

1 NEWPORT TRIAL GROUP
A Professional Corporation
2 Scott J. Ferrell, Bar No. 202091
sferrell@trialnewport.com
3 Victoria C. Knowles, Bar No. 277231
vknowles@trialnewport.com
4 4100 Newport Place Dr., Suite 800
Newport Beach, CA 92660
5 Tel: (949) 706-6464
Fax: (949) 706-6469

6 Attorneys for Plaintiff and the Class
7

8
9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 KYLE JANOVICK, individually and on
behalf of all others similarly situated,

12 Plaintiff,

13 vs.

14 MAXIMUM HUMAN PERFORMANCE,
15 INC.; and DOES 1-10, Inclusive,

16 Defendants.

Case No.: **'13CV2129 LAB WVG**

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

17 Plaintiff KYLE JANOVICK ("Plaintiff"), individually and on behalf of all others
18 similarly situated, alleges the following on information and belief:

19 **I. INTRODUCTION**

20 1. Maximum Human Performance, Inc. ("Defendant") manufactures,
21 markets, and sells "Dark Rage" as a "Next Generation Pre-Workout Formula" which
22 Defendant advertises as containing L-Arginine AKG ("AKG"). In reality, a laboratory
23 analysis conducted utilizing state-of-the-art High Pressure Liquid Chromatography
24 (HPLC) protocol shows that Dark Rage contains *no* AKG, and thus cannot provide the
25 results promised. Similarly, Defendant manufactures, markets, and sells "Anadrox" and
26 "Trac-Extreme" (collectively with Dark Rage, the "Products") as containing citrulline
27 malate; however, just as with Dark Rage, liquid chromatography-mass spectroscopy
28 (LCMS) testing protocol revealed that neither contains l-citrulline or citrulline malate.

1 As such, Defendant's Products have no ability to provide the results promised, cannot
2 perform as Defendant claims, and do not contain the active ingredients promised.

3 2. Plaintiff brings this class action lawsuit to enjoin the ongoing deception of
4 tens of thousands of California and United States consumers by Defendant, and to
5 recover the money taken by this unlawful practice.

6 II. THE PARTIES

7 A. Plaintiff.

8 3. Plaintiff is a resident of San Diego County, California and purchased
9 Defendant's Products in 2013. Plaintiff relied on Defendant's representations regarding
10 the ingredients and efficacy of the Products, as detailed herein, and but for those
11 representations, Plaintiff would not have purchased or paid as much for such Products.

12 B. Defendant.

13 4. Upon such information and belief, Maximum Human Performance, Inc. is
14 a New Jersey corporation that manufactures, markets, and sells the Products and does
15 business in this County.

16 5. The true names and capacities of the Defendants sued herein as DOES 1
17 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such
18 Defendants by fictitious names. Each of the Defendants designated herein as a DOE is
19 legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of
20 Court to amend this Complaint to reflect the true names and capacities of the DOE
21 Defendants when such identities become known.

22 6. At all relevant times, each and every Defendant was acting as an agent
23 and/or employee of each of the other Defendants and was acting within the course
24 and/or scope of said agency and/or employment with the full knowledge and consent of
25 each of the Defendants. Each of the acts and/or omissions complained of herein were
26 alleged and made known to, and ratified by, each of the other Defendants (Maximum
27 Human Performance, Inc. and DOE Defendants will hereafter collectively be referred
28 to as "Defendant").

III. JURISDICTION AND VENUE

7. A Court has diversity jurisdiction over this class action pursuant to 28 U.S.C. § 1332 as amended by the Class Action Fairness Act of 2005 because the amount in controversy exceeds \$5,000,000, exclusive of interest and costs, and is a class action in which some members of the class are citizens of different states than the Defendant. *See* 28 U.S.C. §1332(d)(2)(A).

8. This Court also has personal jurisdiction over Defendant because Defendant currently does business in this state.

9. Venue is proper in this jurisdiction pursuant to 28 U.S.C. § 1391 because Defendant is subject to personal jurisdiction in this District and a substantial portion of the conduct complained of herein occurred in this District.

IV. FACTS

10. Defendant manufactures, markets, and sells “Dark Rage” as a “Next Generation Pre-Workout Formula” with the ability to “Increase[] EPO¹ & NITRIC OXIDE for **Insane Muscle Pumps & Vascularity**”, “Rapidly Fuels Your Muscles for **MAXIMUM SIZE, STRENGTH, & RECOVERY**”, and “Triggers **EXTREME ENERGY, INTENSITY & MENTAL FOCUS**”. (emphasis provided by Defendant).

11. Defendant further claims Dark Rage “sets a new scientific standard of pre-workout supplementation with exclusive EPO Blood Building Technology and an amazingly powerful combination of advanced, next generation ingredients designed support your workouts for increased strength, extreme muscle growth, incredible anabolic muscle pumps and fast recovery!” Defendant claims the “next generation ingredients” “Promote Pumps and Vascularity”, “Support Strength and Endurance”, “Promote Muscle Growth”, “Support Energy, Intensity and Mental Focus”, and “Promotes Faster Recovery.”

12. Defendant also specifically claims that Dark Rage contains AKG, an ingredient Defendant claims can “increase[] blood supply” to “not only increases the

¹ Erythropoietin, or EPO, is a hormone with the alleged ability to promote red blood cell production and blood volume.

1 size and effects of the muscle pump, but it also has a profound anabolic muscle building
2 effect”. Defendant goes on to claim the Product’s “Multi-Arginine Complex: L-
3 Arginine Alpha Keto Glutarate, DiArginine Malate, L-Arginine, L-Arginine Ethyl Ester
4 [is used] to provide multiphasic supply of bioeffective Arginine, which is the key amino
5 acid that is used to make nitric oxide in your body, which promotes blood vessel
6 vasodilation. The Multi-Arginine Complex supports fast and sustained multiphasic
7 absorption of the bioeffective arginine molecule provided in free form and special
8 complexes with Alpha Keto Glutarate, Malate and Ethyl Ester for maximum NO
9 producing results.”

10 13. In reality, Dark Rage *contains no AKG* – as confirmed by a recent
11 laboratory analysis utilizing state-of-the-art High Pressure Liquid Chromatography
12 (HPLC) protocol. Thus, all of Defendant’s claims based on the ingredient’s capabilities
13 are completely false.

14 14. Similar to the ingredient claims made by Defendant about Dark Rage,
15 Defendant also claims that two of its other products, Anadrox and Trac-Extreme,
16 contain citrulline malate. However, a laboratory test conducted via liquid
17 chromatography-mass spectroscopy (LCMS) protocol revealed that neither product
18 contains l-citrulline or citrulline malate. Defendant claims Anadrox can cause
19 “Maximum Muscle Fiber and Expansion”, contains “VasoThermic Fat Loss
20 Activators”, “Enhances Pumps and Vascularity”, and “Increases Strength and Energy”.
21 Defendant makes some of the same claims about Trac-Extreme but also promises it has
22 “Timed Release Nitric Oxide/Creatine Technology” and “Rapidly Triggers Extreme
23 Muscle Expansion”; however, just as with Dark Rage, a key ingredient claimed to be in
24 Anadrox and Trac-Extreme is not actually present in the products. As such, all efficacy
25 statements based thereon, such as “Formulated with clinically tested ingredients,
26 ANADROX will get you pumped and ripped!”, are completely false.

27 15. Defendant’s misrepresentations regarding the Products’ ingredients, and
28 therefore the efficacy assertions of its Products were designed to, and did, lead Plaintiff

1 and others similarly situated (collectively the "Class") to believe that the Products
2 contained AKG and/or citrulline-malate, and thus could cause intense muscle building.
3 Plaintiff and members of the Class relied on Defendant's misrepresentations and would
4 not have paid as much, if at all, for the Products but for Defendant's misrepresentations.

5 16. Defendant sells a *one-month* supply of the Products for approximately
6 \$40.00 to \$70.00 each based on the preceding false advertising claims. As a result,
7 Defendant has wrongfully taken millions of dollars from consumers nationwide.

8 17. Plaintiff brings this class action lawsuit to enjoin the ongoing deception of
9 thousands of consumers by Defendant, and to recover the money taken by this unlawful
10 practice.

11 V. CLASS ACTION ALLEGATIONS

12 18. Plaintiff brings this class action for damages and other monetary relief on
13 behalf of the following class:

14 All persons located within the United States who purchased
15 Dark Rage, Anadrox, and/or Trac-Extreme during the four
16 years preceding the filing of this complaint through the date
17 of final judgment in this action (the "Class").

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

22 20. The Class is so numerous that the individual joinder of all of its members
23 is impractical. *See* Fed. R. Civ. P. 23(a)(1). While the exact number and identities of
24 Class members are unknown to Plaintiff at this time and can only be ascertained
25 through appropriate discovery, Plaintiff is informed and believes the Class includes tens
26 of thousands of members. Plaintiff alleges that the Class may be ascertained by the
27 records maintained by Defendant.

28 21. Common questions of fact and law exist as to all members of the Class

1 which predominate over any questions affecting only individual members of the Class.
 2 *See* Fed. R. Civ. P. 23(a)(2). These common legal and factual questions, which do not
 3 vary from class member to class member, and which may be determined without
 4 reference to the individual circumstances of any class member, include, but are not
 5 limited to, the following:

- 6 a. Whether Defendant's Products contains an active amount of AKG
 7 or citrulline malate;
- 8 b. Whether Defendant's Products can provide the results promised;
- 9 c. Whether Defendant's representations regarding the Products were
 10 false;
- 11 d. Whether Defendant knew that its representations were false;
- 12 e. Whether Defendant's conduct constitutes a violation of California's
 13 false advertising law (Cal. Bus. & Prof. Code §§ 17500, et seq.);
- 14 f. Whether Defendant's conduct constitutes an unfair, unlawful, and/or
 15 fraudulent business practice in violation of California's unfair
 16 competition law (Cal. Bus. & Prof. Code §§ 17200, et seq.);
- 17 g. Whether Plaintiff and Class members are entitled to compensatory
 18 damages, and if so, the nature of such damages;
- 19 h. Whether Plaintiff and Class members are entitled to restitutionary
 20 relief; and
- 21 i. Whether Plaintiff and Class members are entitled to injunctive
 22 relief.

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

28 23. Plaintiff will fairly and adequately protect the interests of the members of

1 the Class. *See* Fed. R. Civ. P. 23(a)(4). Plaintiff has retained attorneys experienced in
2 the prosecution of class actions, including complex consumer and mass tort litigation.

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

15 25. The prosecution of separate actions by thousands of individual Class
16 members would create the risk of inconsistent or varying adjudications with respect to,
17 among other things, the need for and the nature of proper notice, which Defendant must
18 provide to all Class members. *See* Fed. R. Civ. P. 23(b)(1)(A).

19 26. The prosecution of separate actions by individual class members would
20 create a risk of adjudications with respect to them that would, as a practical matter, be
21 dispositive of the interests of the other Class members not parties to such adjudications
22 or that would substantially impair or impede the ability of such non-party Class
23 members to protect their interests. *See* Fed. R. Civ. P. 23(b)(1)(B).

24 27. Defendant has acted or refused to act in respects generally applicable to
25 the Class, thereby making appropriate final injunctive relief with regard to the members
26 of the Class as a whole. *See* Fed. R. Civ. P. 23(b)(2).

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1 **VI. CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**

3 **VIOLATION OF CALIFORNIA'S FALSE ADVERTISING LAW**

4 **(CAL. BUS. & PROF. CODE §§ 17500, *ET SEQ.*)**

5 **(By Plaintiff and on Behalf of the Class Against Defendants)**

6 28. Plaintiff incorporates by this reference the allegations contained in the
7 paragraphs above as if fully set forth herein.

8 29. Plaintiff has standing to pursue this cause of action because Plaintiff has
9 suffered injury in fact and has lost money as a result of Defendant's actions as set forth
10 herein. Specifically, Plaintiff purchased the Products in reliance on Defendant's false
11 labeling, ingredient, and marketing claims.

12 30. Defendant has engaged in false advertising as it has disseminated false
13 and/or misleading representations about the Products.

14 31. Defendant knew or should have known by exercising reasonable care that
15 its representations were false and/or misleading. During the Class Period, Defendant
16 engaged in false advertising in violation of Cal. Bus. & Prof. Code §§ 17500, *et seq.*, by
17 misrepresenting in its advertising and marketing of the Products to Plaintiff, Class
18 members, and the consuming public, that its Products did not contain the ingredients
19 claimed, or have the abilities claimed.

20 32. By disseminating and publishing these statements in connection with the
21 sale of the Product, Defendant has engaged in and continues to engage in false
22 advertising in violation of Bus. & Prof. Code §§ 17500, *et seq.*

23 33. As a direct and proximate result of Defendant's conduct, as set forth
24 herein, Defendant has received ill-gotten gains and/or profits, including but not limited
25 to, money. Therefore, Defendant has been unjustly enriched. Pursuant to Cal. Bus. &
26 Prof. Code § 17535, Plaintiff requests restitution and restitutionary disgorgement for all
27 sums obtained in violation of Cal. Bus. & Prof. Code §§ 17500, *et seq.* Plaintiff seeks
28 injunctive relief, restitution, and restitutionary disgorgement of Defendant's ill-gotten

1 gains as specifically provided in Cal. Bus. & Prof. Code § 17535.

2 34. Plaintiff and Class members seek to enjoin Defendant from engaging in
3 these wrongful practices, as alleged herein, in the future. There is no other adequate
4 remedy at law and if an injunction is not ordered, Plaintiff and the Class will suffer
5 irreparable harm and/or injury.

6 **SECOND CAUSE OF ACTION**

7 **UNLAWFUL, FRAUDULENT & UNFAIR BUSINESS PRACTICES**

8 **(CAL. BUS. & PROF. CODE §§ 17200, *ET SEQ.*)**

9 **(By Plaintiff and on Behalf of the Class Against Defendants)**

10 35. Plaintiff incorporates by this reference the allegations contained in the
11 paragraphs above as if fully set forth herein.

12 36. Plaintiff has standing to pursue this cause of action because Plaintiff has
13 suffered injury in fact and has lost money as a result of Defendant's actions as set forth
14 herein. Specifically, Plaintiff purchased the Products in reliance on Defendant's
15 marketing and ingredient claims. Plaintiff used the Products as directed, but it did not
16 work as advertised and was not of the standard, quality and grade advertised.

17 37. Defendant's actions as alleged in this Complaint constitute an unfair or
18 deceptive business practice within the meaning of California Business and Professions
19 Code §§ 17200, *et seq.*, in that Defendant's actions are unfair, unlawful, and fraudulent,
20 and because Defendant has made unfair, deceptive, untrue, or misleading statements in
21 advertising media, including the Internet, within the meaning of California Business
22 and Professions Code §§ 17200, *et seq.*

23 38. Defendant knew or should have known by exercising reasonable care that
24 its representations were false and/or misleading. During the Class Period, Defendant
25 engaged in unfair, unlawful, and fraudulent business practices in violation of Cal. Bus.
26 & Prof. Code §§ 17200, *et seq.*, by misrepresenting in its advertising and marketing of
27 the Products to Plaintiff, Class members, and the consuming public that, the Product
28 was effective and contained the ingredients claimed.

1 39. Each of the aforementioned representations alleged in this Complaint was
2 false and misleading because the Products are not of the standard, quality or grade
3 advertised.

4 40. Defendant's business practices, as alleged herein, are unfair because they
5 offend established public policy and/or are immoral, unethical, oppressive,
6 unscrupulous, and/or substantially injurious to consumers in that consumers are misled
7 by the claims made with respect to the Products as set forth herein.

8 41. Defendant's business practices, as alleged herein, are unlawful because
9 they violate the False Advertising Law.

10 42. Defendant's business practices, as alleged herein, are fraudulent because
11 they are likely to, and did, deceive customers—including Plaintiff and members of the
12 Class—into believing that the Products have characteristics, ingredients, and benefits
13 they do not have.

14 43. Defendant's wrongful business practices constituted, and constitute, a
15 continuing course of conduct of unfair competition since Defendant is marketing and
16 selling its Products in a manner likely to deceive the public.

17 44. As a direct and proximate result of Defendant's wrongful business
18 practices in violation of Business and Professions Code §§ 17200, *et seq.*, Plaintiff and
19 members of the Class have suffered economic injury by losing money as a result of
20 purchasing the Products. Plaintiff and members of the Class would not have purchased
21 or would have paid less for the Products had they known that they were not as
22 represented.

23 45. Pursuant to Business and Professions Code § 17203, Plaintiff and the Class
24 seek an order of this Court enjoining Defendant from continuing to engage in unlawful,
25 unfair, or deceptive business practices and any other act prohibited by law, including
26 those set forth in the Complaint. Plaintiff and the Class also seek an order requiring
27 Defendant to make full restitution of all moneys they wrongfully obtained from
28 Plaintiff and the Class.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and members of the Class request that the Court enter an order or judgment against Defendants, and each of them as named in the future, as follows:

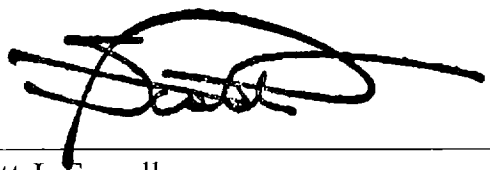
1. For an order certifying the Class, appointing Plaintiff and his counsel to represent the Class, and notice to the Class to be paid by Defendants;
2. For damages suffered by Plaintiff and Class members;
3. For restitution to Plaintiff and Class members of all monies wrongfully obtained by Defendants;
4. For an injunction ordering Defendants to cease and desist from engaging in the unfair, unlawful, and/or fraudulent practices alleged in the Complaint;
5. For both pre-judgment and post-judgment interest at the maximum allowable rate on any amounts awarded;
6. For Plaintiff's costs of the proceedings herein;
7. For reasonable attorneys' fees as allowed by statute; and
8. For any and all such other and further relief that this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all claims and causes of action so triable in this lawsuit.

Dated: September 11, 2013

NEWPORT TRIAL GROUP
A Professional Corporation
Scott J. Ferrell

By: 
Scott J. Ferrell
Attorney for Plaintiff and the Class

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

'13CV2129 LAB WVG

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

KYLE JANOVICK, individually and on behalf of all others similarly situated

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

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

Scott J Ferrell/Victoria C. Knowles
Newport Trial Group
4100 Newport Place, Suite 800, Newport Beach, CA 92660

DEFENDANTS

MAXIMUM HUMAN PERFORMANCE, INC.

County of Residence of First Listed Defendant Essex County
(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
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

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

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | 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 checked="" 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	PERSONAL INJURY <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	<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 PERSONAL PROPERTY <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 LABOR <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 IMMIGRATION <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 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <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 checked="" 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
REAL PROPERTY <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	CIVIL RIGHTS <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	PRISONER PETITIONS Habeas Corpus: <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 Other: <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):
 28 USC §§1332 15:2 - Antitrust Litigation (cxl)

Brief description of cause:

Class Action for claims under Cal. Bus. & Prof. Code §§17200 and 17500

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