

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.

GLADYS CORTES, an individual,
on behalf of herself and all others similarly
situated,

Plaintiff,

v.

YUCATAN FOODS, L.P.

Defendant.

CLASS ACTION COMPLAINT

Plaintiff Gladys Cortes (“Plaintiff”), hereby sues for herself and all others similarly situated, Defendant Yucatan Foods, L.P. (hereinafter “Yucatan”) and alleges as follows:

INTRODUCTION

1. Plaintiff brings this consumer class action on behalf of herself and all other persons who, from April 29, 2009 up to and including the present (the “Class Period”), purchased in Florida for consumption and not resale any of Yucatan’s products listing Evaporated Cane Juice (“ECJ”) in the ingredients.

2. During the Class Period, Yucatan engaged in a uniform campaign through which it purposefully misrepresented and continues to purposefully misrepresent to consumers that its products contain ECJ even though “evaporated cane juice” is not “juice” at all—it is nothing more than sugar, cleverly disguised. Further, ECJ is not the common or usual name of any type of sweetener, or even any type of juice, and the use of such a name is false and misleading.

Yucatan uniformly lists ECJ as an ingredient on its products, as well as on its website and other promotional material.

3. Yucatan's actions constitute violations of Florida's Deceptive and Unfair Trade Practices Act ("FDUTPA"), Fla. Stat. § 501.201-501.2101. Yucatan has also been unjustly enriched as a result of its conduct.

4. As a result of these unfair and deceptive practices, Yucatan has collected millions of dollars from the sale of its products with ECJ that it would not have otherwise earned.

PARTIES, JURISDICTION, AND VENUE

5. Plaintiff Gladys Cortes is a citizen of the State of Florida. During the Class Period, Plaintiff purchased many different Yucatan products with ECJ as an ingredient for personal consumption within the State of Florida. Plaintiff has purchased Yucatan products with ECJ, including the Authentic Guacamole.

6. Defendant Yucatan is organized and existing under the laws of the state of Delaware. Yucatan's headquarters is at 9841 Airport Blvd., Suite 832, Los Angeles, California 90045. Yucatan manufactured, advertised, marketed, and sold products containing ECJ to tens of thousands of consumers nationwide, including Florida. Yucatan also distributed the false, misleading and deceptively labeled products to consumers throughout the United States.

7. The Court has jurisdiction over Yucatan because its products with ECJ are advertised, marketed, distributed, and sold throughout Florida; Yucatan engaged in the wrongdoing alleged in this Complaint throughout the United States, including in Florida; Yucatan is authorized to do business in Florida; and Yucatan has sufficient minimum contacts with Florida and/or otherwise has intentionally availed itself of the markets in Florida, rendering the exercise of jurisdiction by the Court permissible under traditional notions of fair play and

substantial justice. Moreover, Yucatan is engaged in substantial and not isolated activity within this state.

8. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332, because this is a class action, as defined by 28 U.S.C. § 1332(d)(1)(B), in which a member of the putative class is a citizen of a different state than Defendant, and the amount in controversy exceeds the sum or value of \$5,000,000, excluding interest and costs. *See* 28 U.S.C. § 1332(d)(2).

9. Venue is proper in this district because a substantial part of the events giving rise to Plaintiff's claims occurred in this district, and Yucatan is subject to personal jurisdiction in this district.

FACTUAL ALLEGATIONS

10. According to Yucatan, its products, with their distinctive packaging and array of flavors, are available at most major supermarket chains from coast to coast. Yucatan claims that its all-natural avocado products are made with the most meticulous standards of quality and excellence. Yucatan also sells its products under the Cabo Fresh label.

11. Yucatan uses the term "Evaporated Cane Juice" on its packaging.

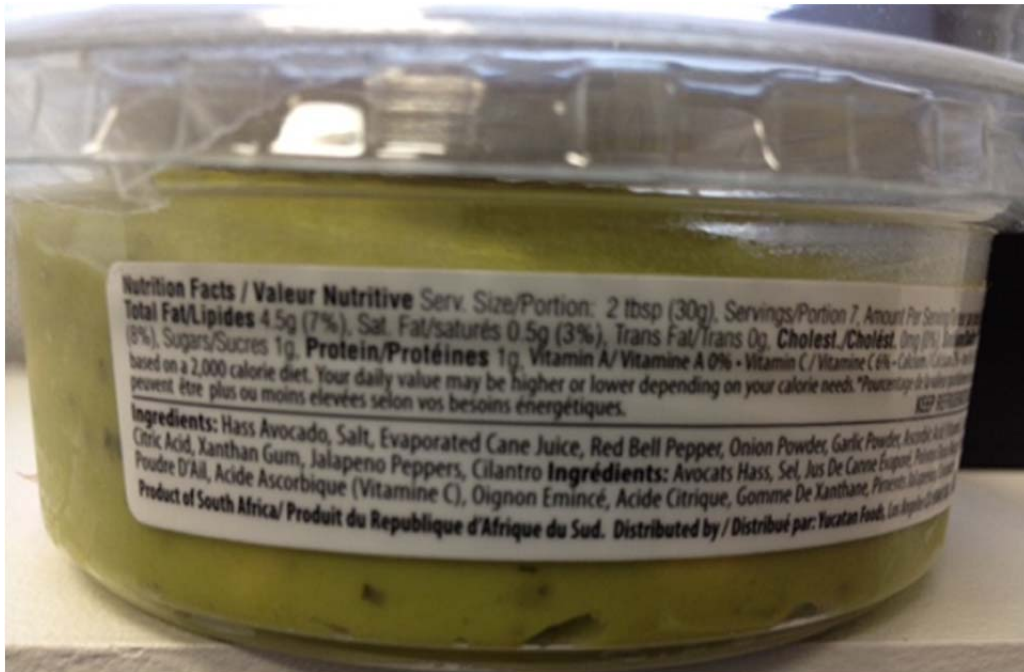
12. Yucatan uses the term ECJ to make its product appear healthier than a product that contains "sugar" as an ingredient and to increase sales and to charge a premium.

13. Upon information and belief, Yucatan sells a number of products with ECJ, including but not limited to:

Yucatan Products	Cabo Fresh Products
Authentic Guacamole	Authentic Guacamole
Mild Guacamole	Organic-Mild Guacamole
Organic Guacamole	Avo-Hummus
Spice Guacamole	Mild Salsa
Ranch Guacamole	Medium Salsa
Hummus Guacamole	Bruschetta
2 oz. Singles Guacamole	
Guacamole Twinpack	

14. Exemplar labels are provided below:





15. Yucatan’s product labeling fails to accurately identify sugar as an ingredient of its products. Rather, the label identifies “Evaporated Cane Juice” as an ingredient, despite the fact that the FDA has specifically warned companies not to use the term “Evaporated Cane Juice” because (1) it is “false and misleading;” (2) its use is in violation of a number of labeling regulations designed to ensure that manufacturers label their products with the common and usual names of the ingredients they use and accurately describe the ingredients they utilize; and (3) the ingredient in question is not a juice.

16. According to the FDA’s published policy, “evaporated cane juice” is simply a deceptive way of describing sugar, and therefore, it is false and misleading to dress up sugar as a type of “juice.”

17. In October of 2009, the FDA issued Guidance for Industry: Ingredients Declared as Evaporated Cane Juice, which advised industry and that:

[T]he term “evaporated cane juice” has started to appear as an ingredient on food labels, most commonly to declare the presence of sweeteners derived from sugar cane syrup. **However, FDA’s current policy is that sweeteners derived from**

sugar cane syrup should not be declared as “evaporated cane juice” because that term falsely suggests that the sweeteners are juice...

“Juice” is defined by 21 CFR 120.1(a) as “the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree.” ...

As provided in 21 CFR 101.4(a)(1), “Ingredients required to be declared on the label or labeling of a food . . . shall be listed by common or usual name” The common or usual name for an ingredient is the name established by common usage or by regulation (21 CFR 102.5(d)). The common or usual name must accurately describe the basic nature of the food or its characterizing properties or ingredients, and may not be “confusingly similar to the name of any other food that is not reasonably encompassed within the same name” (21 CFR 102.5(a))...

Sugar cane products with common or usual names defined by regulation are sugar (21 CFR 101.4(b)(20)) and cane sirup (alternatively spelled “syrup”) (21 CFR 168.130). Other sugar cane products have common or usual names established by common usage (e.g., molasses, raw sugar, brown sugar, turbinado sugar, muscovado sugar, and demerara sugar)...

The intent of this draft guidance is to advise the regulated industry of FDA’s view that the term “evaporated cane juice” is not the common or usual name of any type of sweetener, including dried cane syrup. Because cane syrup has a standard of identity defined by regulation in 21 CFR 168.130, the common or usual name for the solid or dried form of cane syrup is “dried cane syrup.”...

Sweeteners derived from sugar cane syrup should not be listed in the ingredient declaration by names which suggest that the ingredients are juice, such as “evaporated cane juice.” FDA considers such representations to be false and misleading under section 403(a)(1) of the Act (21 U.S.C. 343(a)(1)) because they fail to reveal the basic nature of the food and its characterizing properties (i.e., that the ingredients are sugars or syrups) as required by 21 CFR 102.5. Furthermore, sweeteners derived from sugar cane syrup are not juice and should not be included in the percentage juice declaration on the labels of beverages that are represented to contain fruit or vegetable juice (see 21 CFR 101.30).

<http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/ucm181491.html> (emphasis added)

18. The FDA’s position is thus clear that “evaporated cane juice” labels are “false and misleading.”

19. Despite the issuance of the 2009 FDA Guidance, Yucatan did not remove the unlawful and misleading food labeling ingredient from their misbranded food products.

20. Such products mislead consumers into paying a premium price for products that do not satisfy the minimum standards established by law for those products and for inferior or undesirable ingredients or for products that contain ingredients not listed on the label.

21. Yucatan's false, unlawful, and misleading product descriptions and ingredient listings render these products misbranded under Florida law. Specifically, Section 500.04 of the Florida Food Safety Act prohibits the manufacture, sale or delivery of "misbranded food." Food is "misbranded" when "its labeling is false or misleading in any particular" or when a food is "offered for sale under the name of another food." Fla. Stat. § 500.11(1)(a) & (b). Misbranded products cannot be legally sold and are legally worthless.

22. Plaintiff and the class paid a premium price for their Yucatan products with ECJ.

23. Plaintiff and the Class have been damaged by Yucatan's deceptive and unfair conduct in that they purchased a misbranded and worthless product or paid prices they otherwise would not have paid had Yucatan not misrepresented the products' ingredients.

CLASS ACTION ALLEGATIONS

24. Plaintiff brings this case as a class action pursuant to Florida's Deceptive and Unfair Trade Practices Act, Fla. Stat. §§501.201-501.213. Plaintiff seeks certification of the following Class: All individuals who purchased any Yucatan product with ECJ for consumption and not resale in Florida after April 29, 2009 up to and including the present (the "Class"). Excluded from the Class are employees, officers, and directors of Yucatan.

25. This action is proper for class treatment under Rules 23(b)(1)(B) and 23(b)(3) of the Federal Rules of Civil Procedure. While the exact number and identities of other Class

members are unknown to Plaintiff at this time, Plaintiff is informed and believes that there are thousands of Class members. Thus, the Class is so numerous that individual joinder of all Class members is impracticable.

26. Questions of law and fact arise from Defendant's conduct described herein. Such questions are common to all Class members and predominate over any questions affecting only individual Class members and include:

- a. whether listing sugar as ECJ on its products is false and misleading;
- b. whether listing the ingredient "evaporated cane juice" is misleading because it is not "juice";
- c. whether identifying sugar as ECJ renders the products at issue misbranded;
- d. whether Yucatan failed to disclose to consumers that ECJ is an unlawful term that is merely sugar or dried cane syrup;
- e. whether Yucatan engaged in a marketing practice intended to deceive consumers by substituting the term ECJ for sugar in their products;
- f. whether Yucatan's marketing practices violate FDUTPA;
- g. whether Yucatan has been unjustly enriched at the expense of Plaintiff and the other Class members by its misconduct;
- h. whether Yucatan must disgorge any and all profits it has made as a result of its misconduct; and
- i. whether Yucatan should be barred from marketing its products as listing ECJ as an ingredient.

27. Plaintiff will fairly and adequately represent and pursue the interests of the Class. Plaintiff's counsel has vast experience in litigating consumer class action cases. Plaintiff understands the nature of her claims herein, has no disqualifying conditions, and will vigorously represent the interests of the Class.

**COUNT I- INJUNCTION FOR VIOLATIONS OF THE FLORIDA
DECEPTIVE AND UNFAIR TRADE PRACTICES ACT**

28. Plaintiff realleges and incorporates by reference paragraphs 1 - 27 herein and further alleges as follows:

29. This is a claim for an injunction for violations of Florida's Deceptive and Unfair Trade Practices Act, Fla. Stat. §§ 501.201-501.2101.

30. FDUTPA provides that unfair methods of competition, unconscionable acts and practices, and unfair or deceptive acts or practices in the conduct "of any trade or commerce" are unlawful. Fla. Stat. §501.204. Under FDUTPA, "trade or commerce" is defined to include any advertisement or solicitation relating to any "thing of value." Fla. Stat. §501.203(8).

31. Plaintiff and the other Class members are consumers as defined and construed under FDUTPA, Fla. Stat. §§501.201-501.213. Further, Plaintiff and the other Class members are "aggrieved" by the sale of products listing ECJ as an ingredient in that they purchased said products.

32. The practices employed by Defendant, whereby Defendant advertised, promoted, and marketed that its products contain ECJ are unfair, deceptive, and misleading. In addition, the practice employed by Defendant, whereby Defendant sold, promoted and marketed that its products contain ECJ constitutes a *per se* violation of FDUTPA under Section 501.203(3)(c) because it is in violation of the Florida Food Safety Act, Fla. Stat. § 500.04 (1) and (2) in that said products are misbranded.

33. Yucatan should be enjoined from marketing their products as containing ECJ as described above pursuant to Fla. Stat. § 501.211(1).

WHEREFORE, Plaintiff, on behalf of herself and all others similarly situated, respectfully demands a judgment enjoining Yucatan's conduct, awarding costs of this proceeding and attorney's fees, as provided by Fla. Stat. § 501.2105, and such other relief as this Court deems just and proper.

**COUNT II- VIOLATIONS OF THE FLORIDA
DECEPTIVE AND UNFAIR TRADE PRACTICES ACT**

34. Plaintiff realleges and incorporates by reference paragraphs 1 - 27 herein and further alleges as follows:

35. This is a claim for violation of Florida's Deceptive and Unfair Trade Practices Act, Fla. Stat. §§ 501.201-501.2101.

36. FDUTPA provides that unfair methods of competition, unconscionable acts and practices, and unfair or deceptive acts or practices in the conduct "of any trade or commerce" are unlawful. Fla. Stat. §501.204. Under FDUTPA, "trade or commerce" is defined to include any advertisement or solicitation relating to any "thing of value." Fla. Stat. §501.203(8).

37. Plaintiff and the other Class members are consumers as defined and construed under FDUTPA, Fla. Stat. §§501.201-501.213.

38. The practices employed by Defendant, whereby Defendant advertised, promoted, and marketed that its products contain ECJ are unfair, deceptive, and misleading. In addition, the practice employed by Defendant, whereby Defendant sold, promoted and marketed that its products contain ECJ constitutes a *per se* violation of FDUTPA under Section 501.203(3)(c) because it is in violation of the Florida Food Safety Act, Fla. Stat. § 500.04 (1) and (2) in that said products are misbranded.

39. Plaintiff and the other Class members suffered a loss as a result of Yucatan's deceptive and unfair trade acts. Specifically, as a result of Yucatan's deceptive and unfair trade

acts and practices, Plaintiff and the other Class members suffered monetary losses associated with the purchase of Yucatan products with ECJ, *i.e.*, the purchase price of the product and/or the premium paid by Plaintiff and the Class for said products.

WHEREFORE, Plaintiff, on behalf of herself and all others similarly situated, respectfully demands an award against Yucatan for actual and/or compensatory damages, in addition to the costs of this proceeding and attorney's fees, as provided by Fla. Stat. § 501.2105, and such other relief as this Court deems just and proper.

COUNT III- UNJUST ENRICHMENT

40. Plaintiff realleges and incorporates the allegations contained in paragraphs 1 - 27 herein and further alleges as follows:

41. Yucatan received certain monies as a result of its uniform deceptive marketing of its products with ECJ that are excessive and unreasonable.

42. Plaintiff and the Class conferred a benefit on Yucatan through purchasing its products with ECJ, and Yucatan has knowledge of this benefit and has voluntarily accepted and retained the benefits conferred on it.

43. Yucatan will be unjustly enriched if it is allowed to retain such funds, and each Class member is entitled to an amount equal to the amount they enriched Yucatan and for which Yucatan has been unjustly enriched.

WHEREFORE, Plaintiff, on behalf of herself and all others similarly situated, demands an award against Yucatan for the amounts equal to the amount each Class member enriched Yucatan and for which Yucatan has been unjustly enriched, and such other relief as this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

44. Plaintiff, individually and on behalf of all others similarly situated, hereby demands a jury trial on all claims so triable.

Dated: April 29, 2013

Respectfully submitted,

s/ Lance A. Harke

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Miami Shores, FL 33138

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS

GLADYS CORTES, an individual, on behalf of herself and all others similarly situated,

(b) County of Residence of First Listed Plaintiff Miami-Dade
(EXCEPT IN U.S. PLAINTIFF CASES)

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

Harke Clasby & Bushman LLP Tel: 305-536-8220
9699 NE Second Avenue Fax: 305-536-8229
Miami Shores, FL 33138

DEFENDANTS

YUCATAN FOODS, L.P.

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

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)

- | | | | | | | |
|---|-------------------------------------|-----|--------------------------|---|--------------------------|-------------------------------------|
| | | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> | 1 | <input type="checkbox"/> | 1 | <input type="checkbox"/> | 4 |
| | | | | Incorporated or Principal Place of Business In This State | | |
| Citizen of Another State | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 5 |
| | | | | Incorporated and Principal Place of Business In Another State | | <input checked="" type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> | 3 | <input type="checkbox"/> | 3 | <input type="checkbox"/> | 6 |
| | | | | Foreign Nation | <input type="checkbox"/> | <input type="checkbox"/> |

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

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

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Re-filed- (see VI below)
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

(See instructions second page): a) Re-filed Case YES NO b) Related Cases YES NO
JUDGE Ursula Ungaro DOCKET NUMBER 13-cv-21232

VII. 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):
28 U.S.C. § 1332. This is an action to recover damages sustained as a result of Defendant's sale of its products listing Evaporated Cane Juice as an ingredient.
LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. 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

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

April 29, 2013

FOR OFFICE USE ONLY

AMOUNT _____ RECEIPT # _____ IFP _____

United States District Court

SOUTHERN DISTRICT OF FLORIDA

GLADYS CORTES, an individual,
on behalf of herself and all others similarly situated,

Plaintiff,

SUMMONS IN A CIVIL CASE

CASE NO.:

v.

YUCATAN FOODS, L.P.

Defendant.

TO: Yucatan Foods, L.P.
Ardeshir Haerizadeh, Registered Agent
9841 Airport Blvd., Suite 832
Los Angeles, CA 90045

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Harke Clasby & Bushman LLP
9699 NE Second Avenue
Miami Shores, FL 33138
Telephone: 305-536-8220
Facsimile: 305-536-8229

an answer to the complaint which is herewith served upon you, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

BY DEPUTY CLERK