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*Attorneys for Plaintiffs*  
[Additional Counsel on Signature Page]

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

REBECCA VIRGIL and HEIDI LANGAN :  
on behalf of themselves and all others :  
similarly situated, :  
 :  
Plaintiffs, :  
 :  
vs. :  
 :  
JOHNSON & JOHNSON CONSUMER :  
COMPANIES, INC. :  
Defendant. :  
 :

Civil Action No. \_\_\_\_\_

**CLASS ACTION COMPLAINT  
AND DEMAND FOR JURY TRIAL**

Plaintiffs, by their attorneys, on behalf of themselves and all others similarly situated, allege the following pursuant to the investigation of their counsel and based on information and belief, except as to allegations pertaining to personal knowledge as to themselves.

### **NATURE OF THE ACTION**

1. This is a class action against Johnson & Johnson Consumer Companies, Inc. (“Defendant” or “Johnson & Johnson”) concerning Aveeno ® brand Baby Wash and Shampoo and Aveeno ® brand Baby Calming Comfort Bath baby wash products (the “Products”). This action seeks to remedy the unfair and deceptive business practices arising from the marketing and sale of the Products as “Natural Formula.” The Products’ principal display panels (“PDP”) state, “Natural Oat Formula.” This statement is false and/or misleading to a reasonable consumer because, as set forth more fully herein, the Products contain unnatural, synthetic ingredients and, therefore, are not made according to a Natural Formula.<sup>1</sup>

2. Plaintiffs and the Class paid a premium for the Products over comparable baby wash products that did not purport to be made according to a Natural Formula. Instead of receiving a Natural Formula product, Plaintiffs and the Class received Products, in direct contradiction to Defendant’s representations, which contained unnatural, synthetic ingredients.

### **JURISDICTION AND VENUE**

3. This Court has original jurisdiction over the claims asserted herein individually and on behalf of the Class pursuant to 28 U.S.C. §1332, as amended in 2005 by the Class Action Fairness Act. Subject matter jurisdiction is proper because: (1) the amount in controversy in this class action exceeds five million dollars, exclusive of interest and costs; and (2) a substantial number of the members of the proposed class are citizens of a state different from that of Defendant. Personal jurisdiction is proper as Defendant is domiciled in New Jersey and has

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<sup>1</sup> Natural is defined as “existing in or produced by nature: not artificial.” <http://www.merriam-webster.com/dictionary/natural>. “Formula” is defined as a “recipe or prescription giving method and proportions of ingredients for the preparation of some material (as a medicine).” *See* [www.merriam-webster.com/dictionary/formula](http://www.merriam-webster.com/dictionary/formula).

purposefully availed itself of the privilege of conducting business activities within the State of New Jersey.

4. Venue is proper pursuant to 28 U.S.C. §1391(a) because a substantial part of the events or omissions giving rise to the claim occurred in this District.

### **PARTIES**

5. Plaintiff Rebecca Virgil is a resident of Orange, Connecticut and an individual consumer. Virgil purchased Aveeno Calming Comfort Bath at Target and/or Stop and Shop stores in Milford, Connecticut for her newborn son in 2009. Virgil, like all Class Members, paid a premium for the Products over comparable baby wash products that do not purport to be natural.

6. Plaintiff Heidi Langan is a resident of Trumbull, Connecticut and an individual consumer. Langan purchased Aveeno Calming Comfort Bath at Stop and Shop in Trumbull, Connecticut and/or Toys “R” Us in Milford, Connecticut in 2012 for her five-year old son. Langan, like all Class Members, paid a premium for the Products over comparable baby wash products that do not purport to be natural.

7. Defendant Johnson & Johnson Consumer Companies, Inc. is a corporation organized and existing under the laws of the State of New Jersey, with its headquarters and principal place of business at Grandview Road, Skillman, New Jersey, 08558.

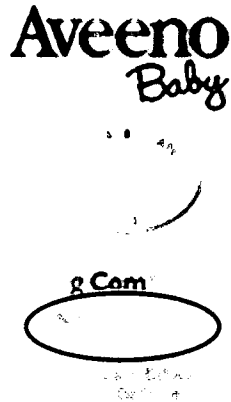
### **SUBSTANTIVE ALLEGATIONS**

8. Consumers have become increasingly concerned about the effects of synthetic and chemical ingredients in food, cleaning, bath and beauty, and everyday household products. Companies such as Johnson & Johnson have capitalized on consumer appetite for “natural

products.” Indeed, consumers are willing to pay, and have paid, a premium for products branded “natural” over ordinary products that contain synthetic ingredients. In 2010, for example, nationwide sales of natural products totaled \$117 billion.<sup>2</sup>

9. Aveeno is a brand of body care, facial care, hair care, baby care and sun care products manufactured and marketed by Johnson & Johnson and sold in drugstores, grocery stores and discount stores nationwide.

10. Defendant falsely represents that the Products are Natural Formula. The phrase “Natural Oat Formula” appears prominently on the PDP of each Product:



<sup>2</sup>[http://www.npainfo.org/NPA/About\\_NPA/NPA/AboutNPA/AbouttheNaturalProductsAssociation.aspx?hkey=8d3a15ab-f44f-4473-aa6e-ba27ccebcb8](http://www.npainfo.org/NPA/About_NPA/NPA/AboutNPA/AbouttheNaturalProductsAssociation.aspx?hkey=8d3a15ab-f44f-4473-aa6e-ba27ccebcb8)

11. The phrase “Natural Oat Formula” constitutes a representation to a reasonable consumer that the *entire formula* is comprised of natural ingredients. The phrase “Natural Oat Formula” is misleading to a reasonable consumer because the Products actually contain numerous unnatural, synthetic ingredients.

12. The Products not only contain ingredients that are not “natural,” but also contain ingredients that have a high risk of contamination by 1,4 dioxane, a chemical that is “likely to be carcinogenic to humans.”<sup>3</sup>

13. Incredibly, Aveeno Calming Comfort Bath’s purportedly Natural Formula contains Quaternium 15, a preservative that works by slowly releasing *formaldehyde*, a known human carcinogen used for embalming and as a disinfectant, into the Product.

14. Defendant’s false and misleading representations are particularly egregious because the Products are marketed for use on babies.<sup>4</sup>

### **THE UNNATURAL INGREDIENTS**

15. In direct contradiction of Defendants’ misrepresentations, the Products contain the following unnatural ingredients:

a. **Aveeno Calming Comfort Bath**

i. *Cocomidopropyl Betaine*- a synthetic surfactant<sup>5</sup> used to boost foaming and control viscosity.<sup>6</sup>

ii. *Coco Glucoside*- a synthetic surfactant.<sup>7</sup>

iii. *Di-PPG- 2 Myreth-10 Adipate*- a synthetic surfactant.<sup>8</sup>

<sup>3</sup> <http://www.epa.gov/IRIS/subst/0326.htm>

<sup>4</sup> See <http://answers.yahoo.com/question/index?qid=20081011200139AALGvL5>.

<sup>5</sup> A surfactant is a chemical used to stabilize mixtures of oil and water by reducing surface tension to ensure ingredients are evenly distributed throughout the product.

<sup>6</sup> [http://www.ewg.org/skindeep/ingredient/701520/COCAMIDOPROPYL\\_BETAINE/](http://www.ewg.org/skindeep/ingredient/701520/COCAMIDOPROPYL_BETAINE/)

<sup>7</sup> <http://www.ewg.org/skindeep/ingredient.php?ingred06=701535>

- iv. ***Disodium Lauroamphodiacetate***- a synthetic foam booster.<sup>9</sup>
- v. ***Glycerol Oleate***- a synthetic emulsifying agent made from glycerin and oleic acid.<sup>10</sup>
- vi. ***Glycol Distearate*** - a chemical compound used as an opacifying or skin conditioning agent.<sup>11</sup>
- vii. ***Laureth 4***- a synthetic polymer made from lauryl alcohol and polyethylene glycol (“PEG”). A byproduct of PEG, 1,4 dioxane is a known carcinogen.<sup>12</sup> Accordingly, contamination by 1,4 dioxane is a hazard in products containing Laureth 4.<sup>13</sup>
- viii. ***Lauryl Methyl Gluceth 10 Hydroxypropyldimonium Chloride***- a synthetic antistatic and hair conditioning agent.<sup>14</sup>
- ix. ***PEG 14m*** – a synthetic polymer of ethylene dioxide that has a 1,4 dioxane contamination hazard.<sup>15</sup>
- x. ***PEG 80 Sorbitan Laurate***-an ethylated sorbitol derivative of lanolin and ethylene dioxide with contamination hazards from carcinogens 1,4 dioxane and ethylene oxide.<sup>16</sup>
- xi. ***PEG 150 Distearate***- a polyethylene glycol diester of stearic acid used as a surfactant.<sup>17</sup>

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<sup>8</sup> [http://www.ewg.org/skindeep/ingredient/701913/DI-PPG-2\\_MYRETH-10\\_ADIPATE/](http://www.ewg.org/skindeep/ingredient/701913/DI-PPG-2_MYRETH-10_ADIPATE/)

<sup>9</sup> [http://www.ewg.org/skindeep/ingredient/702149/DISODIUM\\_LAUROAMPHODIACETATE/](http://www.ewg.org/skindeep/ingredient/702149/DISODIUM_LAUROAMPHODIACETATE/)

<sup>10</sup> [http://www.ewg.org/skindeep/ingredient/702650/GLYCERYL\\_OLEATE/](http://www.ewg.org/skindeep/ingredient/702650/GLYCERYL_OLEATE/)

<sup>11</sup> <http://www.ewg.org/skindeep/ingredient.php?ingred06=702699>

<sup>12</sup> <http://www.fda.gov/cosmetics/productingredientsafety/potentialcontaminants/ucm101566.htm>

<sup>13</sup> <http://www.ewg.org/skindeep/ingredient/703422/LAURETH-4/#>

<sup>14</sup> [http://www.ewg.org/skindeep/ingredient/703454/LAURYL\\_METHYL\\_GLUCETH-10\\_HYDROXYPROPYLDIMONIUM\\_CHLORIDE/](http://www.ewg.org/skindeep/ingredient/703454/LAURYL_METHYL_GLUCETH-10_HYDROXYPROPYLDIMONIUM_CHLORIDE/)

<sup>15</sup> <http://www.ewg.org/skindeep/ingredient/704517/PEG-14M/>

<sup>16</sup> [http://www.ewg.org/skindeep/ingredient/704685/PEG-80\\_SORBITAN\\_LAURATE/](http://www.ewg.org/skindeep/ingredient/704685/PEG-80_SORBITAN_LAURATE/)

- xii. *Polyquaternium 10*- a synthetic polymeric used as a film forming agent.<sup>18</sup>
- xiii. *Quaternium 15*- an ammonium salt used as a preservative that acts as a formaldehyde releaser.<sup>19</sup>
- xiv. *Sodium Hydroxide*- a synthetic chemical pH adjuster.<sup>20</sup>
- xv. *Tetrasodium EDTA*- a synthetic chelating agent.<sup>21</sup>

b. **Aveeno Wash & Shampoo**

- i. *Cocamidopropyl Betaine* – see above.
- ii. *Iodopropynyl Butylcarbamate*- a synthetic toxic preservative.<sup>22</sup>
- iii. *PEG 150 Distearate*- see above.
- iv. *PEG 80 Sorbitan Laurate*- see above.
- v. *Sodium Laureth Sulfate*- a synthetic surfactant that has a contamination hazard from carcinogens 1,4 dioxane and ethylene oxide.<sup>23</sup>
- vi. *Sodium Lauroampho Pg-Acetate Phosphate*- a synthetic surfactant.<sup>24</sup>
- vii. *Tetrasodium EDTA*- see above.

16. Upon information and belief, all of the sales and marketing concepts, plans, communications and materials concerning the Products were conceived of, written and approved and implemented by Defendant's employees located at Defendant's headquarters in New Jersey. In particular, the misrepresentations on the PDPs alleged above were conceived of, written and approved and implemented by Defendant's employees located at Defendant's headquarters in

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<sup>17</sup> [http://www.ewg.org/skindeep/ingredient/704526/PEG-150\\_DISTEARATE/](http://www.ewg.org/skindeep/ingredient/704526/PEG-150_DISTEARATE/)

<sup>18</sup> <http://www.ewg.org/skindeep/ingredient/705101/POLYQUATERNIUM-10/>

<sup>19</sup> <http://www.ewg.org/skindeep/ingredient/705478/QUATERNIUM-15/>

<sup>20</sup> [http://www.ewg.org/skindeep/ingredient/706075/SODIUM\\_HYDROXIDE/](http://www.ewg.org/skindeep/ingredient/706075/SODIUM_HYDROXIDE/)

<sup>21</sup> [http://www.ewg.org/skindeep/ingredient/706510/TETRASODIUM\\_EDTA/](http://www.ewg.org/skindeep/ingredient/706510/TETRASODIUM_EDTA/)

<sup>22</sup> [http://www.ewg.org/skindeep/ingredient/703111/IODOPROPYNYL\\_BUTYLCARBAMATE/#jumptohere](http://www.ewg.org/skindeep/ingredient/703111/IODOPROPYNYL_BUTYLCARBAMATE/#jumptohere)

<sup>23</sup> [http://www.ewg.org/skindeep/ingredient/706089/SODIUM\\_LAURETH\\_SULFATE/](http://www.ewg.org/skindeep/ingredient/706089/SODIUM_LAURETH_SULFATE/)

<sup>24</sup> [http://www.ewg.org/skindeep/ingredient/706095/SODIUM\\_LAUROAMPHO\\_PG-ACETATE\\_PHOSPHATE/](http://www.ewg.org/skindeep/ingredient/706095/SODIUM_LAUROAMPHO_PG-ACETATE_PHOSPHATE/)

New Jersey. Accordingly, all of the alleged acts and practices relevant to this litigation emanated from Defendant's headquarters in New Jersey. Moreover, Defendant received revenues from the sale of the products in New Jersey.

17. As set forth herein, Plaintiffs and the class suffered an ascertainable loss in at least the following amounts, in that they paid a premium for the Products over comparable baby wash products made by Johnson & Johnson that are not marketed as "Natural Formula:"

	Aveeno Baby Calming Comfort Bath (\$8.29/18 fl oz) <sup>25</sup> <b>Price per ounce:</b>	\$0.46
<b>Comparable unnatural product</b>	Johnson's Baby head-to-toe baby wash (\$3.99/15 fl oz) <sup>26</sup> <b>Price per ounce:</b>	\$0.27
	Premium paid per ounce	\$0.19
	<b>Premium paid per 18 fl oz product</b>	<b>\$3.42</b>

	Aveeno Baby Calming Comfort Bath (\$4.79/8 fl oz) <sup>27</sup> <b>Price per ounce:</b>	\$0.59
<b>Comparable unnatural product</b>	Johnson's Baby head-to-toe baby wash (\$3.99/15 fl oz) <sup>28</sup> <b>Price per ounce:</b>	\$0.27
	Premium paid per ounce	\$0.32
	<b>Premium paid per 8 fl oz product</b>	<b>\$2.56</b>

	Aveeno Baby Wash & Shampoo (\$5.99/12 fl oz) <sup>29</sup> <b>Price per ounce:</b>	\$0.50
<b>Comparable unnatural product</b>	Johnson's Baby head-to-toe baby wash (\$3.99/15 fl oz) <sup>30</sup>	

<sup>25</sup> [http://www.drugstore.com/products/prod.asp?pid=232135&catid=182480&aid=338666&aparam=goobase filler](http://www.drugstore.com/products/prod.asp?pid=232135&catid=182480&aid=338666&aparam=goobase%20filler)

<sup>26</sup> <http://www.drugstore.com/johnsons-baby-head-to-toe-baby-wash-original-formula/qxp14457?catid=183491>

<sup>27</sup> <http://www.drugstore.com/aveeno-baby-calming-comfort-bath/qxp76036?catid=182480>

<sup>28</sup> <http://www.drugstore.com/johnsons-baby-head-to-toe-baby-wash-original-formula/qxp14457?catid=183491>

<sup>29</sup> <http://www.drugstore.com/aveeno-baby-wash-and-shampoo-lightly-scented/qxp161536?catid=183492>

<sup>30</sup> <http://www.drugstore.com/johnsons-baby-head-to-toe-baby-wash-original-formula/qxp14457?catid=183491>

	<b>Price per ounce:</b>	\$0.27
	Premium paid per ounce	\$0.23
	<b><i>Premium paid per 12 fl oz product</i></b>	<b>\$2.76</b>

	Aveeno Baby Wash & Shampoo (\$7.99/18 fl oz) <sup>31</sup> <b>Price per ounce:</b>	\$0.44
<b>Comparable unnatural product</b>	Johnson's Baby head-to-toe baby wash (\$3.99/15 fl oz) <sup>32</sup> <b>Price per ounce:</b>	\$0.27
	Premium paid per ounce	\$0.17
	<b><i>Premium paid per 18 fl oz product</i></b>	<b>\$3.06</b>

18. Based on the foregoing, Plaintiffs and the Class have been damaged.

**CLASS ACTION ALLEGATIONS**

19. Plaintiffs bring this action individually and as a class action pursuant Federal Rules of Civil Procedure Rule 23 on behalf of themselves and the class (the “Class” or “Nationwide Class”) defined as follows:

All purchasers of the Products in the United States during the applicable statute of limitations period. Specifically excluded from this Class are Defendant; the officers, directors or employees of Defendant; any entity in which Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of Defendant. Also excluded are the judge to whom this case is assigned and any member of the judge’s immediate family.

20. In addition and/or in the alternative to the Nationwide Class, Plaintiffs seek to represent the following subclass (the “Connecticut Subclass”):

<sup>31</sup> <http://www.drugstore.com/aveeno-baby-wash-and-shampoo/qxp232136?catid=182486>

<sup>32</sup> <http://www.drugstore.com/johnsons-baby-head-to-toe-baby-wash-original-formula/qxp14457?catid=183491>

All residents and/or purchasers of the Products in the state of Connecticut during the applicable statute of limitations period. Specifically excluded from this Class are Defendant; the officers, directors or employees of Defendant; any entity in which Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of Defendant. Also excluded are the judge to whom this case is assigned and any member of the judge's immediate family.

21. Upon information and belief, the Class is sufficiently numerous, as it includes thousands of persons who have purchased the Products.

22. There are questions of law and fact common to the Class and these questions predominate over questions affecting only individual Class members. Common legal and factual questions include, but are not limited to:

- a. whether Defendant advertises or markets the Products in a way that is unfair, deceptive, false or misleading to a reasonable consumer;
- b. whether, by the misconduct set forth in this Complaint, Defendant has engaged in unfair, deceptive, or unlawful business practices with respect to the advertising, marketing, and sales of its Products;
- c. with respect to the Nationwide Class, whether Defendant violated the New Jersey Consumer Fraud Act, N.J.S.A. § 58:8-1, *et seq.*;
- d. whether Plaintiffs and Class Members conveyed a benefit on Defendant by purchasing the Products;
- e. whether Defendant has been unjustly enriched in retaining the revenues derived from those purchases of the Products due to the misrepresentations and the resulting injury to Plaintiffs and Class members as alleged above;

- f. whether Defendants' retention of such revenues under these circumstances is unjust and inequitable;
- g. with respect to the Connecticut Subclass, whether Defendant violated the Connecticut Unfair Trade Practices Act, 42 C.G.S. § 42-110a, *et seq*; and
- h. whether, as a result of Defendant's misconduct as alleged herein, Plaintiffs and the Class are entitled to restitution, injunctive and/or monetary relief.

23. Plaintiffs will fairly and adequately represent the Class and have retained counsel experienced and competent in the prosecution of consumer and class action litigation. Plaintiffs have no interests antagonistic to those of other members of the Class. Plaintiffs are committed to the vigorous prosecution of this action and have retained counsel experienced in litigation of this nature to represent them. Plaintiffs anticipate no difficulty in the management of this litigation as a class action.

24. Plaintiffs' claims are typical of the claims of the members of the Class as all members of the Class are similarly affected by Defendant's wrongful conduct.

25. A class action is superior to other available methods for the fair and efficient adjudication of the controversy. Because of the amount of the individual Class member's claims relative to the complexity of the litigation and the financial resources of the Defendant, few, if any, members of the Class would seek legal redress individually for the wrongs complained of here. Absent a class action, Class members will continue to suffer damages and Defendant's misconduct will proceed without remedy.

**FIRST CAUSE OF ACTION**

**Asserted by Plaintiffs on Behalf of the Nationwide Class  
(Violations of New Jersey Consumer Fraud Act (“CFA”), N.J.S.A. 56:8-1 *et seq.*)**

26. The foregoing allegations are realleged and incorporated by reference as if set forth fully herein.

27. Plaintiffs are “persons” and “consumers” within the meaning of the CFA.

28. Defendant’s misrepresentation that the Products were “Natural Formula” was false and misleading to a reasonable consumer because the Products contained unnatural, synthetic ingredients.

29. In violation of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1, *et seq.*, Johnson & Johnson has used and employed unconscionable commercial practices, deception, fraud, misrepresentations and/or the knowing concealment, suppression, and/or omission of material facts concerning the ingredients in the Products. The foregoing acts, omissions and representations directly, foreseeably and proximately caused Plaintiffs and the Class to suffer an ascertainable loss when they paid a premium for the Products represented to be “Natural Formula,” in comparison to products that did not purport to be Natural Formula.

30. The unfair and deceptive trade acts and practices of Defendant have directly, foreseeably, and proximately caused damages and injury to Plaintiffs and the other members of the Class.

**SECOND CAUSE OF ACTION**

**Asserted by Plaintiffs on behalf of the Connecticut Subclass  
(Violation of Connecticut Unfair Trade Practices Act (“CUTPA”), 42 C.G.S. § 42-110a, *et seq.*)**

31. The foregoing allegations are realleged and incorporated by reference as if set forth fully herein.

32. Plaintiffs were “persons” within the meaning of CUTPA.

33. Defendant’s misrepresentation that the Products were Natural Formula was false and misleading to a reasonable consumer because the Products contained unnatural, synthetic ingredients.

34. Defendant has engaged in unfair or deceptive practices within the meaning of C.G.S. § 42-110(b) by misrepresenting that the Products were “Natural Formula” when they contained unnatural, synthetic ingredients.

35. The foregoing acts, omissions and representations directly, foreseeably and proximately caused Plaintiffs and the Class to suffer an ascertainable loss when they paid a premium for the Products represented to be “Natural Formula,” in comparison to products that did not purport to be “Natural Formula.”

36. The unfair and deceptive trade acts and practices of Defendant have directly, foreseeably, and proximately caused an ascertainable loss to Plaintiffs and the other members of the Class.

**THIRD CAUSE OF ACTION**  
**Asserted by Plaintiffs on behalf of Nationwide Class**  
**(Unjust Enrichment)**

37. The foregoing allegations are realleged and incorporated by reference as if fully set forth herein.

38. Plaintiffs and Class Members conveyed a benefit on Defendant by purchasing the Products.

39. Defendant has been unjustly enriched in retaining the revenues derived from those purchases of the Products due to the misrepresentations and the resulting injury to Plaintiffs and Class members as alleged above.

40. Defendant's retention of such revenues under these circumstances is unjust and inequitable.

41. Because Defendant's retention of the non-gratuitous benefit conferred on it by Plaintiffs and Class members is unjust and inequitable, Plaintiffs and Class members are entitled to restitution and other proper equitable relief.

**NOTICE TO ATTORNEY GENERAL OF ACTION**

A copy of this Complaint shall be mailed to the Attorney General of the State of New Jersey within ten days after filing with the Court pursuant to N.J.S.A. 56:8-20.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs, on behalf of themselves and all others similarly situated, pray for judgment against Defendant Johnson & Johnson as follows:

- (a) For an Order certifying the Nationwide Class and Connecticut Subclass under Class under Rule 23, and appointing Plaintiffs as Class Representatives and their attorneys as Class Counsel;
- (b) for an order declaring that Defendant's conduct violates the statutes referenced herein;
- (c) for compensatory damages in favor of Plaintiffs and the other members of the Class and against Defendant for damages under the statutory and common laws as alleged herein;
- (d) for treble damages, reasonable attorneys' fees, filing fees, and the reasonable costs of suit pursuant to the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-19;
- (e) for injunctive relief as pleaded or as the Court may deem proper;
- (f) for punitive damages as the Court deems proper;
- (g) for equitable restitution;
- (h) for pre- and post-judgment interest;
- (i) for costs and disbursements incurred in connection with this action, including experts' fees;
- (j) for reasonable attorneys' fees and costs; and
- (k) for such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiffs demand a trial by jury on all issues so triable.

Dated: January 25, 2013

**LITE DEPALMA GREENBERG, LLC**

By: /s/ Joseph J. DePalma  
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*Attorneys for Plaintiffs*

**CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2**

Plaintiffs, by their attorneys, hereby certify that to the best of their knowledge, the matter in controversy is not related to any other action. Plaintiffs are not currently aware of any other party who should be joined in this action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: January 25, 2013

**LITE DEPALMA GREENBERG, LLC**

By: /s/ Joseph J. DePalma  
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CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, Telephone Number, and Email Address)

DEFENDANTS
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Brief description of cause:

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.**

Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**LITE DEPALMA GREENBERG, LLC**

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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

REBECCA VIRGIL and HEIDI LANGAN :  
on behalf of themselves and all others :  
similarly situated, :

Plaintiffs, :

vs. :

JOHNSON & JOHNSON CONSUMER :  
COMPANIES, INC. :

Defendant. :

Civil Action No. \_\_\_\_\_

**CERTIFICATE OF  
NON-ARBITRABILITY**

JOSEPH J. DEPALMA, of full age, certifies that pursuant to L. Civ. R. 201.1 the within matter is not arbitrable, being that the Complaint seeks damages that are in an excess of \$150,000.

Date: January 25, 2013

/s/ Joseph J. DePalma  
Joseph J. DePalma