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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DARICK DABISH,  
Individually and on Behalf of All  
Others Similarly Situated,

Plaintiff,

v.

INFINITELABS, LLC,

Defendant.

Case No. '13CV2048 BTM DHB

**CLASS ACTION  
COMPLAINT**

1. VIOLATIONS OF  
BUSINESS & PROFESSIONS  
CODE SECTION  
17200 ET SEQ.

2. VIOLATIONS OF  
CALIFORNIA CIVIL CODE  
SECTION 1750 ET SEQ.

3. VIOLATIONS OF THE  
FALSE ADVERTISING  
LAW, CALIFORNIA  
BUSINESS & PROFESSIONS  
CODE SECTION 17500 ET  
SEQ.

4. BREACH OF EXPRESS  
WARRANTY

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**DEMAND FOR JURY  
TRIAL**

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**CLASS ACTION COMPLAINT**

NOW COMES Plaintiff DARICK DABISH, (“Plaintiff”), by and through his attorneys SEEGER WEISS LLP, individually and on behalf of all others similarly situated, alleges the following:

**NATURE OF THE ACTION**

1. This is a civil class action brought individually by Plaintiff and on behalf of a class of persons similarly situated, (“Class Members”), who purchased the dietary supplement Infinite Labs Pro Tribulus (the “Product”) from Defendant.
2. The class members are all persons located within the state of California and the United States who purchased the Product.
3. Defendant advertises, manufactures, markets, sells and distributes the Product.
4. Bodybuilding.com (“BB”) is an online retailer of the Product.
5. Defendant provides BB, along with numerous other online retailers, with the advertising and marketing language for the Product, as well as the label images.

- 1 6. The dietary supplement industry is a growing and extremely competitive  
2 business environment, especially the sports (bodybuilding) supplement  
3 segment.
- 4
- 5 7. Most companies in this segment distort, if not totally ignore, competent and  
6 reliable scientific data regarding their products and ingredients.
- 7
- 8 8. The Product is generally categorized as a “Testosterone Boosting/Muscle  
9 Building” product and contains the sole ingredient Tribulus Terrestris  
10 (“TT”).
- 11
- 12 9. TT is a flowering plant in the family Zygophyllaceae, native to warm  
13 temperate and tropical regions of southern Europe, southern Asia,  
14 throughout Africa, and Australia. It is a taprooted herbaceous perennial  
15 plant that grows as a summer annual in colder climates.
- 16
- 17 10. TT is used as a nutritional supplement, but is highly debated regarding its  
18 physiological and actual effects, which are claimed to be an increase in the  
19 activation of endogenous testosterone production.
- 20
- 21 11. The active compounds in TT are called steroidal saponins. Two types,  
22 called furostanol glycosides and spirostanol glycosides, appear to be  
23 involved with the effects of TT. These saponins are found primarily in the  
24 leaf. In addition, protodioscin is a steroidal saponin compound and also acts  
25 as a putative active component of TT. Extracts from TT standardized for  
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1 protodioscin content have been demonstrated to produce pro-erectile effects  
2 in isolated tissues and aphrodisiac action in several animal species<sup>1</sup>.

3 12. This extract has also been shown to produce statistically significant  
4 increases in the levels of the hormones testosterone, dihydrotestosterone, and  
5 dehydroepiandrosterone in animal studies<sup>2</sup>, but studies in humans have  
6 failed to show efficacy and its use remains controversial<sup>3</sup>.  
7

8 13. Tribulus Terrestris is most often used for infertility, erectile dysfunction,  
9 and low libido; however, in the last decade, it has become popular to  
10 improve sports performance.  
11

12 14. The extract is claimed to increase the body's natural testosterone levels and  
13 thereby improve male sexual performance and help build muscle.  
14

15 15. Therefore, TT has been marketed on this premise because initial research  
16 performed indicated TT to increase levels of the hormones, testosterone (by  
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19 <sup>1</sup> See Gauthaman K, Adaikan P, Prasad R. Aphrodisiac properties of Tribulus  
20 Terrestris extract (Protodioscin) in normal and castrated rats. *Life Sci.* 71:1385-96,  
21 2002.; *See also* Gauthaman K, Ganesan A, Prasad R. Sexual effects of  
22 puncturevine (*Tribulus terrestris*) extract (protodioscin): an evaluation using a rat  
model. *J Alt Comp Med*, 9:257-65, 2003.

23 <sup>2</sup> Gauthaman K, Ganesan A. The hormonal effects of *Tribulus terrestris* and its  
24 role in the management of male erectile dysfunction—an evaluation using  
25 primates, rabbit, and rat. *Phytomedicine*, 15:44-54, 2008.

26 <sup>3</sup> See Rowland D, Tai W. A review of plant-derived and herbal approaches to the  
27 treatment of sexual dysfunctions. *J Sex Mar Ther*, 29:185-205, 2003; *See also*  
28 McKay D. Nutrients and botanicals for erectile dysfunction: examining the  
evidence. *Alt Med Rev*, 9:4-16, 2004.

1 increasing luteinizing hormone), DHEA, and estrogen. However, the design  
2 of these research studies has been questioned.

3 16. Furthermore, more recent, relevant, and placebo-controlled studies  
4 involving TT and resistance training in humans have demonstrated that TT  
5 failed to increase testosterone levels or demonstrate increases in muscle  
6 mass or strength<sup>4</sup>.

7  
8  
9 17. Defendant uses several false, fraudulent, misleading, unfair and deceptive  
10 claims on the label of the Product.

11 18. Defendant uses several false, fraudulent, misleading, unfair and deceptive  
12 claims at the point of purchase for the Product on their website  
13 www.infinitelabs.com. (Exhibit A).

14  
15 19. Defendant uses several false, fraudulent, misleading, unfair and deceptive  
16 claims at the point of purchase for the Product on BB's website  
17 www.bodybuilding.com. (Exhibit B).

18  
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22 <sup>4</sup> See Antonio J, Uelmen J, Rodriguez R, Earnest C. The effects of Tribulus  
23 terrestris on body composition and exercise performance in resistance-trained  
24 males. Int J Sport Nutr Exerc Metab, 10:208-15, 2000.; See also Rogerson S,  
25 Riches C, Jennings C, Weatherby R, Meir R, Marshall-Gradisnik S. The effect of  
26 five weeks of Tribulus terrestris supplementation on muscle strength and body  
27 composition during preseason training in elite rugby league players. J Strength  
28 Cond Res, 21:348-53, 2007.; See also Brown G, Vukovich M, Reifenrath T, Uhl  
N, Parsons K, Sharp R, King D. Effects of anabolic precursors on serum  
testosterone concentrations and adaptations to resistance training in young men. Int  
J Sport Nutr Exer Metab, 10:340-59, 2000.

1 20. By Defendant's unfair, deceptive, fraudulent, unfair and misleading  
2 practices, Plaintiff and Class Members have been unfairly deceived into  
3 purchasing the Product.  
4

5 21. Plaintiff brings this action challenging Defendant's claims relating to the  
6 Product on behalf of himself and all others similarly situated, under  
7 California's Unfair Competition Law, False Advertising Law, Consumer  
8 Legal Remedies Act, and Breach of Express Warranty.  
9

10 22. Plaintiff seeks an order compelling Defendant to (1) cease marketing the  
11 Product using the misleading tactics complained of herein, (2) conduct a  
12 corrective advertising campaign, (3) restore the amounts by which  
13 Defendant has been unjustly enriched, and (4) destroy all misleading and  
14 deceptive materials.  
15  
16

### 17 **JURISDICTION AND VENUE**

18 23. This Court has jurisdiction over all causes of action asserted herein.  
19

20 24. Jurisdiction is proper in this court pursuant to 28 U.S.C. § 1332(d), because  
21 there are at least 100 Class Members in the proposed Class, the combined  
22 claims of proposed Class Members exceed \$5,000,000 exclusive of interest  
23 and costs, and at least one Class Member is a citizen of a state other than  
24 Defendant's state of citizenship.  
25  
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28

1 25. Plaintiff will likely have evidentiary support after a reasonable opportunity  
2 for further investigation or discovery regarding Defendant's sales of the  
3 Product during the class period.  
4

5 26. Venue is proper pursuant to 28 U.S.C. § 1391(a) because a substantial part  
6 of the events giving rise to the claims asserted herein occurred in this  
7 District. Venue is proper pursuant to 28 U.S.C. § 1391(c) because  
8 Defendant conducts substantial business in this District, has sufficient  
9 minimum contacts with this District, and otherwise purposely avail  
10 themselves of the markets in this District, through the promotion, sale, and  
11 marketing of their Product in this District.  
12  
13

14 27. Defendant and other out-of-state participants can be brought before this  
15 Court pursuant to state and federal law.  
16

### 17 **THE PARTIES**

18 28. During the Class period, Plaintiff and Class Members purchased the Product  
19 through BB's website [www.bodybuilding.com](http://www.bodybuilding.com) and/or one of the many brick  
20 and mortar and online retailers of Defendant's Product throughout the  
21 United States. Plaintiff and Class Members suffered an injury in fact caused  
22 by the false, fraudulent, unfair, deceptive and misleading practices set forth  
23 in this Complaint.  
24  
25

26 29. Plaintiff is a resident of the County of San Diego, State of California, and  
27 the events set forth in this Complaint took place therein, who, on or about  
28

1 May 2013, purchased the Product for his own use, and not for resale, from  
2 BB's website.

3  
4 30. Under information and belief Defendant Infitelabs, LLC ("Infinite") is a  
5 Florida Limited Liability Company who is authorized to do and, is in fact,  
6 doing business in California, with its principal place of business located at  
7 7208 Sand Lake Rd., Suite 208, Orlando, FL 32819.  
8

9  
10 **FACTUAL ALLEGATIONS**

11 31. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

12  
13 32. Plaintiff Dabish reviewed the Product's label and marketing material prior  
14 to purchasing the Product.

15 33. Plaintiff Dabish reasonably relied on the information provided by  
16 Defendant when making the decision to purchase the Product.  
17

18 34. Defendant's claims are false and misleading.

19 35. Defendant had access, but knowingly and/or recklessly ignored all  
20 competent and reliable scientific evidence regarding the Product's ingredient  
21 Tribulus Terrestris.  
22  
23

24  
25 ***Defendant's Claims Regarding Tribulus Terrestris Enhancing Testosterone***  
26 ***Production***  
27



1 36. Defendant makes the following false and misleading claims regarding TT's  
2 ability to enhance or increase testosterone production:

- 3 a) "Advanced LH Production Support" (Exhibit A);  
4  
5 b) "Support Natural Testosterone Production" (Exhibits A and B); and  
6  
7 c) "Support LH Production" (Exhibits A and B).

8 *Animal Studies*

9 37. In a study in which castrated and intact male rats received three dose levels  
10 of TT (11, 42, and 110 mg/kg/day) or testosterone (as a positive control) for  
11 7 and 28 days, respectively, TT was unable to stimulate androgen-sensitive  
12 tissues like the prostate and seminal vesicle in both castrated and intact  
13 rats<sup>5</sup>. In addition, none of the three doses of TT administered to intact rats  
14 for 28 days was shown to change serum testosterone levels as well as did not  
15 produce any qualitative change in the fecal excretion of androgenic  
16 metabolites. This study indicated that while TT had a slight effect in  
17 castrated rats with low physiological levels of testosterone, TT had no  
18 androgenic activity on intact, non-castrated rats (with normal physiological  
19 levels of testosterone).  
20  
21  
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26 <sup>5</sup> Martino-Andrade A, Morais R, Spercoski K, Rossi S, Vechi M, Golin M,  
27 Lonbardi N, Greca C, Dalsenter P. Effects of Tribulis terrestris on endocrine  
28 sensitive organs in male and female Wistar rats. J Ethnopharmacol, 127:165-70,  
2010.

1 38. In a study where TT was used to identify its usefulness of erectile  
2 dysfunction in rats<sup>6</sup>, intact rats received 2.5, 5, or 10 mg/kg/day of TT for 8  
3 weeks. In addition, castrated rats were treated with either testosterone (10  
4 mg/kg bi-weekly) or TT (5 mg/kg/day) for 8 weeks. There was no change in  
5 serum testosterone levels in intact rats with any dosage; however, in  
6 castrated rats (given 5 mg/kg/day), there was a significant increase of 25%  
7 (compared to 51% increase with testosterone-administered group).  
8  
9

10 *Human Studies*

11 39. A study was conducted to determine the influence of TT on androgen  
12 metabolism in young males. For 4 weeks, subjects underwent the daily oral  
13 ingestion of either placebo or TT at 10 mg/kg or TT at 20 mg/kg<sup>7</sup>. Results  
14 demonstrated there to be no significant difference in serum testosterone,  
15 androstenedione, or LH between the two TT doses, and that both TT doses  
16 were not different than placebo. This study indicates that TT steroid  
17 saponins possess neither direct nor indirect androgen-increasing properties.  
18  
19

20  
21 40. A study conducted in men ages 30-59 provided a product containing alleged  
22 testosterone precursors (androstenedione, dehydroepiandrosterone, tribulis  
23

24 <sup>6</sup> Gauthaman K, Ganesan A. The hormonal effects of Tribulus terresteris and its  
25 role in the management of male erectile dysfunction—an evaluation using  
26 primates, rabbit, and rat. *Phytomedicine*, 15:44-54, 2008.

27 <sup>7</sup> Neychev V, Mitev V. The aphrodisiac herb Tribulus terrestris does not influence  
28 the androgen production in young men. *J Ethnopharmacol*, 101:319-23, 2005.



1 42. In a study designed to determine the effects of TT on body composition and  
2 exercise performance in resistance-trained college-age males, subjects were  
3 randomly provided either a placebo supplement or TT (3.21 mg/kg/day) for  
4 8 weeks in conjunction with a periodized resistance training program<sup>9</sup>.

5  
6 Results demonstrated that there were no changes in body weight, percent fat,  
7 total body water, dietary intake, or mood states in either group. Additionally,  
8 muscle endurance and strength significantly increased for both groups, but  
9 were not different from one another. This study indicates that 8 weeks of TT  
10 supplementation did not enhance body composition or exercise performance  
11 in resistance-trained males. The fact that there were no effects on training  
12 adaptations helps refute the claim of TT having an anabolic and ergogenic  
13 effect when combined with resistance training.  
14  
15  
16

17 43. A study attempted to determine the effects of TT on muscle strength, fat-  
18 free mass, and the urinary testosterone/epitestosterone ratio during 5 weeks  
19 of structured resistance training in elite male rugby players<sup>10</sup>. Subjects  
20 randomly received either placebo or TT at a daily dose of 450 mg. After 5  
21

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22 <sup>9</sup> Antonio J, Uelmen J, Rodriguez R, Earnest C. The effects of Tribulus terrestris  
23 on body composition and exercise performance in resistance-trained males. *Int J*  
24 *Sport Nutr Exerc Metab*, 10:208-15, 2000.

25 <sup>10</sup> Rogerson S, Riches C, Jennings C, Weatherby R, Meir R, Marshall-Gradisnik S.  
26 The effect of five weeks of Tribulus terrestris supplementation on muscle strength  
27 and body composition during preseason training in elite rugby league players. *J*  
28 *Strength Cond Res*, 21:348-53, 2007.

1 weeks of supplementation and training, muscle strength and fat-free mass  
2 increased significantly in both groups, with no difference occurring between  
3 groups. In addition, no between-group differences were noted in the  
4 testosterone/epitestosterone ratio.  
5

6 44. Tribulus Terrestris was combined with other alleged testosterone precursors  
7 (androstenedione, dehydroepiandrosterone, saw palmetto, indole-3  
8 carbionol, and chrysin) and supplemented daily for 8 weeks during a  
9 program of resistance training in college-age men. The specific dosage of  
10 TT was 1.35 grams/day. Results demonstrated that compared to the placebo  
11 group, there were no significant increases in muscle strength and serum  
12 testosterone. Therefore, the overall results of this study provided evidence  
13 that the combination of the compounds did not result in increased serum  
14 testosterone concentration, reduce the estrogenic effects of androstenedione,  
15 and did not augment the adaptations to resistance training<sup>11</sup>.  
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### 21 **RELIANCE AND INJURY**

22 45. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.  
23  
24  
25

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26 <sup>11</sup> Brown G, Vukovich M, Reifenrath T, Uhl N, Parsons K, Sharp R, King D.  
27 Effects of anabolic precursors on serum testosterone concentrations and  
28 adaptations to resistance training in young men. Int J Sport Nutr Exer Metab,  
10:340-59, 2000.

1 46. When purchasing the Product, Plaintiff was seeking a product that had the  
2 qualities described in Defendant's advertising, labeling and marketing.

3 47. Plaintiff read and relied on the deceptive claims contained herein.

4  
5 48. Plaintiff believed the Product had the qualities he sought, but the Product  
6 was actually unsatisfactory to Plaintiff for the reasons described herein.

7  
8 49. Plaintiff paid more for the Product, and would have been unwilling to  
9 purchase the Product at all, absent the false and misleading labeling  
10 complained of herein. Plaintiff would not have purchased the Product  
11 absent these claims and advertisements.

12  
13 50. For these reasons, the Product was worth less, if it all, than what Plaintiff  
14 paid for it.

15  
16 51. Instead of receiving a product that had actual and substantiated healthful or  
17 other beneficial qualities, the Product Plaintiff received was one that does  
18 not provide the claimed benefits.

19  
20 52. Plaintiff lost money as a result of Defendant's deceptive claims and  
21 practices in that he did not receive what he paid for when purchasing the  
22 Product.

23  
24 53. Plaintiff altered his position to his detriment and suffered damages in an  
25 amount equal to the amount he paid for the Product.

26  
27 **CLASS ALLEGATIONS**

1 54. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

2 55. Plaintiff brings this action on his own behalf and as a Class Action Pursuant  
3 to Rule 23 of the Federal Rules of Civil Procedure. Plaintiff seeks  
4 certification of the following Classes:  
5

6 California Class: All Persons in the State of California who have spent  
7 money purchasing the Product from Defendant from four years from the  
8 first-filed complaint in this action until the final disposition of this and any  
9 and all related cases.

10 National Class: All Persons in the United States who have spent money  
11 purchasing the Product from Defendant from four years from the first-filed  
12 complaint in this action until the final disposition of this and any and all  
13 related cases.

14 56. The abundance of Class Members renders joinder of all Class members  
15 individually, in one action or otherwise, impractical.

16 57. This action involves questions of law and fact common to Plaintiff and  
17 Class Members including:

18 (a) Whether Defendant violated the California Civil Code Section 1750 *et*  
19 *seq.*;

20 (b) Whether Defendant violated the California Business & Professions Code  
21 Section 17200 *et seq.*;

22 (c) Whether Defendant violated the False Advertising Law, Cal. Bus. &  
23 Prof. Code Section 17500 *et seq.*;

24 (d) Whether Defendant breached an express warranty; and  
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1 (e) Whether Plaintiff and Class Members sustained damages and, if so, the  
2 proper measure of damages, restitution, equitable or other relief, and the  
3 amount and nature of such relief.  
4

5 Excluded from the Class is: (a) any Judge or Magistrate presiding over this action  
6 and members of their families; (b) Defendant and any entity in which Defendant  
7 has a controlling interest or which has a controlling interest in Defendant and its  
8 legal representatives, assigns and successors of Defendant; and (c) all persons who  
9 properly execute and file a timely request for exclusion from the Class.  
10  
11

12 58. *Numerosity*: The Classes are composed of thousands of persons  
13 geographically dispersed throughout the State of California and the United  
14 States, the joinder of whom in one action is impractical. Moreover, upon  
15 information and belief, the Classes are ascertainable and identifiable from  
16 Defendant's records.  
17

18 59. *Commonality*: Questions of law and fact common to the Class exist as  
19 to all members of the Class and predominate over any questions affecting  
20 only individual members of the Class. These common legal and factual  
21 issues include, but are not limited to the following:  
22  
23

24 (a) Whether Defendant violated the California Civil Code Section 1750 *et*  
25 *seq.*;  
26  
27  
28



1 (b) Whether Defendant violated the California Business & Professions Code  
2 Section 17200 *et seq.*;

3 (c) Whether Defendant violated the False Advertising Law, Cal. Bus. &  
4 Prof. Code Section 17500 *et seq.*;

6 (d) Whether Defendant breached an express warranty; and

7 (e) Whether Plaintiff and Class Members sustained damages and, if so, the  
8 proper measure of damages, restitution, equitable or other relief, and the  
9 amount and nature of such relief.  
10

11 60. *Typicality*: Plaintiff's claims are typical of the claims of the members of the  
12 Class, as all such claims arise out of Defendant's conduct in manufacturing,  
13 marketing, advertising, warranting and selling the Product, Defendant's  
14 conduct in concealing material facts regarding the Product, Defendant's  
15 false, fraudulent, unfair and misleading claims and Plaintiff's and Class  
16 Members' purchasing the Product.  
17

18 61. *Adequate Representation*: Plaintiff will fairly and adequately protect the  
19 interests of the members of the Class and have no interests antagonistic to  
20 those of the Class. Plaintiff has retained counsel experienced in the  
21 prosecution of complex class actions, including consumer class actions  
22 involving false and misleading advertising, product liability and product  
23 design defects.  
24

25 62. *Predominance and Superiority*: This class action is appropriate for  
26  
27  
28

1 certification because questions of law and fact common to the members of  
2 the Class predominate over questions affecting only individual members,  
3 and a Class action is superior to other available methods for the fair and  
4 efficient adjudication of this controversy, since individual joinder of all  
5 members of the Class is impracticable. Should individual Class Members  
6 be required to bring separate actions, this Court and Courts throughout  
7 California would be confronted with a multiplicity of lawsuits burdening the  
8 court system while also creating the risk of inconsistent rulings and  
9 contradictory judgments. In contrast to proceeding on a case-by-case basis,  
10 in which inconsistent results will magnify the delay and expense to all  
11 parties and the court system, this class action presents far fewer management  
12 difficulties while providing unitary adjudication, economies of scale and  
13 comprehensive supervision by a single Court.  
14  
15  
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17

18 **CHOICE OF LAW**

19 **California's Substantive Law Applies**  
20 **to the Nationwide Class Members**

21 63. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

22 64. California's substantive laws apply to the proposed nationwide Class, as set  
23 forth in this complaint, because Plaintiff properly brings this action in this  
24 District. A United States District Court sitting in diversity presumptively  
25 applies the substantive law of the State in which it sits.  
26  
27  
28

1 65.The Court may constitutionally apply California’s substantive laws to  
2 Plaintiff and Nationwide Class Members’ claims under the Due Process  
3 Clause of the Fourteenth Amendment, § 1, and the Full Faith and Credit  
4 Clause, Art. IV, § 1, of the United States Constitution. The claims asserted  
5 by Plaintiff contain significant contact, or significant aggregation of  
6 contacts, to ensure an adequate state interest and supports the choice of  
7 California state law as just and reasonable.  
8  
9

10 66.Defendant conducts substantial business in California providing California  
11 with an interest in regulating Defendant’s conduct under California laws.  
12 Defendant’s decision to regularly conduct business in California and avail  
13 itself of California’s laws render the application of California law to the  
14 claims at hand constitutionally permissible.  
15  
16

17 67.The injury to the Plaintiff and a significant number of proposed Class  
18 Members by virtue of the misconduct alleged, occurred in California.  
19 Plaintiff resides in California and purchased Defendant’s Product in  
20 California. A substantial number of the proposed Nationwide Class reside in  
21 California and purchased Defendant’s Product in California.  
22  
23

24 68.The application of California’s laws to the proposed Nationwide Class  
25 Members is also appropriate under California’s choice of law rules because  
26 California has significant contacts to the claims of the Plaintiff and the  
27 Nationwide Class Members.  
28

**CAUSES OF ACTION**

**COUNT I**

**Violation of California Business and Professions**

**Code § 17200 *et seq.***

**(On Behalf of Plaintiff and the Classes Against Defendant)**

69.Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

70.Cal. Bus. & Prof. Code § 17200 prohibits any “unlawful, unfair or fraudulent business act or practice.”

71.The acts, omissions, misrepresentations, practices, and non-disclosures of Defendant as alleged herein constitute “unlawful” business acts and practices in that Defendant’s conduct violates the False Advertising Law and the Consumer Legal Remedies Act.

72.Defendant’s conduct is further “unlawful” because it violates the Federal Food, Drug, and Cosmetic Act and its implementing regulations in at least the following ways:

- (1) Defendant’s deceptive statements violate 21 U.S.C. § 343(a), which deems food (including nutritional supplements) misbranded when the label contains a statement that is “false or misleading in any particular”;
- (2) Defendant’s deceptive statements violate 21 C.F.R. § 101.14(b)(3)(i), which mandates “substances” in dietary supplements consumed must contribute and retain “nutritional value” as defined under 21 C.F.R. § 101.14(a)(2)(3) when consumed at levels necessary to justify a claim.

1 73. Defendant's conduct is further "unlawful" because it violates The California  
2 Sherman Food, Drug, and Cosmetic Law, which incorporates the provisions  
3 of the Federal Food, Drug and Cosmetic Act.  
4

5 74. The acts, omissions, misrepresentations, practices, and non-disclosures of  
6 Defendant as alleged herein also constitute "unfair" business acts and  
7 practices under the UCL in that Defendant's conduct is immoral,  
8 unscrupulous, and offends public policy. Further, the gravity of Defendant's  
9 conduct outweighs any conceivable benefit of such conduct.  
10

11 75. The acts, omissions, misrepresentations, practices, and non-disclosures of  
12 Defendant as alleged herein also constitute "fraudulent" business acts and  
13 practices under the UCL in that Defendant's claims are false, misleading,  
14 and have a tendency to deceive the Class and the general public.  
15  
16

17 76. In accordance with Bus. & Prof. Code § 17203, Plaintiff seeks an order  
18 enjoining Defendant from continuing to conduct business through unlawful,  
19 unfair, and/or fraudulent acts and practices, and to commence a corrective  
20 advertising campaign.  
21

22 77. Plaintiff further seeks an order for the disgorgement and restitution of all  
23 monies from the sale of the Defendant's Product, which were acquired  
24 through acts of unlawful, unfair, and/or fraudulent competition.  
25  
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**COUNT II**

**Violation of California Legal Remedies Act**

**Cal. Civ. Code § 1750 *et seq.***

**(On Behalf of Plaintiff and the Classes Against Defendant)**

78. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

79. Plaintiff has standing to pursue this claim as Plaintiff has suffered injury in fact and has lost money or property as a result of Defendant's actions as set forth herein.

80. This cause of action is brought on behalf of all people of the State of California and the United States in accordance with the provisions of the California Legal Remedies Act (California Civil Code section 1770). Class members have lost money or property as a result of Defendant's actions as set forth herein.

81. Defendant's wrongful business practices constituted, and constitute, a continuing course of conduct of violation of the California Legal Remedies Act since Defendant is still representing that the Product has characteristics and abilities which are false and misleading.

82. Defendant's wrongful business practices have caused injury to Plaintiff and the Classes.

83. Pursuant to section 1770 of the California Civil Code, Plaintiff and the Class seek an order of this Court enjoining Defendant from continuing to engage

1 in unlawful, unfair, or deceptive business practices and any other act  
2 prohibited by law, including those set forth in this Complaint.

3 84.As a result, Plaintiff, the Class, and the general public are entitled to  
4 injunctive and equitable relief, restitution, and an order for the disgorgement  
5 of the funds by which Defendant was unjustly enriched.  
6

7 85.Plaintiff and the Classes also seek Punitive Damages since Defendant was  
8 put on notice of its violations of the California Legal Remedies Act and took  
9 no remedial actions.  
10

11  
12 **COUNT III**

13 **Violation of the False Advertising Law, Business and Professions**

14 **Code Sections 17500 *et seq.***

15 **(On Behalf of Plaintiff and the Classes Against Defendant)**

16 86.Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

17 87.In violation of Cal. Bus. & Prof. Code § 17500 *et seq.*, the advertisements,  
18 labeling, policies, acts, and practices described herein were designed to, and  
19 did, result in the purchase and use of the Product.  
20

21 88.Defendant knew and reasonably should have known that the advertising,  
22 marketing and labeling of the Product was untrue and/or misleading.  
23

24 89.As a result, Plaintiff, the Class, and the general public are entitled to  
25 injunctive and equitable relief, restitution, and an order for the disgorgement  
26 of the funds by which Defendant was unjustly enriched.  
27  
28

**COUNT IV**

**Breach of Express Warranty**

**(On Behalf of Plaintiff and the Classes Against Defendant)**

90. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.

91. Defendant made several different express warranties upon which Plaintiff relied in making his purchase, including the false and misleading claims contained herein.

92. In fact, there is no competent and reliable scientific evidence that support any of Defendant's claims, and actually there is competent and reliable scientific evidence refuting those claims.

93. The Plaintiff and Class Members received a product that did not provide the benefits Defendant's described in their labeling, advertising and marketing.

94. These facts constitute breaches of all applicable express warranties as alleged in this complaint.



**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff and the Class Members demand judgment in their favor against the Defendant as follows:

- a. A determination that this action proceed as a class action and Plaintiff adequately represents the Class;
- b. An Order requiring Defendant to bear the cost of class notice;
- c. For compensatory, consequential and special damages in amounts proved, as well as statutory damages, including a return of all amounts paid for the Product sold by the Defendant to the Plaintiff and the Class Members;
- d. For interest thereon, in the maximum amount allowable under applicable law;
- e. For delay damages thereon, in the maximum amount allowable under applicable law;
- f. For costs of suit, in the maximum amount allowable under applicable law;
- g. For punitive damages, to the maximum amount permitted under applicable law;
- h. For an award of attorneys’ fees and costs, to the maximum amount permitted under applicable law;
- i. For injunctive relief, restraining and enjoining the Defendant from continuing to use these deceptive sales tactics;

- 1 j. For restitution of the funds which were unjustly enriched by Defendant, at  
2 the expense of Plaintiff and Class Members; and  
3  
4 k. For such other and further relief for the Plaintiffs as this Honorable Court  
5 shall deem just.  
6  
7

8 DATED: September 3, 2013  
9

10 By: /s/Jonathan Shub (SBN 237708)  
11 jshub@seegerweiss.com.com  
12 SEEGER WEISS LLP  
13 1515 Market St., Suite 1380  
14 Philadelphia, PA 19102  
15 Telephone: (215) 564-2300  
16 Facsimile: (215) 569-1606

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27  
28  
Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

1  
2 Plaintiff and the Class Members demand trial by jury as to all matters and issues  
3 triable.  
4

5  
6 DATED: September 3, 2013  
7

8 By: /s/Jonathan Shub (SBN 237708)  
9 jshub@seegerweiss.com.com  
10 SEEGER WEISS LLP  
11 1515 Market St., Suite 1380  
12 Philadelphia, PA 19102  
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28 Attorneys for Plaintiffs

# EXHIBIT A

**PRE WORKOUT**

- [About Us](#)
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- [Articles](#)
- [News](#)
- [Events](#)
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- [Athletes](#)
- [Medical Advisors](#)
- [Infinite Kitchen](#)
- [Ingredients](#)

**TESTOSTERONE SUPPORT**

- [Cyclo Bolan® NT](#)
- [Cyclo Dex™](#)
- [Cyclo Test™](#)
- [Cyclo Tren™](#)
- [Pro DHEA](#)
- [Pro Tribulus](#)

**RECOVERY**

- [BCAA](#)
- [BCAA Powder](#)
- [Cyclo REM®](#)
- [Glutamine MTX™](#)
- [Glutamine MTX™ Powder](#)
- [MassPort™](#)
- [Pro Z](#)

**FIGHTER'S POWER**

- [Pro Fight™](#)

**INFINITE GEAR**

- [Cyclo Test T-Shirt](#)
- [Dagger Shaker Cup](#)
- [Dagger T-Shirt](#)
- [Fighter's Power T-Shirt](#)
- [Infinite Labs Gym Bag](#)
- [Joe SWAT T-Shirt](#)
- [Juggernaut Shaker Cup](#)

**PROTEIN**

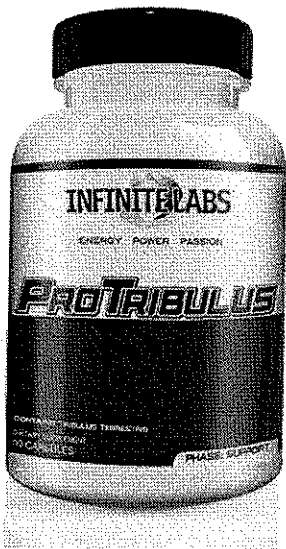
- [Infinite Mass®](#)
- [Infinite Pro® 100% Whey](#)
- [Infinite Pro® 100% Whey Isolate](#)
- [Whey Delite™](#)

**ESSENTIALS**

- [Alpha Lipoic Acid](#)
- [Calcium Pyruvate](#)
- [Joint Support](#)
- [Multivitamin - Men](#)
- [Multivitamin - Women](#)
- [Ubiquinol](#)
- [Vitamin B](#)

**STACKS**

- [Build Muscle Stack](#)
- [Burn Fat Stack](#)
- [Endurance Stack](#)
- [Pre-Fight Stack](#)
- [Recovery and Health - Men](#)
- [Recovery and Health - Women](#)
- [Trial Stack](#)



**PRO TRIBULUS™**

**ADVANCED  
LH PRODUCTION  
SUPPORT\***

PRO TRIBULUS™ HELPS TO:

- SUPPORT NATURAL TESTOSTERONE PRODUCTION\*
- INCREASE LEAN MUSCLE NATURALLY\*
- SUPPORT LH PRODUCTION\*

90 capsules      \$20.82      \$12.49

**ADD TO CART**

[Join Our Online Community & Save 5%](#)

**INSTANT SAVINGS!**

- Spend \$100 **SAVE 5%**
- Spend \$200 **SAVE 10%**
- Spend \$300 **SAVE 15% and Free Shipping**

90 capsules

Serving Size 1 Capsule		
Servings Per Container 90		
Amount Per Serving		% DV*
Tribulus Extract (45% Saponins)	750mg	**

\* (% Percent Daily Values (DV) are based on a 2,000 calorie diet.

\*\* Daily Value (DV) not established. Your Daily Values (DV) may be higher or lower depending on your calories needs.  
Other ingredients:  
Silicon Dioxide, Magnesium Stearate.

**Directions:**  
Take 1-2 capsules daily, preferably with morning and evening meals, or as recommended by a health care professional.

**Warnings:**  
Consult your physician before using this or any other dietary supplement. Do not use if you are pregnant or nursing. Not intended for use by persons under the age of 18. Do not use if tamper resistant seal is broken. Keep Out Of Reach Of Children. Store in a dry place and avoid excessive heat.

**References:**  
Brown, GA, Vukovich, MS, Reifmuth, TA, et al. (2000). Effects of anabolic precursors on serum testosterone concentrations and adaptations to resistance training in young men. *Int J Vitamin Nutr Res.* 10: 340-59.  
Brown, GA, Vukovich, MD, Martini, ER, et al. (2001). Effects of androstenedione-herbal supplementation on serum sex hormone concentrations in 30- to 59-year-old men. *Int J Vitamin Nutr Res.* 71: 293-301.  
Gauthaman, K, Adaiyan, PG, Prasad, RN (2002). Aphrodisiac properties of Tribulus terrestris extract (protodioscin) in normal and castrated rats. *Life Sci.* 71: 1385-96.  
Gauthaman, K, Ganesan, AP (2008). The hormonal effects of Tribulus terrestris and its role in the management of male erectile dysfunction—an evaluation using primates, rabbit and rat. *Phytomedicine.* 15: 44-54.  
Rogerson, S, Riches, CJ, Jennings, C, et al. (2007). The effect of five weeks of Tribulus terrestris supplementation on muscle strength and body composition during preseason training in elite rugby league players. *J Strength Cond Res.* 21: 348-53.  
THEXTON.COM.AU. Tribulus The masculinity maker. Available at: [http://www.thexton.com.au/index1.php?alias\\_articles&artid\\_380&temp\\_fib](http://www.thexton.com.au/index1.php?alias_articles&artid_380&temp_fib). Accessed August 10, 2005

PRODUCT INFORMATION | STACKS WELL WITH

Tribulus terrestris is a vine plant that is native to temperate climates in areas of southern Europe, southern Asia, Australia and Africa. It has a long history of uses, from promoting muscle development to supporting overall health. Tribulus has been suggested to stimulate levels of testosterone and luteinizing hormone (LH), while simultaneously supporting energy levels, recovery time and muscle gain. This effect is claimed to be mediated via steroidal saponins within the Tribulus, which allegedly block central testosterone receptors. The active compound in Tribulus is the saponin, protodioscin, which is similar in structure to dehydroepiandrosterone (DHEA).\*

Many clinical studies involving Tribulus terrestris consumption in humans have produced equivocal results in regards to the effects it has on testosterone and LH levels. Regardless, Tribulus terrestris has been advocated to promote optimal hormonal levels that can potentially establish the anabolic environment necessary for muscle gain and development.\*



# EXHIBIT B



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Click to enlarge.

Infinite Labs:

### Pro Tribulus

The Athlete's Performance Aid!\*  
Supports Natural Testosterone Production!\*

Supported Goal: Build Muscle  
Main Ingredient: Tribulus

OVERALL RATING

Out of 10

9.4

Excellent

Read 11 Infinite Labs  
Pro Tribulus Reviews.

Rate Product

Wish List

90 Capsules

\$20.82 \$12.37

In Stock Order

Manufacturer information:

Infinite Labs Products and  
Information

This works well with:

Gold Standard 100%  
Whey  
Combat Powder  
Phase8

Recommend 49 people recommend this. Be the first of your friends.

#### Infinite Labs Pro Tribulus Product Guide



#### What's in Infinite Labs Pro Tribulus?

##### 90 Capsules

Serving Size 1 Capsule  
Servings Per Container 90

Amount Per Serving	% DV
Tribulus Extract (45% Saponins)	750 mg †

† Daily Value (DV) not established

##### Other Ingredients:

Silicon Dioxide, Magnesium Stearate.

**Directions For Pro Tribulus:** Take 1-2 capsules daily, preferably with morning and evening meals, or as recommended by a health care professional.

**Warnings:** Consult your physician before using this or any other dietary supplement. Do not use if you are pregnant or nursing. Not intended for use by persons under the age of 18. Do not use if tamper resistant seal is broken. Keep Out Of Reach Of Children. Store in a dry place and avoid excessive heat.

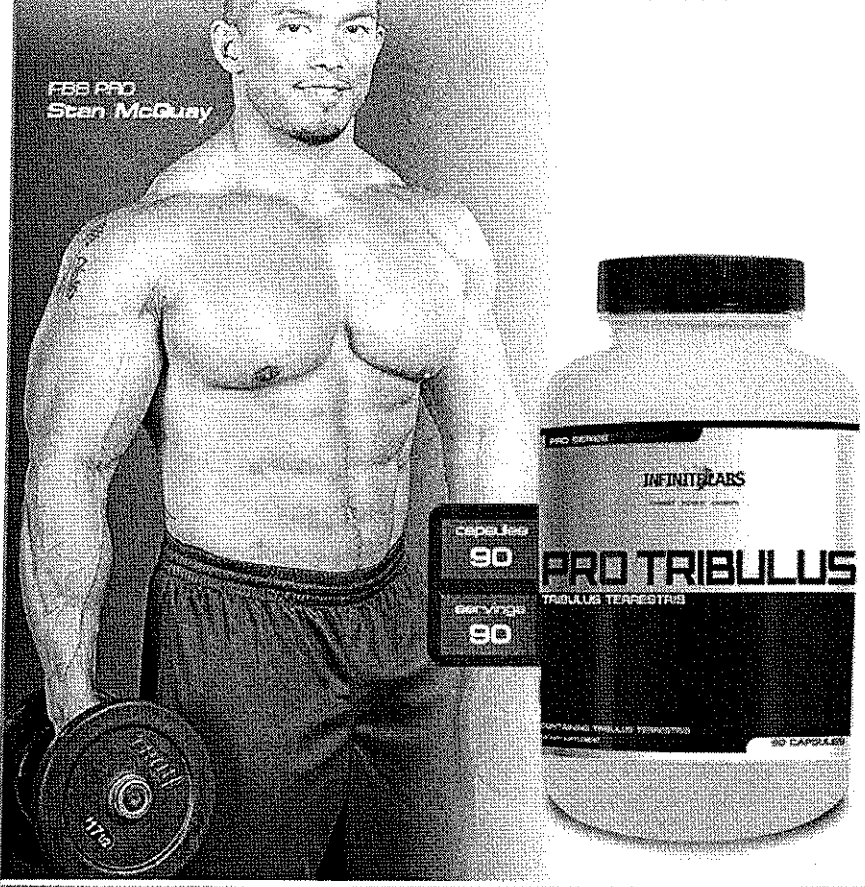
\* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Learn more about Tribulus.

Check out other Build Muscle Products.

# GROWTH & RECOVERY THE ATHLETE'S PERFORMANCE AID\*

FBI PRO  
Stan McQuay



- SUPPORTS NATURAL TESTOSTERONE PRODUCTION\*
- HELPS INCREASE LEAN MUSCLE NATURALLY\*
- SUPPORTS LH PRODUCTION\*

Tribulus terrestris is a vine plant that is native to temperate climates in areas of southern Europe, southern Asia, Australia and Africa. It has a long history of uses, from promoting muscle development to supporting overall health.\* Tribulus has been suggested to stimulate levels of testosterone and luteinizing hormone (LH), while simultaneously supporting energy levels, recovery time and muscle gain.\* This effect is claimed to be mediated via steroidal saponins within the Tribulus, which allegedly block central testosterone receptors.\* The active compound in Tribulus is the saponin, protodioscin, which is similar in structure to dehydroepiandrosterone (DHEA).\*

Many clinical studies involving Tribulus terrestris consumption in humans have produced equivocal results in regards to the effects it has on testosterone and LH levels. Regardless, Tribulus terrestris has been advocated to promote optimal hormonal levels that can potentially establish the anabolic environment necessary for muscle gain and development.\*

References

1. Brown, GA, Vukovich, MS, Reifenhath, TA, et al. (2000). Effects of anabolic precursors on serum testosterone concentrations and adaptations to resistance training in young men. *Int J Vitamin Nutr Res.* 10: 340-59.
2. Brown, GA, Vukovich, MD, Martini, ER, et al. (2001). Effects of androstenedione-herbal supplementation on serum sex hormone concentrations in 30- to 59-year-old men. *Int J Vitamin Nutr Res.* 71: 293-301.
3. Gauthaman, K, Adalkan, PG, Prasad, RN (2002). Properties of Tribulus terrestris extract (protodioscin) in normal and castrated rats. *Life Sci.* 71: 1385-96.
4. Gauthaman, K, Ganesan, AP (2008). The hormonal effects of Tribulus terrestris: an evaluation using primates, rabbit and rat. *Phytomedicine.* 15: 44-54.
5. Rogerson, S, Riches, CJ, Jennings, C, et al. (2007). The effect of five weeks of Tribulus terrestris supplementation on muscle strength and body composition during preseason training in elite rugby league players. *J Strength Cond Res.* 21: 348-53.
6. THEXTON.COM.AU. Tribulus—The masculinity maker. Available at: [http://www.thexton.com.au/index1.php?alias\\_articles&artid\\_380&temp\\_lib](http://www.thexton.com.au/index1.php?alias_articles&artid_380&temp_lib). Accessed August 10, 2005



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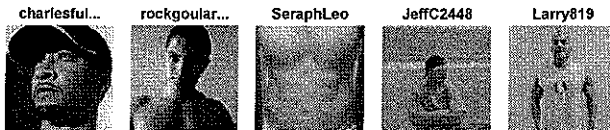
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## 14 Members Taking Infinite Labs Pro Tribulus

Do you use this product?  
Add Infinite Labs Pro Tribulus to your BodySpace profile!



View All 14 Members Report

## Infinite Labs Pro Tribulus Purchase Information

Order today using our 100% secure server and get it at the lowest prices in the world with our fast, inexpensive 2-3 day shipping! NOBODY beats our overall price!

90 Capsules

Wish List



~~\$20.82~~ \$12.37

In Stock

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## Recommended For You

Customers who have purchased Infinite Labs Pro Tribulus also purchased:  
See All Recommendations

 <p>SmartShake Presents: <b>SmartShake</b> The World's Smartest Shaker With 2-3 Storage Compartments!</p> <p><a href="#">More Info</a></p> <p>20 Oz. - \$11.99</p> <p>Adela Garcia - Pink &amp; White</p>	 <p>Optimum Presents: <b>Fish Oil Softgels</b> Natural Overall Health Support for a Healthy Heart and Joints!*</p> <p><a href="#">More Info</a></p> <p>100 Softgels - \$6.99</p>
---	--

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Infinite Labs:

### Pro Tribulus

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Information. Motivation. Supplementation



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CIVIL COVER SHEET

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

I. (a) PLAINTIFFS
DARICK DABISH,
Individually and on Behalf of All
Others Similarly Situated
(b) County of Residence of First Listed Plaintiff San Diego
(c) Attorneys (Firm Name, Address, and Telephone Number)
SEEGER WEISS LLP, Jonathan Shub, 1515 Market St., Suite 1380
Philadelphia, PA 19102
Telephone: (215) 564-2300

DEFENDANTS
INFINITELABS, LLC
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known) '13CV2048 BTM DHB

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
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Labor, and Tax Suits.

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
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):
28 USC § 1332 - Diversity of citizenship ; 28:1331 - Federal Question
Brief description of cause:
Violation of California Business and Professions; Violation of California Legal Remedies Act

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,000.00
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

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

DATE 09/02/2013 SIGNATURE OF ATTORNEY OF RECORD /s/ Jonathan Shub

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.