

Francis O. Scarpulla (41059)
Judith A. Zahid (215418)
Patrick B. Clayton (240191)
Zelle Hofmann Voelbel & Mason LLP
44 Montgomery Street, Suite 3400
San Francisco, CA 94104
Telephone: 415-693-0700
Facsimile: 415-693-0770
Email: fscarpulla@zelle.com
jzahid@zelle.com
pclayton@zelle.com

Jonathan Shub (237708)
Scott A. George (*Pro Hac Vice Appl. To Be Filed*)
Seeger Weiss LLP
1515 Market Street, Suite 1380
Philadelphia, PA 19102
Telephone: 215-564-2300
Facsimile: 215-851-8029
Email: jshub@seegerweiss.com
sgeorge@seegerweiss.com

Attorneys for Plaintiff and the proposed class

[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Shahla Rabinowitz, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

Samsung Electronics America, Inc.,

Defendant.

Case No. _____

COMPLAINT

Demand for Jury Trial

CASE NO. _____

COMPLAINT

Shahla Rabinowitz (“Plaintiff”), by and through Plaintiff’s undersigned attorneys, on behalf of herself as well as the proposed class (defined *infra*), demanding trial by jury of all claims properly triable thereby, makes the following allegations and claims against Samsung Electronics America, Inc. (“Samsung” or “Defendant”).

JURISDICTION

1. This Court has jurisdiction over all causes of action asserted herein pursuant to the Class Action Fairness Act. 28 U.S.C. § 1332(d).

PRELIMINARY STATEMENT

2. This action is brought by Plaintiff, on behalf of Plaintiff and other persons similarly situated, to recover restitution in connection with the purchase of Samsung-brand televisions that were falsely marketed and advertised by Samsung as “LED TVs,” “LED HDTVs” or “LED televisions.” Plaintiff and the proposed class also seek an injunction (a) requiring Samsung to engage in a corrective advertising campaign to alert consumers in California as to the true nature of these televisions, (b) prohibiting Samsung from continuing falsely to market and advertise such televisions in California as “LED TVs,” “LED HDTVs,” or “LED televisions”, and (c) requiring Samsung to recall and re-label all such televisions that have already been distributed for sale in California, but not yet sold to retail customers.

3. The televisions at issue are not “LED TVs,” but instead are **LCD** TVs that use light emitting diodes (LEDs) instead of cold cathode fluorescent lights (CCFLs) to light the liquid crystal display (LCD) panel that is present in each of the televisions at issue.

4. Samsung’s failure to disclose that its references to LED refer to the light source that illuminates the LCD panel, **instead of the display technology itself**, and its nondisclosure and concealment that each of the televisions is otherwise functionally identical to televisions that are advertised and sold as “LCD TVs,” were at all times knowing, intentional, and intended to mislead consumers. Samsung’s false and misleading marketing and advertising were and are designed falsely to suggest that the televisions at issue are not LCD TVs at all, but an entirely different, improved, and technologically advanced class or “species” of television. This is false; all of these televisions are LCD TVs.

5. Samsung has used and continues to use this deception (a) to induce customers to purchase Samsung's so-called LED TVs in the mistaken belief that they are upgrading from their existing CCFL-lit LCD TVs, (b) to charge a premium for such televisions that Plaintiff and other consumers would not have paid had the televisions been accurately labeled and described, and (c) to capture sales from other brand televisions that were accurately labeled as LED-lit LCD TVs.

6. Samsung has perpetrated a massive consumer fraud upon thousands of unsuspecting purchasers in California, each of whom paid an unsupported premium for a deceptively labeled "LED TV," and on whose behalf Plaintiff brings this action to recover such premium and for other appropriate relief.

PARTIES

7. Plaintiff Shahla Rabinowitz is a citizen of California, and purchased a Samsung-brand television (model number (or prefix) UN32EH4003) for personal use and not for resale. When Plaintiff was considering purchasing this television, there were three flat panel television options widely advertised in the market at large – "Plasma TVs," "LCD TVs" and "LED TVs." Plaintiff considered models that were advertised by Samsung as "LED TVs" as well as models that were advertised as "LCD TVs." Plaintiff selected Samsung's "LED TV" model, even though it was priced higher than comparable model "LCD TVs" offered for sale, because of Samsung's marketing assertions on the carton containing the television that it was an "LED TV," as opposed to an "LCD TV."

8. Samsung is a New York corporation with its principal place of business located in Ridgefield Park, New Jersey. Samsung distributes and markets and directs the marketing of so called "LED TVs" within this district, the State of California, and throughout the United States.

STATEMENT OF FACTS

TELEVISION OWNERSHIP AND SALES STATISTICS

9. Televisions are ubiquitous in our society. The Nielsen Company, a world-renowned expert in the field of television viewership, reported in 2012 that 97.1% of all U.S. households owned a television, and 84.4% owned more than one. According to the same report, in 2012, U.S. households were more likely to own a television than a cell phone (87.3%), DVD

1 player (86.7%), or personal computer (80.9%).

2 10. While the TV household penetration rate in the U.S. has been high for decades –
 3 exceeding 90% since 1965 – rapid advances in display technology (including the introduction of
 4 so-called flat panel televisions), the dramatic expansion of non-broadcast “cable” and “satellite”
 5 channels and providers, price competition, and the Congressional mandate that all full power
 6 television broadcasters (like ABC, NBC, and CBS) broadcast exclusively in digital format starting
 7 on June 13, 2009, have led many, and perhaps most, U.S. households to purchase at least one
 8 television, and often several units, within the past few years alone.

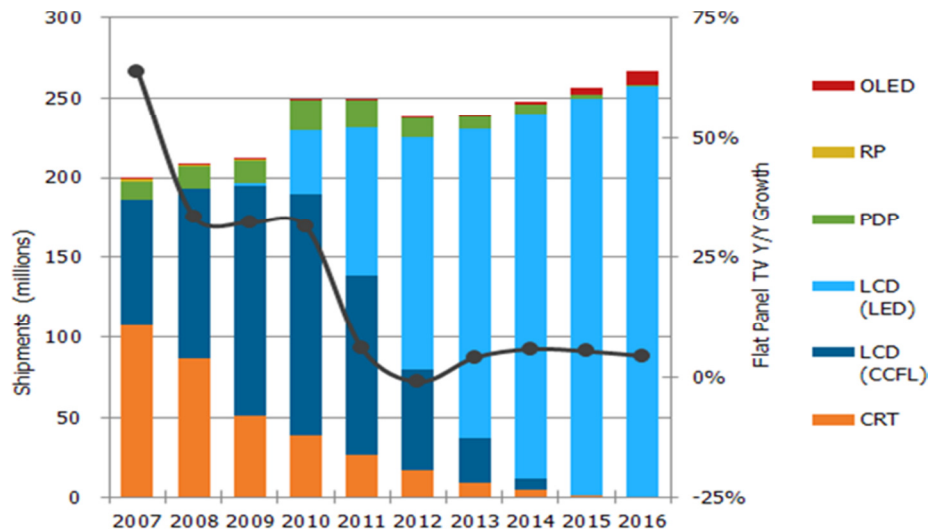
9 11. Industry statistics bear out this phenomenon. In February 2008, 25.1% of all U.S.
 10 households were HD Display Capable – meaning that they were “equipped with an HD television
 11 that [was] capable of displaying HD content.” (HD or high definition content refers to the
 12 resolution of the screen image. HDTVs produce a resolution or level of detail that is much greater
 13 than standard definition televisions.) By May 2012, however, the number of U.S. households that
 14 were HD Display Capable had increased to 75.5%. Non-HD televisions cannot be converted into
 15 HD televisions. In order for the penetration rate to have tripled, 50% of all U.S. households (or
 16 approximately 57,000,000 households based on U.S. Bureau of Statistics figures) had to buy at
 17 least one new television unit in that approximately 4-year period.

18 12. Industry statistics show:

- 19 a) In 2009, television manufacturers shipped over 35,300,000 “flat panel”
 20 (Plasma or LCD) television units for sale in the United States.
- 21 b) In 2010, television manufacturers shipped over 38,600,000 “flat panel”
 22 (Plasma or LCD) television units for sale in the United States.
- 23 c) In 2011, television manufacturers shipped almost 40,000,000 “flat panel”
 24 (Plasma or LCD) television units for sale in the United States.
- 25 d) In 2012, television manufacturers shipped over 37,600,000 “flat panel”
 26 (Plasma or LCD) television units for sale in the United States.
- 27 Total revenue from 2012 sales exceeded \$28 billion.
- 28 e) While final figures were not yet accessible as of filing, in 2013, television

manufacturers were forecast to ship over 36,600,000 “flat panel” (Plasma or LCD) television units for sale in the United States. Total revenue from 2013 sales was projected to exceed \$28 billion.

13. As the following industry chart makes clear, globally, LCD TVs comprise the overwhelming majority of flat panel sales, and LED-lit LCD TVs now comprise the overwhelming majority of “LCD TV” sales:



14. Although LED-lit LCD TVs were introduced to the mass market in or about 2008, this technology has quickly come to dominate U.S. LCD TV unit sales, as the following statistics demonstrate:

- a) In 2009, approximately 3% of all LCD TV units sold in the US (volume, not dollar value), used LED backlighting.
- b) In 2010, approximately 22% of all LCD TV units sold in the US (volume, not dollar value), used LED backlighting.
- c) In 2011, approximately 45% of all LCD TV units sold in the US (volume, not dollar value), used LED backlighting.
- d) In 2012, approximately 51% of all LCD TV units sold in the US (volume, not dollar value), used LED backlighting.
- e) In 2013, approximately 84% of all LCD TV units sold in the US (volume, not dollar value), were projected to use LED backlighting.

SAMSUNG'S MARKET LEADERSHIP

15. Samsung's brand dominates the U.S. television market, and has been the market share leader (in the flat panel category) for the past seven years.

- a) Samsung's share of the flat panel television market in 2009 in the U.S. was approximately 18.4%.
- b) Samsung's share of the flat panel television market in 2010 in the U.S. was approximately 20%.
- c) Samsung's share of the flat panel television market in 2011 in the U.S. was approximately 28%.
- d) Samsung's share of the flat panel television market in 2012 in the U.S. was approximately 30%.

16. Samsung's domination of the U.S. television market for LED-lit LCD TVs, due in part to the false advertising described herein, is even more pronounced. For example, while Samsung's overall market share for flat panel televisions in the U.S. was approximately 30% in 2012, for so called "LED TVs," it was approximately 40%. Samsung's dominance in this illusory category has driven Samsung to an ever increasing share of the overall flat panel market.

17. Samsung's explosion in overall market share (from less than 20% to 30%) coincides with its decision to advertise falsely the LED-lit LCD TVs as LED TVs.

TELEVISION DISPLAY TECHNOLOGIES

CRT Televisions and Analog Rear Projection Televisions

18. From virtually its earliest beginnings until the late 1990s, direct view CRT-technology (cathode ray tubes) dominated the United States television market. These were the boxy televisions of old, and were sold to consumers in a variety of screen sizes, up to a maximum of 37" (measured diagonally).

19. In a cathode ray tube television, a filament is placed inside a vacuum glass tube. When the filament (cathode) is activated by electricity, it generates electrons, which fall off the heated filament into the vacuum. A focusing anode attracts the electrons and focuses them into a tight beam or "ray," which is then accelerated. The tight, now high-speed electrons travel through

the vacuum in the tube and strike the flat glass screen at the other end of the tube – which is the back of the television's outward facing screen. The back of the screen is coated with phosphor, which glows when struck by the electron beam.

20. A phosphor is any material that, when exposed to radiation (like the electron beam), emits visible light. In a black and white CRT TV, there is one phosphor that glows white when struck. In a color screen, there are three phosphors arranged as dots or stripes, so as to emit red, green, and blue light when struck by the ray.

21. CRT TVs were for decades the only televisions consumers could purchase.

22. Exemplar images of CRT televisions follow:



23. CRT TVs, moreover, have a built in size limitation. The size of the screen is proportional to the size of the vacuum tube. To increase the screen size, one must increase the length of the vacuum tube. As a result, CRT TVs for the consumer market were generally only available in sizes up to 37" diagonal.

24. Consumers who wanted a larger screen image were forced to purchase analog projection televisions. Analog projection televisions of this era also used vacuum tube technology to generate the screen image.

25. Exemplar images of analog projection televisions follow:



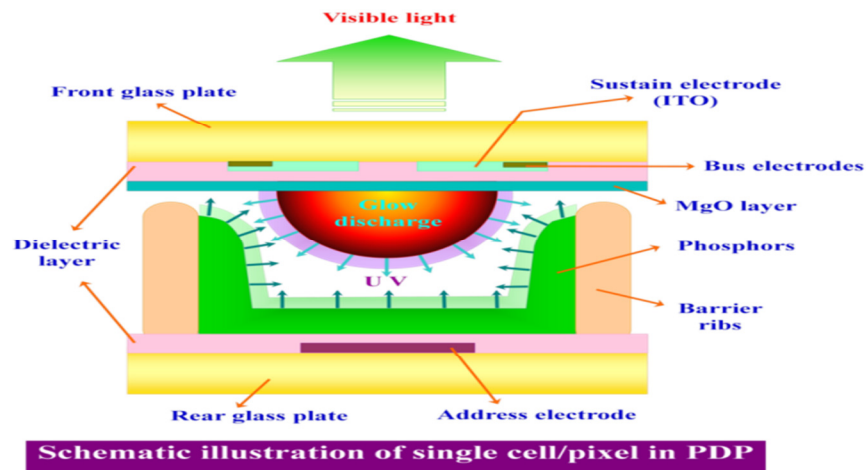
Plasma Televisions

26. In or about the early 2000s, television manufacturers began introducing flat panel, plasma display televisions (“Plasma TVs”) to the mainstream consumer market. The introduction of Plasma TVs, which were thin and light enough to be mounted directly on a wall, revolutionized the television industry.

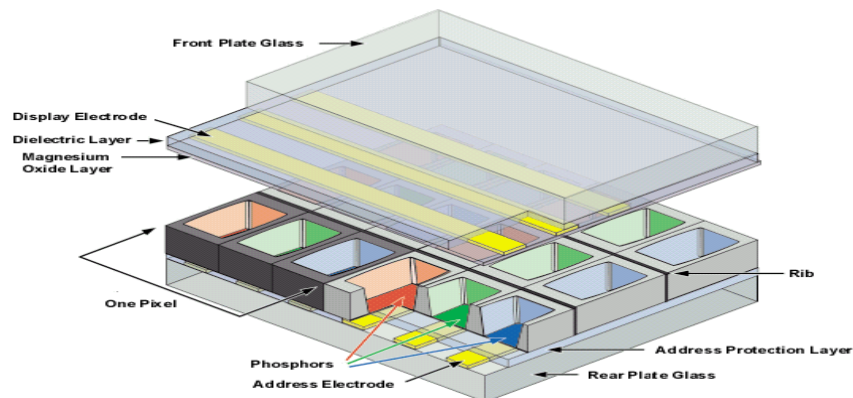
27. Plasma TVs use plasma displays, which are composed of millions of small cells, or pixels, containing electrically charged ionized gases, to generate the screen image. When the television is turned off, the ions and electrons in the gas or “plasma” are equally balanced, the atom is stable, and the pixel is dark. When electricity is introduced, however, the atoms become unstable and electrons and particles within the plasma begin to collide, releasing photons of ultraviolet energy.

28. Each pixel within the plasma display is made up of three separate subpixel cells with different colored phosphors – one red, one blue, and one green. As discussed above, in the context of CRT TVs, phosphors produce light photons – they glow – when struck by energy. The phosphors in the Plasma TVs are activated by the ultraviolet photons, which can be varied in number by pixel and subpixel. The amount of electricity applied to the subpixel determines the number of ultraviolet photons generated, and thus the color intensity the subpixel generates, which combines with the primary colors generated by the other two subpixels to determine the color

1 displayed on the screen by the pixel. All of the pixels acting together generate the screen image.
 2 Exemplar graphical depictions of the image generating process for a plasma display are set forth
 3 below:



From Computer Desktop Encyclopedia
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19 29. The pixels used in plasma displays do not require a separate light source; the image
 20 and all of the colors are generated by the interaction between the electrically charged ionized gases
 21 and the phosphor in the cells.

22 30. A generic image of a Plasma TV is set forth below:

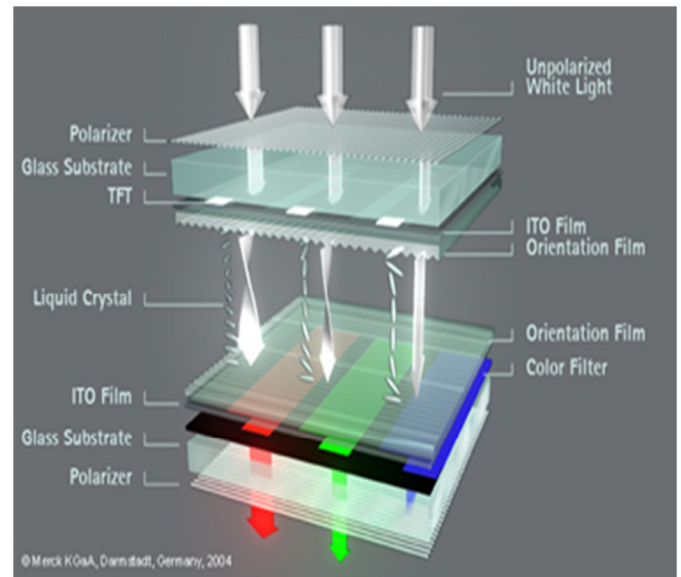
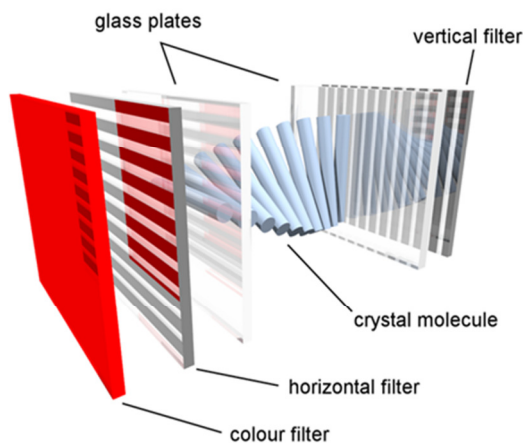


LCD Televisions

31. In the early to mid-2000s, television manufacturers began introducing flat panel, liquid crystal display televisions (“LCD TVs”) to compete with Plasma TVs (and to a lesser degree other available alternative technologies, e.g., CRT). While flat, reasonably light, and wall-mountable like Plasma TVs, LCD TVs utilize a fundamentally different display technology – liquid crystal displays (“LCD”).

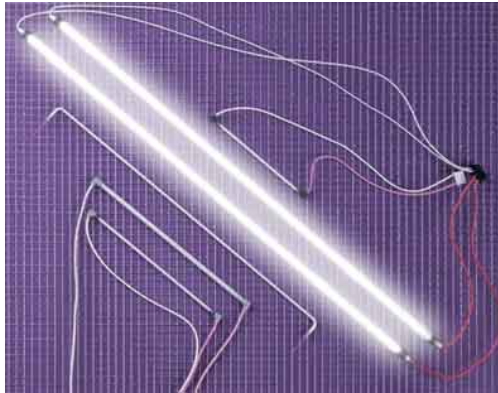
32. To form a liquid crystal display or LCD, a very thin layer of a liquid crystalline substance is sandwiched between two substrates, which are sheets of glass or plastic to which a grid of electrodes has been applied. A vertical polarizing film is applied to the LCD’s rear substrate. Patterned red, green and blue color filters and a horizontal polarizing film are applied to the front substrate. The liquid crystals are rod-shaped polymers that are neither solid nor liquid and, when subject to an electric current, will align in a predictable manner. In an LCD TV, the liquid crystal display (or LCD) is then lit by a separate source of light (the “light source”) because, unlike plasma displays, liquid crystals do not emit light themselves.

33. An LCD TV generates screen images by controlling the amount of light from the light source that passes through the LCD and strikes the color filters. In very simple terms, the LCD is comprised of millions of tiny liquid crystal “shutters” that allow or block the passage of light depending on the intensity of the electric current being applied. Each of these liquid crystal “shutters” corresponds to a tiny rectangular red, green, or blue filter or sub-pixel that is mounted to the front substrate (the surface closest to the television’s glass screen). As with plasma displays, three sub-pixels – one red, one green, and one blue – comprise a single pixel, and a “Full HD” or high definition television will contain more than 2 million pixels (1920 pixels horizontally multiplied by 1080 pixels vertically). The amount of light that passes through each liquid crystal “shutter” determines the intensity of the red, green, or blue color that the corresponding subpixel generates. The interaction of the trio of subpixels (for each pixel) determines the color that is displayed on the screen for that pixel. All of the pixels together generate the screen image. Exemplar graphical depictions of the image generating process for a liquid crystal display are set forth below:

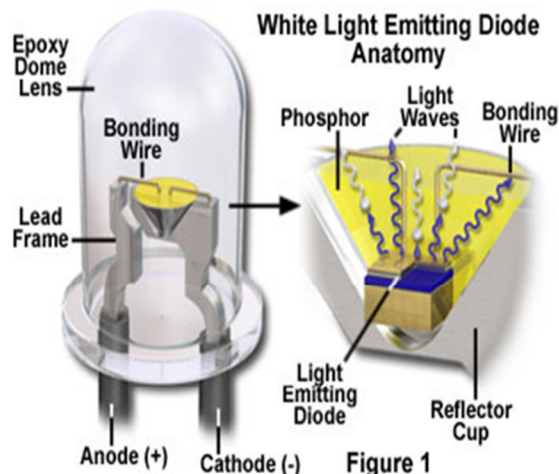


34. LCD technology is light source neutral: *i.e.*, **any** white light source can be used to light and thus generate the screen image, a fact that has been widely known throughout the manufacturing industry since the introduction of this technology.

35. Initially, and for quite a number of years, all manufacturers of LCD TVs primarily used cold cathode fluorescent lights (CCFLs) as the source light. A picture of a generic CCFL light source of the type used in LCD TVs follows:



36. Television manufacturers, however, continued to experiment with and market LCD TVs with other light sources, including LEDs, throughout this period. For example, in 2004, Sony introduced the Sony Qualia 005. The Sony Qualia 005 used an array of light emitting diodes to illuminate the LCD panel. The introduction of a different light source did **not** change the manner in which LCD panels and LCD TVs generate the screen image described above. A picture of a generic LED light source of the type used in LED-lit LCD TVs follows:



37. Samsung introduced its own LCD TV with an LED light source in the Summer or Fall of 2007 (i.e., the 81 Series), and followed with a second generation series in 2008 – the LN46A950 and LN55A950 models. While these televisions were sold to consumers, the number of units sold represented only a small fraction of Samsung’s total LCD TV and other flat panel sales. Samsung introduced a third generation of LED-lit LCD TVs (with more sizes) in 2009. Samsung continued to sell CCFL-lit and LED-lit LCD TVs side by side throughout this time period, and for several years thereafter. Samsung’s CCFL-lit and LED-lit LCD TVs were sold in a variety of sizes and configurations throughout this time, but each used a liquid crystal display to generate the screen image.

38. LED-lit LCD TVs soon proliferated – with multiple manufacturers using light emitting diodes, instead of CCFLs, to light the liquid crystal display. Some of these devices place the LEDs behind the liquid crystal display (back- or direct-lit), while others place the LEDs on the edge of the liquid crystal display (edge-lit), but **all** of these televisions – regardless of the light source – employ a liquid crystal display or LCD screen to generate the TV picture.

MARKETING OF LCD TELEVISIONS

39. When liquid crystal display televisions were first introduced into the market, the televisions were universally marketed as “LCD TVs,” just as plasma display televisions had been advertised as Plasma TVs. No effort was made to advertise or designate this product line in reference to the CCFL or other light source used to light the LCD panel. For example, the Sony Qualia was not advertised as an LED TV, nor were comparable liquid crystal displays using CCFL backlights advertised as CCFL TVs. This remained true even as LED-lit LCD TVs became cheaper to manufacture and more common in the consumer segment of the market.

40. Samsung’s initial LED-lit LCD TV units were similarly advertised as LCD TVs:

- In 2008, when Samsung introduced its “second generation” LED-lit LCD TVs, it issued a press release heralding their availability. *See* <http://www.displayblog.com/2008/07/23/samsung-series-9-ln55a950-55-lcd-tv-with-led-backlight/>. Samsung’s press release very clearly states that the televisions are LCD televisions, albeit with a different light source.

- Samsung's press release, for example, is titled (emphasis added):
 “Samsung Delivers 2nd Generation **LED-Backlit LCD HDTV** with
 New Series 9 **LED LCD HDTV**.”
- The subheading (emphasis added) is “Series **LED LCD HDTV**
 Features...”
- Relevant excerpts from the text of the press release include
 (emphasis added):
 - “unveils the successor to the company’s award-winning **81**
Series LED LCD HDTV, with the launch of the new Series
9 LED LCD HDTV;”
 - “The 2008 flagship Series 9, Samsung’s 2nd generation
LCD HDTV to use LED SmartLighting™ technology
 ...;”
 - “**Combining Samsung’s LED SmartLighting and Auto**
Motion Plus 120Hz technologies in one high-performance
LCD HDTV, the Series 9 LCD represents Samsung’s
 continued focus on advancing the very highest picture
 quality available...’ said Jonas Tanenbaum, **Vice President**
of LCD Television Marketing at Samsung;”
 - “As Samsung’s second generation **LCD HDTV to use**
advanced LED SmartLighting with local dimming
 technology, the **Series 9 LCD HDTV** is able to achieve...;”
 - “the Series 9 **LED LCD** also features...;” and
 - “The Series 9 **LED LCD HDTVs** will be available in
 August in 46” class (45.9-inch measured diagonally) and the
 55” class (54.9-inch measured diagonally) sizes. (Model
 numbers: LN46A950 and LN55A950).”

- 1 • In 2009, when Samsung introduced its “third generation” LED-lit LCD

2 TVs, it again issued a press release heralding their availability, and again

3 clearly indicated that the televisions were merely LCD televisions with a

4 different light source. *See*

5 http://www.samsung.com/us/news/newsPreviewRead.do?news_seq=11932

 - 6 ○ Samsung's press release is titled (emphasis added): “Samsung

7 Ushers In New Era For Flat Panel Television With New Category

8 Line-up of **LED LCD** HDTVs.”

9 ○ Relevant excerpts from the text include (emphasis added):

 - 10 ▪ “These cutting-edge TVs use LEDs as their primary light

11 source, rather than traditional Cold Cathode Fluorescent

12 Lamps (CCFL)...”

13 ▪ “Samsung has proven LED technology is a viable choice for

14 consumers **desiring the best picture possible from an LCD**

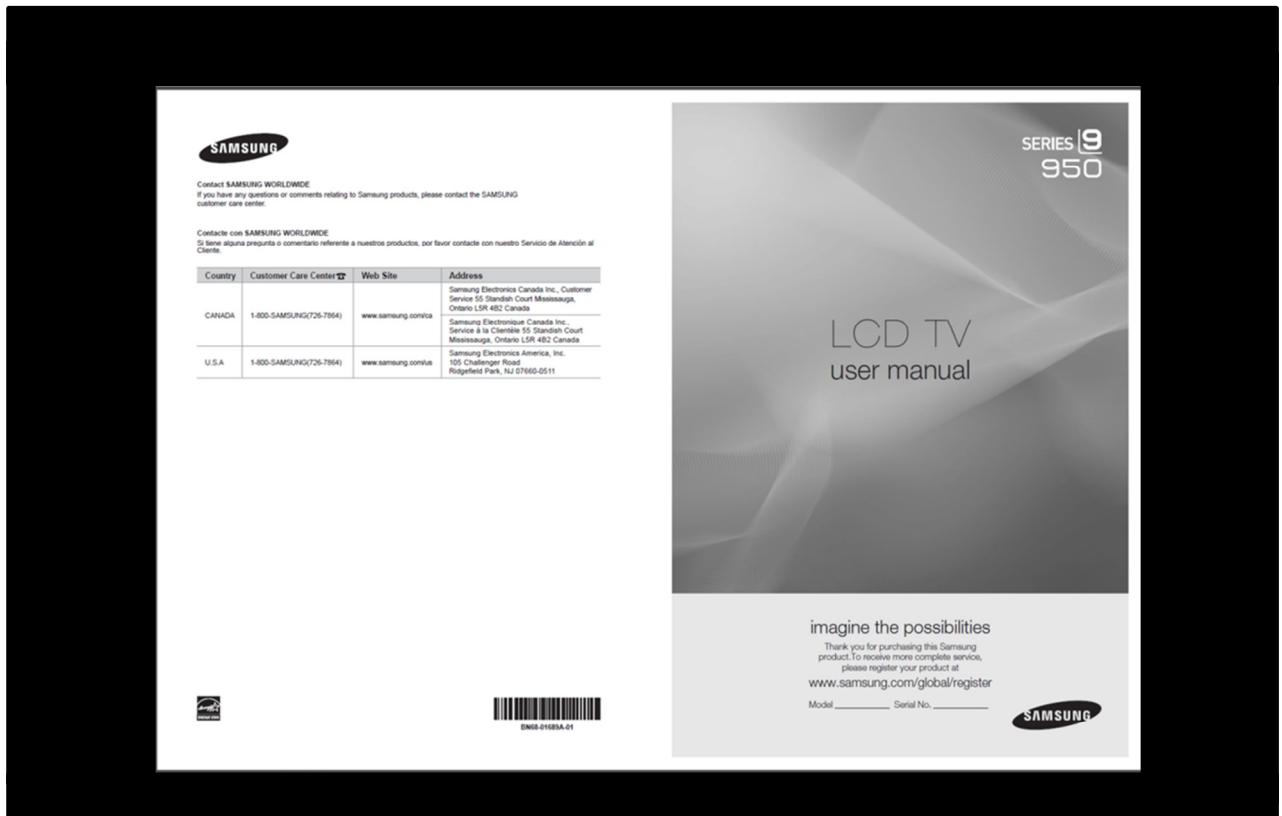
15 **television.**”
 - 16 • Samsung’s box imagery was similarly clear and accurate in this timeframe.

17 For example, the box for Samsung’s second generation 2008 LN46A950

18 clearly discloses and advertises the television as an LCD TV:



- Samsung's user manuals were similarly clear and accurate in this timeframe. For example, the user manual for the 46" LN46A950 refers to the television as an LCD TV in big bold letters on the front page:



41. Samsung's introduction of LED-lit LCD TVs did not result in the immediate end of CCFL-lit LCD TVs. To the contrary, LED-lit LCD TVs did not sell well. Because LED-lit LCD TVs were priced higher than comparable CCFL-lit LCD TVs, consumers continued to purchase CCFL-lit LCD TVs (or Plasma TVs) notwithstanding the alleged benefits of the LED backlighting which Samsung and other manufacturers trumpeted.

42. Manufacturers, including Samsung, continued to manufacture both CCFL and LED-lit LCD TVs, advertising and selling them side by side through the same retail and on-line channels. While the LED lighting feature was often advertised, at least initially, no effort was made to conceal that these televisions utilized liquid crystal displays and were therefore in fact LCD TVs. Most early advertising, like the Samsung press releases quoted above, clearly stated

1 that the televisions were LED-lit LCD TVs or otherwise accurately described and disclosed that
 2 the television being advertised utilized LCD display technology. As noted, very few consumers
 3 were interested enough to purchase the product, notwithstanding the LED light source.

4 43. Faced with increased competition and anemic sales, Samsung then made the
 5 marketing decision that gives rise to this lawsuit: Samsung began marketing the LED-lit LCD
 6 TVs as a new, advanced, technologically superior “species” of television, a so called LED TV,
 7 which was allegedly different from and better than LCD TVs, even though both “species” of
 8 television use the same liquid crystal displays to generate the same screen image:

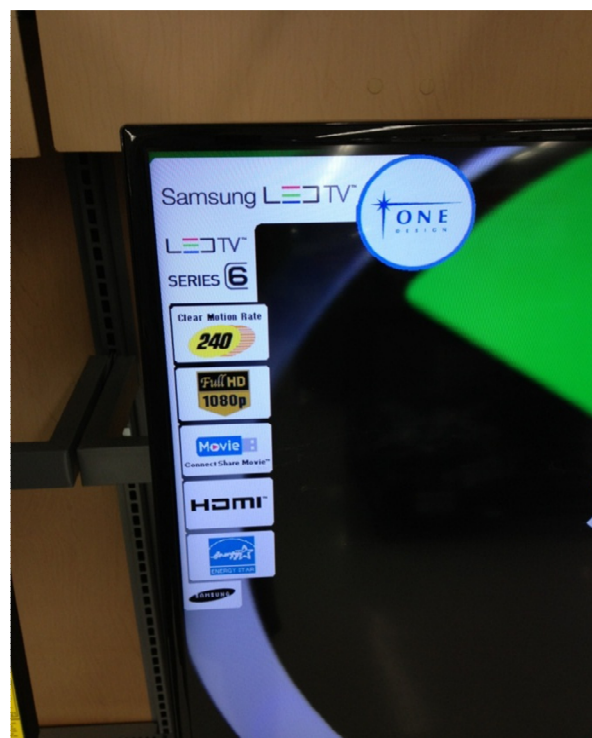


17 44. Samsung’s cartons now prominently referred to the televisions as “LED TVs”;
 18 nowhere on the carton did Samsung say the televisions were “LCD TVs” that used an LED light
 19 source or anything similar. Moreover, Samsung’s contemporaneous advertising of its CCFL-lit
 20 LCD TVs compounded Samsung’s deception. Samsung could have advertised and marketed, but
 21 chose not to advertise and market, such televisions as CCFL TVs. Instead, Samsung advertised
 22 the CCFL-lit TVs as “LCD TVs” while contemporaneously advertising the LED-lit TVs as “LED
 23 TVs” – even though both televisions used the same exact display technology – *i.e.*, a liquid crystal
 24 display.

25 45. Exemplar images of Samsung’s new approach follow:
 26
 27
 28



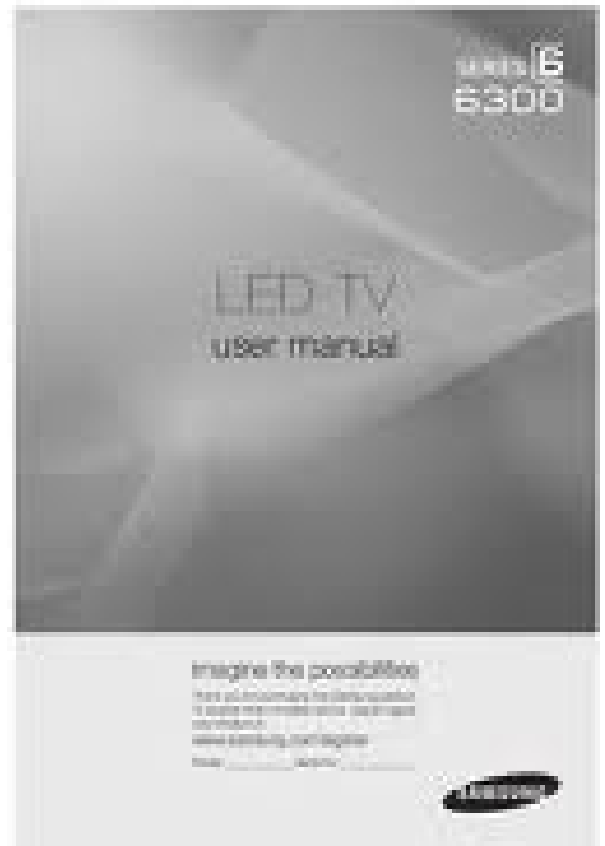








Series	750	670	650	640	630	610	560	550	540	530	450	350
Screen Sizes	46.55	46.54	46.54, 55	55	46.54, 55, 65	46.54, 55	46.54	52.37, 60, 65	52.49	52.37, 60, 65, 67	55.22, 67, 72	55.22, 67, 72
3D	●	●	●	●	●	●	●	●	●	●	●	●
Samsung Apps	●	●	●	●	●	●	●	●	●	●	●	●
All Share™ (DLNA certified)	●	●	●	●	●	●	●	●	●	●	●	●
Refresh Rate	140Hz	120Hz	120Hz	120Hz	120Hz	120Hz	120Hz	60Hz	60Hz	60Hz	60Hz	60Hz
Contrast Ratio	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1
Wide Color Enhancer	●	●	●	●	●	●	●	●	●	●	●	●
Touch of Color™ design	Black Steel	Silver Steel	Red	Charcoal Grey	Charcoal Grey	Red	Grey	Red	●	●	●	●
HDMI	4	4	4	4	4	4	4	4	4	4	4	4



2010 LCD Series Features

Series	750	670	650	640	630	610	560	550	540	530	450	350
Screen Sizes	46.55	46.54	46.54, 55	55	46.54, 55, 65	46.54, 55	46.54	52.37, 60, 65	52.49	52.37, 60, 65, 67	55.22, 67, 72	55.22, 67, 72
3D	●	●	●	●	●	●	●	●	●	●	●	●
Samsung Apps	●	●	●	●	●	●	●	●	●	●	●	●
All Share™ (DLNA certified)	●	●	●	●	●	●	●	●	●	●	●	●
Refresh Rate	140Hz	120Hz	120Hz	120Hz	120Hz	120Hz	120Hz	60Hz	60Hz	60Hz	60Hz	60Hz
Contrast Ratio	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1	100,000:1
Wide Color Enhancer	●	●	●	●	●	●	●	●	●	●	●	●
Touch of Color™ design	Black Steel	Silver Steel	Red	Charcoal Grey	Charcoal Grey	Red	Grey	Red	●	●	●	●
HDMI	4	4	4	4	4	4	4	4	4	4	4	4

2010 LED Series Features

Series	4000	5000	6300	6500	6600	7000	8000
Screen Sizes	19, 20, 26, 32	32, 40, 46, 55	40, 46, 55, 60	32, 40, 46, 55, 65	35, 60	40, 46, 55	46, 55, 65
3D	●	●	●	●	●	●	●
Samsung Apps	●	●	●	●	●	●	●
All Share™ (DLNA certified)	●	●	●	●	●	●	●
Precision Dismanting	●	●	●	●	●	●	●
Clear Motion Rate	60Hz	60Hz	120Hz	120Hz	120Hz	240Hz	240Hz
Contrast Ratio	2,000,000:1	3,000,000:1	4,000,000:1	5,000,000:1	7,000,000:1	8,000,000:1	8,000,000:1
Depth of TV	1.1"	1.1"	1.1"	1.1"	1.1"	1.0"	0.9"
Touch of Color™ design	Black	Red	Graphite	Stone Black	Wood Grain	Mythic Earth	Enriched Titanium



LED TV

[View all LED TVs](#)

Real enough to touch

Get ready to experience picture quality like never before. The new Samsung LED TV is built with the HyperReal Engine and Mega Contrast, the latest technologies in realizing crystal clear pictures.

[Expand for more information](#)


LCD TVs

[View all LCD TVs](#)

Design that performs

Reality has nothing on the Samsung LCD TV. It was engineered to deliver a world that's more real than reality. With a design as stunning as its picture quality and a multitude of multimedia capabilities to enhance your entertainment options, the LCD TV will enrich your life.

[Expand for more information](#)



46. The result of this deception was both immediate and dramatic: Samsung's sales skyrocketed. A product that had previously failed to make any significant inroads into the flat panel television market suddenly became the leader of the industry. Before Samsung's false advertising, CCFL-lit LCD TVs had dominated LCD TV sales in the U.S. with over 97% of sales. Today, however, as a result of Samsung's false advertising, LED-lit LCD TVs now dominate the LCD TV market as well as the overall flat panel television market.

47. LED-lit LCD TVs are **not** in fact LED TVs. Although Samsung has falsely advertised LED-lit LCD TVs as "LED TVs" in a successful effort to increase sales and profits, the fundamental display technology of its flat screen televisions has not changed. All of these televisions use LCD screens to display their pictures. These televisions were LCD TVs before Samsung's false advertising and remain LCD TVs today. While a few manufacturers have refrained from falsely advertising their televisions as LED TVs, the majority of manufacturers, including Samsung, have chosen falsely to advertise their LED-lit LCD TVs as "LED TVs" (or have used similarly deceptive language – *e.g.*, LED HDTV).

48. The manufacturers that have refrained from this deception, including Sony, RCA, and Hitachi, have seen their market shares fall, while those manufacturers that have engaged in the deception, Samsung first among them, have reaped the benefits of increased sales.

49. Samsung uses multiple marketing channels to create the appearance of a product category and price point that simply does not exist in the consumer market. For example, for years, when visiting Samsung's website, customers were directed to choose between LED TVs,

1 LCD TVs, and Plasma TVs.¹ The latter two categories accurately describe the applicable display
 2 technology, while the first misleadingly identifies only the light source, thus falsely implying that
 3 LED, not LCD, is the display technology. Moreover, when potential purchasers click through to
 4 the actual televisions, for the LED TVs there is no reference to their being LCD display
 5 televisions. This is deceptive.

6 50. Samsung has used circulars, newspaper and magazine advertisements, and point of
 7 sale display materials to further its deception.

8 51. In the absence of Samsung's deceptive advertising, Plaintiff and other consumers
 9 would instead have purchased a comparable model CCFL LCD TV from Samsung or another
 10 manufacturer at a lower price, or would have paid less for the falsely marketed and advertised
 11 "LED TV" models that they purchased from Samsung.

12 52. Samsung is fully aware that the televisions at issue are LED-lit LCD TVs, that they
 13 do not contain LED displays, and that they are not LED TVs. Samsung has falsely advertised the
 14 televisions to increase sales and profits. Samsung would not have been able to charge the
 15 premium it has charged for its "LED TVs" if it had accurately advertised the televisions as LCD
 16 TVs or LED-lit LCD TVs.

17 **LED-LIT LCD TVS ARE NOT LED TVS**

18 53. LED-lit LCD TVs are not LED TVs, which employ a fundamentally different
 19 technology that is still several years away from availability at prices accessible to mainstream
 20 purchasers. Actual LED TVs use light emitting diode displays instead of the liquid crystal
 21 displays or plasma displays described above. The LED displays in these televisions are self-
 22 illuminating; they require **no** independent light source and do **not** contain liquid crystal
 23 technology. Actual LED TVs are currently available for sale, but at prices that only the wealthy
 24 can afford; the televisions are far out of the reach of mainstream consumers.

25
 26
 27 ¹ Samsung recently discontinued distributing CCFL-lit LCD TVs, although some remain for sale
 28 through third party retailers. As a result, Samsung's web interface has been updated to eliminate
 the LCD category altogether.

54. For example, Samsung's 55" LED TV, model KN55S9C currently retails for \$8,999. A similarly sized Samsung LED-lit LCD TV sells for as low as \$799 – less than one-tenth the price.

55. As shown, while LED-lit LCD TVs are not LED TVs, various manufacturers, including Samsung, have deliberately and falsely claimed that such televisions are LED TVs in order to generate sales and charge a price premium for such televisions.

56. Commentators have noted the deceptive nature of this marketing and labeling. For example (all emphasis added):

- **“They are not LED TVs.** Calling them such makes as much sense as calling its existing line of LCD televisions Cold Cathode Fluorescent Lamp TVs, or CCFL TVs, after the lighting technology that they use....[The] decision to drop ‘LCD’ was a smart marketing move....But it’s also confusing consumers.”
- **“There is no such thing as an LED TV.** The misleading marketing on this one really annoys me. All ‘LED TVs’ are just LCD TVs that use LEDs as their light source.”
- “There has been a **lot of hype and confusion** surrounding the introduction of ‘LED’ Televisions....LED TVs are still LCD TVs. It is just that these new sets use LED backlights rather than the fluorescent-type backlights used in most other LCD TVs. In other words, LED TVs should actually be labeled LCD/LED or LED/LCD TVs.”
- “The 2009 Samsung ad above reads, ‘A Whole New Species of TV’. This was **quite inconsistent** for the TV industry, as it was first time a television maker referred to the technology by the type of light bulbs used. Less expensive LCDs were never called ‘CCFL TVs’ – prior to or after the debut of ‘LED TV.’”

LED-lit LCD TVs Are Not Inherently Superior to CCFL-lit LCD TVs

57. There is nothing about LED-lit LCD TVs that renders them inherently superior (or

inferior) to CCFL-lit LCD TVs. The image that is generated on the television screen is a function of multiple design elements working together, including the quality and specifications (e.g., lumens output; transmissivity) of the LCD polarizers and color filters, light bulb, glass screen, circuitry, etc. The result is a plethora of output specifications (e.g., contrast, refresh rate, color space), which can vary by make and model, but which are not dictated by the mere fact that one television is lit by a CCFL array while the other is lit by LEDs. CCFL-lit LCD TVs can perform similarly and better than LED-lit TVs, generating equal or greater luminance, equal or better contrast ratio, and equal or better color space coordinates, among other output specifications.

PRICE PREMIUM

58. Samsung's deceptive marketing practices have allowed it to charge a premium for the LED-lit LCD TVs that it has misrepresented as LED TVs. While the exact price premium varies by TV size (and other features), and has varied over time, at all times, Samsung's LED-lit LCD TVs have been priced higher than otherwise comparable CCFL-lit LCD TVs.

PLAINTIFF AND THE PROPOSED CLASS WERE DECEIVED AND INJURED

59. Plaintiff and other purchasers of these "LED TVs" were misled into believing that they were purchasing an LED TV, not the LCD TV they actually received, and have suffered damage as a result, in the form of the premium they were deceived into paying. Plaintiff and the proposed class members had no knowledge that the televisions were in fact LCD TVs, and did not suspect, nor did they have reason to suspect, that the televisions they were purchasing had been falsely and deceptively advertised.

PLAINTIFFS' RELIANCE AND INJURY

60. Plaintiff relied upon Samsung's false and deceptive representation that the television she was purchasing was an LED TV – which was prominently displayed on the television's carton at the time of purchase. Plaintiff believed that she was purchasing an LED TV, not the LCD TV that she actually received. Plaintiff would not have purchased or would have paid less for her television had the television not been falsely and deceptively advertised or had she known the truth.

CLASS ALLEGATIONS

61. This action has been brought, and may be properly maintained, under Federal Rules of Civil Procedure 23(a) (1)-(4) and 23 (b) (2) and (3).

62. Plaintiff brings this action on behalf of herself and all other members of a class (the "Class") defined as follows:

All persons who purchased, for personal use and not re-sale, within the State of California, within the four years preceding the filing of this Complaint up through any trial of this matter, a Samsung-brand LED-lit LCD television with one of the following model numbers (or prefix) or any other model number that is sold in a box that describes the television as an LED TV or LED HDTV or LED television:

UN19C4000PD	UN46C8000XF	UN55D6900WF
UN19D4000ND	UN46C9000ZF	UN55D7000LF
UN19D4003BD	UN46C9000ZV	UN55D7050XF
UN19F4000AF	UN46D6000SF	UN55D7900XF
UN22C4000PD	UN46D6003SF	UN55D8000YF
UN22D5000NF	UN46D6050TF	UN55EH6000F
UN22D5003BD	UN46D6300SF	UN55EH6001F
UN22D5003BF	UN46D6400UF	UN55EH6030F
UN22D5010NF	UN46D6420UF	UN55EH6050F
UN22F5000AF	UN46D6450UF	UN55EH6070F
UN26C4000PD	UN46D6500VF	UN55ES6003
UN26D4003BD	UN46D6900WF	UN55ES6003F
UN26EH4000F	UN46D7000LF	UN55ES6100F
UN26EH4050F	UN46D7050XF	UN55ES6150F
UN29F4000AF	UN46D7900XF	UN55ES6500
UN32B6000VF	UN46D8000YF	UN55ES6500F
UN32C4000PD	UN46EH5000F	UN55ES6550F
UN32C5000QF	UN46EH5050	UN55ES6580F

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UN32C6500VF	UN46EH5050F	UN55ES6600F
UN32D4000ND	UN46EH5300F	UN55ES6820F
UN32D4003BD	UN46EH6000F	UN55ES6900F
UN32D4005BD	UN46EH6030F	UN55ES7003F
UN32D5500RF	UN46EH6050F	UN55ES7100F
UN32D6000SF	UN46EH6070F	UN55ES7150F
UN32D6500VF	UN46ES6003F	UN55ES7500F
UN32EH4000F	UN46ES6100F	UN55ES7550F
UN32EH4003F	UN46ES6100G	UN55ES8000F
UN32EH4003V	UN46ES6150F	UN55ES8000G
UN32EH4050F	UN46ES6500F	UN55F6100AF
UN32EH5000F	UN46ES6500G	UN55F6300AF
UN32EH5050F	UN46ES6580F	UN55F6350AF
UN32EH5300F	UN46ES6600F	UN55F6400AF
UN32ES6500F	UN46ES6820F	UN55F6800AF
UN32F4000AF	UN46ES7100F	UN55F6800AF
UN32F5000AF	UN46ES7150F	UN55F7050AF
UN32F5050AF	UN46ES7500F	UN55F7100AF
UN32F5500AF	UN46ES7550F	UN55F7450AF
UN32F6300AF	UN46ES8000F	UN55F7450AFXZA
UN37C5000QF	UN46F5000AF	UN55F7500AF
UN37EH5000F	UN46F5050AF	UN55F8000BF
UN39EH5003F	UN46F5500AF	UN55F9000AF
UN39FH5000F	UN46F6300AF	UN55F9000AF
UN40B6000VFUZA	UN46F6350AF	UN55FH6003F
UN40B6000WFXZA	UN46F6400AF	UN55FH6030F
UN40B7000WFUZA	UN46F6800AF	UN60C6300SF

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UN40C6300SF	UN46F7500AF	UN60D6450UF
UN40C6300SFXZA	UN46F8000BF	UN60D6500VF
UN40C6400RF	UN46FH6030F	UN60D7000VF
UN40C6500VF	UN50EH5000F	UN60D7050VF
UN40C7000WF	UN50EH5000V	UN60D8000YF
UN40D5003BF	UN50EH5050F	UN60EH6000F
UN40D5005BF	UN50EH5300F	UN60EH6002F
UN40D5500RF	UN50EH6000F	UN60EH6003F
UN40D5550RF	UN50EH6050F	UN60EH6050F
UN40D6000SF	UN50ES6100F	UN60ES6003F
UN40D6050TF	UN50ES6150F	UN60ES6100F
UN40D6300SF	UN50ES6500F	UN60ES6150F
UN40D6400UF	UN50ES6550F	UN60ES6500F
UN40D6420UF	UN50ES6580F	UN60ES7100F
UN40D6500VF	UN50ES6900F	UN60ES7150F
UN40EH5000F	UN50ES7100F	UN60ES7500F
UN40EH5050F	UN50F5000AF	UN60ES7550F
UN40EH5300F	UN50F5050AF	UN60ES8000F
UN40EH6000F	UN50F5500AF	UN60F6100AF
UN40EH6030F	UN50F6100AF	UN60F6300AF
UN40EH6050F	UN50F6300AF	UN60F6350AF
UN40ES6003F	UN50F6350AF	UN60F6400AF
UN40ES6100F	UN50F6400AF	UN60F7050AF
UN40ES6150F	UN50F6800AF	UN60F7100AF

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UN40F5000AF	UN55B7000WFXZA	UN60FH6003F
UN40F5050AF	UN55B7100WFUZA	UN65C6500VF
UN40F5500AF	UN55B7100WFXZA	UN65C8000XF
UN40F6300AF	UN55B8000XF	UN65D8000XF
UN40F6350AF	UN55B8500XF	UN65EH6000F
UN40F6400AF	UN55C5000QF	UN65EH6050F
UN40FH6030F	UN55C6300SF	UN65ES6500F
UN46B6000VFUZA	UN55C6400RF	UN65ES6550F
UN46B6000VFXZA	UN55C6500VF	UN65ES8000F
UN46B7000WFUZA	UN55C6800UF	UN65F6300AF
UN46B7000WFXZA	UN55C6900VF	UN65F6350AF
UN46B7100WFUZA	UN55C7000WF	UN65F6400AF
UN46B7100WFXZA	UN55C7100WF	UN65F7050AF
UN46B8000XF	UN55C8000XF	UN65F7100AF
UN46B8500XF	UN55C9000ZF	UN65F8000BF
UN46C5000QF	UN55D6000SF	UN65F9000AF
UN46C6300SF	UN55D6003SF	UN75ES9000F
UN46C6400RF	UN55D6005SF	UN75F6300AF
UN46C6500VF	UN55D6050TF	UN75F6400AF
UN46C6800UF	UN55D6300SF	UN75F6400CF
UN46C6900VF	UN55D6400UF	UN75F7100AF
UN46C7000WF	UN55D6420UF	UN75F8000AFXZA
UN46C7100WF	UN55D6450UF	UN85S9AFXZA
	UN55D6500VF	

1 Excluded from the Class are Samsung, and any person or entity
 2 related to or affiliated with Samsung, and any business, person, or
 3 entity that purchased such televisions for re-sale (*e.g.*, retailers), any
 judicial officer assigned to the case, the court staff and jurors, along
 with their immediate families.

4 63. On information and belief, each of the models listed was sold by Samsung in a box
 5 that identified and marketed the enclosed television as an “LED TV” or “LED HDTV” or “LED
 6 television” (or substantially similar language).

7 64. The Class is composed of at least thousands of persons and is sufficiently numerous
 8 for class treatment. Joinder of all Class members individually would be impracticable, and the
 9 resolution of the Class’s claims in a single action will provide substantial benefits to the parties
 10 and the Court.

11 65. Plaintiff’s claims are typical of the claims of the Class members Plaintiff seeks to
 12 represent, and Plaintiff has no interests that are adverse to the interests of the other Class members.

13 66. This dispute raises fundamental questions of law and fact that are common to all of
 14 the Class members, and that predominate over any individual class member issues that must be
 15 resolved to adjudicate this claim, including, but not limited to:

- 16 (a) Whether Samsung marketed and advertised LED-lit LCD TVs as LED TVs;
- 17 (b) Whether Samsung intended to mislead the class when it marketed and
- 18 advertised LED-lit LCD TVs as LED TVs; and
- 19 (c) Whether it is false or misleading to describe an LED-lit LCD television as
- 20 an LED TV.

21 67. Plaintiff will fairly and adequately protect the interests of the Class.

22 68. Plaintiff has retained experienced, qualified counsel to represent the Class.

23 69. A class action is superior to other available methods for the fair and efficient
 24 adjudication of this controversy since joinder of all of the Class members is impracticable. Even if
 25 Plaintiff and the other Class members could afford individual litigation, the courts could not. The
 26 amount at stake for each Class member is such that individual litigation would be inefficient and
 27 cost prohibitive. Additionally, the adjudication of this controversy through a class action will
 28

1 avoid the possibility of inconsistent and potentially conflicting adjudications of the claims asserted
2 herein. There will be no difficulty in the management of this action as a class action.

3 70. This action is certifiable in the alternative under the provisions of Fed. R. Civ.
4 P. 23(b)(2) because Defendant has acted or refused to act on grounds generally applicable to the
5 Class members, thereby making appropriate final injunctive relief or corresponding declaratory
6 relief with respect to the Class members as a whole and necessitating that any such relief be
7 extended to the Class members on a mandatory, class-wide basis.

8 **FIRST CAUSE OF ACTION**

9 **Violation of California's Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200, et seq.**

10 71. Plaintiff incorporates by reference and re-alleges each allegation set forth in
11 paragraphs 1-70 hereinabove.

12 72. Plaintiff brings this claim on behalf of Plaintiff and the Class.

13 73. The acts and practices engaged in by Samsung, and described herein, constitute
14 unfair, unlawful, and/or fraudulent business practices in that Samsung marketed the televisions as
15 LED TVs when they were in fact LCD TVs:

- 16 (a) Samsung's practices, as described herein, constitute false and deceptive
17 conduct;
- 18 (b) the justification for Samsung's conduct is outweighed by the gravity of the
19 consequences to Plaintiff and Class members;
- 20 (c) Samsung's conduct is immoral, unethical, oppressive, unscrupulous or
21 substantially injurious to Plaintiff and Class members; and/or
- 22 (d) Samsung's conduct constitutes fraudulent, untrue or misleading actions in
23 that such conduct has a tendency to deceive a reasonable person, including
24 Plaintiff and Class members.

25 74. Samsung's false and misleading advertising was disseminated to increase sales and
26 to increase the amount of money that Samsung could charge for each television that was sold.

27 75. Samsung knew or should have known that their advertisements were false and
28 misleading.

THIRD CAUSE OF ACTION
Violation of the California Consumers Legal Remedies Act
Cal. Civil Code §§ 1750 et seq.

84. Plaintiff incorporates by reference and re-alleges each allegation set forth in paragraphs 1-70 hereinabove.

85. Plaintiff brings this claim on behalf of Plaintiff and the Class.

86. In connection with the sale of goods to consumers, Samsung:

- (a) represented and represents “that goods...have characteristics...which they do not have” in violation of Cal. Civ. Code § 1770(a)(5);
- (b) represented and represents “that goods...are of a particular style or model” when they are actually of a different “style or model” in violation of Cal. Civ. Code § 1770(a)(7); and
- (c) advertised and advertises “goods...with intent not to sell them as advertised” in violation of Cal. Civ. Code § 1770(a)(9).

87. Samsung violated these provisions by representing that televisions were LED TVs when they were in fact LCD TVs. Plaintiff and the Class have suffered harm as a result of these violations because they were misled into believing that they were buying an LED TV, not an LCD TV, and paid a monetary premium for these televisions that they otherwise would not have paid had the televisions been described accurately and represented.

88. Plaintiff and the Class, by this cause of action, seeks injunctive relief only.

89. Concurrently, Plaintiff is sending Samsung a notice advising Samsung that it has violated, and continues to violate, the Consumer Legal Remedies Act. This Notice complies in all respects with California Civil Code §1782(a). Plaintiff sent this Notice by Certified U.S. Mail, return receipt requested to Samsung at Samsung’s principal place of business. Plaintiff’s Notice advised Samsung that it must correct, repair, replace, or otherwise rectify the conduct alleged herein to be in violation of the Consumer Legal Remedies Act, and that if it fails to respond to this demand and to take full remedial action (including by making full restitution) within thirty days of receipt of the Notice, Plaintiff will amend this Complaint to request restitution, damages, actual damages, and punitive damages. A true and correct copy of the Notice is attached hereto as

Exhibit A.

90. Plaintiff has concurrently filed the declaration of venue required by Cal. Civil Code § 1780(d).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and the Class pray for judgment and relief as follows:

a. An order certifying that this lawsuit is properly maintainable as a class action and certifying Plaintiff as the representatives of the Class;

b. An injunction prohibiting Samsung from advertising within the State of California LED-lit LCD TVs as LED TVs or LED HDTVs or LED televisions.

c. An order requiring Samsung to engage in a corrective advertising campaign that informs the consuming public (within the State of California) that so-called LED TVs are in fact LCD TVs with an LED backlight.

d. An order requiring Samsung to re-label (or recall) all new LED-lit LCD TVs in the possession of distributors or retailers or other resellers for resale in California that do not contain a clear and conspicuous disclosure that the television is an LCD TV with an LED backlight.

e. For the First and Second Causes of Action only, restitution in an amount to be determined at trial;

f. Attorneys' fees and costs; and

j. Such other and further relief as may be just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues properly triable thereby.

RESPECTFULLY SUBMITTED,

DATED: February 21, 2014

By: /s/ Francis O. Scarpulla

Francis O. Scarpulla (41059)

Judith A. Zahid (215418)

Patrick B. Clayton (240191)

Zelle Hofmann Voelbel & Mason LLP

44 Montgomery Street, Suite 3400

San Francisco, CA 94104
Telephone: 415-693-0700
Facsimile: 415-693-0770
Email: fscarpulla@zelle.com
jzahid@zelle.com
pclayton@zelle.com

Jonathan Shub (237708)
Scott A. George (*Pro Hac Vice Appl. To Be Filed*)
Seeger Weiss LLP
1515 Market Street, Suite 1380
Philadelphia, PA 19102
Telephone: 215-564-2300
Facsimile: 215-851-8029
Email: jshub@seegerweiss.com
sgeorge@seegerweiss.com

Hayward J. Kaiser (66365)
Mitchell Silberberg & Knupp LLP
11377 West Olympic Boulevard
Los Angeles, CA 90064
Telephone: 310-312-2000
Facsimile: 310-312-3100
Email: hjk@msk.com

Daniel R. Shulman (*Pro Hac Vice Appl. To Be Filed*)
Gregory R. Merz (*Pro Hac Vice Appl. To Be Filed*)
Kathryn J. Bergstrom (*Pro Hac Vice Appl. To Be Filed*)
Dean C. Eyler (*Pro Hac Vice Appl. To Be Filed*)
Gray Plant & Mooty
500 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: 612-632-3000
Facsimile: 612-632-4444
Email: daniel.shulman@gpmlaw.com
gregory.merz@gpmlaw.com
katie.bergstrom@gpmlaw.com
dean.eyler@gpmlaw.com

Attorneys for Plaintiff and the proposed 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

Shahla Rabinowitz

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

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

See Attachment.

DEFENDANTS

Samsung Electronics America, Inc.

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 ☐ 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 PERSONAL INJURY <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 checked="" 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 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):
Class Action Fairness Act, 28 U.S.C. § 1332(d).

Brief description of cause:

Class action for unfair competition, false advertising, and violation of Consumers Legal Remedies Act. Defendant falsely marketed and advertised certain of its LCD televisions as "LED TVs," "LED HDTVs" or "LED televisions."

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

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)

(Place an "X" in One Box Only)

(X) SAN FRANCISCO/OAKLAND () SAN JOSE () EUREKA

DATE

SIGNATURE OF ATTORNEY OF RECORD

February 21, 2014

/s/ Francis O. Scarpulla

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.

Attachment to Civil Cover Sheet

I.(c)

Francis O. Scarpulla, Judith A. Zahid and Patrick B. Clayton
ZELLE HOFMANN VOELBEL & MASON LLP
44 Montgomery Street, Suite 3400
San Francisco, CA 94104
Telephone: (415) 693-0700

Jonathan Shub and Scott A. George
SEEGER WEISS LLP
1515 Market Street, Suite 1380
Philadelphia, PA 19102
Telephone: (215) 564-2300

Hayward J. Kaiser
MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
Los Angeles, CA 90064
Telephone: (310) 312-2000

Daniel R. Shulman, Gregory R. Merz, Kathryn J. Bergstrom and Dean C. Eyler
GRAY PLANT & MOOTY
500 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: (612) 632-3000