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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JUN 27 2013

John A. Clarke, Executive Officer/Clerk

BY Cristina Grialva Deputy
Cristina Grialva

FRANK CUZAKIS, individually, and on
behalf of other members of the general
public similarly situated,

Plaintiff,

v.

HANSEN BEVERAGE COMPANY; and
MONSTER BEVERAGE
CORPORATION; and DOES 1 through 10,
inclusive,

Defendants.

Case No.:

CLASS ACTION COMPLAINT

- (1) Violation of Unfair Competition Law
(Cal. Business & Professions Code
§§ 17200 *et seq.*);
- (2) Violation of Unfair Competition Law
(Cal. Business & Professions Code
§§ 17500 *et seq.*);
- (3) Violation of the Consumers Legal
Remedies Act (Cal. Civil Code §§ 1750 *et*
seq.);
- (4) Negligent Misrepresentation; and
- (5) Breach of Quasi-Contract.

**Jury Trial Demanded As To All Claims That
Are So Triable**

BC513620

BY FAX

CIT/CASE: BC513620
LEADER#:

RECEIPT #: CCH195707103
DATE PAID: 06/27/13 03:41 PM
PAYMENT: \$1,435.00 310
RECEIVED:
CHECK: \$1,435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

CLASS ACTION COMPLAINT

06/27/2013

1 **CLASS ACTION COMPLAINT**

2 Plaintiff alleges as follows upon personal knowledge as to himself and his own acts
3 and experiences, and, as to all other matters, upon information and belief, including
4 investigation conducted by his attorneys.

5 1. Plaintiff FRANK CUZAKIS (hereinafter "Plaintiff") brings this class action
6 Complaint against Defendants HANSEN BEVERAGE COMPANY and MONSTER
7 BEVERAGE CORPORATION (hereinafter "Defendants" or "Hansen's") to stop Defendants'
8 practice of releasing misbranded products into the stream of commerce and to obtain redress
9 for all California residents injured by this conduct.

10 2. Specifically, this action arises out of unlawful "No Sugar Added" statements
11 placed by Hansen's on the labels and/or packaging of many of its food products, including but
12 not limited to Hansen's Apple Juice and Apple Grape Juice.¹ Food and Drug Administration
13 ("FDA") regulations promulgated pursuant to the Food, Drug and Cosmetics Act of 1938
14 ("FDCA") specify the precise nutrient content claims concerning sugar that may be made on a
15 food label. 21 C.F.R. § 101, Subpart D. Hansen's "No Sugar Added" labels fail to comply
16 with these requirements, as set forth below. As a result, Hansen's has violated California's
17 Sherman Law and California consumer protection statutes, which wholly adopt the federal
18 requirements.

19 3. This action is not pre-empted by federal law. State law claims based on a food
20 product's non-conforming, misleading or deceptive label are expressly permitted where, as
21 here, they impose legal obligations identical to the FDCA and corresponding FDA
22 regulations, including FDA regulations concerning naming and labeling.

23 **NATURE OF THE CASE**

24 **& COMMON ALLEGATIONS OF FACT**

25 1. According to the American Heart Association, most Americans consume more
26 than double the daily recommended amount of added sugars.² The steady increase in added

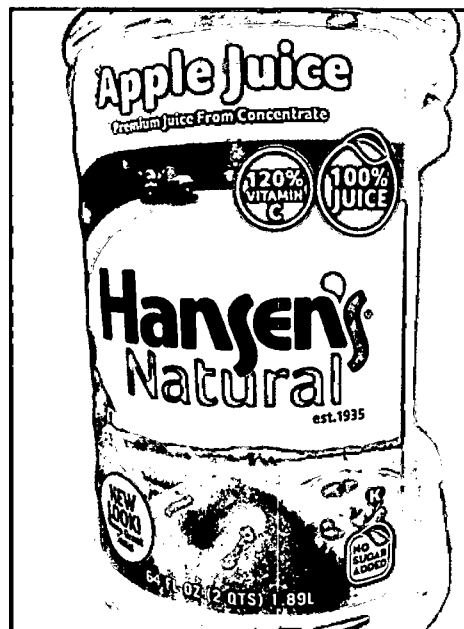
27 ¹ Other Hansen Products that similarly include the unlawful "No Sugar Added"
28 statement include, but are not limited to, those referenced in Paragraph 9 of the Complaint.

² See <http://www.heart.org/HEARTORG/GettingHealthy/NutritionCenter/Sugars->

1 sugar consumption over the past 30 years has led to an obesity epidemic in the United States,
2 which has the highest level of obesity among industrialized nations.³ Obesity, in turn, has
3 been associated with a variety of health problems, many of which can cause serious
4 complications or death, including, but not limited to, heart disease, tooth decay, diabetes and
5 cancer. Even in non-obese individuals, excess sugar consumption can have negative health
6 consequences. As a result, consumers have become increasingly sugar and calorie conscious.

7 2. Hansen Beverage Company is one of the country's most widely distributed fruit
8 juice manufacturers.

9 3. To profit from the public's well-placed increasing focus on sugar consumption
10 and overall calorie content, Hansen's has prominently featured a "No Sugar Added" statement
11 on the label and/or packaging of a wide variety of its food and beverage products. The image
12 below depicts the "No Sugar Added" statement as featured on several Hansen's Products⁴ (the
13 offending labels at issue in this complaint, including but not limited to the Apple Juice label
14 depicted below, shall hereinafter be collectively referred to as the "No Sugar Added Label"):



101_UCM_306024_Article.jsp (last visited June 1, 2013)

³ See, e.g., "US and Global Obesity Levels: The Fat Chart – Obesity – Procon.org"
<http://obesity.procon.org/view.resource.php?resourceID=004371> (last visited May 20, 2013).

⁴ Not actual size.

1 4. The FDCA provides the FDA with the authority to oversee the safety of food,
2 drugs and cosmetics. 21 U.S.C. § 301, *et seq.* Pursuant to this authority, the FDA has
3 promulgated regulations that spell out in painstaking detail what nutrient content claims may
4 be made on food labels, and how they must be presented. The FDA regulations controlling
5 nutrient content claims provide, in pertinent part:

6 (a) **This section and the regulations in subpart D of this part**
7 **apply to foods that are intended for human consumption and**
8 **that are offered for sale, including conventional foods and**
9 **dietary supplements.**

10 (b) A claim that expressly or implicitly characterizes the level of
11 a nutrient of the type required to be in nutrition labeling under §
12 101.9 or under § 101.36 (that is, a nutrient content claim) may
13 not be made on the label or in labeling of foods unless the claim
14 is made in accordance with this regulation and with the
15 applicable regulations in subpart D of this part or in part 105 or
16 part 107 of this chapter.

17 (1) **An expressed nutrient content claim is any direct**
18 **statement about the level (or range) of a nutrient in the food,**
19 **e.g., "low sodium" or "contains 100 calories."**

20 (2) An implied nutrient content claim is any claim that:

21 (i) Describes the food or an ingredient therein in a manner that
22 suggests that a nutrient is absent or present in a certain amount
23 (e.g., "high in oat bran"); or

24 (ii) Suggests that the food, because of its nutrient content, may
25 be useful in maintaining healthy dietary practices and is made in
26 association with an explicit claim or statement about a nutrient
27 (e.g., "healthy, contains 3 grams (g) of fat")

28 21 C.F.R. §101.13 (emphasis added).

1 5. 21 C.F.R. §101, Subpart D, in turn, regulates nutrient content claims regarding
2 sugar and specifically provides that phrase "No Sugar Added" may not be made *at all* if the
3 product contains concentrated fruit juice or fails to bear a statement that it is not a low or
4 reduced calorie food:

5 (c) *Sugar content claims --(1)Use of terms such as "sugar free,"*
6 *"free of sugar," "no sugar," "zero sugar," "without sugar,"*
7 *"sugarless," "trivial source of sugar," "negligible source of*
8 *sugar," or "dietarily insignificant source of sugar."* Consumers
9 may reasonably be expected to regard terms that represent that
10 the food contains no sugars or sweeteners e.g., "sugar free," or
11 "no sugar," as indicating a product which is low in calories or
12 significantly reduced in calories. Consequently, except as
13 provided in paragraph (c)(2) of this section, a food may not be
14 labeled with such terms unless:

1 (i) The food contains less than 0.5 g of sugars, as defined in
2 101.9(c)(6)(ii), per reference amount customarily consumed and
per labeled serving or, in the case of a meal product or main dish
product, less than 0.5 g of sugars per labeled serving; and

3 (ii) The food contains no ingredient that is a sugar or that is
4 generally understood by consumers to contain sugars unless the
5 listing of the ingredient in the ingredient statement is followed
6 by an asterisk that refers to the statement below the list of
ingredients, which states "adds a trivial amount of sugar," "adds
a negligible amount of sugar," or "adds a dietarily insignificant
amount of sugar;" and

7 (iii)(A) It is labeled "low calorie" or "reduced calorie" or bears a
8 relative claim of special dietary usefulness labeled in compliance
9 with paragraphs (b)(2), (b)(3), (b)(4), or (b)(5) of this section, or,
if a dietary supplement, it meets the definition in paragraph
10 (b)(2) of this section for "low calorie" but is prohibited by
101.13(b)(5) and 101.60(a)(4) from bearing the claim; or

11 (B) Such term is immediately accompanied, each time it is used,
12 by either the statement "not a reduced calorie food," "not a low
calorie food," or "not for weight control."

13 **(2) The terms "no added sugar," "without added sugar," or**
"no sugar added" may be used only if:

14 (i) No amount of sugars, as defined in 101.9(c)(6)(ii), or any
15 other ingredient that contains sugars that functionally substitute
for added sugars is added during processing or packaging; and

16 **(ii) The product does not contain an ingredient containing**
17 **added sugars such as jam, jelly, or concentrated fruit juice;**
and

18 (iii) The sugars content has not been increased above the amount
19 present in the ingredients by some means such as the use of
enzymes, except where the intended functional effect of the
20 process is not to increase the sugars content of a food, and a
functionally insignificant increase in sugars results; and

21 (iv) The food that it resembles and for which it substitutes
22 normally contains added sugars; and

23 **(v) The product bears a statement that the food is not "low**
24 **calorie" or "calorie reduced" (unless the food meets the**
25 **requirements for a "low" or "reduced calorie" food) and that**
directs consumers' attention to the nutrition panel for
further information on sugar and calorie content.

26 21 C.F.R 101, Subpart D, §101.60(c)(1)-(2).

27 6. A food product with a reference amount customarily consumed of greater than
28 30 grams is considered to be "low calorie" only if it does not provide more than 40 calories

per reference amount customarily consumed. 21 C.F.R. Section 101.60(b)(2).

7. These regulations are carefully crafted to require that nutrient content claims concerning the presence, and addition, of sugars in food products be presented in a qualified and contextualized manner so that consumers are not misled.

8. Hansen Products are offered in virtually every super market, drug store and convenience store in this country, yet its products featuring the statement "No Sugar Added" do not conform with the FDCA requirements and related regulations. For example, Hansen's Natural Apple Juice (depicted above) prominently features the statement "No Sugar Added" on its front label notwithstanding the fact that it is made from concentrate, as confirmed by the label. However, 21 C.F.R 101, Subpart D, §101.60(c)(2) (ii) unequivocally states that the statement "No Sugar Added" may not be made on food and beverage products that contain concentrated fruit juice. Hansen's also fails to state that its Apple Juice is not a "low calorie" or "calorie reduced" product anywhere on its front or back label, notwithstanding the fact that it contains 120 calories per reference serving greater than 30 grams (about as much as a conventional soft drink and nearly three times greater than the 40 calories per reference amount allowed to qualify as a low calorie food). This is in contravention to the requirements set forth under 21 C.F.R 101, Subpart D, §101.60(c)(2)(v).

9. Various other Hansen food products also bear labels and/or packaging which state "No Sugar Added" despite the fact that they are made from concentrated fruit juice and/or fail to indicate they are not low or reduced calories foods when in fact they are not, including, but not limited to, the following: Hansen's Natural Apple Grape Juice, Hansen's Natural Pineapple Grape Juice, Hansen's Natural Apple Strawberry Juice, and Hansen's Natural Organic 100% Apple Juice. Hansen's Natural Apple Juice, the above-identified products and all other offending products manufactured by Hansen's shall hereinafter be referred to as the "Hansen's Products." True and correct photos of the offending labels are attached hereto as Exhibit A.

10. The Hansen's Products with No Sugar Added Label are misbranded products under applicable California law. By way of this complaint, Plaintiff seeks to impose

requirements that are identical to and do not exceed the federal requirements.

11. Specifically, California's Sherman Law incorporates "[a]ll food labeling regulations and any amendments to those regulations adopted pursuant to the FDCA" as "the food labeling regulations of this state." Cal. Health & Saf. Code § 110100(a).

12. Moreover, the Sherman Law specifically adopts and incorporates specific federal food laws and regulations. Under California's Sherman Law, "Any food is misbranded if its labeling does not conform with the requirements for nutrient content or health claims as set forth in Section 403(r) (21 U.S.C. Sec. 343(r)) of the federal act and the regulations adopted pursuant thereto." Cal. Health & Saf. Code § 110670. Similarly, a food product is "misbranded if its labeling does not conform with the requirements for nutrition labeling as set forth in Section 403(q) (21 U.S.C. § 343(q)) of the federal act and the regulations adopted pursuant thereto." Cal. Health & Saf. Code § 110665. A food product is misbranded if words, statements and other information required by the Sherman Law to appear on its labeling are either missing or not sufficiently conspicuous. Cal. Health & Saf. Code § 110705. Finally, the Sherman Law holds "any food is misbranded if its labeling is false or misleading in any particular." Cal. Health & Saf. Code § 110660.

13. State-law claims based on a food product's non-conforming, misleading or deceptive label are expressly permitted when they impose legal obligations identical to the FDCA and corresponding FDA regulations, including FDA regulations concerning naming and labeling. *In re Farm Raised Salmon Cases*, 42 Cal. 4th 1077, 1094-95 (2008). Hansen's conduct thus constitutes a violation of California law for which Plaintiff and class members are entitled to seek redress under the UCL, CLRA and other California consumer protection statutes.

14. On behalf of the class, Plaintiff seeks an injunction requiring Defendants to cease circulation of misbranded Hansen's food and beverage products and an award of damages to the class members, together with costs and reasonable attorneys' fees.

PARTIES

15. Plaintiff FRANK CUZAKIS is a citizen and resident of the State of California,

County of Los Angeles.

16. Defendant HANSEN BEVERAGE COMPANY is a corporation with its principal office at 550 Monica Circle, Suite 201, Corona, California 92880.

17. Defendant MONSTER BEVERAGE CORPORATION is a corporation with its principal office at 550 Monica Circle, Suite 201, Corona, California 92880.

18. Plaintiff is informed and believes, and thereon alleges, that HANSEN BEVERAGE COMPANY is a wholly owned subsidiary of MONSTER BEVERAGE CORPORATION.

19. Plaintiff is informed and believes, and thereon alleges, that each and all of the acts and omissions alleged herein was performed by, or is attributable to, HANSEN BEVERAGE COMPANY, MONSTER BEVERAGE CORPORATION, and/or DOES 1 through 10 (collectively "Defendants") each acting as the agent for the other, with legal authority to act on the other's behalf. The acts of any and all Defendants were in accordance with, and represent, the official policy of Defendants. Plaintiff is unaware of the true names or capacities of the Defendants sued herein under the fictitious names DOES 1 through 10, but will seek leave of this Court to amend the complaint and serve such fictitiously-named Defendants once their names and capacities become known.

20. Plaintiff is informed and believes, and thereon alleges, that DOES 1 through 10 were the partners, agents, owners, shareholders, managers, or employees of HANSEN BEVERAGE COMPANY and/or MONSTER BEVERAGE CORPORATION, at all relevant times.

21. Plaintiff is informed and believes, and thereon alleges, that each of said Defendants is in some manner intentionally, negligently, or otherwise responsible for the acts, omissions, occurrences, and transactions of each and all the other Defendants in proximately causing the damages herein alleged.

22. At all relevant times, Defendants, and each of them, ratified each and every act or omission complained of herein. At all relevant times, Defendants, and each of them, aided and abetted the acts and omissions as alleged herein.

JURISDICTION AND VENUE

23. This class action is brought pursuant to California Code of Civil Procedure section 382. Plaintiff is a California resident and the action is only brought on behalf of classes of California residents and purchasers. The monetary damages and restitution sought by Plaintiff exceeds the minimal jurisdiction limits of the Superior Court and will be established according to proof at trial.

24. This Court has jurisdiction over this action pursuant to the California Constitution, Article VI, section 10. The statutes under which this action is brought do not specify any other basis for jurisdiction.

25. This Court has jurisdiction over all Defendants because, upon information and belief, Defendants are either citizens of California, have sufficient minimum contacts in California, or otherwise intentionally avail themselves of the California market so as to render the exercise of jurisdiction over them by the California courts consistent with traditional notions of fair play and substantial justice. Additionally, both Defendants have their principal place of business in the State of California.

26. Because Defendants are corporations organized under the laws of the State of California, Plaintiff is a citizen of California, and this class action is only brought on behalf of classes of California residents and purchasers, there is no diversity of citizenship.

27. Venue is proper in this Court because, upon information and belief, Defendants reside, transact business, or have offices in this county and the acts and omissions alleged herein took place in this county.

PLAINTIFF'S FACTS

28. Plaintiff FRANK CUZAKIS is a health-conscious individual who is currently afflicted with Diabetes. He was diagnosed with Diabetes twenty-seven (27) years ago and, for the past seven (7) years, has required the use of an insulin pump. Based on his condition, he actively seeks out and purchases products that are low in sugar and/or contain no added sugars.

29. Through about January of 2013 Plaintiff regularly purchased one or more of the

1 Hansen's Products with No Sugar Added Label, including Hansen's Natural Apple Juice and
2 Hansen's Natural Apple Grape Juice, about every two weeks at Food 4 Less grocery store in
3 Pasadena, California, and a Walmart in Duarte, California.

4 30. Before purchasing the misbranded Hansen's Products, Plaintiff read and
5 reasonably relied upon the product packaging and specifically the No Sugar Added Label.
6 Had Plaintiff not observed the No Sugar Added Label on the Hansen's Products, he would not
7 have purchased them.

8 31. Plaintiff did not know at the point of sale, and had no reason to know, that the
9 Hansen's Products with No Sugar Added Label were misbranded and bore food labeling
10 claims that Hansen's was not legally permitted to make.

11 CLASS ACTION ALLEGATIONS

12 32. Plaintiff brings this action, on behalf of himself and all others similarly
13 situated, and thus seeks class certification under California Code of Civil Procedure section
14 382.

15 33. All claims alleged herein arise under California law for which Plaintiff seeks
16 relief authorized by California law.

17 34. The classes Plaintiff seeks to represent (the "Classes") are defined as follows:

- 18 (1) All California residents who purchased one or more food
19 or beverage products manufactured by Defendants, with a
20 label and/or packaging stating "No Sugar Added", and
21 which contain concentrated fruit juice, at any time
22 between four years prior to the filing of the original
23 complaint in this action until the date of certification.
- 24 (2) All California residents who purchased one or more food
25 or beverage products manufactured by Defendants, with a
26 label and/or packaging stating "No Sugar Added", and
27 which have a reference amount customarily consumed of
28 greater than 30 grams and more than 40 calories per
reference amount customarily consumed, but do not bear
a statement that the food is not "low calorie" or "calorie
reduced," between four years prior to the filing of the
original complaint in this action until the date of
certification.

35. As used herein, the term "Class Members" shall mean and refer to the members
of the Classes described above.

1 36. Excluded from the Class are Defendants, their affiliates, employees, agents, and
2 attorneys, and the Court.

3 37. Plaintiff reserves the right to amend the Classes, and to add additional
4 subclasses, if discovery and further investigation reveals such action is warranted.

5 38. This action is brought and properly may be maintained as a class action
6 pursuant to the provisions of California Code of Civil Procedure 382 and satisfies the
7 requirements thereof.

8 39. The exact number of Class Members is presently unknown, but given Hansen's
9 sales volume, it is reasonable to presume that the members of the Class are so numerous that
10 joinder of all members is impracticable. The disposition of their claims in a class action will
11 provide substantial benefits to the parties and the Court.

12 40. This action involves common questions of law and fact, including:

- 13 (a) Whether Defendants engaged in unlawful, unfair or deceptive business
14 practices by failing to properly package and label food products sold to
15 consumers;
- 16 (b) Whether the food products at issue were misbranded as a matter of law;
- 17 (c) Whether Defendants labeled certain food and beverage products with
18 "No Sugar Added" claims;
- 19 (d) Whether Defendants had a duty to include a statement explaining its
20 food products were not "low calorie" or "calorie reduced;"
- 21 (e) Whether Defendants made false, misleading and/or untrue statements
22 via its labeling;
- 23 (f) Whether Defendants violated the California Consumers Legal Remedies
24 Act (Cal. Civil Code §§ 1750 *et seq.*);
- 25 (g) Whether Defendants violated California Business & Professions Code
26 §§ 17200 *et seq.*;
- 27 (h) Whether Defendants violated California Business & Professions Code
28 §§ 17500 *et seq.*;

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- (i) Whether Defendants violated the Sherman Food, Drug, and Cosmetic Law (Health & Saf. Code, §§ 109875 *et seq.*);
- (j) Whether Defendants' were unjustly enriched by the sale of misbranded Hansen's food and beverage products;
- (k) Whether Plaintiff and the Class are entitled to equitable and/or injunctive relief;
- (l) Whether Defendants' unlawful, unfair and/or deceptive practices harmed Plaintiff and the Class; and
- (m) The method of calculation and extent of damages for Plaintiff and Class Members.

41. Plaintiff's claims are typical of those of the class because Plaintiff and Class Members suffered injury in fact and lost money as a result of Hansen's wrongful conduct.

42. Plaintiff will adequately protect the interests of Class Members and has retained counsel experienced in consumer class action litigation. Plaintiff has no interests that are adverse to or conflict with those of Class Members. Plaintiff is committed to the vigorous prosecution of this action and, to that end, Plaintiff has retained counsel who are competent and experienced in handling class actions on behalf of consumers.

43. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy since joinder of all members is impracticable. Furthermore, as the amount suffered by individual Class Members may be relatively small, the expense and burden of individual litigation make it impossible for Class Members to individually redress the wrongs done to them. There will be no difficulty in the management of this case as a class action.

44. Plaintiff is not aware of any difficulty which will be encountered in the management of this litigation which should preclude class certification.

45. Among other things, each class member's interest in individually controlling the prosecution of the claims herein makes it virtually impossible to assert those claims outside the class action context.

46. There are no likely difficulties in managing this case as a class action and the Plaintiff's counsel is experienced in class actions.

47. Moreover, the class definition is ascertainable and lends itself to class certification because Hansen’s food and beverage product packaging is the same for all Class Members in that it fails to comply with California’s Sherman Law by including statements such as “No Sugar Added” which are impermissible when concentrated fruit juice is an ingredient, as well as by failing to include a statement explaining it is not a low or reduced calorie food product.

FIRST CAUSE OF ACTION

Violation of Unfair Business Practices Act

(Cal. Bus. & Prof. Code §§ 17200 *et seq.*)

48. Plaintiff incorporates by reference each allegation set forth above.

49. California Business and Professions Code Section 17200, *et seq.* prohibits “any unlawful, unfair or fraudulent business act or practice.”

50. As set forth above, under FDA regulations wholly adopted by California's Sherman Law, food products containing fruit juice concentrate cannot include the statement "No Sugar Added." 21 C.F.R 101, Subpart D, §101.60(c)(2) (ii). Nor may a food or beverage product include a "No Sugar Added" statement if it fails to indicate that it is not "low calorie" or "calorie reduced" (unless it qualifies as low calorie). 21 C.F.R 101, Subpart D, §101.60(c)(2) (v). The Hansen's Products prominently feature a "No Sugar Added" statement on their label and/or packaging notwithstanding the fact that they contain concentrated fruit juice and/or fail to indicate they are not low or reduced calories foods. This is a clear violation of California's Sherman Law and, thereby, an "unlawful" business practice or act under Business and Professions Code Section 17200 *et seq.*

51. Hansen’s use of the No Sugar Added Label, as set forth herein, also constitutes an “unfair” business act or practice within the meaning of California Business and Professions Code sections 17200 *et seq.*, because any utility for Hansen’s conduct is outweighed by the gravity of the consequences to Plaintiff and Class Members and because the conduct offends

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1 public policy.

2 52. In addition, Hansen's use of the No Sugar Added Label constitutes a
3 "fraudulent" business practice or act within the meaning of Business and Professions Code
4 Section 17200 *et seq.* The applicable food labeling regulations are carefully crafted to require
5 that nutritional content claims be presented in a qualified and contextualized manner to protect
6 the consuming public from being deceived. Hansen's non-compliant No Sugar Added Label
7 is an unqualified nutritional content claim that poses the very risk of deception the regulations
8 were promulgated to protect against.

9 53. Moreover, there were reasonable alternatives available to Hansen's to further
10 its legitimate business interests, other than the conduct described herein. For example,
11 Hansen's could have complied with FDA requirements by excluding the "No Sugar Added"
12 claim.

13 54. Hansen's used the No Sugar Added Label to induce Plaintiff and Class
14 Members to purchase its food and beverage products. Had Hansen's not included the "No
15 Sugar Added" claim, Plaintiff and Class Members would not have purchased the product,
16 would have purchased less of the product and/or would have paid less for the product.
17 Hansen's conduct therefore caused and continues to cause economic harm to Plaintiff and
18 Class Members.

19 55. Hansen's has thus engaged in unlawful, unfair, and fraudulent business acts
20 entitling Plaintiff and Class Members to judgment and equitable relief against Hansen's, as set
21 forth in the Prayer for Relief. Additionally, pursuant to Business and Professions Code
22 section 17203, Plaintiff and Class Members seek an order requiring Hansen's to immediately
23 cease such acts of unlawful, unfair, and fraudulent business practices and requiring Hansen's
24 to correct its actions.

25 SECOND CAUSE OF ACTION

26 Violation of the California False Advertising Act

27 (Cal. Bus. & Prof. Code §§ 17500 *et seq.*)

28 56. Plaintiff incorporates by reference each allegation set forth above.

57. Pursuant to California Business and Professions Code section 17500, *et seq.*, it is unlawful to engage in advertising “which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.”

58. As explained above, Hansen's No Sugar Added Label accompanies food and beverage products that contain concentrated fruit juice and/or fail to state they are not low calorie foods, in violation of governing food labeling regulations.

59. As also explained above, the applicable food labeling regulations are carefully crafted to protect the consuming public from being deceived. Hansen's No Sugar Added Label is an unqualified nutritional content claim that poses the very risk of deception the regulations were promulgated to protect against.

60. Hansen's, and its parent company Monster Beverage Corporation, are multi-million dollar companies advised by skilled counsel who, on information and belief, are or by the exercise of reasonable care should be aware of the governing regulations and their purpose, and the fact that the No Sugar Added Label does not comply with them.

61. Hansen's use of the No Sugar Added Label therefore constitutes untrue and/or misleading advertising within the meaning of Business and Professions Code Section 17500 *et seq.*

62. Plaintiff, individually and on behalf of all others similarly situated, demands judgment against Hansen's for restitution, disgorgement, injunctive relief, and all other relief afforded under Business & Professions Code section 17500, plus interest, attorneys' fees, and costs.

THIRD CAUSE OF ACTION

Violation of the Consumers Legal Remedies Act

(Cal. Civil Code §§ 1750 *et seq.*)

63. Plaintiff incorporates by reference each allegation set forth above.

64. This cause of action is brought pursuant to the Consumers Legal Remedies Act, California Civil Code Sections 1750 *et seq.* (“CLRA”).

65. The CLRA has adopted a comprehensive statutory scheme prohibiting various

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1 deceptive practices in connection with the conduct of a business providing goods, property, or
2 services to consumers primarily for personal, family or household purposes. The self-
3 declared purposes of the act are to protect consumers against unfair and deceptive business
4 practices and to provide efficient and economical procedures to secure such protection.

5 66. Each defendant named herein is a "person" as defined by Civil Code section
6 1761(c) because they are corporations and/or companies as set forth above.

7 67. Plaintiff and Class Members are "consumers" within the meaning of Civil Code
8 section 1761(d) because they are individuals who purchased the products at issue in this
9 complaint for personal and/or household use, i.e. Hansen's Apple Juice.

10 68. Hansen's food and beverage products are "goods" within the meaning of
11 California Civil Code section 1761(a) in that they are tangible products bought by Plaintiff
12 and Class Members for personal, family, and/or household use.

13 69. Plaintiff's and Class Members' payments for the goods of Hansen's Products
14 are "transaction[s]" as defined by Civil Code section 1761(e) because Hansen's entered into
15 an agreement to sell those products in exchange for Plaintiff's and Class Members' monetary
16 compensation.

17 70. Plaintiff has standing to pursue this claim as he has suffered injury in fact and
18 has lost money as a result of Hansen's actions as set forth herein. Specifically, Plaintiff
19 purchased Hansen's Apple Juice and Hansen's Apple Grape Juice on various occasions. Had
20 Hansen's not included the offending No Sugar Added Label on its Apple Juice, Plaintiff
21 would not have purchased the product, would have purchased less of the product and/or would
22 have paid less for the product.

23 71. Section 1770(a)(5) of the CLRA prohibits anyone from "[r]epresenting that
24 goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or
25 quantities which they do not have" As discussed above, Hansen's No Sugar Added
26 Label accompanies food and beverage products that contain concentrated fruit juice and/or fail
27 to state they are not low calorie foods, in violation of governing food labeling regulations. As
28 a result, by employing the No Sugar Added Label, Hansen's effectively represented that its

1 juice has sponsorship, approval, characteristics, uses and benefits which it does not have under
2 the governing law.

3 72. Section 1770(a)(7) of the CLRA prohibits anyone from "[r]epresenting that
4 goods or services are of a particular standard, quality, or grade, or that goods are of a
5 particular style or model, if they are of another." By employing the non-compliant No Sugar
6 Added Label, Hansen's similarly represented its juice to be of a particular standard, quality or
7 grade which it is not under the governing law.

8 73. Section 1770(a)(9) of the CLRA prohibits anyone from "[a]dvertising goods or
9 services with intent not to sell them as advertised." As noted above, Hansen's, and its parent
10 company Monster Beverage Corporation, are multi-million dollar companies advised by
11 skilled counsel who, on information and belief, are or by the exercise of reasonable care
12 should be aware of the governing regulations and their purpose, and the fact that the No Sugar
13 Added Label does not comply with them. By introducing Hansen's Products with non-
14 compliant No Sugar Added Label into the stream of commerce notwithstanding this
15 knowledge, Hansen's thus intentionally sold a misbranded product.

16 74. Pursuant to section 1782 of the CRLA, Plaintiff notified Hansen's in writing of
17 the particular violations of section of the CLRA and demanded that Hansen's rectify the
18 problems associated with the behavior detailed above, which acts and practices are in
19 violation of Civil Code section 1770.

20 75. Plaintiff has filed concurrently herewith the declaration of venue required by
21 Civil Code section 1780(d).

22 76. Plaintiff seeks an order enjoining the act and practices described above,
23 restitution of property, and any other relief that the court deems proper.

24 77. Currently, pursuant to California Civil Code 1782(d), with respect only to
25 Plaintiff's CLRA claim, Plaintiff only seeks equitable and injunctive relief through the CLRA
26 and not actual damages via the CLRA. Upon Hansen's failure to rectify or agree to
27 adequately rectify the problems associated with the actions detailed above, Plaintiff will
28 amend his complaint to additionally seek damages, restitutionary relief, punitive damages,

attorneys' fees and costs, and any other relief available under section 1780(a) of the CRLA.

FOURTH CAUSE OF ACTION

Negligent Misrepresentation

78. Plaintiff incorporates by reference each allegation set forth above.

79. Hansen's owed a duty to Plaintiff and Class Members to exercise reasonable care in making representations about its food and beverage products, including Hansen's Apple Juice and Hansen's Apple Grape Juice, it offered for sale to consumers.

80. Hansen's knew, or should have known by the exercise of reasonable care, that a "No Sugar Added" statement may not be placed on the label of a food or beverage product that contains fruit juice concentrate and/or fails to indicate it is not a low or reduced calorie food. Never the less, Hansen's negligently and/or recklessly included the non-compliant No Sugar Added Label described above on it's widely distributed Hansen's Products that are sold in virtually every supermarket and drugstore nationwide and consumed by millions of people annually.

81. Plaintiff and Class Members reviewed, believed, and relied upon the No Sugar Added Label when deciding to purchase Hansen's Products, and how much to pay for Hansen's Products.

82. As a direct and proximate result of Hansen's negligent and/or reckless conduct, Plaintiff and Class Members have been damaged in an amount to be proven at trial.

FIFTH CAUSE OF ACTION

Breach of Quasi-Contract

83. Plaintiff incorporates by reference each allegation set forth above.

84. As a direct and proximate result of Hansen's acts, as set forth above, Hansen's has been unjustly enriched.

85. Through unlawful and deceptive conduct in connection with the advertising, marketing, promotion, and sale of the Hansen's Products, Hansen's has reaped the benefits of Plaintiff's and Class Members' payments for a misbranded product.

86. Hansen's conduct created a contract or quasi-contract through which Hansen's

1 received a benefit of monetary compensation without providing the consideration promised to
2 Plaintiff and Class Members. Accordingly, Hansen's will be unjustly enriched unless ordered
3 to disgorge those profits for the benefit of Plaintiff and Class Members.

4 87. Plaintiff and Class Members are entitled to and seek through this action
5 restitution of, disgorgement of, and the imposition of a constructive trust upon all profits,
6 benefits, and compensation obtained by Hansen's from its improper conduct as alleged herein.

7 **MISCELLANEOUS**

8 88. Plaintiff and Class Members allege that they have fully complied with all
9 contractual and other legal obligations and fully complied with all conditions precedent to
10 bringing this action or all such obligations or conditions are excused.

11 **REQUEST FOR JURY TRIAL**

12 89. Plaintiff requests a trial by jury of all issues which may be tried by a jury.

13 **PRAYER FOR RELIEF**

14 90. Plaintiff, on behalf of himself and the Class, requests the following relief:

- 15 (a) An order certifying the Class and appointing Plaintiff as Representative
16 of the Class;
- 17 (b) An order certifying the undersigned counsel as Class Counsel;
- 18 (c) A declaratory judgment that Hansen's No Sugar Added Label is
19 unlawful;
- 20 (d) An order requiring Hansen's, at its own cost, to notify all Class
21 Members of the unlawful and deceptive conduct herein;
- 22 (e) An order requiring Hansen's to change the product packaging for
23 Hansen's Apple Juice such that it complies with all applicable food
24 labeling rules and regulations;
- 25 (f) An order requiring Hansen's to change the product packaging for all
26 Hansen's Products such that it complies with all applicable food
27 labeling rules and regulations;
- 28 (g) An order requiring Hansen's to engage in corrective advertising

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regarding the conduct discussed above;

- (h) Actual damages suffered by Plaintiff and Class Members as applicable or full restitution of all funds acquired from Plaintiff and Class Members from the sale of misbranded Hansen's Products during the relevant class period;
- (i) Punitive damages, as allowable, in an amount determined by the Court or jury;
- (j) Any and all statutory enhanced damages;
- (k) All reasonable and necessary attorneys' fees and costs provided by statute, common law or the Court's inherent power;
- (l) Pre- and post-judgment interest; and
- (m) All other relief, general or special, legal and equitable, to which Plaintiff and Class Members may be justly entitled as deemed by the Court.

Dated: June 27, 2013

Respectfully submitted,

Capstone Law APC

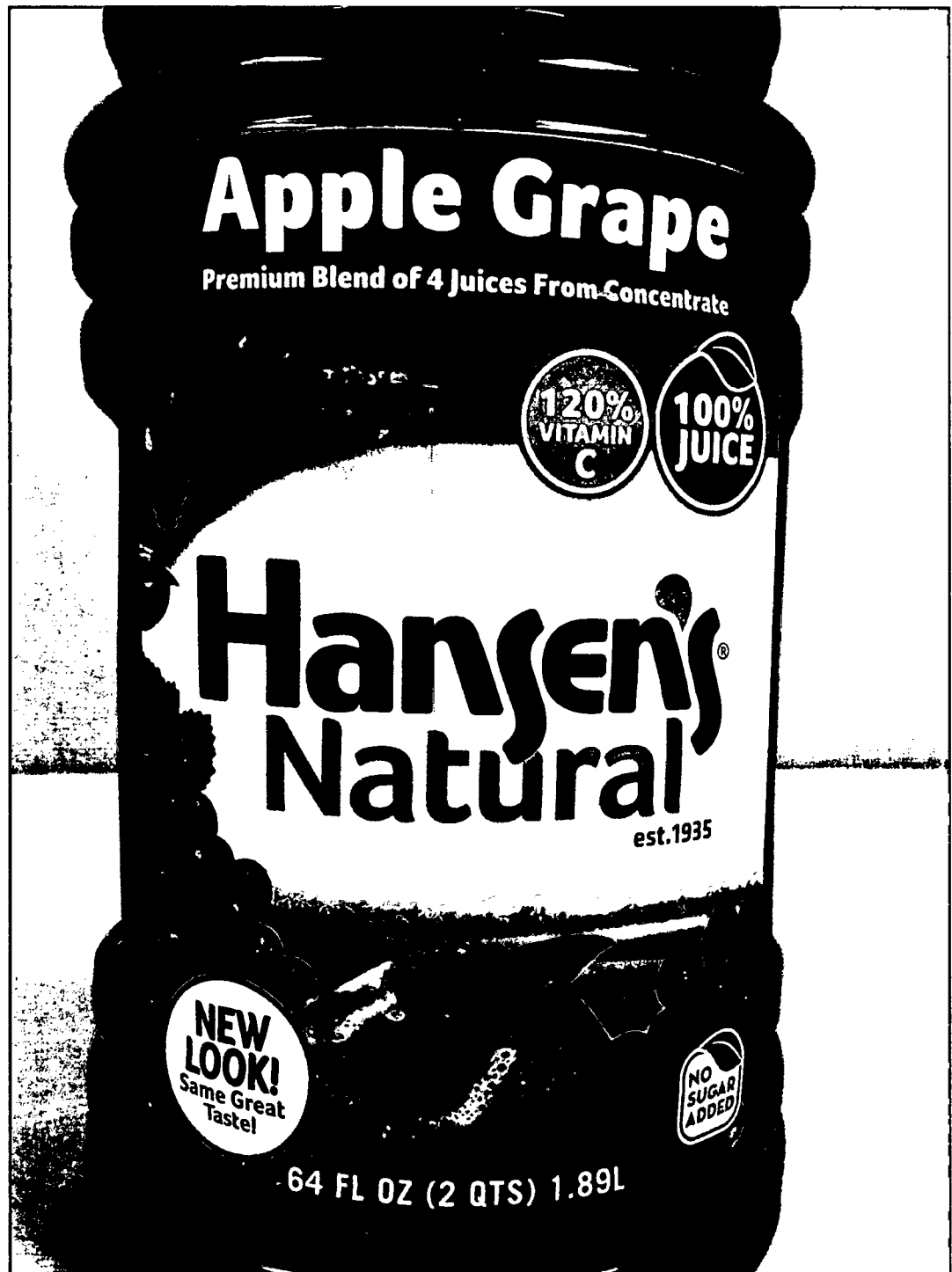
By: 

Jordan L. Lurie
David L. Cheng
Sue J. Kim
Sharon G. Yaacobi
Arvin Ratanavongse

Attorneys for Plaintiff Frank Cuzakis

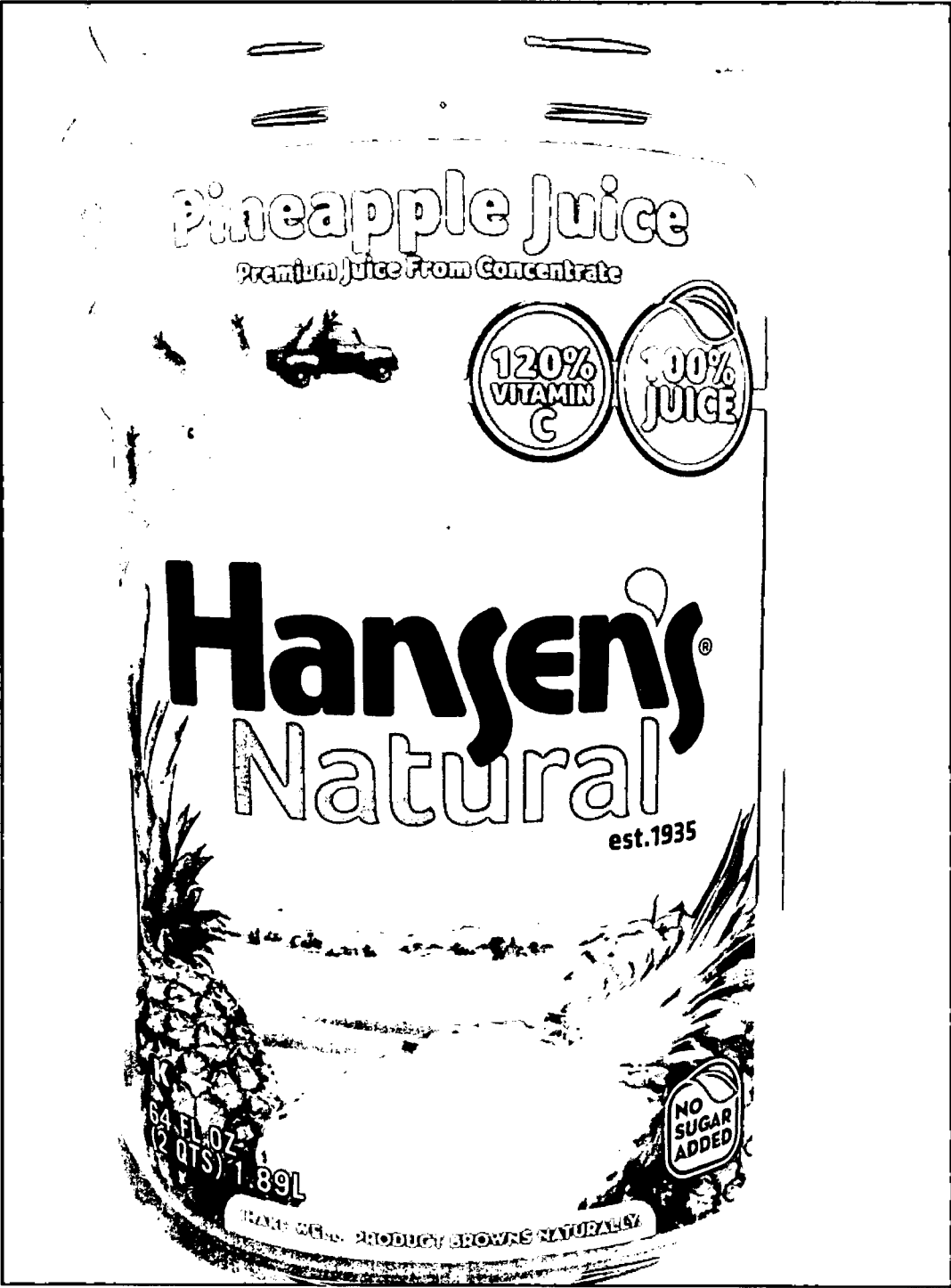
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Exhibit A



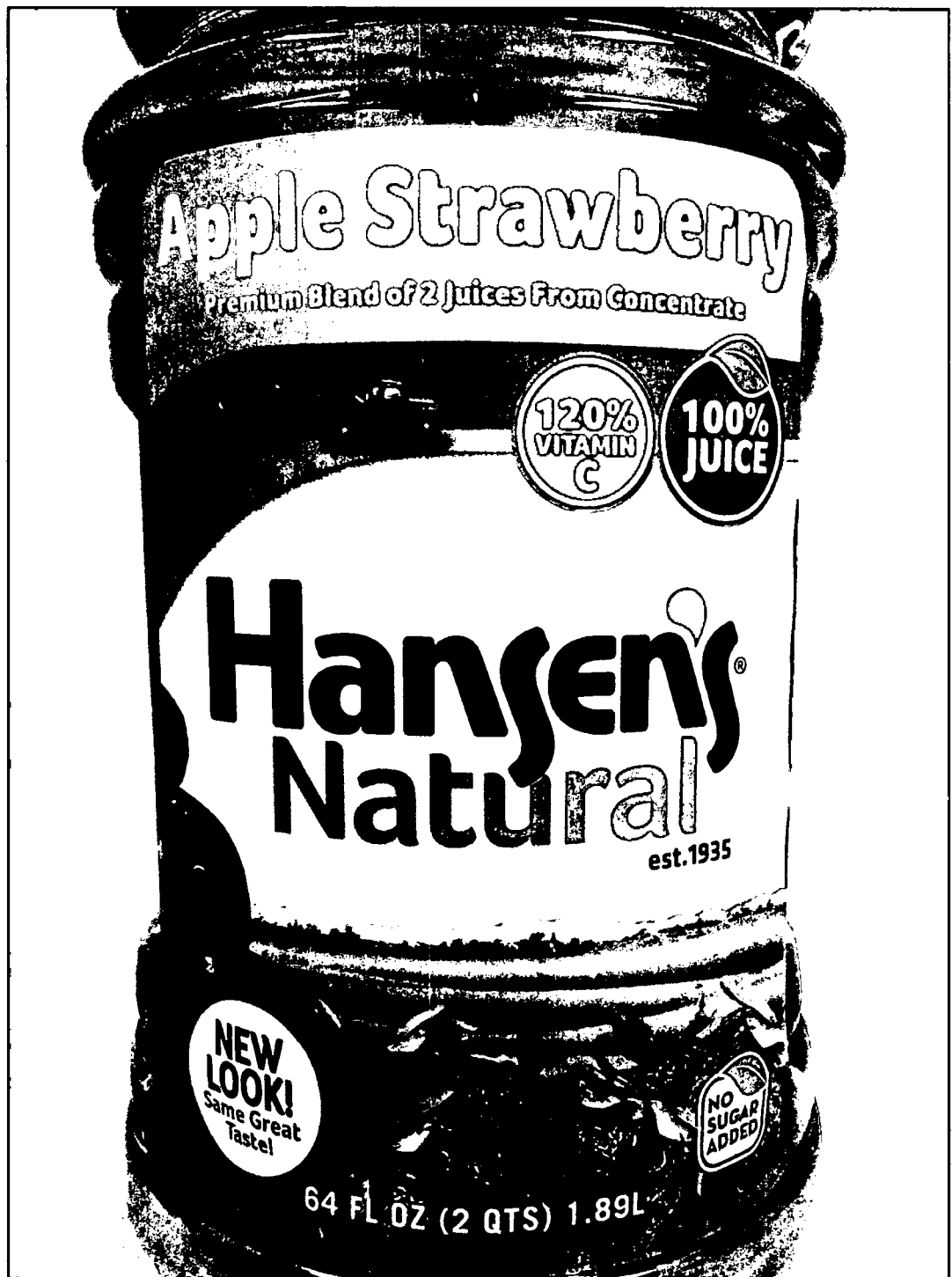
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06/27/2013

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jordan L. Lurie (SBN 130013) and David L. Cheng (240926) Capstone Law APC 1840 Century Park East, Suite 450 Los Angeles, California 90067 TELEPHONE NO.: (310) 556-4811 FAX NO.: (310) 943-0396 ATTORNEY FOR (Name): Frank Cuzakis		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JUN 27 2013 John A. Clarke, Executive Officer/Clerk BY <u>Cristina Grijalva</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse			
CASE NAME: Cuzakis v. Hansen Beverage Company et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)		<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
<input type="checkbox"/> Counter		<input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
CASE NUMBER: SC 513620		JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|---|---|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input checked="" type="checkbox"/> Substantial postjudgment judicial supervision |
|---|---|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): Five (5)
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date:

David L. Cheng

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

BY FAX

SHORT TITLE: Cuzakis v. Hansen Beverage Company et al.	CASE NUMBER: BC 513620
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☒ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|---|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides. | 6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office |
|---|---|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

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Non-Personal Injury/Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action - (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2, 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above	
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.	
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.	
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.	
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.	
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.	
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.	
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.	
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.	
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.	
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.	
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.	
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.	
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.	
	Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

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Cuzakis v. Hansen Beverage Company et al.

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

☒ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10.

ADDRESS:

Class actions must be filed in the Stanley Mosk Courthouse, central district.

CITY:

STATE:

ZIP CODE:

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated:

6/27/13

(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

06/27/2013