

Jeffrey W. Herrmann  
COHN LIFLAND PEARLMAN  
HERRMANN & KNOPF LLP  
Park 80 Plaza West – One  
250 Pehle Ave., Suite 401  
Saddle Brook, New Jersey 07663  
(201) 845-9600  
[jwh@njlawfirm.com](mailto:jwh@njlawfirm.com)

Lester L. Levy  
Michele F. Raphael  
Matthew Insley-Pruitt  
WOLF POPPER LLP  
845 Third Avenue, 12<sup>th</sup> Floor  
New York, New York 10022  
(212) 759-4600

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

BONNIE COOPER, on behalf of herself  
and all others similarly situated,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendant.

Civil Action No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Bonnie Cooper, residing at 123 West Holly Avenue, Oaklyn, NJ 08107 (hereinafter, "Plaintiff"), by her attorneys, alleges the following upon information and belief, except for those allegations that pertain to Plaintiff, which are based on Plaintiff's personal knowledge:

### NATURE OF THE ACTION

1. Defendant Wal-Mart Stores, Inc. (“Wal-Mart” or “Defendant”) sells a variety of products under its “Equate” brand, including two pain relievers, Equate Extra Strength Headache Relief (“Equate Headache”) and Equate Migraine Relief (“Equate Migraine”). Wal-Mart positions these two similarly-packaged pain relievers close to each other, allowing consumers to view both.

2. As any of the millions of Americans who suffer from migraines can attest, migraines are a severe form of headache that can be combined with a variety of other symptoms, including nausea and photosensitivity. The bold-type name across the box of Equate Migraine and the fact that its only indicated use is for treating migraines suggests that this product—unlike Equate Headache—is specifically targeted to treat migraines and is more effective for migraines than Equate Headache. Critically, while Wal-Mart charges approximately \$4.00 for two 100-count bottles of Equate Headache, it charges *more than twice as much* (\$9.22) for the same amount of Equate Migraine. The higher price similarly conveys the message to consumers that Equate Migraine is a stronger medicine that will be more effective at relieving migraine pain.

3. However, Equate Migraine is not more effective at relieving migraines than Equate Headache because they are the pharmacologically identical products that contain the same active ingredients in each pill, and in the same amounts: 250 mg of acetaminophen, 250 mg of aspirin, and 65 mg of caffeine.

4. No reasonable consumer would pay more than twice as much for Equate Migraine than for Equate Headache unless he or she (as was Plaintiff) was deceived into thinking that Equate Migraine was better (stronger, more effective) for treating migraine headaches.

### **PARTIES**

5. Plaintiff Cooper is a citizen of the State of New Jersey. Cooper purchased Wal-Mart's Equate Migraine in July, 2013 at the Walmart located at 130 Black Horse Pike, Audubon, NJ. She paid \$9.22 for the two 100-count bottles. She purchased the medicine after viewing the packaging, website, and the price charged, which led her to believe that Equate Migraine was a more powerful medicine for migraines than Equate Headache, and was therefore worth paying the extra cost. Plaintiff paid \$5.22 more for two 100-count packages of Equate Migraine than was charged for Equate Headache.

6. Defendant Wal-Mart is a Delaware corporation conducting business within New Jersey and this Judicial District.

### **JURISDICTION AND VENUE**

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 because diversity of citizenship exists between Plaintiff and the Class members, on the one hand, and Defendant, on the other, and the amount in controversy is greater than \$75,000.

8. This Court has personal jurisdiction over Defendant because Wal-Mart's store locations and significant amount of sales within this District establish substantial contacts, ties, and relations to this District.

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

### **FACTUAL ALLEGATIONS**

10. Wal-Mart sells a variety of beauty, hair care, medicine, vitamin, and personal care products under its private label store brand, Equate.

11. Wal-Mart directs or controls all significant aspects of the sale of its Equate products, including their manufacturing, marketing, packaging, distribution, in-store displays, online sales, and pricing.

12. In its retail stores and on its website, Wal-Mart sells the over-the-counter pain reliever Equate Extra-Strength Headache Relief Tablets (previously defined as “Equate Headache”). A screenshot of Equate Headache’s page on Wal-Mart’s retail website is attached as Exhibit A, where the retail price for two 100-count bottles is \$4.00. Below is a picture of the front of the package:



(source:<http://www.walmart.com/ip/Equate-Extra-Strength-Headache-Relief-Tablets-Acetaminophen-Aspirin-Caffeine-2x100ct/10403050>)

13. In its retail stores and on its website, Wal-Mart sells the over-the-counter pain reliever it calls Equate Migraine Pain Reliever (previously defined as “Equate Migraine”). A screenshot of Equate Migraine’s page on Wal-Mart’s retail website is attached as Exhibit B, Walmart’s retail price for two 100-count bottles is \$9.22. Below is a picture of the front of the

package:



(source: <http://www.walmart.com/ip/Equate-Migraine-Pain-Reliever-Aid-200ct/20629928>)

14. While Wal-Mart charges its customers in excess of 230% more for Equate Migraine than for Equate Headache, they are the same medicines. They both contain the same active ingredients in the same amounts: 250 mg of acetaminophen, 250 mg of aspirin, and 65 mg of caffeine.

15. However, on its website Defendant falsely lists the active ingredient in Equate Headache as only acetaminophen 250 mg, when in fact it contains the same active ingredients as Equate Migraine, acetaminophen 250 mg, aspirin 250 mg, and caffeine 65 mg (see Exhibit A).

16. Class members are deceived by the marketing of Wal-Mart, its: putting the same medicine into different color packaging (red for Equate Migraine, green for Equate Headache), labeling one for migraine and the other (same) medicine for headache, falsely listing only one active ingredient on its website for Equate Headache (as opposed to three active ingredients for

Equate Migraine), and charging 230% more for the (same) medicine, labeled Migraine.

17. Wal-Mart's deception is also effective as it promotes itself with the slogan:

Walmart  
Save money. Live better.

Customers are then lead to believe that Wal-Mart would not charge 230% more for its product that is essentially the same as a much cheaper Wal-Mart product that it sells.

18. Plaintiff purchased Equate Migraine for \$9.22, rather than Equate Headache for \$4, because she was led to believe that Equate Migraine was designed specifically to treat migraines and was more effective than Equate Headache. She had an ascertainable loss in the amount of \$5.22, the difference between what Wal-Mart charged her for Equate Migraine and what it charges for the same amount of Equate Headache.

### **CLASS ALLEGATIONS**

19. Plaintiff brings this suit as a class action on behalf of herself and on behalf of others similarly situated pursuant to Fed. R. Civ. P. 23(a), 23(b)(2), and/or 23(b)(3) (the "Class"). The proposed Class consists of:

All citizens of the State of New Jersey who purchased Wal-Mart's Equate Migraine in New Jersey at anytime from September 15, 2007 to the present (the "Class Period").

20. The members of the Class are so numerous that joinder is impracticable. At a minimum, more than a thousand persons purchased Wal-Mart's Equate Migraine during the Class Period. Moreover, thousands more will purchase Wal-Mart's Equate Migraine based on the deceptive conduct described herein if Wal-Mart's practices are not stopped.

21. Plaintiff's claims are typical of the claims of the Class as she purchased Wal-Mart's Equate Migraine during the Class Period and sustained damages as a result of Wal-Mart's deceptive conduct.

22. Plaintiff will fairly and adequately represent and protect the interests of the other Class members for purposes of Federal Rule of Civil Procedure 23(a)(4). Plaintiff has no interests antagonistic to those of other Class members. Plaintiff is committed to the vigorous prosecution of this action and has retained counsel experienced in litigation of this nature to represent them.

23. Common questions of law and fact exist as to all members of the Class and predominate over any questions affecting only individual members of the Class, including, but not limited to:

- a) whether Defendant wrongfully suggested that its Equate Migraine was specifically formulated to relieve migraine-related pain;
- b) whether Defendant's acts and practices in connection with the promotion and sale of its Equate Migraine violated the New Jersey Consumer Fraud Act;
- c) whether Defendant's acts and practices in connection with the promotion and sale of its Equate Migraine constituted unconscionable commercial practices in violation of the New Jersey Consumer Fraud Act;
- d) whether Defendant's acts and practices in connection with the promotion and sale of its Equate Migraine constituted deception in violation of the New Jersey Consumer Fraud Act;
- e) whether Defendant's acts and practices in connection with the promotion and sale of its Equate Migraine constituted a false pretense in violation of the New Jersey Consumer Fraud Act;
- f) whether Defendant was unjustly enriched by its actions;
- g) whether Defendant's conduct, as set forth herein, damaged members of the Class and if so, the, the measure of those damages;

- h) whether Defendant's acts and practices and omissions in connection with the promotion and sale of its Equate Migraine should be enjoined; and
- i) the nature and extent of any other relief that should be provided.

24. Class certification is appropriate under Federal Rule of Civil Procedure 23(b)(2) because the Defendant has acted on grounds that apply generally to the Class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the Class as a whole.

25. Pursuant to Fed. R. Civ. P. 23(b)(3) the question of law and/or fact that are common to the members of the Class predominate over any questions affecting only individual Class members. The class mechanism is superior to other available means for the fair and efficient adjudication of the claims of the Plaintiff and Class members, and no unusual difficulties are likely to be encountered in the management of this action. Since the damages suffered by individual Class members may be relatively small, the expense and burden of individual litigation makes it impossible for members of the Class to individually seek redress for the wrongful conduct alleged. Each individual class member may lack the resources to undergo the burden and expense of individual prosecution of the complex and extensive litigation necessary to establish Defendant's liability. Individualized litigation increases the delay and expense to all parties and multiplies the burden on the judicial system presented by the complex legal and factual issues of this case. Individualized litigation also presents a potential for inconsistent or contradictory judgments. In contrast, the class action device presents far fewer management difficulties and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court on the issue of Defendant's liability. Class treatment of the liability issues will ensure that all claims and claimants are



before this Court for consistent adjudication of liability issues.

**CAUSE OF ACTION**

**Violation of New Jersey Consumer Fraud Act  
(N.J.S.A. 56:8-1 *et seq.*)**

26. Plaintiff realleges and incorporates by reference each allegation in the above paragraphs and further alleges as follows:

27. The New Jersey Consumer Fraud Act prohibits “[t]he act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise” including any sale or distribution of any services. N.J.S.A. 56:8-2; N.J.S.A. 56:8-1(c), (e).

28. Defendant’s marketing of its Equate Migraine falls within the purview of the New Jersey Consumer Fraud Act.

29. Defendant, as a corporation, company or seller, is a “person” within the meaning of the New Jersey Consumer Fraud Act, and as such is prohibited from engaging in unconscionable business practices, deceptive acts, utilizing false pretenses, and effectuating misrepresentations.

30. Defendant’s conduct with respect to the promotion and marketing of their Equate Migraine, including suggesting to consumers that the Equate Migraine is specifically formulated for migraines, the false statement on Walmart’s website that Equate Headache has only one active ingredient, the fact that Wal-Mart charges 230% more for Equate Migraine than for Equate Headache, and packages them in a different color packaging, constitutes an unconscionable commercial practice, deception, fraud, false pretense, misrepresentation of

material facts.

31. Defendant has engaged in an unconscionable commercial practice in violation of the New Jersey consumer Fraud Act (N.J.S.A. 56:8-2) in that Defendant conveyed to the Plaintiff and other members of the Class the false impression that the product sold as Equate Migraine was superior for those suffering from migraine headaches than the produce Equate Headache even though the two products had identical active ingredients in identical proportions.

32. Were it not for Defendant's unconscionable practices, Plaintiff and the Class would not have purchased Equate Migraine at a higher price than Equate Headache. Accordingly, Plaintiff and the Class suffered an ascertainable loss as a result of being improperly induced to pay more for the Equate Migraine than Equate Headache during the Class Period. The amount of the ascertainable loss is the difference between that charged for Equate Migraine and that charged for Equate Headache, or, in the Plaintiff's case \$5.22. Plaintiff seeks damages pursuant to N.J.S.A. 58:8-19 for all damages sustained by the Plaintiff and all members of the Class in connection with the unconscionable commercial practices complained of.

33. Because the deceptive conduct and false pretense, etc, described above are continuing, Class members are continually being injured by Defendant's unlawful conduct and Defendant is continuing to profit thereby.

34. Plaintiff seeks an order for preliminary and/or permanent injunctive relief requiring Defendant to (i) discontinue advertising, marketing, packaging, pricing and otherwise implying that Equate Migraine is stronger and more effective for migraine headaches than Equate Headache; (ii) discontinue advertising, marketing, and otherwise promoting that Walmart saves consumers money with respect to the sale of Equate Migraine; and (iii) take the offending packages off the shelves or replace them.

35. There is no adequate remedy at law.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, on behalf of herself and all other members of the Class demands judgment against Defendant as follows:

- (a) determining that this action is properly brought as a class action and certifying Plaintiff as representative of the Class and her counsel as Class counsel;
- (b) awarding preliminary and permanent injunctive relief restraining Defendant from continuing the unlawful practices set forth herein;
- (c)
- (d) awarding Plaintiff and the proposed Class members their damages, trebled;
- (e) awarding attorneys' fees and costs expended in litigating this action; and
- (f) granting such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury for all claims so triable.

Dated: September 12, 2013

COHN LIFLAND PEARLMAN  
HERRMANN & KNOPF LLP

By: s/ Jeffrey W. Herrmann  
Jeffrey W. Herrmann  
Peter S. Pearlman  
Park 80 Plaza West-One  
250 Pehle Ave., Suite 401  
Saddle Brook, New Jersey 07663  
(201) 845-9600

Lester L. Levy  
Michele F. Raphael  
Matthew Insley-Pruitt  
WOLF POPPER LLP  
845 Third Avenue  
New York, New York 10022  
(212) 759-4600

Counsel for Plaintiff and the Class

## CIVIL COVER SHEET

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

**I. (a) PLAINTIFFS**

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)

**DEFENDANTS**

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

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

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

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

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

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

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

- ☐ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$

CHECK YES only if demanded in complaint:

**JURY DEMAND:**    ☐ Yes    ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

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





equate

## Equate Extra-Strength Headache Relief Tablets, Acetaminophen, Aspirin, Caffeine - 2x100ct

★★★★★ (59 Customer Reviews) Write a review

Buy from Walmart

Shipping & Pickup

Online

**\$4.00**

Quantity

1

Add to Cart

Add to:

My List

My Registry

In stock for:

Ship to home When will it arrive?

- Free standard shipping on eligible \$45 orders with **home free**

Also in stores

In stock in your local **North Bergen** store.

Find in another store

Show this number **0035084415990** to a Walmart associate to find this item in your store.

Product availability, styles, promotions and prices may vary between stores and online.

### Drug Facts

#### Drug Facts

##### Active Ingredient

Acetaminophen 250 mg

##### Purpose

Pain reliever

##### Warnings

**Ask a doctor or pharmacist before use if** You are: taking a prescription drug for diabetes, gout, or arthritis. Taking any other drug or are under a doctor's care for any serious condition.

**Pregnancy/Breastfeeding:** If pregnant or breast-feeding, ask a health professional before use.

**Keep out of reach of children. In case of overdose, get medical help or contact a poison control center right away. Quick medical attention is critical for adults as well as for children even if you do not notice any signs or symptoms.**

##### Directions

Do not use more than directed. Drink a full glass of water with each dose. Adults And children 12 years And over: take 2 tablets every 6 hours. Do not take more than 8 tablets in 24 hours. Children under 12 years: do not use unless directed by a doctor.

##### Inactive Ingredients

Corn starch, croscopovidone, hypromellose, microcrystalline cellulose, polyethylene glycol, povidone, propylene glycol, shellac wax, sodium lauryl sulfate, sodium starch glycolate, stearic acid, titanium dioxide.

### Item Description

Equate Extra-Strength Headache Relief Tablets provide extra-strength headache relief. Acetaminophen Equate Headache Relief tablets are ideal for those who suffer from frequent headaches. Infused with Acetaminophen, aspirin, and caffeine, Equate Extra-Strength Headache Relief Tablets ensure optimum effectiveness and relief. You can consume these aspirin and caffeine tablets for relief from other conditions as well. Acetaminophen Equate Headache Relief tablets help reduce pain from sinusitis, colds, muscular aches, menstrual discomfort, toothache, and minor arthritis pain. This twin pack provides two bottles of Equate Extra-Strength Headache Relief Tablets. Each bottle includes 100 tablets.

#### Equate Extra-Strength Headache Relief Tablets:

- Extra-strength headache relief
- Acetaminophen, aspirin, caffeine
- Coated tablets
- Value pack

### Specifications

Top of Page

Model No.: 159-12TWPK  
Shipping Weight (in pounds): 1.06  
Product in Inches (L x W x H): 4.5 x 3.5 x 4.5



**Sponsored Products**(What's this?)

**Sponsored Links**(What's this?)



## Equate Migraine Pain Reliever Aid, 200ct

★★★★★ (7 Customer Reviews) Write a review |

Buy from Walmart

Shipping & Pickup

Online

**\$9.22**

Quantity

1

Add to Cart

Add to: **My List** **My Registry**

In stock for:

**Ship to home** When will it arrive?

- Free standard shipping on eligible \$45 orders with **home free**

Also in stores

Store information not available.

Show this number **0068113102929** to a Walmart associate to find this item in your store.

## Drug Facts

### Drug Facts

#### Active Ingredients

Acetaminophen 250 mg

Aspirin 250 mg (nsaid\*)

Caffeine 65 mg

#### Purpose

Pain Reliever

Pain Reliever

Pain Reliever Aid

#### Warnings

**Reye's syndrome:** Children And teenagers who have or are recovering from chicken pox or flu-like symptoms should not use this product. When using this product, if changes in behavior with nausea And vomiting occur, consult a doctor because these symptoms could be an early sign of Reye's syndrome, a rare but serious illness.

**Allergy alert:** Aspirin may cause a severe allergic reaction which may include: hives, facial swelling, asthma (wheezing), shock.

**Liver warning:** This product contains acetaminophen. Severe liver damage may occur if you take, more than 2 caplets in 24 hours, which is the maximum daily amount, with other drugs containing acetaminophen, 3 or more alcoholic drinks every day while using this product.

**Do not use** If you have ever had an allergic reaction to acetaminophen, aspirin or any other pain reliever/fever reducer, with any other drug containing acetaminophen (prescription or nonprescription). If you are not sure whether a drug contains acetaminophen, ask a doctor or pharmacist.

**Ask a doctor before use if you have** You have never had migraines diagnosed by a health professional, you have a headache that is different from your usual migraines, you have the worst headache of your life, you have fever And stiff neck, you have headaches beginning after or caused by head injury, exertion, coughing or bending, you experienced your first headache after the age of 50, you have daily headaches, you have a migraine so severe as to require bed rest, you have liver disease, stomach bleeding warning applies to you, you have a history of stomach problems, such as heartburn, you have high blood pressure, heart disease, liver cirrhosis, or kidney disease, you are taking a diuretic, you have asthma, you have problems or serious side effects from taking pain relievers or fever reducers, you have vomiting with your migraine headache.

**Ask a doctor or pharmacist before use if** Taking a prescription drug for: anticoagulation (thinning of the blood), diabetes, gout, arthritis, under a doctor's care for any serious condition, taking any other drug, taking any other product that contains aspirin, acetaminophen, or any other pain reliever/fever reducer.

**Stop use and ask a doctor if** An allergic reaction occurs. Seek medical help right away. You experience any of the following signs of stomach bleeding, feel faint, vomit blood, have bloody or black stools, have stomach pain that does not get better, your migraine is not relieved or worsens after first dose, new or unexpected symptoms occur, ringing in the ears or loss of hearing occurs. Side effects occur. You may report side effects to FDA at 1-800-FDA-1088

Ask a health professional before use. It is especially important not to use aspirin during the last 3 months of pregnancy unless definitely directed to do so by a doctor because it may cause problems in the unborn child or complications during delivery.

**Keep out of reach of children. In case of overdose, get medical help or contact a Poison Control Center right away. (1-800-222-1222).** Quick medical attention is critical for adults as well as for children even if you do not notice any signs or symptoms.

#### Directions

Do not use more than directed. Adults: take 2 caplets with a glass of water, if symptoms persist or worsen, ask your doctor, do not take more than 2 caplets in 24 hours, unless directed by a doctor, under 18 years of age: ask a doctor.

#### Other Information

Store at 20-25 c (68-77 f). Read all product information before using. Keep this box for important information.

#### Inactive Ingredients

Caruba Wax, Crospovidone, FD&C Blue #1 Aluminum Lake, Hypromellose, Microcrystalline Cellulose, Povidone, Pregelatinized Starch, Propylene Glycol, Saccharin Sodium, Stearic Acid, Titanium Dioxide.

#### Questions?

1-888-287-1915



Item Description

Equate Migraine Pain Reliever Aid helps relieve migraine headaches. Equate Pain Reliever, 200-count, contains acetaminophen, aspirin and caffeine. When using any kind of migraine reliever, note the warning and dosage information provided on the container.

Equate Migraine Pain Reliever Aid:

- Acetaminophen
- Aspirin
- Caffeine
- 200 tablets

Specifications

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Model No.:	SFS ONLY
Shipping Weight (in pounds):	0.05
Product in Inches (L x W x H):	3.88 x 2.0 x 3.75
Walmart No.:	550376409



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**COHN LIFLAND PEARLMAN  
HERRMANN & KNOPF LLP  
JEFFREY W. HERRMANN**

Park 80 Plaza West-One  
250 Pehle Avenue, Suite 401  
Saddle Brook, NJ 07663  
201-845-9600  
[jwh@njlawfirm.com](mailto:jwh@njlawfirm.com)

*Attorneys for Plaintiff*

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

BONNIE COOPER, on behalf of herself  
and all others similarly situated,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendant.

Civil Action No.

**CERTIFICATION PURSUANT TO  
L. CIV. R. 11.2**

I certify that to the best of my knowledge, the matter in controversy is currently not the subject of any other action pending in this court.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 14<sup>th</sup> day of March, 2012.

/s/ Jeffrey W. Herrmann  
JEFFREY W. HERRMANN

**COHN LIFLAND PEARLMAN  
HERRMANN & KNOFF LLP**

JEFFREY W. HERRMANN  
Park 80 West - Plaza One  
250 Pehle Avenue - Suite 401  
Saddle Brook, NJ 07663  
Tel.: (201) 845-9600  
[jwh@njlawfirm.com](mailto:jwh@njlawfirm.com)

Attorneys for Plaintiff

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

BONNIE COOPER, on behalf of herself  
and all others similarly situated,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendant.

Civil Action No.

**CERTIFICATION PURSUANT TO  
L. CIV. R. 201.1**

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

I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 12<sup>th</sup> day of September, 2013.

/s/ Jeffrey W. Herrmann  
JEFFREY W. HERRMANN