

1 JOHN H. DONBOLI (SBN: 205218)  
jdonboli@delmarlawgroup.com  
2 CAMILLE JOY DECAMP(SBN:236212)  
cdecamp@delmarlawgroup.com  
3 DEL MAR LAW GROUP, LLP  
12250 El Camino Real, Suite 120  
4 San Diego, CA 92130  
Telephone: 858-793-6244  
5 Facsimile: 858-793-6005

SHANNON L. HOPKINS (Admitted  
*Pro Hac Vice*)  
shopkins@zlk.com  
NANCY A. KULESA (Admitted *Pro*  
*Hac Vice*)  
nkulesa@zlk.com  
LEVI & KORSINKSY, LLP  
733 Summer Street, Suite 304  
Stamford, CT 06901  
Telephone: 232-363-7500  
Facsimile: 866-367-6510

6  
7  
8 Attorneys for Plaintiff Coni Hass, individually, and all others similarly situated

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 CONI HASS, individually, and on behalf  
12 of all others similarly situated,

13 Plaintiffs,

14  
15 vs.

16 CITIZENS OF HUMANITY, LLC, a  
17 Delaware Limited Liability Company;  
18 and DOES 1 through 100, inclusive,

19 Defendants.

**CASE NO. 14-cv-1404 JLS WVG**

**CLASS ACTION**

**SECOND AMENDED  
COMPLAINT FOR:**

- 20 (1) VIOLATION OF CONSUMERS  
LEGAL REMEDIES ACT  
(CIVIL CODE SECTION 1750  
ET SEQ.);  
21 (2) VIOLATION OF CAL. BUS. &  
22 PROF. CODE SECTIONS 17200  
*ET SEQ.* (UNFAIR  
COMPETITION LAW);  
23 (3) VIOLATION OF CAL.  
24 BUSINESS & PROFESSIONS  
CODE SECTION 17533.7  
25 (FALSE "MADE IN USA"  
CLAIM)

**DEMAND FOR JURY TRIAL  
[FRCP 38]**

1 COME NOW, Plaintiff Coni Hass (“Plaintiff”), as an individual and on  
2 behalf of the general public and all others similarly situated, allege as follows:

3 **NATURE OF THE CASE**

4 1. This is a putative class action case brought on behalf of all purchasers  
5 of “Made in the U.S.A.” or “Made in USA” labeled apparel products  
6 manufactured, distributed, marketed, and/or sold by defendants Citizens of  
7 Humanity, LLC (“COH”) in California and online to California residents. The  
8 unlawfully labeled COH apparel products are sold in various stores in California,  
9 including Nordstrom.<sup>1</sup> The unlawfully labeled COH apparel products are also sold  
10 at other various retailers and online. COH and the DOE defendants are  
11 collectively hereinafter referred to as the “Defendants.” Through an unlawful,  
12 deceptive and unfair course of conduct, Defendants manufactured, marketed,  
13 and/or sold to California consumers a variety of COH apparel products with the  
14 false designation and representation that the COH apparel was “Made in the  
15 U.S.A.”

16 2. As stated by the California Supreme Court in *Kwikset v. Superior*  
17 *Court* (January 27, 2011) 51 Cal.4th 310, 328-29:

18 **Simply stated: labels matter.** The marketing industry is  
19 based on the premise that labels matter, that consumers  
20 will choose one product over another similar product  
21 based on its label and various tangible and intangible  
22 qualities they may come to associate with a particular  
23 source. . . . In particular, **to some consumers**, the “Made  
24 in U.S.A.” label matters. A range of motivations may fuel  
25 this preference, from the desire to support domestic jobs,  
26 to beliefs about quality, to concerns about overseas  
27 environmental or labor conditions, to simple patriotism.  
The Legislature has recognized the materiality of this  
representation by specifically outlawing deceptive and  
fraudulent “Made in America” representations.

28 <sup>1</sup> Plaintiff Hass purchased the mislabeled COH apparel product, which in part  
is the subject matter of this lawsuit, from a San Diego Nordstrom’s store.

1 (§17533.7; see also Civ.Code, §1770, subd. (a)(4)  
2 [prohibiting deceptive representations of geographic  
3 origin].) The object of section 17533.7 “is to protect  
4 consumers from being misled when they purchase  
5 products in the belief that they are advancing the interests  
6 of the United States and its industries and workers . . . .”

6 3. The “Made in the U.S.A.” claim is prominently printed on the apparel  
7 products themselves.<sup>2</sup> The offending apparel products, however, are substantially  
8 made, manufactured, or produced from component parts that are manufactured  
9 *outside of the United States* in violation of California law and/or federal law.

10 4. On information and belief, major components of the apparel products,  
11 including but not limited to the fabric, thread, buttons, subcomponents of the  
12 zipper assembly, and/or rivets are manufactured *outside of the United States*.

13 **PARTIES**

14 5. Plaintiff Hass is an individual residing in San Diego, California.

15 6. Defendant Citizens of Humanity, LLC is a limited liability company  
16 that is organized and exists under the laws of the State of Delaware. COH may be  
17 served with process in this matter by serving its registered agent for service of  
18 process as follows: National Registered Agents, Inc., 2875 Michelle Drive, Irvine,  
19 CA 92606.

20 7. COH is a leading designer and manufacturer of denim jean products.  
21 On information and belief, COH designs, markets, and produces more than one  
22 million pairs of jeans annually. COH is distributed in over 1,300 retailers in more  
23 than 35 countries including high-end specialty boutiques such as Curve, Fred  
24 Segal, Scoop, Madison, and Anthropologie; online at Shopbop.com and  
25 MyTheresa.com; as well as in luxury department stores Barneys New York,  
26 Bergdorf Goodman, Neiman Marcus, Nordstrom, Macy’s, and Bloomingdale’s.

27 <sup>2</sup> Plaintiffs intend to seek class wide relief on behalf of all California  
28 purchasers of any COH apparel product labeled as “Made in the U.S.A.” that  
incorporated foreign-made component parts (in violation of California and/or  
federal law) and not just the specific brand of jeans purchased by Plaintiff.

1 One of the products COH manufacturers and sells in California (either directly or  
2 through California retailers) is the “” brand of jeans purchased by Plaintiff Hass at  
3 a San Diego Nordstrom store in or around November 2013.

4 8. Plaintiffs are ignorant of the true names and capacities of the  
5 defendants sued herein as DOES 1-100, inclusive; therefore, Plaintiffs sue these  
6 defendants by such fictitious names. Plaintiffs are informed and believe that each  
7 of the fictitious named defendants are legally responsible in some manner for the  
8 occurrences herein alleged, assisted in and about the wrongs complained of herein  
9 by providing financial support, advice, resources, or other assistance. Plaintiffs  
10 will amend the complaint to allege their true names and capacities when  
11 ascertained.

12 9. Plaintiffs are informed and believe that all defendants were agents,  
13 servants, and employees of their co-defendants, and in doing the things hereinafter  
14 mentioned, were acting within the scope of their authority as such agents, servants,  
15 and employees with the permission and consent of their co-defendants.

#### 16 **JURISDICTION AND VENUE**

17 10. This Court has jurisdiction over this matter pursuant to CAFA because  
18 the amount in controversy in this matter exceeds \$5,000,000.00 as to all Class  
19 Members, inclusive of attorneys’ fees and costs, and injunctive relief. 28 U.S.C.  
20 Sections 1332(d), 1453, and 1711-1715.

21 11. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b)  
22 and 1391(c) in that this is the judicial district in which a substantial part of the acts  
23 and omissions giving rise to the claims occurred.

#### 24 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

25 12. Plaintiffs re-allege and incorporate herein by reference all of the  
26 allegations contained in Paragraphs 1 through 11, inclusive, of this complaint as  
27 though fully set forth herein.

28 13. Defendants manufacture, market, and/or sell COH apparel products

1 that have printed on the product itself and the product packaging that the products  
2 are “Made in the U.S.A.”

3 14. Contrary to the representation, the COH apparel products are  
4 substantially and/or partially made, manufactured, or produced with component  
5 parts that are manufactured *outside of the United States*. Based upon information  
6 and belief, the foreign component parts included in the COH jeans (and  
7 presumably all other offending COH apparel products) are the fabric, thread,  
8 buttons, rivets, and/or certain subcomponents of the zipper assembly.

9 15. Defendants market, and continue to market, and represent to the  
10 general public that COH apparel products are “Made in the U.S.A.” In addition,  
11 Defendants fraudulently concealed the material facts at issue herein by failing to  
12 disclose 100% of the truth to the California general public regarding the country of  
13 origin of COH apparel products. The disclosure of this information was necessary  
14 in order to make Defendants’ representation not misleading. Defendants possess  
15 superior knowledge of the true facts which were not disclosed, thereby tolling the  
16 running of any applicable statute of limitations.

17 16. Consumers are particularly vulnerable to these deceptive and  
18 fraudulent practices. Most consumers possess very limited knowledge of the  
19 likelihood that products, including the component parts therein, claimed to be  
20 made in the United States are in fact made in foreign countries. This is a material  
21 factor in many individuals’ purchasing decisions, as they believe they are  
22 supporting American companies and American jobs.

23 17. Consumers generally believe that “Made in the U.S.A.” products are  
24 of higher quality than their foreign-manufactured counterparts. Due to  
25 Defendants’ scheme to defraud the market, members of the general public were  
26 fraudulently induced to purchase Defendants’ products at inflated prices. On  
27 information and belief, and during the entirety of the relevant four-year statutory  
28 time period, Defendants charged excess monies for COH apparel products, in

1 comparison to their competitors, based on the false “Made in the U.S.A.”  
2 designation. California and federal laws are designed to protect consumers from  
3 this type of false representation and predatory conduct. Defendants’ scheme to  
4 defraud consumers is ongoing and will victimize consumers each and every day  
5 until altered by judicial intervention.

6 **THE PLAINTIFFS TRANSACTIONS**

7 18. In or around November 2013, Plaintiff Hass purchased the Ingrid  
8 brand jeans at a Nordstrom store in San Diego. At the time of purchase, the  
9 product itself was marked with a “Made in the U.S.A.” country of origin  
10 designation when the product actually contains component parts made outside of  
11 the United States. Accordingly, Defendants are not entitled to lawfully make a  
12 “Made in the U.S.A.” representation on the product.

13 19. In each case when Plaintiffs, and Class Members, purchased a Class  
14 Product<sup>3</sup>, they relied upon Defendants’ “Made in the U.S.A.” representation in  
15 their purchasing decision, which is typical of most U.S. consumers, and they were  
16 deceived as a result of Defendants’ actions. These purchasing decisions were  
17 supported by the “Made in the U.S.A.” representation made by Defendants, which  
18 is absent from most of Defendants’ competitors. Plaintiff believed at the time she  
19 purchased the COH jeans that she was supporting U.S. jobs and the U.S. economy.

20 20. Plaintiffs suffered an “injury in fact” because Plaintiffs’ money was  
21 taken by Defendants as a result of Defendants’ false “Made in the U.S.A.” claims  
22 set forth on the COH jeans. Furthermore, she suffered an “injury in fact” by  
23 paying for something she believed was genuinely manufactured in the USA, when  
24 it was not.

25 21. U.S. made component parts are subject to strict regulatory  
26 requirements, such as environmental, labor, and safety standards. Foreign made

27 <sup>3</sup> The term “Class Products” is defined as any COH manufactured or labeled  
28 product that was sold in California during the past four years with a “Made in the  
U.S.A” or equivalent country of origin label but that incorporated foreign-made  
component parts.

1 component parts are not subject to the same U.S. manufacturing standards and are  
2 often inherently of lower quality than their U.S. made counterparts. Foreign made  
3 component parts are also routinely less reliable and durable than their U.S. made  
4 counterparts. As such, the COH brand of jeans is of inferior quality due to COH's  
5 decision to include foreign made component parts within.

6 22. As such, and on information and belief, the offending COH apparel  
7 products, made with foreign-made component parts, are of inferior quality, less  
8 reliable, and fail more often than if the product was truly made from 100%  
9 American made component parts. Essentially, the COH brand of jeans is not worth  
10 the purchase price paid. The precise amount of damages will be proven at time of  
11 trial, in large part, by expert testimony.

12 23. Plaintiffs and Class Members were undoubtedly injured as a result of  
13 Defendants' false "Made in the U.S.A." representations that are at issue in this  
14 litigation.

15 **CLASS ALLEGATIONS**

16 24. Plaintiffs re-allege and incorporate herein by reference all of the  
17 allegations contained in Paragraphs 1 through 23, inclusive, of this complaint as  
18 though fully set forth herein.

19 25. Plaintiffs bring this action, as set forth below, against Defendants,  
20 pursuant to Rules 23(a), 23(b)(1), 23(b)(2), and 23(b)(3) of the Federal Rules of  
21 Civil Procedure ("Fed. R. Civ. P."), individually and on behalf of a class consisting  
22 of all persons in the United States who purchased one or more of Defendants'  
23 COH apparel products during the relevant four-year statutory time period that bore  
24 a "Made in the U.S.A." country of origin designation but that contained foreign-  
25 made component parts (the "Class"). Excluded from the Class are the Court and  
26 its employees; Defendants; any parent, subsidiary, or affiliate of Defendants; and  
27 all employees and directors who are or have been employed by Defendants during  
28 the relevant time period.

1           **The Online Purchaser Subclass**

2           26. Subclass members are all of Defendants’ California customers who  
3 purchased one or more of Defendants’ COH apparel products online during the  
4 relevant four-year statutory time period that bore a “Made in the U.S.A.” country  
5 of origin designation but that contained foreign-made component parts (“Online  
6 Purchaser Subclass”). Excluded from the Class are the Court and its employees;  
7 Defendants; any parent, subsidiary, or affiliate of Defendants; and all employees  
8 and directors who are or have been employed by Defendants during the relevant  
9 time period.

10           **Class Action Requirements**

11           27. The numerosity requirement of Fed. R. Civ. P. 23(a)(1) is satisfied for  
12 each of the foregoing Classes because the members of each Class are so numerous  
13 and geographically dispersed that joinder of all Class members is impracticable.  
14 Plaintiffs currently believe that there are hundreds of thousands of members of  
15 each Class located in the State of California.

16           28. Common questions of fact and law exist here, satisfying the  
17 requirement of Rule 23(a)(2), including but not limited to:

- 18           a. whether Defendants participated in, or committed the wrongful  
19           conduct alleged herein;
  - 20           b. whether Defendants’ acts, transactions, or course of conduct  
21           constitute the violations of law alleged herein;
  - 22           c. whether the members of the Class and the Sub-Classes sustained  
23           and/or continue to sustain damages by reason of Defendants’  
24           conduct, and, if so, the proper measure and appropriate formula  
25           to be applied in determining such damages; and
  - 26           d. whether the members of the Class and the Sub-Classes are  
27           entitled to injunctive or other equitable relief.
- 28



1           29. Plaintiffs' claims are typical of the claims of all other members of the  
2 Class and the Sub-Classes and involve the same violations of law by Defendants as  
3 other Class members' claims. Plaintiffs and members of the Class and Sub-Classes  
4 also sustained damages arising out of Defendants' common course of conduct  
5 complained herein. Accordingly, Plaintiffs satisfy the "typicality" requirements of  
6 Fed. R. Civ. P. 23(a)(3) with respect to the Class and Sub-Classes.

7           30. Plaintiffs will fairly and adequately protect the interests of the other  
8 members of the Class and Sub-Classes, and have no interests that are antagonistic  
9 to or which conflict with those of the other members of those Classes. Plaintiffs  
10 are committed to the vigorous prosecution of this action and have retained  
11 competent counsel experienced in litigation of this nature to represent them and the  
12 other members of the Class and Sub-Classes; as such, the requirements of Rule  
13 23(a)(4) are satisfied.

14           31. Absent a representative class action, members of the Class and the  
15 Sub-Classes would continue to suffer the harm described herein, for which they  
16 would have no remedy. Even if separate actions could be brought by individual  
17 purchasers, the resulting multiplicity of lawsuits would cause undue hardship and  
18 expense for both the Court and the litigants, as well as create a risk of inconsistent  
19 rulings and adjudications that might be dispositive of the interests of similarly  
20 situated purchasers, substantially impeding their ability to protect their interests,  
21 while establishing incompatible standards of conduct for Defendants. The  
22 proposed Class, and, respectively, the members of the Sub-Class, thus satisfy the  
23 requirements of Fed. R. Civ. P. 23(b)(1).

24           32. Defendants acted or refused to act on grounds generally applicable to  
25 Plaintiffs and the other members of the Class, and, respectively, the members of  
26 the Sub-Class, thereby rendering class certification and injunctive relief with  
27 respect to the Class as a whole and the Sub-Classes appropriate. Certification under  
28 Fed. R. Civ. P. 23(b)(2) is proper in this regard.

1 33. As discussed above, numerous common questions of fact and law  
2 exist. These questions predominate over the individual questions presented in this  
3 action. The predominance requirement of Rule 23(b)(3) is thus satisfied.

4 34. A class action is the superior method for the fair and efficient  
5 adjudication of this controversy, because joinder of all members of the Class, and,  
6 respectively, the Sub-Class, is impracticable. Because the damages suffered by  
7 individual members of the Class, and, respectively, the Sub-Class, may be  
8 relatively small, the expense and burden of litigation would prevent class members  
9 from individually redressing the wrongs done to them. Where, as here, the size  
10 and nature of individual Class members' claims would allow few, if any, members  
11 of those Classes to seek legal redress against Defendants for the wrongs  
12 complained of herein, a representative class action is both the appropriate vehicle  
13 by which to adjudicate these claims and is essential to the interests of justice.  
14 Furthermore, a class action regarding the issues in this action creates no significant  
15 problems of manageability. The superiority and manageability requirements of  
16 Rule 23(b)(3) are thus satisfied.

17 **FIRST CLAIM FOR RELIEF**

18 **(Violation of California Consumers Legal Remedies Act Against All**  
19 **Defendants)**

20 35. Plaintiffs re-allege and incorporate herein by reference all of the  
21 allegations contained in Paragraphs 1 through 34, inclusive, of this complaint as  
22 though fully set forth herein.

23 36. California Civil Code Section 1750 *et seq.* (entitled the Consumers  
24 Legal Remedies Act) provides a list of "unfair or deceptive" practices in a  
25 "transaction" relating to the sale of "goods" or "services" to a "consumer." The  
26 Legislature's intent in promulgating the Consumers Legal Remedies Act is  
27 expressed in Civil Code Section 1760, which provides, *inter alia*, that its terms are  
28 to be:

1 [C]onstrued liberally and applied to promote its underlying  
2 purposes, which are to protect consumers against unfair and  
3 deceptive business practices and to provide efficient and  
4 economical procedures to secure such protection.

5 37. COH apparel products constituted “goods” as defined in Civil Code  
6 Section 1761(a).

7 38. Plaintiffs, and Class members, are each a “Consumer” as defined in  
8 Civil Code Section 1761(d).

9 39. Each of Plaintiffs’ and Class members’ purchases of COH apparel  
10 products constituted a “transaction” as defined in Civil Code Section 1761(e).

11 40. Civil Code Section 1770(a)(4) and (9) provides that “[t]he following  
12 unfair methods of competition and unfair or deceptive acts or practices undertaken  
13 by any person in a transaction intended to result or which results in the sale or  
14 lease of goods or services to any consumer are unlawful: Using deceptive  
15 representations or designations of geographic origin in connection with goods or  
16 services [and] [a]dvertising goods or services with intent not to sell them as  
17 advertised.”

18 41. Defendants violated Civil Code Section 1770(a)(4) and (9) by  
19 marketing and representing that their COH apparel products are “Made in the  
20 U.S.A.” when they actually contain component parts that are manufactured outside  
21 of the United States.

22 42. It is alleged on information and belief that Defendant’s violations of  
23 the Consumer’s Legal Remedies Act set forth herein were done with awareness of  
24 the fact that the conduct alleged was wrongful and were motivated solely for  
25 increased profit. It is also alleged on information and belief that Defendants did  
26 these acts knowing the harm that would result to Plaintiffs and that Defendants did  
27 these acts notwithstanding that knowledge.

28 43. As a direct and proximate result of Defendants’ violations of the  
Consumers Legal Remedies Act, Plaintiffs and Class members are entitled to the

1 following remedies as against Defendants: (a) a declaration that Defendants  
2 violated the Consumers Legal Remedies Act, and (b) an injunction preventing  
3 Defendants' unlawful actions.

4 44. Plaintiffs suffered an "injury in fact" because Plaintiffs' money was  
5 taken by Defendants as a result of Defendants' false "Made in the U.S.A." claims  
6 set forth on the COH apparel products.

7 **SECOND CLAIM FOR RELIEF**

8 **(Violation of Business & Prof. Code Section 17200 *Et Seq.* Against All**  
9 **Defendants)**

10 45. Plaintiffs re-allege and incorporate herein by reference all of the  
11 allegations contained in Paragraphs 1 through 44, inclusive, of this complaint as  
12 though fully set forth herein.

13 46. Business & Professions Code section 17200 *et seq.* provides that  
14 unfair competition means and includes "any unlawful, unfair or fraudulent business  
15 act or practice and unfair, deceptive, untrue or misleading marketing."

16 47. By and through their conduct, including the conduct detailed above,  
17 Defendants engaged in activities which constitute unlawful, unfair, and fraudulent  
18 business practices prohibited by Business & Professions Code Section 17200 *et*  
19 *seq.* Beginning at an exact date unknown as yet and continuing up through the  
20 present, Defendants committed acts of unfair competition, including those  
21 described above, by engaging in a pattern of "unlawful" business practices, within  
22 the meaning of Business & Professions Code Section 17200 *et seq.*, by  
23 manufacturing, distributing, and marketing COH apparel products with a false  
24 country of origin designation and violating Section 17533.7 by falsely claiming  
25 that the products referenced herein are "Made in U.S.A." when they actually  
26 contain component parts manufactured *outside of the United States*.

27 48. Beginning at an exact date unknown as yet and continuing up through  
28 the present, Defendants committed acts of unfair competition that are prohibited by

1 Business and Professions Code section 17200 *et seq.* Defendants engaged in a  
2 pattern of “unfair” business practices that violate the wording and intent of the  
3 statutes, by engaging in practices that threaten an incipient violation of law or  
4 violate the policy or spirit of laws because their effects are comparable to or the  
5 same as a violation of the law by manufacturing, distributing, and marketing their  
6 COH apparel products with a false country of origin designation, and by violating  
7 Section 17533.7 by falsely claiming that their COH apparel products referenced  
8 herein are “Made in the U.S.A.” when they actually contain component parts  
9 manufactured outside of the United States.

10 49. Alternatively, Defendants engaged in a pattern of “unfair” business  
11 practices that violate the wording and intent of the statutes, by engaging in  
12 practices that are immoral, unethical, oppressive or unscrupulous, the utility (if  
13 any) of which conduct is far outweighed by the harm done to consumers and public  
14 policy by manufacturing, distributing, marketing, and advertising COH apparel  
15 products with the false claim that the products referenced herein are “Made in the  
16 U.S.A.”

17 50. Alternatively, Defendants engaged in a pattern of “unfair” business  
18 practices that violate the wording and intent of the statutes, by engaging in  
19 practices, including manufacturing, distributing, marketing, and advertising COH  
20 apparel products with the false claim that the products referenced herein are “Made  
21 in the U.S.A.,” wherein: (1) the injury to the consumer was substantial; (2) the  
22 injury was not outweighed by any countervailing benefits to consumers or  
23 competition; and (3) the injury was of the kind that the consumers themselves  
24 could not reasonably have avoided.

25 51. Beginning at an exact date unknown as yet and continuing up through  
26 the present, Defendants committed acts of unfair competition, including those  
27 described above, prohibited by Business and Professions Code section 17200 *et*  
28 *seq.* by engaging in a pattern of “fraudulent” business practices within the meaning

1 of Business & Professions Code section 17200 *et seq.*, by manufacturing,  
2 distributing, and marketing COH apparel products with a false country of origin  
3 designation and violating Section 17533.7 by falsely claiming that the products  
4 referenced herein are “Made in U.S.A.”

5 52. Defendant engaged in these unlawful, unfair, and fraudulent business  
6 practices for the primary purpose of collecting unlawful and unauthorized monies  
7 from Plaintiffs and all others similarly situated; thereby unjustly enriching  
8 Defendants.

9 53. As a result of the repeated violations described herein, Defendants  
10 received and continue to receive unearned commercial benefits at the expense of  
11 their competitors and the public.

12 54. Defendants’ unlawful, unfair, and fraudulent business practices  
13 presents a continuing threat to the public in that Defendants continues to engage in  
14 unlawful conduct.

15 55. Such acts and omissions are unlawful and/or unfair and/or fraudulent  
16 and constitute a violation of Business & Professions Code section 17200 *et seq.*  
17 Plaintiffs reserve the right to identify additional violations by Defendants as may  
18 be established through discovery.

19 56. As a direct and legal result of their unlawful, unfair, and fraudulent  
20 conduct described herein, Defendants have been and will be unjustly enriched by  
21 the receipt of ill-gotten gains from customers, including Plaintiffs, who unwittingly  
22 provided money to Defendants based on Defendants’ fraudulent country of origin  
23 designation.

24 57. Plaintiffs suffered an “injury in fact” because Plaintiffs’ money was  
25 taken by Defendants as a result of Defendants’ false “Made in the U.S.A.” claims  
26 set forth on the COH apparel products.

27  
28

1 58. In prosecuting this action for the enforcement of important rights  
2 affecting the public interest, Plaintiffs seek the recovery of attorneys' fees, which  
3 is available to a prevailing plaintiff in class action cases such as this.

4 **THIRD CLAIM FOR RELIEF**

5 **(Violation of Business & Professions Code § 17533.7 Against All Defendants)**

6 59. Plaintiffs re-allege and incorporates herein by reference all of the  
7 allegations contained in Paragraphs 1 through 58, inclusive, of this complaint as  
8 though fully set forth herein.

9 60. Business & Professions Code Section 17533.7 provides:

10 It is unlawful for any person, firm, corporation or  
11 association to sell or offer for sale in this State any  
12 merchandise on which merchandise or on its  
13 container there appears the words "Made in U.S.A."  
14 "Made in America," "U.S.A.," or similar words when  
15 the merchandise or **any article, unit, or part**  
16 **thereof**, has been entirely or substantially made,  
manufactured, or produced outside of the United  
States. (Emphasis added).

17 61. Defendants violated Business & Professions Code Section 17533.7 by  
18 selling and offering to sell merchandise in the State of California with the "Made  
19 in the U.S.A." country of origin designation as fully set forth herein. The  
20 merchandise at issue in this case actually contains component parts that are  
21 manufactured outside of the United States in violation of California and federal  
22 law.

23 62. It is alleged on information and belief that Defendants' violations of  
24 Business & Professions Code Section 17533.7 were done with awareness of the  
25 fact that the conduct alleged was wrongful and were motivated solely for increased  
26 profit. It is also alleged on information and belief that Defendants did these acts  
27 knowing the harm that would result to Plaintiff and that Defendants did these acts  
28 notwithstanding that knowledge.







<b>UNITED STATES DISTRICT COURT</b> <b>SOUTHERN DISTRICT OF CALIFORNIA</b>	COURT USE ONLY
<u>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):</u> John H. Donboli (SBN: 205218) JL Sean Slattery (SBN: 210965) Camille Joy DeCamp (SBN: 236212)      Tel: (858) 793-6244 DEL MAR LAW GROUP, LLP                      Fax (858) 793-6005 12250 El Camino Real, Suite 120 San Diego, California 92130	
<u>SHORT CASE TITLE</u> HASS v. CITIZENS OF HUMANITY, LLC, et al.	DEPT: 4A
<u>ATTORNEYS FOR PLAINTIFF</u> CONI HASS, an individual and on behalf of all others similarly situated	Case No. 3:14-cv-01404-JLS-WVG

**PROOF OF SERVICE**

I, the undersigned, say: I am over 18 years of age, employed in the County of San Diego, California, and that I am not a party to the subject cause. My business address is 12250 El Camino Real, Suite 120, San Diego, California 92130.

On May 5, 2016, I served the following document(s):

**1. SECOND AMENDED COMPLAINT**

on the interested parties as follows:

Peter W. Ross, Esq.  
 Keith J. Wesley, Esq.  
 Corbin K. Barthold, Esq.  
 BROWNE GEORGE ROSS LLP  
 2121 Avenue of the Stars, Ste. 2400  
 Los Angeles, CA 90067  
 Tel: (310) 274-7100  
 Fax: (310) 275-5697  
 Email: [pross@bgrfirm.com](mailto:pross@bgrfirm.com)  
 Email: [kwesley@bgrfirm.com](mailto:kwesley@bgrfirm.com)  
 Email: [cbarthold@bgrfirm.com](mailto:cbarthold@bgrfirm.com)

Shannon L. Hopkins, Esq.  
 Nancy A. Kulesa, Esq.  
 Stephanie A. Bartone, Esq.  
 LEVI & KORSINKSY, LLP  
 733 Summer Street, Ste. 304  
 Stamford, CT 06901  
 Tel: (232) 363-7500  
 Fax: (866) 367-6510  
 Email: [shopkins@zlk.com](mailto:shopkins@zlk.com)  
 Email: [nkulesa@zlk.com](mailto:nkulesa@zlk.com)

*Attorneys for Plaintiff: Coni Hass*

*Attorneys for Defendant: Citizens of  
 Humanity, LLC*

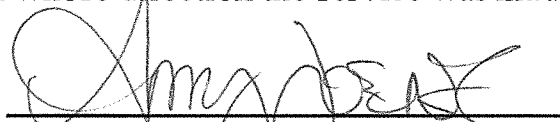
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

( X ) **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

( ) **BY MAIL.** I am familiar with this firm's practice of collection and processing correspondence for mailing with the United States Postal Service, and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 5, 2016

  
\_\_\_\_\_  
Amy Joens