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ATTORNEYS FOR PLAINTIFFS
(pro hac vice application pending)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

PAMELA RUTLEDGE-MUHS and JAY
WOOLWINE, on behalf of themselves and all others
similarly situated,
Plaintiffs,

v.

DREYER'S GRAND ICE CREAM, INC.,
Defendants.

11 Cause No. **3164**

Judge: _____

**ORIGINAL CLASS ACTION
COMPLAINT FOR
DAMAGES, EQUITABLE,
DECLARATORY AND
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Plaintiffs, by their attorneys, brings this class action against Defendant Dreyer's Grand Ice Cream, Inc. ("Dreyer's") or ("Defendant"), on their behalf and on behalf of all others similarly situated. Plaintiffs allege the following upon personal knowledge as to themselves and their own acts, and as to all other matters, upon information and belief, based upon the investigation made by and through their attorneys:

1 **I. NATURE OF ACTION**

2 1. This is a class action on behalf of a nationwide class of consumers who purchased
3 Dreyer's Grand Ice Cream, Inc.'s purported "All Natural" Ice Cream Products¹ containing alkalized
4 cocoa processed with potassium carbonate beginning June 25, 2007 through the present ("Class
5 Period"). Since at least 2007, Dreyer's has packaged, marketed and sold its ice cream products as
6 being "All Natural" despite the fact that the products contain alkalized cocoa processed with a non-
7 natural, man-made, synthetic ingredient—potassium carbonate.
8

9 2. Throughout the Class Period, Dreyer's made and continues to make the claim "All
10 Natural" on the labels of its Ice Cream Products, in an effort to promote the sale of its Ice Cream
11 Products, even though its Ice Cream Products are actually not "All Natural." While the "All
12 Natural" Ice Cream Products' labels did disclose they contained alkalized cocoa, the labels did not
13 disclose to consumers that the alkalized cocoa was processed with potassium carbonate. This is a
14 significant omission because alkalized cocoa can also be processed with a natural ingredient, such as
15 sodium carbonate.
16

17 3. In light of the "All Natural" misrepresentation on the products' labels, and the
18 availability of natural processing ingredients for alkalized cocoa, a reasonably prudent consumer
19 would certainly not normally expect the alkalized cocoa in Dreyer's Ice Cream Products to be
20 processed with a man-made, synthetic ingredient, like potassium carbonate. As a result of this false
21 and misleading labeling and marketing, Dreyer's was able to sell these purportedly "All Natural"
22 Ice Cream Products to thousands of unsuspecting consumers in California and throughout the
23 United States and profited from these transactions. Plaintiffs allege Dreyer's conduct gives rise to
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25

26
27 ¹ The term "Ice Cream Products" shall mean and include Dreyer's "All Natural" premium ice
28 creams, yogurts, and sorbets.

1 common law fraud, violates the unlawful, unfair, and fraudulent prongs of California's Unfair
2 Competition Law (Cal. Bus. & Prof. Code §§ 17200, *et seq.*), violates the California Business &
3 Professions Code § 17500, *et seq.*, and violates the Consumers Legal Remedies Act (California
4 Civil Code § 1750, *et seq.*). Plaintiffs also allege that Dreyer's conduct is grounds for restitution on
5 the basis of quasi-contract / unjust enrichment.
6

7 4. Dreyer's has its principal place of business in Oakland, California and, upon
8 information and belief, operates, manages, and directs its nationwide sales business operations from
9 its offices in California. Therefore, upon information and belief, the misleading labeling and related
10 marketing misconduct and representations at issue in this Original Complaint occurred, were
11 conducted, and/or were directed substantially from Defendant's headquarters in California.
12

13 5. Plaintiffs also seek injunctive and declaratory relief based upon Dreyer's conduct
14 asserted in this Original Complaint. As of the date of this Original Complaint, retail stores in the
15 United States and California are selling Dreyer's Ice Cream Products labeled as "All Natural," even
16 though they contain alkalized cocoa processed with potassium carbonate, a man-made, synthetic
17 ingredient. Accordingly, Plaintiffs seek declaratory and injunctive relief to ensure Dreyer's removes
18 any and all of the "All Natural" representations from the labels and packaging of its Ice Cream
19 Products available for purchase, and to prevent Dreyer's from making the "All Natural"
20 representation on its Ice Cream Products' labels in the future, as long as the Ice Cream Products
21 continue to use alkalized cocoa processed with a synthetic, unnatural substance.
22

23 **A. PARTIES**

24 6. Plaintiff Pamela Rutledge-Muhs is an individual residing in San Bernardino County,
25 California.
26

27 7. Plaintiff Jay Woolwine is an individual residing in San Bernardino County,
28

1 California.

2 8. Defendant Dreyer's Grand Ice Cream, Inc., is incorporated in Delaware and has its
3 principle place of business and headquarters at 5929 College Avenue, Oakland, California 94618.
4 Upon information and belief, Defendant made its marketing decisions, including the decisions
5 regarding marketing its Ice Cream Products, from its corporate headquarters in Oakland, California.
6 Dreyer's claims to produce a variety of premium ice cream products made with all natural ingredients
7 and all natural flavors. Dreyer's currently manufactures and distributes premium products under the
8 Dreyer's brand name in the Western United States and Texas and under the EDY'S[®] brand name east
9 of the Rocky Mountains. Dreyer's also produces and distributes the super-premium line of Haagen-
10 Daz products in the United States. Dreyer's products are sold and distributed nationwide in grocery
11 stores, convenience stores, restaurants, hotels and other retail locations.
12

13 JURISDICTION AND VENUE

14 9. This Court has subject matter jurisdiction over this action pursuant to 28
15 U.S.C. § 1332(d). One or more members of the putative class of plaintiffs are citizens of States
16 different from Defendant. Upon information and belief, the total number of members of the
17 proposed Class is greater than 100 and the matter in controversy exceeds the aggregate sum of
18 \$5,000,000, exclusive of interest and costs. Accordingly, diversity of citizenship exists under the
19 Class Action Fairness Act, as required by 28 U.S.C. § 1332(d)(2)(A).
20

21 10. Upon information and belief, based upon Defendant's sales of its products through
22 thousands of retail stores nationwide, more than two thirds of all Class members of the proposed
23 Class are citizens of a State other than California.
24

25 11. Venue is proper within this judicial district pursuant to 28 U.S.C. § 1391. Defendant
26 resides in this judicial district. Upon information and belief, a substantial part of the events or
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1 omissions giving rise to the claims alleged herein occurred in this judicial district. Defendant is
2 subject to personal jurisdiction and/or may be found in this judicial district.

3 12. The Declaration of Daniel R. Tamez, made pursuant to California Civil Code §
4 1780(d) regarding venue under the California Consumers Legal Remedies Act (Civil Code §§ 1750,
5 *et seq.*), is attached hereto.
6

7 **B. FACTUAL ALLEGATIONS**

8 13. The cocoa bean is a seed that grows on trees native to South America. The fermented
9 and dried cocoa seed is the basic ingredient in chocolate. Chocolate is a name given to products that
10 are derived from cocoa which are then mixed with some sort of fat and finely powdered sugar to
11 produce a solid edible product.
12

13 14. To make chocolate, cocoa beans are processed, roasted, cracked and shelled. The
14 resulting pieces are further processed into a chocolate liquor, butter or powder. The cocoa powder is
15 typically used in the flavoring of ice creams.

16 15. Unsweetened baking cocoa powder is typically rendered in one of two forms: an un-
17 alkalized cocoa or a version known as Dutch-process/alkalized cocoa. Both are made by pulverizing
18 partially defatted chocolate liquor and removing nearly all the cocoa butter. Un-alkalized cocoa is
19 light in color and somewhat acidic with a strong chocolate flavor. Dutch-process cocoa is processed
20 with alkali to neutralize its acidity. Dutch cocoa is slightly milder in taste, with a deeper and warmer
21 color than un-alkalized cocoa. Dutch-process cocoa is frequently used when the product calls for the
22 blending of cacao with liquids. Dutch processing destroys most of the flavonols present in un-
23 alkalized cocoa—the water-soluble plant pigments that are believed to give dark chocolate health
24 benefits in the form of antioxidant, anti-inflammatory and antiviral properties.
25
26

27 16. Cocoa is typically either un-alkalized, or alkalized. In order for cocoa to be used in
28

1 its alkalized form, a Dutching or alkalization takes place during the processing of the cocoa beans.
2 During this process an alkali—usually either potassium carbonate or sodium carbonate²—is
3 suspended in water to neutralize acids and alter the pH level of the beans. The alkalizing agent
4 darkens the cocoa, makes it milder in flavor, and increases its dispersability.
5

6 17. Dreyer's Ice Cream Products containing alkalized cocoa are processed with
7 potassium carbonate. Potassium carbonate is a recognized synthetic substance. Significantly, the
8 other commonly used alkali in making alkalized cocoa—sodium carbonate—is a recognized non-
9 synthetic, natural substance. However, Dreyer's Ice Cream Products did not disclose that the
10 alkalized cocoa it used was processed with potassium carbonate, the synthetic substance, despite the
11 "All Natural" representation on its Ice Cream Products' labels.
12

13 18. Product package labels convey nutrition information to consumers that consumers can
14 and do use to make purchasing decisions.

15 19. The alkalized cocoa in Dreyer's Ice Cream Products was processed with potassium
16 carbonate—a synthetic substance. While Dreyer's "All Natural" Ice Cream Products' labels did
17 disclose that they contain alkalized cocoa, those labels did not disclose that the alkalized cocoa was
18 processed with potassium carbonate. This omission is significant and material given the "All
19 Natural" representation on the Ice Cream Products' labels. Indeed, based on the "All Natural"
20 representation, one would normally expect the alkalized cocoa contained in the Ice Cream Products
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23 ² Besides the commonly used potassium carbonate and sodium carbonate, there are other less
24 commonly used alkali substances that are used in processing cocoa not listed herein. Significantly,
25 sodium carbonate and sodium bicarbonate appear to be the only safe and suitable non-synthetic
26 alkali substances. To the extent Dreyer's may claim some of its Ice Cream Products may have to
27 some degree used alkalized cocoa processed with one or more of these less commonly used alkali
28 substances, it is believed and therefore averred by Plaintiffs that the Dreyer's Ice Cream Products did
not contain alkalized cocoa processed with one of the non-synthetic alkali substances, and instead
contained alkalized cocoa processed with one of the synthetic alkali substances.

1 to be processed with the commonly used non-synthetic, natural alternative, like sodium carbonate.

2 20. According to Dreyer's Ice Cream Products' labels, cocoa processed with alkali is
3 used as an ingredient in over 80 of Dreyer's Ice Cream Products which otherwise claim to be "All
4 Natural" or to contain all natural flavors. These products include:

5 **a. Haagen-Daz "All-Natural" Flavors—Ice Cream**

6
7 Banana Split
8 Caramel Cone Chocolate
9 Chocolate "Five"
10 Chocolate Chip Cookie Dough
11 Chocolate Chocolate Chip
12 Chocolate Peanut Butter Cookies & Cream
13 Dark Chocolate
14 Java Chip Mint Chip
15 Rocky Road
16 White Chocolate Raspberry Truffle

17 **b. Haagen-Daz "All Natural" Frozen Yogurts**

18 Chocolate Almond

19 **c. Haagen-Daz "All Natural" Lowfat Sorbet**

20 Chocolate

21 **d. Haagen-Daz "All Natural" Ice Cream Bars**

22 Chocolate & Dark Chocolate

23 **e. Dreyer's and Edy's "All Natural" Slow Churned[®] Light Ice Cream**

24 Chocolate Chocolate Chip Cookie Dough
25 Cookies 'n Cream Double Fudge Brownie French Silk
26 Fudge Tracks
27 Mint Chocolate Chip Mint Cookie Crunch
28 Mocha Almond Fudge
Mud Pie
Neapolitan
Nestle Drumstick Sundae Cone
Peanut Butter Cup
Rocky Road Triple Chocolate Peanut Butter Sundae
Triple Cookie Fudge Sundae

f. Dreyer's and Edy's "All Natural" Slow Churmed[®] No Sugar Ice Cream

Fudge Tracks
Mint Chocolate Chip
Neapolitan
Triple Chocolate

g. Dreyer's and Edy's "All Natural" Slow Churned[®] Yogurt Blends

Cappuccino Chip
Chocolate Fudge Brownie
Chocolate Vanilla Swirl
Cookies 'n Cream

h. Dreyer's and Edy's "All Natural" Grand Ice Cream

Chocolate
Chocolate Chip
Mint Chocolate Chip
Neapolitan
Rocky Road
Vanilla Chocolate

i. Dreyer's and Edy's "All Natural" Fun Flavors Ice Cream

Mocha Almond Fudge Nestle Drumstick
Peanut Butter Cup
Chocolate Peanut Butter Cup

21. Plaintiffs reserve the right to edit this list as discovery progresses.

22. The labeling of products as "All Natural" carries implicit health benefits important to consumers—benefits that consumers are often willing to pay a premium over comparable products that are not "All Natural."

23. Dreyer's has used the "All Natural" label to shape its brand and sell its products. Yet, the existence of alkalized cocoa processed with potassium carbonate in its Ice Cream Products renders the use of the label "All Natural" false and misleading. In manufacturing its Ice Cream Products, Dreyer's had a choice between using natural or unnatural alkali processed cocoa. It chose the latter, but nonetheless labeled its Ice Cream Products as "All Natural."

PLAINTIFFS' PURCHASES

24. Plaintiffs are willing to and have paid a premium for foods that are all natural.

25. For approximately the past five years, Plaintiff Rutledge-Murs purchased, on average, one pint-sized container of Dreyer's Mint Chocolate Chip flavored ice cream about every other month at the Stater Bros. Markets store located in San Bernardino, California.

26. For approximately the past two years, Plaintiff Woolwinc purchased, on average, two pint-sized containers of Dreyer's Chocolate Peanut Butter Cup flavored ice cream about every month at Vons and Stater Bros. Markets stores located in Big Bear City and Big Bear Lake, California.

27. Based on the "All Natural" representation on the Dreyer's Ice Cream Products' labels, Plaintiffs believed the Dreyer's Ice Cream Products they purchased were all natural and relied on this representation in making their purchases.

28. Instead, upon information and belief, the Dreyer's Ice Cream Products that Plaintiffs purchased contained alkalized cocoa processed with potassium carbonate—a synthetic ingredient. While touting the product as "All Natural," the Ice Cream Products' labels Plaintiffs relied on, neither disclosed that the alkalized cocoa used in the Ice Cream Products was processed with potassium carbonate, a synthetic ingredient, nor otherwise disclosed that a synthetic ingredient was used in the Dreyer's Ice Cream Products.

29. Plaintiffs not only purchased the Dreyer's Ice Cream Products because the labels said they were "All Natural," but also, Plaintiffs paid more money for the products than they would have paid for other similar ice cream or frozen yogurt products that were not all natural. Had Plaintiffs known the truth that the Dreyer's Ice Cream Products were not all natural (as represented by Defendant), they would not have purchased the Dreyer's Ice Cream Products, but would have

1 purchased another brand of ice cream or frozen yogurt that was truly all natural or, if one was not
2 available, would have purchased another non-natural ice cream or frozen yogurt product that was
3 less expensive than Dreyer's Ice Cream Products.

4
5 30. Plaintiffs did not receive the "All Natural" Ice Cream Products they bargained for
6 when they purchased the Dreyer's "All Natural" Ice Cream Products, and have lost money as a
7 result in the form of paying a premium price for Dreyer's Ice Cream Products because they were
8 purportedly all natural, rather than paying a lesser amount for non-natural alternative ice cream
9 products.

10 CLASS ACTION ALLEGATIONS

11 31. Plaintiffs bring this action as a class action pursuant to Federal Rule of Civil
12 Procedure 23(a), and 23(b)(1), 23(b)(2) and 23(b)(3), on behalf of themselves and all other
13 members of the Class ("Class"), defined as:
14

15 All persons in the United States who purchased Dreyer's Ice Cream Products that
16 were labeled "All Natural" but also contained alkalized cocoa processed with a
synthetic ingredient during the Class Period.

17 32. Excluded from the Class are: (i) all persons who purchased Dreyer's Ice Cream
18 Products for resale; (ii) Defendant, its parent companies, principals, legal representatives,
19 subsidiaries and affiliates, and any co-conspirators, (iii) all governmental entities, (iv) and any
20 judges or justices assigned to hear any aspect of this action.
21

22 33. Plaintiffs reserve the right to amend the class definition prior to class certification.

23 34. Upon information and belief, there are tens of thousands of Class members who are
24 geographically dispersed throughout the United States. Therefore, individual joinder of all
25 members of the Class would be impracticable.

26 35. Common questions of law or fact exist as to all members of the Class. These
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1 questions predominate over the questions affecting only individual class members. These common
2 legal or factual questions include, but are not limited to:

- 3 a. whether Dreyer's labels its Ice Cream products as "All Natural;"
- 4 b. whether the alkalized cocoa used in Dreyer's Ice Cream Products is processed
- 5 with a synthetic ingredient;
- 6 c. whether Dreyer's "All Natural" labeling of its Ice Cream Products is false and
- 7 misleading and likely to deceive class members and/or the general public;
- 8 d. whether Dreyer's conduct is unlawful;
- 9 e. whether Dreyer's conduct is fraudulent;
- 10 f. whether Dreyer's conduct violates the California Consumers Legal Remedies
- 11 Act (Cal. Civ. Code §§ 1750, *et seq.*);
- 12 g. whether Dreyer's conduct violates California's Unfair Competition Law (Cal.
- 13 Bus. & Prof. Code §§ 17200, *et seq.*);
- 14 h. whether Dreyer's conduct violates the California Business & Professions
- 15 Code § 17500, *et seq.*; and
- 16 i. the appropriate measure of damages, restitutionary disgorgement and/or
- 17 restitution.

18 36. Plaintiffs' claims are typical of the claims of the Class, in that Plaintiffs were
19 consumers who purchased Dreyer's "All Natural" Ice Cream Products in the United States that
20 contained alkalized cocoa processed with a synthetic ingredient during the Class Period. Plaintiffs,
21 therefore, are no different in any relevant respect from any other Class member, and the relief
22 sought is common to the Class.

23 37. Plaintiffs are adequate representatives of the Class because their interests do not
24 conflict with the interests of the Class they seek to represent, and they have retained counsel
25 competent and experienced in conducting complex class action litigation. Plaintiffs and their
26 counsel will adequately protect the interests of the Class.

1 38. A class action is superior to other available means for the fair and efficient
2 adjudication of this dispute. The damages suffered by each individual class member likely will be
3 relatively small, especially given the relatively small cost of the Ice Cream Products at issue and the
4 burden and expense of individual prosecution of these claims. Thus, it would be virtually
5 impossible for the Class members, individually, to effectively redress the wrongs done to them.
6 Moreover, even if the Class members could afford individual actions, it would still not be
7 preferable to class-wide litigation. Individualized actions present the potential for inconsistent or
8 contradictory judgments. By contrast, a class action presents far fewer management difficulties and
9 provides the benefits of single adjudication, economies of scale, and comprehensive supervision by
10 a single court.
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13 39. In the alternative, the Class may be certified because Dreyer's has acted or refused to
14 act on grounds generally applicable to the Class, thereby making preliminary and final equitable
15 relief with respect to the Class appropriate.

16 **FIRST CAUSE OF ACTION**
17 **(Common Law Fraud)**

18 40. Plaintiffs hereby incorporate the foregoing paragraphs of this Complaint and restate
19 them as if fully set forth herein verbatim.

20 41. During the Class Period, Dreyer's product labels for its Ice Cream Products uniformly
21 misrepresented that its Ice Cream Products were "All Natural," when in fact they contain alkalized
22 cocoa powder processed with potassium carbonate, a synthetic ingredient. While Dreyer's labels
23 did disclose during the Class Period that its "All Natural" Ice Cream Products contained alkalized
24 cocoa powder, it uniformly *did not* disclose during the Class Period that the alkalized cocoa powder
25 used contained the synthetic, potassium carbonate. Thus, the disclosure on its labels that the Ice
26 Cream Products contained alkalized cocoa powder constitutes an affirmative act of concealment
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1 and non-disclosure since cocoa powder may be alkalized with natural ingredients such as sodium
2 carbonate, and the information about whether Defendant's cocoa powder was alkalized with the
3 synthetic potassium carbonate was known only by Defendant. Defendant had a duty to disclose this
4 material information in light of its representation on its labels that its Ice Cream Products were "All
5 Natural."

6
7 42. Defendant's "All Natural" statements and representations and its affirmative
8 concealments and omissions described herein were material in that there was a substantial
9 likelihood that a reasonable prospective purchaser of its Ice Cream Products would have considered
10 this information important when deciding whether or not to purchase the Ice Cream Products.

11 43. Defendant knew or recklessly disregarded that its Ice Cream Products were not "All
12 Natural," and uniformly misrepresented its Ice Cream Products as "All Natural" and affirmatively
13 concealed and omitted the truth with the intent and purpose of inducing consumers (*i.e.*, Plaintiffs
14 and the Class) to purchase its Ice Cream Products.

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16 44. Defendant failed to disclose, misrepresented and/or concealed the foregoing material
17 facts from Plaintiffs and the Class knowing that these facts may have justifiably induced them to
18 refrain from purchasing Defendant's Ice Cream Products and instead purchase another
19 manufacturer's ice cream, frozen yogurt or sorbet that was actually all natural, or to purchase a less
20 expensive non-natural substitute ice cream, frozen yogurt or sorbet product.

21
22 45. As set forth in paragraphs 24-30 (and others) of this Complaint, Plaintiffs relied on
23 Defendant's "All Natural" representations on its Ice Cream Products' labels as a material basis for
24 their decisions to purchase Defendant's Ice Cream Products. Moreover, based on the very
25 materiality of Defendant's misrepresentations, concealments and omissions uniformly made on (or
26 omitted from) its Ice Cream Products' labels, Class members' reliance on those misrepresentations.
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1 concealments and omissions as a material basis for their decision to purchase Defendant's Ice
2 Cream Products may be presumed or inferred for all Class members.

3 46. Defendant carried out the scheme set forth in this Complaint willfully, wantonly and
4 with reckless disregard for the interests of Plaintiffs and the Class.

5
6 47. By reason of the foregoing, Plaintiffs and members of the Class have been injured by
7 purchasing Dreyer's Ice Cream Products represented to be "All Natural," which they were not,
8 and/or by paying a premium for purportedly "All Natural" Ice Cream Products over less expensive
9 non-natural alternatives. Plaintiffs and the members of the Class are therefore entitled to recover
10 damages, punitive damages, equitable relief, such as restitution and disgorgement of profits, and
11 declaratory and injunctive relief.

12 **SECOND CAUSE OF ACTION**
13 **False Advertising in Violation of**
Cal. Bus. & Prof. Code §§17500, *et seq.*

14 48. Plaintiffs hereby incorporate the foregoing paragraphs of this Complaint and restate
15 them as if fully set forth herein verbatim.

16 49. This cause of action is brought by Plaintiffs on behalf of themselves, the Class
17 members, and the general public.

18 50. Defendant has engaged in false advertising on its packaging to sell its Ice Cream
19 Products, as set forth herein. Defendant is disseminating advertising concerning its goods which by
20 its very nature is deceptive, untrue, or misleading within the meaning of California Business &
21 Professions Code § 17500, *et seq.* because those advertising statements contained on its Ice Cream
22 Products labels are misleading and likely to deceive, and continue to deceive, members of the
23 putative Class and the general public.

24 51. In making and disseminating the statements alleged herein, Defendant knew or should
25 have known, by exercising reasonable care, that the statements were untrue and/or misleading.
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1 52. The misrepresentations and non-disclosures by Defendant of the material facts
2 detailed herein constitute false and misleading advertising and therefore constitute a violation of
3 California Business & Professions Code § 17500, *et seq.*

4 53. As a direct and proximate result of Defendant's conduct, as set forth herein,
5 Defendant has improperly and illegally obtained received ill-gotten gains and/or profits, including
6 but not limited to, money. Therefore, Defendant has been unjustly enriched.

7 54. Pursuant to California Business & Professions Code § 17535, Plaintiffs request
8 injunctive relief, restitution and restitutionary disgorgement of Defendant's ill-gotten gains and
9 money and/or for all sums obtained in violation of California Business & Professions Code §
10 17500, *et seq.* (by means of such false advertising), as well as interest and attorneys fees, to
11 Plaintiffs and the members of the Class, so as to restore any and all monies which were acquired or
12 obtained by means of such untrue and misleading advertising, misrepresentations, and/or omissions.

13 55. Such conduct is ongoing and continues to this date. Plaintiffs and the Class seek to
14 enjoin Defendant from engaging in these wrongful practices, as alleged herein, in the future. There
15 is no adequate remedy at law and if an injunction is not ordered, Plaintiffs and the Class will suffer
16 irreparable harm and/or injury and continue to be harmed by Defendant's false and/or misleading
17 advertising.

18 56. Pursuant to California Business & Professions Code § 17535, Plaintiffs seek an order
19 of this Court ordering Defendant to fully disclose the true nature of its misrepresentations.

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23 **THIRD CAUSE OF ACTION**

24 **Violation of**

25 **The Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code §17200, *et seq.***

26 57. Plaintiffs hereby incorporate the foregoing paragraphs of this Complaint and restate
27 them as if fully set forth herein verbatim.

1 58. The Unfair Competition Law ("UCL"), California Business & Professions Code, §
2 17200, defines unfair competition to include any "unlawful, unfair or fraudulent" business act or
3 practice, as well as any "unfair, deceptive, untrue or misleading" advertising.

4 59. A business act or practice is "unlawful" if it violates any established state or federal
5 law.

6 60. California's Sherman Food, Drug, and Cosmetic Law ("Sherman Law"), Article 6,
7 §110660 provides that: "Any food is misbranded if its labeling is false or misleading in any
8 particular."

9 61. Dreyer's has violated, and continues to violate the Sherman Law, Article 6, § 110660
10 and hence has also violated and continues to violate the "unlawful" prong of the UCL through its
11 use of the term "All Natural" on the labels of its Ice Cream Products that contained alkalized cocoa
12 processed with an unnatural, synthetic ingredient. This conduct also serves as the sole factual basis
13 of each cause of action brought by this Complaint, and Plaintiffs do not seek to enforce any of the
14 state law claims raised herein to impose any standard of conduct that exceeds that which would
15 violate federal policy concerning what is "natural."

16 62. Defendant is also engaging in unlawful conduct by, including but not limited to,
17 failing to comply with the Consumers Legal Remedies Act.

18 63. By committing the acts and practices set forth above, Dreyer's has engaged, and
19 continues to be engaged, in unlawful business practices within the meaning of California Business
20 and Professions Code § 17200 *et seq.*

21 64. Furthermore, Defendant's conduct, as set forth herein, also constitutes "unfair"
22 business practices within the meaning of the UCL insofar as Defendant's business practices alleged
23 herein are immoral, unethical, oppressive, unscrupulous, and/or substantially injurious to
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1 consumers.

2 65. A business act or practice is “unfair” if the reasons, justifications, and motives of the
3 alleged wrongdoer are outweighed by the gravity of the harm to the alleged victims.

4 66. Dreyer’s has, and continues to violate the “unfair” prong of the UCL through its
5 misleading description of its products as “All Natural” when indeed a main ingredient is not natural
6 and is being processed with a synthetic substance. The harm to Plaintiffs and members of the Class
7 resulting from such unfair acts and/or practices outweighs any of Dreyer’s reasons, justifications
8 and/or motives for engaging in such deceptive acts and/or practices.

9 67. By committing the acts and/or practices set forth herein, Dreyer’s has engaged, and
10 continues to engage, in unfair business practices within the meaning of the California Business &
11 Professions Code 17200, *et seq.*

12 68. Finally, Defendant’s conduct, as set forth herein, also constitutes “fraudulent”
13 business practices within the meaning of the UCL insofar as Defendant’s business acts and/or
14 practices of mislabeling their products as “All Natural” (despite the fact they contained alkalized
15 cocoas processed with a non-natural, synthetic substance) actually deceives and/or is likely to
16 deceive members of the public and has the effect of misleading consumers into believing the
17 product is something that it is not.

18 69. A business act or practice is “fraudulent” under the UCL if it actually deceives or is
19 likely to deceive members of the consuming public.

20 70. These above-described unlawful, unfair, and fraudulent practices and false and
21 misleading advertising by Defendant presents an ongoing threat to Plaintiffs and the Class.

22 71. As a direct and proximate result of Defendant’s violations of the Unfair Competition
23 Law, Plaintiffs and the Class members have suffered harm in that they reasonably relied on
24

1 Defendant's misrepresentations and were induced to purchase certain of Defendant's Ice Cream
2 Products.

3 72. As a direct and proximate result of Defendant's violations of California Business &
4 Professions Code §17200, *et seq.*, Defendant has been unjustly enriched at the expense of Plaintiffs
5 and the members of the Class by the profits it has obtained from Plaintiff and the other members of
6 the Class from their purchases of Ice Cream Products. Defendant has unfairly and improperly
7 obtained (and continues to obtain) money from Plaintiffs and members of the Class. As such,
8 Defendant should be required to make restitution to Plaintiffs and the members of the Class or make
9 restitutionary disgorgement of its ill-gotten profits, pursuant to California Business & Professions
10 Code § 17203.
11

12 73. Plaintiffs, on behalf of themselves and all others similarly situated, demand judgment
13 against Defendant for injunctive relief and/or restitutionary disgorgement, and an award of
14 attorneys' fees.
15

16 74. Plaintiffs and the members of the Class seek to enjoin Defendant from currently
17 engaging in these wrongful practices, as set forth herein, and to enjoin Defendant from engaging in
18 these wrongful practices in the future. There is no other adequate remedy at law and if an
19 injunction is not ordered, Plaintiffs and the members of the Class will suffer irreparable harm and/or
20 injury.
21

22 **FOURTH CAUSE OF ACTION**
23 **Violation of the Consumers Legal Remedies Act,**
24 **California Civil Code § 1750, *et seq.***

25 75. Plaintiffs hereby incorporate the foregoing paragraphs of this Complaint and restate
26 them as if fully set forth herein verbatim.

27 76. This cause of action is brought pursuant to the Consumers Legal Remedies Act,
28

1 California Civil Code § 1750. *et seq.* (the "CLRA").

2 77. Plaintiffs and each member of the proposed Class are "consumers" within the
3 meaning of California Civil Code § 1761(d).

4 78. The purchases of Dreyer's products by consumers constitute "transactions" within the
5 meaning of California Civil Code § 1761(e) and the Ice Cream Products offered by Dreyer's
6 constitute "goods" within the meaning of California Civil Code § 1761(a).

7 79. Dreyer's has engaged and continues to engage in practices in violation of the CLRA
8 by making false representations, in at least the following respects:

- 9
- 10 a. Dreyer's represents that the goods had characteristics which it did not have, in
11 violation of California Civil Code § 1770(a)(5);
- 12 b. Dreyer's represents that its goods were of a particular standard, quality or
13 grade, which they were not, in violation of California Civil Code § 1770(a)(7);
14 and
- 15 c. Dreyer's advertised its goods with the intent not to provide what it advertised,
16 in violation of California Civil Code § 1770(a)(9).

17 80. Defendant has engaged in deceptive acts and/or practices intended to result in
18 purchases of certain of its Ice Cream Products in violation of the CLRA. Defendant knew and/or
19 should have known that its representations, as set forth herein, were material and likely to mislead
20 the public.

21 81. As a direct and proximate result of Defendant's conduct, as set forth herein,
22 Defendant has received ill-gotten gains and/or profits including, but not limited to, money.
23 Therefore, Defendant has been unjustly enriched.

24 82. There is no other adequate remedy at law, and Plaintiffs and the Class will suffer
25 irreparable harm unless Defendant's conduct is enjoined. As such, Plaintiffs and the members of
26 the Class request that this Court enjoin Defendant from continuing to engage in the unlawful and
27

1 deceptive methods, acts and/or practices alleged above. Unless Defendant is permanently enjoined
2 from continuing to engage in such violations of the CLRA, future consumers of Dreyer's Ice Cream
3 Products will be damaged by its acts and/or practices in the same way Plaintiffs and the members of
4 the proposed Class have been damaged.

5
6 83. Pursuant to California Civil Code § 1780(a)(2), (3), and (5), Plaintiffs and the
7 members of the Class seek an order for: (1) an injunction against Defendant's illegal conduct as
8 alleged herein; (2) restitution; (3) ancillary relief; and (4) attorneys' fees and costs to the full extent
9 allowed by law.

10 84. Pursuant to Civil Code § 1782(d), and in conjunction with the filing of this action,
11 counsel for Plaintiffs and the Class provided Defendant with written notice that its conduct is in
12 violation of the CLRA. Plaintiffs and the Class will amend their Complaint within thirty (30) days
13 of having provided this notice to seek damages under the CLRA.
14

15 **FIFTH CAUSE OF ACTION**
16 **Restitution Based On Quasi-Contract/Unjust Enrichment**

17 85. Plaintiffs hereby incorporate the foregoing paragraphs of this Complaint and restate
18 them as if fully set forth herein verbatim. Plaintiffs plead this Count in the alternative.

19 86. Dreyer's conduct in enticing Plaintiffs and the Class to purchase its Ice Cream
20 Products through its false and misleading packaging as described throughout this Complaint is
21 unlawful because the statements contained on its product labels are untrue. Dreyer's took monies
22 from Plaintiffs and the members of the Class for a product promised to be "All Natural," even
23 though the product it sold is not all natural as specified throughout this Original Complaint.
24 Dreyer's has been unjustly enriched at the expense of Plaintiffs and Class members as a result of its
25 unlawful conduct as alleged herein, thereby creating a quasi-contractual obligation on Dreyer's to
26 restore these ill-gotten gains to Plaintiffs and the Class.
27
28

87. As a direct and proximate result of Dreyer's unjust enrichment, Plaintiffs and the Class members are entitled to restitution or restitutionary disgorgement in an amount to be proved at trial.

PRAAYER

WHEREFORE, Plaintiffs, on behalf of themselves and on behalf of the other members of the Class, pray for relief and judgment against Defendant, as follows:

A. An order certifying the Class and appointing Plaintiffs and their counsel to represent the Class;

B. Restitution to Plaintiffs and the Class of all monies wrongfully obtained by Defendant;

C. Compensatory damages suffered by Plaintiffs and the Class;

D. Preliminary and injunctive relief enjoining Defendant from advertising its products misleadingly, in violation of California's Sherman Food, Drug and Cosmetic Law and other applicable laws and regulations as stated herein;

E. An order awarding Plaintiffs their costs of suit, including reasonable attorneys' fees, and pre and post-judgment interest;

F. An order requiring an accounting for, and imposition of, a constructive trust upon all monies received by Defendant as a result of the unfair, misleading, fraudulent and unlawful conduct alleged herein; and

G. Such other and further relief as may be deemed just and proper.

INTRADISTRICT ASSIGNMENT

Pursuant to Civil L.R. 3-2(c) and 3-5(b), Plaintiffs and the members of the Class believe this is a related case to Cause Number C11-02910 EDL, assigned to the Honorable Elizabeth D. Laporte.

1 pending in the United States District Court for the Northern District of California, Oakland Division.

2 **DEMAND FOR JURY TRIAL**

3 Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs, on behalf of themselves and all
4 others similarly situated, demand a trial by jury of any and all issues in this action so triable.

5 DATED: June 24, 2011

6
7 By: /s/ Daniel R. Tamez

8 Daniel R. Tamez, Esq. (Bar No. 216619)
9 GNAU & TAMEZ LAW GROUP, LLP
10 1010 Second Avenue, Suite 1750
11 San Diego, CA 92101
12 danieltamez@sdiinjuryattorney.com
13 Tel: 619-446-6736
14 Fax: 619-793-5215

15 Attorney for Plaintiffs and the Class

16 FEARS | NACHAWATI LAW FIRM, P.L.L.C.
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18 SBN 24038319
19 mn@fnlawfirm.com
20 Bryan Fears
21 SBN 24040886
22 fears@fnlawfirm.com
23 Fears I Nachawati Law Firm
24 4925 Greenville Ave. Suite 715
25 Dallas, Texas 75206
26 Telephone: (214) 890-0711
27 Facsimile: (214) 890-0712

28 *(pro hac vice application to be filed)*

ATTORNEYS FOR PLAINTIFFS

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16 **ATTORNEYS FOR PLAINTIFFS**
17 **(pro hac vice application pending)**

18 **IN THE UNITED STATES DISTRICT COURT**
19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

20 PAMELA RUTLEDGE-MUHS and JAY
21 WOOLWINE, individually and on behalf of all others
22 similarly situated,

23 Plaintiffs,

24 v.

25 DREYER'S GRAND ICE CREAM, INC.,

26 Defendant.

27 **DECLARATION OF DANIEL**
28 **R. TAMEZ PURSUANT TO**
CALIFORNIA CIVIL CODE
§1780(d)

29 Daniel R. Tamez Declares:

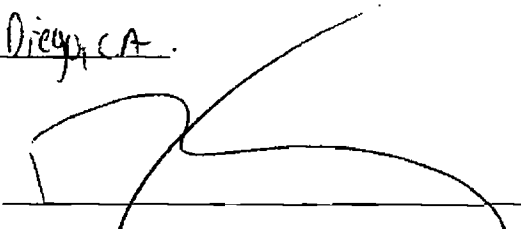
30 1. I am an attorney duly admitted to practice before this Court. I am a partner in the
31 firm of Gnau & Tamez Law Group, attorneys of record for Plaintiffs Pamela Rutledge-Muhs and
32 Jay Woolwine.

33 2. This action has been filed in a county described in California Civil Code § 1780(d) as
34 a proper place for the commencement of this action.

1 3. Defendant Dreyer's Grand Ice Cream, Inc. resides in, has its principal place of
2 business in, and/or is doing business in Alameda County, California.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct.

5 Executed on June 24, 2011, at San Diego, CA.

6
7
8
9 
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17
18 Attorney for Plaintiffs and the Class
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10 **ATTORNEYS FOR PLAINTIFFS**
(pro hac vice application pending)

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

13 PAMELA RUTLEDGE-MUHS and JAY
14 WOOLWINE, individually and on behalf of all others
similarly situated,

15 Plaintiffs.

16 v.

17 DREYER'S GRAND ICE CREAM, INC.,
18

19 Defendant.
20

PLAINTIFFS'
CERTIFICATION OF
INTERESTED ENTITIES OR
PERSONS PURSUANT TO
CIVIL LOCAL RULE 3-16

21 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**
22

23 **CERTIFICATION**

24 Pursuant to Civil L. R. 3-16, the undersigned counsel of record for Plaintiffs certifies that the
25 following listed persons, associations of persons, firms, partnerships, corporations (including parent
26 corporations) or other entities (i) have a financial interest in the subject matter in controversy or in a
27 party to the proceeding, or (ii) have a non-financial interest in that subject matter or in a party that
28 could be substantially affected by the outcome of this proceeding:

1. PAMELA RUTLEDGE-MUHS (Plaintiff);

1 2. JAY WOOLWINE (Plaintiff);

2 3. DREYER'S GRAND ICE CREAM, INC. (Defendant);

3 4. DREYER'S GRAND ICE CREAM HOLDINGS, INC. (Defendant Dreyer's Grand
4 Ice Cream, Inc. is a wholly-owned corporate subsidiary of Dreyer's Grand Ice Cream Holdings,
5 Inc.);

6 5. NESTLÉ HOLDINGS, INC. (Dreyer's Grand Ice Cream Holdings, Inc. is ultimately
7 a wholly owned corporate subsidiary of Nestlé Holdings, Inc.); and

8 6. NESTLÉ S.A. (Nestlé Holdings, Inc. is a wholly owned corporate subsidiary of
9 Nestlé S.A.).

10 DATED: June 24, 2011

By: 

Attorney of Record
Daniel R. Tamez, Esq. ((Bar No. 216619)
GNAU & TAMEZ LAW GROUP, LLP
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San Diego, CA 92101
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Tel: 619-446-6736
Fax: 619-793-5215

Attorney for Plaintiffs and the Class

CIVIL COVER SHEET

~~ORIGINAL~~

DEFENDANTS

DREYER'S GRAND ICE CREAM, INC.,

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

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

Attorneys (If Known)

E-filing

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

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

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment	
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product	Med. Malpractice	<input type="checkbox"/> 625 Drug Related Seizure	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	Liability	<input type="checkbox"/> 365 Personal Injury —	<input type="checkbox"/> of Property 21 USC 881		<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment	<input type="checkbox"/> 320 Assault, Libel &	Product Liability	<input type="checkbox"/> 630 Liquor Laws	PROPERTY RIGHTS	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> & Enforcement of Judgment	<input type="checkbox"/> Slander	<input type="checkbox"/> 368 Asbestos Personal	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 470 Racketeer Influenced and	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 330 Federal Employers'	Injury Product	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted	Liability	Liability	<input type="checkbox"/> 660 Occupational	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> Student Loans	<input type="checkbox"/> 340 Marine	PERSONAL PROPERTY	<input type="checkbox"/> Safety/Health		<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 690 Other	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 153 Recovery of Overpayment	Liability	<input type="checkbox"/> 371 Truth in Lending	LABOR	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 850 Securities/Commodities/	
<input type="checkbox"/> of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal	<input type="checkbox"/> 710 Fair Labor Standards	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> Exchange	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle	Property Damage	<input type="checkbox"/> Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 Customer Challenge	
<input type="checkbox"/> 190 Other Contract	Product Liability	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 12 USC 3410	
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	Product Liability	<input type="checkbox"/> 730 Labor/Mgmt. Reporting	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions	
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> & Disclosure Act		<input type="checkbox"/> 891 Agricultural Acts	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 740 Railway Labor Act		<input type="checkbox"/> 892 Economic Stabilization Act	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate	<input type="checkbox"/> 790 Other Labor Litigation	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Sentence	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/	Habeas Corpus:	Security Act	or Defendant)	<input type="checkbox"/> 896 Freedom of Information	
<input type="checkbox"/> 240 Torts to Land	Accommodations	<input type="checkbox"/> 530 General	IMMIGRATION	<input type="checkbox"/> 871 IRS—Third Party	<input type="checkbox"/> Act	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 445 Amer. w/Disabilities -	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 463 Habeas Corpus —		<input type="checkbox"/> Determination	
	Employment	<input type="checkbox"/> 550 Civil Rights	Alien Detainee		<input type="checkbox"/> Under Equal Access	
	<input type="checkbox"/> 446 Amer. w/Disabilities -	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 465 Other Immigration		<input type="checkbox"/> to Justice	
	Other		Actions		<input type="checkbox"/> 950 Constitutionality of	
	<input type="checkbox"/> 440 Other Civil Rights				<input type="checkbox"/> State Statutes	

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):	
Fraud, Cal. Bus. & Prof. Code 17500, et seq., Cal. Bus. & Prof. Code 17200, Cons. Legal Remedy Act, Ca Civil Code 1750	
Brief description of cause:	
Class action against defendant for fraud, misrepresentation, injunctive and other relief.	

<input checked="" type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE
"NOTICE OF RELATED CASE". C11-02910 EDL; Honorable Elizabeth La Porte; Oakland Division

☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA

SIGNATURE OF ATTORNEY OF RECORD