

LAW OFFICES  
KIRTLAND & PACKARD LLP

1 Michael Louis Kelly - State Bar No. 82063  
 2 [mlk@kirtlandpackard.com](mailto:mlk@kirtlandpackard.com)  
 3 Behram V. Parekh - State Bar No. 180361  
 4 [bvp@kirtlandpackard.com](mailto:bvp@kirtlandpackard.com)  
 5 Heather M. Peterson - State Bar No. 261303  
 6 [hmp@kirtlandpackard.com](mailto:hmp@kirtlandpackard.com)  
 7 KIRTLAND & PACKARD LLP  
 8 2361 Rosecrans Avenue  
 9 Fourth Floor  
 10 El Segundo, California 90245  
 11 Telephone: (310) 536-1000  
 12 Facsimile: (310) 536-1001

13 NEWPORT TRIAL GROUP  
 14 A Professional Corporation  
 15 Scott J. Ferrell, Bar No. 202091  
 16 [sferrell@trialnewport.com](mailto:sferrell@trialnewport.com)  
 17 James B. Hardin, Bar No. 205071  
 18 [jhardin@trialnewport.com](mailto:jhardin@trialnewport.com)  
 19 Victoria C. Knowles, Bar No. 277231  
 20 [vkowles@trialnewport.com](mailto:vkowles@trialnewport.com)  
 21 895 Dove Street, Suite 425  
 22 Newport Beach, CA 92660  
 23 Tel: (949) 706-6464; Fax: (949) 706-6469

24 *Counsel for Plaintiff and all*  
 25 *others similarly situated*

## UNITED STATES DISTRICT COURT

## CENTRAL DISTRICT OF CALIFORNIA

26 LAUREN CRIVIER, on behalf of herself  
 27 and all others similarly situated,

28 Plaintiff,

v.

THE HAIN CELESTIAL GROUP, INC.,  
 a Delaware Corporation, and DOES 1-  
 10, inclusive,

Defendant.

**CLASS ACTION  
COMPLAINT FOR:**

1. VIOLATION OF THE FALSE  
ADVERTISING LAWS ("FAL");  
Bus. & Prof. Code §17500 et seq.;
2. VIOLATION OF CALIFORNIA'S  
UNFAIR COMPETITION LAWS  
("UCL"); Bus. & Prof. Code §17200  
et seq.;
3. VIOLATION OF CALIFORNIA'S  
CONSUMER LEGAL REMEDIES  
ACT ("CLRA"), Civil Code §1750 et  
seq.

**DEMAND FOR JURY TRIAL**

BY FAX

FILED  
12 APR -6 PM 3:21  
CLERK OF DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

1 Plaintiff Lauren Crivier, on behalf of herself and all others similarly situated,  
 2 alleges the following upon information and belief based upon investigation of  
 3 counsel, except as to her own acts, which she alleges upon personal knowledge:

#### 4 INTRODUCTION

- 5 1. The Hain Celestial Group, Inc. (“Defendant”) manufactures, markets, and  
 6 sells the “J/A/S/O/N” line of personal care products (“the Products”).  
 7 Defendant labels each product as “Pure, Natural & Organic.” In reality, they  
 8 are nothing of the sort. This false marketing – known as “greenwashing” –  
 9 enables Defendant to unfairly capture sales that it would not make but for its  
 10 deception, and also charges consumers a premium based upon the false  
 11 perception that the products are organic.
- 12 2. Defendant’s misrepresentations were designed to, and did, lead Plaintiff and  
 13 others similarly situated (collectively the “Class”) to believe that the Products  
 14 are organic, when they are not.
- 15 3. Plaintiff brings this class action lawsuit to enjoin the ongoing deception of  
 16 thousands of California consumers by Defendant, and to recover the money  
 17 taken by this unlawful practice.

#### 18 PARTIES

- 19 4. Plaintiff Lauren Crivier is a resident of Los Angeles County who purchased  
 20 several J/A/S/O/N personal care products in early 2012. Plaintiff relied on  
 21 Defendant’s representations that the J/A/S/O/N personal care products she  
 22 purchased were pure, natural and organic, as detailed herein, and but for those  
 23 representations, Plaintiff would not have purchased or paid as much for such  
 24 products.
- 25 5. Defendant, The Hain Celestial Group, Inc., is a Delaware corporation with its  
 26 principal place of business in Melville, New York. Defendant has sold its  
 27 Products in California and across the United States of America.

6. The true names and capacities of the Defendants sued herein as DOES 1 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants by fictitious names. Each of the Defendants designated herein as a DOE is legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend this Complaint to reflect the true names and capacities of the DOE Defendants when such identities become known.
7. At all relevant times, each and every Defendant was acting as an agent and/or employee of each of the other Defendants and was acting within the course and/or scope of said agency and/or employment with the full knowledge and consent of each of the Defendants. Each of the acts and/or omissions complained of herein were alleged and made known to, and ratified by, each of the other Defendants (The Hain Celestial Group, Inc. and DOE Defendants will hereafter collectively be referred to as "Defendant").

### **JURISDICTION AND VENUE**

8. A Court has diversity jurisdiction over this class action pursuant to 28 U.S.C. § 1332 as amended by the Class Action Fairness Act of 2005 because the amount in controversy exceeds \$5,000,000, exclusive of interest and costs, and is a class action in which some members of the class are citizens of different states than the Defendant. *See* 28 U.S.C. §1332(d)(2)(A).
9. This Court also has personal jurisdiction over Defendant because Defendant currently does business in this state.
10. Venue is proper in this jurisdiction pursuant to 28 U.S.C. § 1391 because Defendant is subject to personal jurisdiction in this District and a substantial portion of the conduct complained of herein occurred in this District.

### **FACTUAL ALLEGATIONS**

11. Defendant manufactures, markets, and sells the "J/A/S/O/N" line of personal care products including, without limitation: shampoo, conditioner, soap, skin

1 lotion, and deodorant. Defendant prominently labels each of the Products as  
2 “Pure, Natural & Organic.”

3 12. The market for natural personal care products is expected to gross over \$11.7  
4 billion by 2013. In fact, the market for natural personal care products is  
5 expected to grow by over 13% annually while the market for general personal  
6 care products is only expected to expand by 3%. Likewise, according to the  
7 Organic Trade Association, the market for organic non-food products grew at  
8 an alarming rate of over 9.7% in 2010 and reached nearly \$2 billion in sales.  
9 Defendant exploits this rapidly growing, highly profitable market by falsely  
10 and misleadingly labeling its Products to imply that its Products too should be  
11 considered “natural” and “organic.”

12 13. To a reasonable and ordinary consumer, an "Organic" beauty product is one  
13 that is derived from fruits, vegetables and other crops that are grown,  
14 produced, handled, and processed according to strict guidelines. This  
15 includes, at a minimum, that: (1) the land used to produce organic source  
16 materials must be free of synthetic fertilizers and conventional pesticides; (2)  
17 the product must be derived from farming practices where the ingredients  
18 have not been genetically engineered or exposed to radiation; and most  
19 importantly, (3) the product must contain no synthetic ingredients.

20 14. Likewise, the U.S. Department of Agriculture National Organic Program, 7  
21 C.F.R. §205.660(a), which was promulgated pursuant to the Organic Foods  
22 Production Act of 1990, 7 U.S.C. §6519, has provided guidance for  
23 circumstances under which products intended for ingestion – not the products  
24 at issue in this complaint – may be properly be labeled as “organic.” Such  
25 products must, at a minimum: (1) contain 95% organic ingredients (excluding  
26 water and salt); (2) be derived from organic agricultural material that has  
27 been grown without the use of pesticides, synthetic fertilizers, genetic  
28 engineering, or irradiation; and (3) be made entirely without the use of

1 petrochemical compounds. The products at issue satisfy none of the  
2 preceding criteria. Instead, they are completely conventional non-organic  
3 formulations.

4 15. Regrettably, the United States Department of Agriculture disclaims any  
5 authority over the labeling of personal care products. Specifically, in an April  
6 2008 "Guidance Document" entitled "Cosmetics, Body Care Products and  
7 Personal Care Products," the USDA advised that, except in limited  
8 circumstances not applicable here, the Agency "has no authority over the  
9 production and labeling of cosmetics, body care products, and personal care  
10 products."

11 16. The J/A/S/O/N Products do not qualify as "Organic" under any of the  
12 preceding criteria. Indeed, not only are Defendant's Products not natural or  
13 organic, the Products contain synthetic ingredients and petrochemical  
14 derivatives that have been linked to the early onset of puberty, obesity,  
15 cancers, and that can provoke allergic reactions and asthma attacks.

16 17. For example, the J/A/S/O/N Products at issue in this complaint each contain  
17 at least one of the following synthetic or inorganic ingredients:

- 18 a. Glyceryl Stearate, which is a substance derived from reacting  
19 glycerin with stearic acid (a fatty acid obtained from animal and  
20 vegetable fats and oils);
  - 21 b. Dimethicone, a synthetic silicone compound derived from  
22 petrochemicals;
  - 23 c. Ester-C Sorbitol, a synthetic sorbitol;
  - 24 d. Tocopheryl Acetate, a substance derived from mixing an oxoacid  
25 with a synthetic hydroxyl compound;
  - 26 e. Tocopheryl Nicotinate, a synthetic ester of tocopherol and  
27 nicotinic acid.
- 28

- 1 f. Carbomer, an expanded molecule obtained by insertion of a C2
- 2 unit in a given molecule;
- 3 g. Potassium Hydroxide, an inorganic compound commonly called
- 4 “caustic potash,” which is made by electrolysis of potassium
- 5 chloride solutions;
- 6 h. Potassium Sorbate, an inorganic salt of sorbic acid prepared by
- 7 reacting sorbic acid with potassium hydroxide; and
- 8 i. Sodium Benzoate, an inorganic substance derived from a
- 9 reaction of benzoic acid with sodium hydroxide.
- 10 18. Defendant’s misrepresentations regarding the character and quality of its
- 11 Products were designed to, and did, lead Plaintiff and others similarly situated
- 12 to believe that the Products were organic. Plaintiff and members of the Class
- 13 relied on Defendant’s misrepresentations and would not have paid as much, if
- 14 at all, for the Products but for Defendant’s misrepresentations.
- 15 19. Accordingly, Plaintiff brings this lawsuit to enjoin the ongoing deception of
- 16 thousands of California consumers by Defendant, and to recover the funds
- 17 taken by this unlawful practice.

### **CLASS DEFINITIONS AND CLASS ALLEGATIONS**

- 19 20. Plaintiff brings this action on behalf of herself, on behalf of all others
- 20 similarly situated, as members of the class (referred to hereafter as the
- 21 “Class”) defined as follows:
- 22 California Class: The class the Plaintiff seeks to represent consists of all
- 23 persons who are citizens or residents of California who purchased any
- 24 J/A/S/O/N personal care product labeled as “Pure, Natural & Organic” during
- 25 the four years preceding the filing of this complaint through the date of final
- 26 judgment in this action, in which the product label identified one or more of
- 27 the following substances as an ingredient: (1) Glyceryl Stearate; (2)
- 28 Dimethicone; (3) Ester-C Sorbitol; (4) Glycerine; (5) Tocopheryl Acetate; (6)

1 Tocopheryl Nicotinate; (7) Carbomer; (8) Potassium Hydroxide; (9)  
2 Potassium Sorbate; or (10) Sodium Benzoate. Excluded from the class are  
3 Defendant, any parent, subsidiary, affiliate, or controlled person of  
4 Defendant, as well as the officers and directors of Defendant, and the  
5 immediate family member of any such person. Also excluded is any judge  
6 who may preside over this case, and such judge's immediate family or  
7 courtroom staff.

8 21. This action is brought and may be properly maintained as a class action  
9 pursuant to the provisions of Federal Rule of Civil Procedure 23(a)(1)-(4) and  
10 23(b)(1)-(3). This action satisfies the numerosity, typicality, adequacy,  
11 predominance and superiority requirements of those provisions.

12 22. [Fed. R. Civ. P. 23(a)(1)] The Class is so numerous that the individual  
13 joinder of all of its members is impractical. While the exact number and  
14 identities of Class members are unknown to Plaintiff at this time and can only  
15 be ascertained through appropriate discovery, Plaintiff is informed and  
16 believes the Class includes thousands of members. Plaintiff alleges that the  
17 Class may be ascertained by the records maintained by Defendant.

18 23. [Fed. R. Civ. P. 23(a)(2)] Common questions of fact and law exist as to all  
19 members of the Class which predominate over any questions affecting only  
20 individual members of the Class. These common legal and factual questions,  
21 which do not vary from class member to class member, and which may be  
22 determined without reference to the individual circumstances of any class  
23 member, include, but are not limited to, the following:

- 24 (a) Whether Defendant's advertising or labeling is false or misleading;
- 25 (b) Whether Defendant's Products are in fact pure, natural and organic;
- 26 (c) Whether Defendant's conduct violates the CLRA or other laws;
- 27 (d) Whether Defendant's conduct is "unfair" under Bus. & Prof. Code
- 28 Section 17200;

(e) Whether, as a result of Defendant's misconduct, Plaintiff and the Class are entitled to damages, restitution, equitable relief and other relief, and the amount and nature of such relief.

24. [Fed. R. Civ. P. 23(a)(3)] Plaintiff's claims are typical of the claims of the members of the Class. Plaintiff and all members of the Class have sustained injury and are facing irreparable harm arising out of Defendant's common course of conduct as complained of herein. The losses of each member of the Class were caused directly by Defendant's wrongful conduct as alleged herein.

25. [Fed. R. Civ. P. 23(a)(4)] Plaintiff will fairly and adequately protect the interests of the members of the Class. Plaintiff has retained attorneys experienced in the prosecution of class actions, including complex consumer and mass tort litigation.

26. [Fed. R. Civ. P. 23(b)(3)] A class action is superior to other available methods of fair and efficient adjudication of this controversy, since individual litigation of the claims of all Class members is impracticable. Even if every Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same complex factual issues. By contrast, the conduct of this action as a class action, with respect to some or all of the issues presented herein, presents fewer management difficulties, conserves the resources of the parties and of the court system, and protects the rights of each Class member.

27. [Fed. R. Civ. P. 23(b)(1)(A)] The prosecution of separate actions by thousands of individual Class members would create the risk of inconsistent



1 or varying adjudications with respect to, among other things, the need for and  
2 the nature of proper notice, which Defendant must provide to all Class  
3 members.

4 28. [Fed. R. Civ. P. 23(b)(1)(B)] The prosecution of separate actions by  
5 individual class members would create a risk of adjudications with respect to  
6 them that would, as a practical matter, be dispositive of the interests of the  
7 other Class members not parties to such adjudications or that would  
8 substantially impair or impede the ability of such non-party Class members to  
9 protect their interests.

10 29. [Fed. R. Civ. P. 23(b)(2)] Defendant has acted or refused to act in respects  
11 generally applicable to the Class, thereby making appropriate final injunctive  
12 relief with regard to the members of the Class as a whole.

### 13 **FIRST CAUSE OF ACTION**

#### 14 **Business and Professions Code §17500**

#### 15 **(Violation of the False Advertising Act)**

#### 16 **(By Plaintiff and the Class Against All Defendants)**

17 30. Plaintiffs hereby incorporates paragraphs 1-29 above as if set forth in full.

18 31. California Business and Professions Code (the "Code") § 17500 provides that  
19 "[i]t is unlawful for any ... corporation . . . with intent . . . to dispose of . . .  
20 personal property . . . to induce the public to enter into any obligation relating  
21 thereto, to make or disseminate or cause to be made or disseminated . . . from  
22 this state before the public in any state, in any newspaper or other publication,  
23 or any advertising device, or by public outcry or proclamation, or in any other  
24 manner or means whatever, including over the Internet, any statement . . .  
25 which is untrue or misleading, and which is known, or which by the exercise  
26 of reasonable care should be known, to be untrue or misleading . . . ."

27 32. Defendant misled consumers by making untrue statements and failing to  
28 disclose what is required as stated in the Code, as alleged above.

- 1 33. As a direct and proximate result of Defendant's misleading and false  
 2 advertising, Plaintiff and the members of the Class have suffered injury in  
 3 fact and have lost money or property.
- 4 34. The misleading and false advertising described herein presents a continuing  
 5 threat to Plaintiff and the Class in that Defendant persists and continues to  
 6 engage in these practices, and will not cease doing so unless and until forced  
 7 to do so by this Court. Defendant's conduct will continue to cause  
 8 irreparable injury to consumers unless enjoined or restrained.

9 **SECOND CAUSE OF ACTION**

10 **Business and Professions Code § 17200, et seq.**

11 **(Violation of the Unfair Competition Law)**

12 **(By Plaintiff and the Class Against All Defendants)**

- 13 35. Plaintiffs hereby incorporates paragraphs 1-34 above as if set forth in full.
- 14 36. California Business and Professions Code § 17200, et seq., (the "Unfair  
 15 Competition Law" or "UCL") authorizes private lawsuits to enjoin acts of  
 16 "unfair competition" which includes any unlawful, unfair, or fraudulent  
 17 business practice.
- 18 37. The UCL imposes strict liability. Plaintiff need not prove that Defendant  
 19 intentionally or negligently engaged in unlawful, unfair or fraudulent  
 20 business practices—but only that such practices occurred.
- 21 38. The material misrepresentations, concealment, and non-disclosures by  
 22 Defendant and DOES 1-10 as part of their marketing and advertising of their  
 23 Products are unlawful, unfair, and fraudulent business practices prohibited by  
 24 the UCL.
- 25 39. In carrying out such marketing, Defendant has violated the Consumer Legal  
 26 Remedies Act, the False Advertising Law, and various other laws,  
 27 regulations, statutes, and/or common law duties. Defendant's business  
 28

LAW OFFICES  
 KIRTLAND & PACKARD LLP

practices alleged herein, therefore, are unlawful within the meaning of the UCL.

40. The harm to Plaintiff and members of the public outweighs the utility of Defendant's practices and, consequently, Defendant's practices, as set forth fully above, constitute an unfair business act or practice within the meaning of the UCL.

41. Defendant's practices are additionally unfair because they have caused Plaintiff and the Class substantial injury, which is not outweighed by any countervailing benefits to consumers or to competition, and is not an injury the consumers themselves could have reasonably avoided.

42. Defendant's practices, as set forth above, have misled the general public in the past and will mislead the general public in the future. Consequently, Defendant's practices constitute an unlawful and unfair business practice within the meaning of the UCL.

43. Pursuant to California Business and Professions Code § 17204, an action for unfair competition may be brought by any "person . . . who has suffered injury in fact and has lost money or property as a result of such unfair competition." Defendant's wrongful misrepresentations and omissions have directly and seriously injured Plaintiff and the putative class by causing them to pay for a product because they relied on the false and misleading marketing and advertising statements of Defendant.

44. The unlawful, unfair, and fraudulent business practices of Defendant are ongoing and present a continuing threat that members of the public will be misled into purchasing J/A/S/O/N personal care product labeled as "Pure, Natural & Organic" based on the belief that they are natural and organic when, in fact, this is not the case.

45. Pursuant to the UCL, Plaintiff is entitled to preliminary and permanent injunctive relief ordering Defendant to cease this unfair competition, as well

as disgorgement and restitution to Plaintiffs and the Class of all of Defendant's revenues associated with Defendant's unfair competition, or such portion of those revenues as the Court may find equitable.

### **THIRD CAUSE OF ACTION**

#### **Civil Code § 1770, et seq.**

#### **(Violation of the Consumer Legal Remedies Act)**

#### **(By Plaintiff and the Class Against All Defendants)**

46. Plaintiff hereby incorporates paragraphs 1-45 above as if set forth in full.
47. The Consumer Legal Remedies Act ("CLRA") creates a non-exclusive statutory remedy for unfair methods of competition and unfair or deceptive acts or business practices. *See Reveles v. Toyota by the Bay*, 57 Cal. App. 4th 1139, 1164 (1997). Its self-declared purpose is to protect consumers against these unfair and deceptive business practices, and to provide efficient and economical procedures to secure such protection. Cal. Civil Code § 1760 et seq. The CLRA was designed to be liberally construed and applied in favor of consumers to promote its underlying purposes. *Id.*
48. Plaintiff has standing to pursue this claim as Plaintiff purchased J/A/S/O/N personal care products labeled as "Pure, Natural & Organic," believing that they were in fact pure, natural, and organic. Plaintiff relied on Defendant's advertising and has been damaged because the Products she purchased are not pure, natural and organic; had she known this, she would have either not bought the Products or paid less for them.
49. Plaintiff has filed concurrently herewith the declaration of venue required by Civil Code Section 1780(d).
50. Defendant's wrongful business practices constituted, and constitutes, a continuing course of conduct in violation of the California CLRA since Defendant is still representing that its products have characteristics which are false and misleading.

51. More specifically, Plaintiff alleges that Defendant has violated paragraphs 5, 7, and 9 of California Civil Code § 1770(a) by engaging in the unfair and/or deceptive acts and practices set forth herein. Defendant's unfair and deceptive business practices in carrying out the marketing program described above were and are intended to and did and do result in Plaintiff and Class members purchasing Defendant's products, in violation of the CLRA. Cal. Civil Code § 1770, et seq.

52. As a result of Defendant's unfair and/or deceptive business practices, Plaintiff and all consumers who purchased Defendant's supplement products have suffered damage and lost money in that they paid for products that did not have the characteristics and benefits as represented. Plaintiff seeks and is entitled to an order enjoining Defendant from continuing to engage in the unfair and deceptive business practices alleged herein.

53. Pursuant to Section 1782 of the CLRA, Plaintiff notified Defendant in writing of the particular violations of Section 1770 of the CLRA (the "Notice Letter") on March 23, 2012. If Defendant fails to comply with Plaintiff's demands within thirty days of receipt of the Notice Letter, pursuant to Section 1782 of the CLRA, Plaintiff will amend this Complaint to further request damages under the CLRA.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the Class, prays for relief and judgment as follows:

1. For preliminary and permanent injunctive relief enjoining Defendant, its agents, servants and employees, and all persons acting in concert with them, from engaging in, and continuing to engage in, the unfair, unlawful and/or fraudulent business practices alleged above and that may yet be discovered in the prosecution of this action;

2. For certification of the putative class;

3. For restitution and disgorgement of all money or property wrongfully obtained by Defendant by means of its herein-alleged unlawful, unfair, and fraudulent business practices;

4. For an accounting by Defendant for any and all profits derived by Defendant from its herein-alleged unlawful, unfair, and/or fraudulent conduct and/or business practices;

5. An award of statutory damages according to proof, except that no damages are currently sought on Plaintiffs' Cause of Action regarding the Consumer Legal Remedies Act at this time;

6. An award of general damages according to proof, except that no damages are currently sought on Plaintiffs' Cause of Action regarding the Consumer Legal Remedies Act at this time;

7. An award of special damages according to proof, except that no damages are currently sought on Plaintiffs' Cause of Action regarding the Consumer Legal Remedies Act at this time;

8. Exemplary damages, except that no damages are currently sought on Plaintiffs' Cause of Action regarding the Consumer Legal Remedies Act at this time;

9. For attorneys' fees and expenses pursuant to all applicable laws including, without limitation, Code of Civil Procedure §1021.5, the CLRA, and the common law private attorney general doctrine;

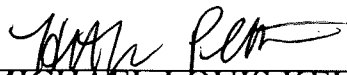
10. For costs of suit; and

11. For such other and further relief as the Court deems just and proper.

DATED: April 6, 2012

KIRTLAND & PACKARD LLP

By:

  
MICHAEL LOUIS KELLY  
BEHRAM V. PAREKH  
HEATHER M. PETERSON  
*Counsel for Plaintiff and all others  
similarly situated*

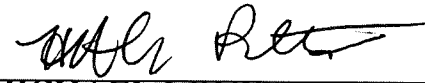
**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury for all causes of actions so triable.

DATED: April 6, 2012

KIRTLAND & PACKARD LLP

By:

  
MICHAEL LOUIS KELLY  
BEHRAM V. PAREKH  
HEATHER M. PETERSON  
*Counsel for Plaintiff and all others  
similarly situated*

LAW OFFICES  
KIRTLAND & PACKARD LLP

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

1 I, Lauren Crivier, declare as follows:

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

5  
6 2. The Complaint in this action, filed concurrently with this Declaration, is filed in the  
7 proper place for trial under Civil Code Section 1780(d) in that Los Angeles County is a county in  
8 which Defendants are doing business.

9  
10 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
11 true and correct.

12  
13  
14 Lauren Crivier  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



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

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge George H. Wu and the assigned discovery Magistrate Judge is Paul Abrams.

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

**CV12- 3054 GW (PLAx)**

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

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

===== :  
**NOTICE TO COUNSEL**

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

Subsequent documents must be filed at the following location:

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

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

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

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

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

LAUREN CRIVIER, on behalf of herself  
and all others similarly situated

PLAINTIFF(S)

v.

THE HAIN CELESTIAL GROUP, INC., a  
Delaware Corporation, and DOES 1-10,  
inclusive

DEFENDANT(S).

CASE NUMBER

**CV12-030546W(PLA<sup>x</sup>)**

**SUMMONS**

TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Michael Louis Kelly, whose address is 2361 Rosecrans Avenue, Fourth Floor, El Segundo, CA 90245. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

APR - 6 2012

Clerk, U.S. District Court

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

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

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

LAUREN CRIVIER, on behalf of herself  
and all others similarly situated

PLAINTIFF(S)

v.

THE HAIN CELESTIAL GROUP, INC., a  
Delaware Corporation, and DOES 1-10,  
inclusive

DEFENDANT(S).

CASE NUMBER

**CV12-030546W(PLA~~x~~)**

**SUMMONS**

TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Michael Louis Kelly, whose address is 2361 Rosecrans Avenue, Fourth Floor, El Segundo, CA 90245. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

APR - 6 2012

Clerk, U.S. District Court

Dated: \_\_\_\_\_

By: \_\_\_\_\_

**JULIE PRADO**

Deputy Clerk 

(Seal of the Court)

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

COPY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)LAUREN CRIVIER, on behalf of herself and  
all others similarly situated

## DEFENDANTS

THE HAIN CELESTIAL GROUP, INC., a  
Delaware Corporation, and DOES 1-10,  
inclusive(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing  
yourself, provide same.)Michael Louis Kelly (SBN 82063)  
Heather M. Peterson (SBN 261303)  
Kirtland & Packard LLP  
2361 Rosecrans Avenue, Fourth Floor  
El Segundo, CA 90245  
(310) 536-1000

Attorneys (If Known)

BY FAX

## II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S.  
Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship  
of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

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

## IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No ☒ MONEY DEMANDED IN COMPLAINT: \$ to be determined

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. 1332(d) (2) (A) - Class Action Fairness Act Diversity - false and misleading  
advertising causing Plaintiff and the Class to purchase Defendant's products.

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

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

FOR OFFICE USE ONLY: Case Number:

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

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

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

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

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

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

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Crivier - Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	The Hain Celestial Group, Inc. - Delaware

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

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

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Crivier's claim - Los Angeles	

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

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

X. SIGNATURE OF ATTORNEY (OR PRO PER): Michael Louis Kelly Date April 6, 2012

Heather M. Peterson

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

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