defendant to retain that
26 benefit without compensating the plaintiffs. The focus of the inquiry is the same
27
28

1 in each state." *In re Mercedes-Benz Tele Aid Contract Litig.*, 257 F.R.D. 46, 58
2 (D.N.J. Apr. 24, 2009), quoting *Powers v. Lycoming Engines*, 245 F.R.D. 226,
3 231 (E.D. Pa. 2007).

4 59. Plaintiffs and Class members conferred a benefit on Defendants by
5 purchasing Yoplait Greek.

6 60. Defendants have been unjustly enriched in retaining the revenues
7 derived from Class members' purchases of Yoplait Greek, which retention under
8 these circumstances is unjust and inequitable because Defendants misrepresented
9 the facts concerning the efficacy of the product and caused Plaintiffs and the Class
10 to lose money as a result thereof.

11 61. Plaintiffs and Class members suffered a loss of money as a result of
12 Defendants' unjust enrichment because: (a) they would not have purchased
13 Yoplait Greek on the same terms if the true facts concerning those products had
14 been known; (b) they paid a price premium due to the false representations about
15 the products; and (c) Yoplait Greek was neither Greek yogurt nor yogurt as
16 defined by applicable standards of identity.

17 62. Because Defendants' retention of the non-gratuitous benefit conferred
18 on them by Plaintiffs and Class members is unjust and inequitable, Defendants
19 must pay restitution to Plaintiffs and Class members for their unjust enrichment,
20 as ordered by the Court.

21
22 **COUNT III**
23 **BREACH OF EXPRESS WARRANTY**
24

25 63. Plaintiffs repeat and reallege each and every allegation above, as if
26 set forth in full herein.
27
28

1 73. Had Plaintiffs and the members of the Class known the true facts,
2 they either would not have purchased the products or would not have been willing
3 to pay the premium price Defendants charged for the products.

4 **COUNT V**
5 **VIOLATION OF CALIFORNIA'S UNFAIR COMPETITION LAW**
6 **(Bus. & Prof. Code §§ 17200, *et seq.*)**
7 **(Injunctive Relief and Restitution Only)**

8 74. Plaintiffs and Class members hereby reallege and incorporate by
9 reference each allegation set forth above as if fully set forth herein and further
10 allege as follows:

11 75. This Count V is asserted by Plaintiffs George Stez and Linda
12 Hawkins on behalf of the California Subclass under California law.

13 76. Defendants are subject to the Unfair Competition Law ("UCL"),
14 Business & Professions Code §§ 17200, *et seq.* The UCL provides, in pertinent
15 part: "Unfair competition shall mean and include unlawful, unfair or fraudulent
16 business practices and unfair, deceptive, untrue or misleading advertising ."

17 77. Defendants also violated the "unlawful" prong of the UCL by
18 violating California's Consumers Legal Remedies Act ("CLRA") as described in
19 Count VII, below.

20 78. Defendants also violated the "unlawful" prong of the UCL by
21 violating California's False Advertising Law ("FAL") as described in Count VI,
22 below.

23 79. Defendants' conduct, described herein, violated the "unfair" prong of
24 the UCL by misrepresenting that Yoplait Greek products are Greek Yogurt.

25 80. Defendants' conduct, described herein, violated the "fraudulent"
26 prong of the UCL by misrepresenting that Yoplait Greek products are Greek
27 Yogurt.

1 81. Plaintiffs and California Subclass members suffered lost money or
2 property as a result of Defendants' UCL violations because: (a) they would not
3 have purchased Yoplait Greek on the same terms if the true facts concerning those
4 products had been known; and (b) they paid a price premium due to the false
5 representations about the products.

6 **COUNT VI**
7 **FOR VIOLATION OF CALIFORNIA'S FALSE ADVERTISING**
8 **LAW ("FAL")**
9 **(Bus. & Prof. Code §§ 17500 *et seq.*)**

10 82. Plaintiffs incorporate by reference and reallege each and every
11 allegation set forth above as though fully set forth herein.

12 83. This Count VI is asserted by Plaintiffs George Stez and Linda
13 Hawkins on behalf of the California Subclass under California law.

14 84. Defendants violated California Business & Professions Code § 17500
15 by publicly disseminating misleading and false advertisements including
16 information suggesting that Yoplait Greek products are Greek Yogurt.

17 85. Defendants' misleading and false advertisements were disseminated
18 to increase sales of Yoplait Greek.

19 86. Defendants knew or should have known their false advertisements
20 were untrue or misleading.

21 87. Furthermore, Defendants publicly disseminated the false
22 advertisements as part of a plan or scheme and with the intent not to sell Yoplait
23 Greek as advertised.

24 88. Plaintiffs and the members of the California Subclass have suffered
25 harm as a result of these violations of the FAL because: (a) they would not have
26 purchased Yoplait Greek on the same terms if the true facts concerning the
27
28

1 products had been known; and (b) Yoplait Greek is neither Greek yogurt nor
2 yogurt as defined by applicable standards of identity, as promised.

3 89. Pursuant to Business & Professions Code § 17500, Plaintiffs seek an
4 order of this Court permanently enjoining Defendants from continuing to publicly
5 disseminate misleading and false advertisements as alleged herein. Plaintiffs also
6 seek an order requiring Defendants to: (a) make full restitution for all monies
7 wrongfully obtained; and (b) disgorge all ill-gotten revenues and/or profits.

8
9 **COUNT VII**
10 **VIOLATION OF CALIFORNIA'S CONSUMER LEGAL REMEDIES**
11 **ACT ("CLRA")**
12 **(Civil Code §§ 1750, *et. seq.*)**

13 90. Plaintiffs and Class members hereby reallege and incorporate by
14 reference each allegation set forth above as if fully set forth herein and further
15 allege as follows:

16 91. This Count VII is asserted by Plaintiffs George Stez and Linda
17 Hawkins on behalf of the California Subclass under California law.

18 92. CLRA § 1770(a)(5) prohibits "[r]epresenting that goods or services
19 have sponsorship, approval, characteristics, ingredients, uses, benefits, or
20 quantities which they do not have or that a person has a sponsorship, approval,
21 status, affiliation, or connection which he or she does not have." Defendants
22 violated this provision by misrepresenting that Yoplait Greek is Greek yogurt.

23 93. CLRA § 1770(a)(7) prohibits "[r]epresenting that goods or services
24 are of a particular standard, quality, or grade, or that goods are of a particular style
25 or model, if they are of another." Defendants violated this provision by
26 misrepresenting that Yoplait Greek is Greek yogurt.
27
28

1 94. CLRA § 1770(a)(9) prohibits "[a]dvertising goods or services with
2 intent not to sell them as advertised." Defendants violated this provision by
3 misrepresenting that Yoplait Greek is Greek yogurt.

4 95. Plaintiffs and the California Subclass members suffered lost money
5 or property as a result of these violations because: (a) they would not have
6 purchased Yoplait Greek on the same terms if the true facts concerning those
7 products had been known; (b) they paid a price premium due to the false
8 representations about the products; and (c) Yoplait Greek was neither Greek
9 yogurt nor yogurt as defined by applicable standards of identity.

10 96. Prior to the filing of this Complaint, a CLRA notice letter was served
11 on Defendants which complies in all respects with California Civil Code §
12 1782(a). Plaintiffs sent Defendants a letter via certified mail, return receipt
13 requested, advising Defendants that they are in violation of the CLRA and must
14 correct, repair, replace or otherwise rectify the goods alleged to be in violation of
15 § 1770. Defendants were further advised that in the event that the relief requested
16 has not been provided within thirty (30) days, Plaintiffs would amend their
17 Complaint to include a request for monetary damages pursuant to the CLRA.

18 97. Wherefore, Plaintiffs seek restitution and injunctive relief for
19 violations of the CLRA.
20

21 **PRAYER FOR RELIEF**

22 Plaintiffs, on their own behalf and on behalf of the Class, pray for the
23 following relief:

24 A. For an order certifying the nationwide Class and the California
25 Subclass under Rule 23 of the *Federal Rules of Civil Procedure* and naming
26 Plaintiffs as Class Representative and their attorneys as Class Counsel to represent
27 the Class members;
28

1 B. For an order declaring that Defendants' conduct violates the statutes
2 referenced herein;

3 C. For an order finding in favor of Plaintiffs, the Class and the
4 California Subclass on all counts asserted herein;

5 D. For an order awarding compensatory, treble, and punitive damages in
6 amounts to be determined by the Court and/or jury;

7 E. For prejudgment interest on all amounts awarded;

8 F. For an order of restitution and all other forms of equitable monetary
9 relief;

10 G. For injunctive relief as pleaded or as the Court may deem proper; and

11 H. For an order awarding Plaintiffs and the Class their reasonable
12 attorneys' fees and expenses and costs of suit.

13 **JURY DEMAND**

14 Plaintiff demands trial by jury

15
16 April 16, 2012

17 
18 FARUQI & FARUQI, LLP

19 David E. Bower, (SBN 119546)
20 attorney for Plaintiffs
21 10866 Wilshire Boulevard, Suite 1470
22 Los Angeles, California 90024
23 dbower@faruqilaw.com
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

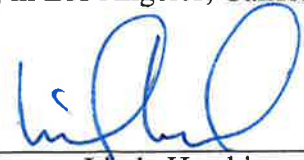
I, Linda Hawkins, declare as follows:

1. I am a plaintiff in this action and a citizen of the State of California. I have personal knowledge of the facts herein and if called as a witness, I could and would testify competently thereto.

2. This is a proper place for trial under Civil Code Section 1780(d) in that a substantial portion of the transaction alleged occurred in the Central District of California because I live in this District. I also purchased and consumed the product which is the subject of this complaint, in this district, in Los Angeles, California.

3. I purchased *Yoplait Greek® fat free yogurt, (Yoplait Greek)* from a retail store in Los Angeles, California. Based on the product label and product advertising claims, I was led to believe that the Yoplait Greek yogurt was the product it claimed to be and that it fit within the defined term of yogurt. I am now informed and believe that this product is not what it is advertised or labeled to be and that it contains significant levels of a product described to me as Milk Protein Concentrate (*MPC*) which was apparently used to thicken the product. The product label and advertising claims were a substantial factor influencing my decision to purchase the Yoplait Greek yogurt. I would not have purchased the Yoplait Greek yogurt if I had known that the labels and product advertising claims were false and misleading. If I had not been exposed to the labels and product advertising regarding the Yoplait Greek yogurt as being “Greek” and being “yogurt” I would not have purchased the Yoplait Greek yogurt.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct, executed on April 14, 2012, in Los Angeles, California.



Linda Hawkins

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, George Stez, declare as follows:

1. I am a plaintiff in this action and a citizen of the State of California. I have personal knowledge of the facts herein and if called as a witness, I could and would testify competently thereto.

2. This is a proper place for trial under Civil Code Section 1780(d) in that a substantial portion of the transaction alleged occurred in the Central District of California because I live in this District. I also purchased and consumed the product which is the subject of this complaint, in this district.

3. I purchased *Yoplait Greek® fat free yogurt, (Yoplait Greek)* from a retail store in California. Based on the product label and product advertising claims, I was led to believe that the Yoplait Greek yogurt was the product it claimed to be and that it fit within the defined term of yogurt. I am now informed and believe that this product is not what it is advertised or labeled to be and that it contains significant levels of a product described to me as Milk Protein Concentrate (*MPC*) which was apparently used to thicken the product. The product label and advertising claims were a substantial factor influencing my decision to purchase the Yoplait Greek yogurt. I would not have purchased the Yoplait Greek yogurt if I had known that the labels and product advertising claims were false and misleading. If I had not been exposed to the labels and product advertising regarding the Yoplait Greek yogurt as being “Greek” and being “yogurt” I would not have purchased the Yoplait Greek yogurt.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct, executed on March 30, 2012, in Los Angeles, California.


George Stez

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself)
LINDA HAWKINS and GEORGE STEZ on behalf of themselves and all others similarly situated,

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
David E. Bower of FARUQI & FARUQI, LLP
10866 Wilshire Blvd., Suite 1470, Los Angeles, California 90024
Tel: (424) 256-2884 Fax: (424) 256-2885 Email: dbower@faruqilaw.com

DEFENDANTS
GENERAL MILLS, INC., a Delaware corporation and YOPLAIT USA, Inc., a Delaware corporation

Attorneys (If Known)

BY FAX

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 - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 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. 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 Multi-District Litigation 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ In excess of \$75,000

VI. 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.)
15 USC 2031 et seq Breach of Warranty as to products sold by defendants

VII. NATURE OF SUIT (Place an X in one box only.)

<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Act</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Info. Act</p> <p><input type="checkbox"/> 900 Appeal of Fed Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>	<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p> <p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Fed. Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury-Med Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury-Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus-Alien Detainee</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>TORTS</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p> <p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 American with Disabilities - Employment</p> <p><input type="checkbox"/> 446 American with Disabilities - Other</p> <p><input type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 Habeas Corpus</p> <p><input type="checkbox"/> 535 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus/Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p>FORFEITURE / PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs</p> <p><input type="checkbox"/> 660 Occupational Safety /Health</p> <p><input type="checkbox"/> 690 Other</p>	<p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>
---	---	---	--	---	--

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LINDA HAWKINS - LOS ANGELES COUNTY GEORGE STEZ - RIVERSIDE COUNTY	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).


County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	MINNESOTA

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES COUNTY RIVERSIDE COUNTY	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date APRIL 16, 2012

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dean D. Pregerson and the assigned discovery Magistrate Judge is David T. Bristow.

The case number on all documents filed with the Court should read as follows:

CV12- 3306 DDP (DTBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address: David E. Bower, Esq. (119546)
FARUQI & FARUQI, LLP
10866 Wilshire Boulevard, Suite 1470
Los Angeles, California 90024
Tel: (424) 256-2884 Fax: (424) 256-2885
Email: dbower@faruqilaw.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LINDA HAWKINS and GEORGE STEZ on behalf of
themselves and all other similarly situated,

PLAINTIFF(S)

v.

GENERAL MILLS, INC., a Delaware corporation and
YOPLAIT USA, INC., a Delaware corporation, and
DOES 1 through 10

DEFENDANT(S).

CASE NUMBER

CV12-03306 (DDP(DTB))

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint _____ amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, David E. Bower, whose address is 10866 Wilshire Boulevard, Suite 1470, Los Angeles, California 90024. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

APR 16 2012

Dated: _____

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

Name & Address: David E. Bower, Esq. (119546)
FARUQI & FARUQI, LLP
10866 Wilshire Boulevard, Suite 1470
Los Angeles, California 90024
Tel: (424) 256-2884 Fax: (424) 256-2885
Email: dbower@faruqilaw.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LINDA HAWKINS and GEORGE STEZ on behalf of
themselves and all other similarly situated,

CASE NUMBER

PLAINTIFF(S)

CV 12-03306 (DDP/DTBx)

v.

GENERAL MILLS, INC., a Delaware corporation and
YOPLAIT USA, INC., a Delaware corporation, and
DOES 1 through 10

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint _____ amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, David E. Bower, whose address is 10866 Wilshire Boulevard, Suite 1470, Los Angeles, California 90024. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

APR 16 2012

Clerk, U.S. District Court

JULIE PRADO SEAL

Dated: _____

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].