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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

Attorneys for Plaintiff, GENEVIEVE GAMEZ, Individually  
and on behalf of all others similarly situated

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GENEVIEVE GAMEZ, individually,  
and on behalf of all others similarly  
situated,

Plaintiffs,

v.

TOM'S OF MAINE, INC., and DOES  
1 through 10, inclusive,

Defendants.

CASE NO. CV14-03336 CAS (VBKx)

CLASS ACTION COMPLAINT  
FOR:

- (1) VIOLATION OF CONSUMER  
LEGAL REMEDIES ACT;
- (2) UNFAIR BUSINESS  
PRACTICES;
- (3) VIOLATIONS OF FALSE  
ADVERTISING LAWS; AND
- (4) FRAUD

JURY TRIAL DEMANDED

COPY

## INTRODUCTION

Plaintiff GENEVIEVE GAMEZ, by and through her attorneys, brings this nationwide and California class action on behalf of herself, all others similarly situated and the general public ("Plaintiffs") against Defendant TOM'S OF MAINE, INC. ("TOM'S" or "Defendant"). The Court has original jurisdiction over Plaintiff's and Class Members' claims under the Class Action Fairness Act of 2005. 28 U.S.C. § 1367.

## NATURE OF THE ACTION

1. Defendant TOM'S has sold and continues to sell and market Tom's Toothpaste ("Products") as "all natural" and boasts that it contains only "natural" ingredients when it does not.

2. TOM'S claims about its products are false, misleading, reasonably likely to deceive the public, and constitute an unfair business practice. In fact, the Products contain chemically processed ingredients like xylitol and sodium lauryl sulfate ("SLS") – ingredients that are not "natural." Xylitol is produced from a complex chemical process that involves the use of charcoal, phosphoric acid, calcium oxide and sulfuric acid. SLS is also a chemically-processed ingredient that is mixed with a fatty alcohol before it is converted into its final form. Thus, neither xylitol nor SLS are "natural" ingredients.

3. Based on these false claims about the contents of its ingredients, Defendant has profited from its false and misleading advertising.

4. Plaintiff brings this class action on behalf of herself and other similarly situated consumers nationwide, to enjoin Defendant's ongoing deceptions, correct the false and misleading perception it has created in the minds of consumers. Plaintiff also requests a California sub-class to obtain restitutionary disgorgement and/or monetary damages resulting from Defendant's false and misleading claims.





1 Further, greater than two-thirds of the Class members reside in states other than the  
2 states in which Defendants are citizens.

3 9. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 in that  
4 many of the acts and transactions giving rise to this action occurred in this district  
5 and because Defendant: (a) is authorized to conduct business in this district and has  
6 intentionally availed itself of the laws and markets within this district though the  
7 promotion, marketing, distribution and sale of its products in this district; (b) does  
8 substantial business in this district; and (c) is subject to personal jurisdiction in this  
9 district. Plaintiff has filed concurrently herewith the declaration of venue required  
10 by Civil Code Section 1780(d) for the Consumer Legal Remedies Act claims.  
11 (Exhibit A.)

#### 12 FACTUAL ALLEGATIONS

13 10. TOM's claims to be a good corporate citizen. Indeed, this is the major  
14 thrust of its marketing campaign: "It's a worthwhile challenge to run a responsible  
15 business. Our Reason for Being and our Stewardship Model work together to keep  
16 us focused on what really matters – serving your personal care needs and the needs  
17 of your community." See [www.tomsofmaine.com](http://www.tomsofmaine.com).

18 11. TOM'S liberal use of the word "natural" in both its name and content  
19 is deliberate. "When we first started out this brand-new idea of natural products  
20 and sustainable companies seemed a little crazy to some. In the years since,  
21 though, more and more people have begun to believe, like we do, that nature can  
22 provide many of the health benefits we need – and that companies should minimize  
23 their environmental impact while working towards positive change in our  
24 communities. Together, we've really started to make a difference!" Tom and Kate  
25 Chappell, Co-Founders.

26 12. TOMS's goes on to state that "our reason for being" is to serve its  
27 customers with "imaginative science from plants and minerals." See  
28 [www.tomsofmain.com](http://www.tomsofmain.com). In other words, TOMS's sells a lifestyle as much as



1 anything else. It relies upon its value system of producing and selling only  
2 “natural” products. And its customers certainly rely upon this representation.

3 13. TOM’S manufactures, markets and advertises that its Toothpaste is all  
4 natural; however its Toothpaste actually contains chemically-processed ingredients.

5 14. The word “natural” is prominently displayed on the front of the label  
6 and is clearly intended to induce customers to not only rely upon this representation  
7 but also used to separate its product from the competition. Thus, Defendant’s  
8 product creates the impression that it is all natural when it is not.

9 15. Plaintiff relied upon this representation. She would not have bought  
10 this product nor would she have paid the supra-competitive price if she had known  
11 that Defendant’s “natural” representation was false and misleading.

12 16. Defendant’s webiste also makes similar misrepresentations. For  
13 example, it states that “[w]e do not use any synthetic flavors or fragrances. Our  
14 customers prefer the fresh, natural tast and smell of herbs, fruits and flowers (or no  
15 fragrance at all!).” But xylitol and SLS are not natural.

16 17. Plaintiff purchased and used Defendant’s Toothpaste in reliance on the  
17 “natural” claims. She would not have purchased this product had she known the  
18 truth regarding Defendant’s claims. Plaintiff has thus suffered injury-in-fact and  
19 damage, including but not limited to, the purchase price of the product.

20 18. Defendant sells its toothpaste for approximately \$3.99 to \$4.99 per  
21 tube based on the preceding false and/or misleading claims. As a result, Defendant  
22 has wrongfully made and retained millions of dollars in profits from California  
23 consumers alone.

#### 24 CLASS ACTION ALLEGATIONS

25 19. Plaintiff brings this lawsuit on behalf of the proposed Class Members  
26 under Rule 23(b)(2) and (3) of the Federal Rules of Civil Procedure. Specifically,  
27 Plaintiffs bring a nationwide Rule 23(b)(2) fraud class for injunctive relief; and a  
28 California Rule 23(b)(3) class for the remaining counts.

1 The proposed nationwide 23(b)(2) Class consists of:

2 All persons who purchased Tom's of Maine  
3 Toothpaste in the United States for personal use (the  
4 "Class").

5  
6 Plaintiff requests a subclass:

7 All persons who purchased in California Tom's of  
8 Maine Toothpaste for personal use at any time during  
9 the four years preceding the filing of this Complaint  
10 (the "Sub-Class").

11 20. Excluded from the Classes are governmental entities, Defendant, any  
12 entity in which defendant has a controlling interest, and Defendant's officers,  
13 directors, affiliates, legal representatives, employees, co-conspirators, successors,  
14 subsidiaries, and assigns. Also excluded from the Class is any judge, justice, or  
15 judicial officer presiding over this matter and the members of their immediate  
16 families and judicial staff.

17 21. **Numerosity:** The proposed Class and Sub-Class comprise many tens  
18 of thousands of consumers throughout California and the United States, and,  
19 therefore, is so numerous that individual joinder of all its members is impracticable.  
20 While the exact number and identities of the Class Members are unknown at this  
21 time, such information can be ascertained through appropriate investigation and  
22 discovery. The disposition of the claims of the Class members in a single class  
23 action will provide substantial benefits to all parties and to the Court.

24 22. **Common Questions of Law and Fact:** There are questions of law  
25 and fact common to the Class and Sub-Class. The common questions include:

- 26 a. Whether Defendant's toothpaste is natural;  
27 b. Whether Defendant omitted material facts surrounding its toothpaste;  
28 c. Whether the false statements were intended to deceive the public;



- 1 d. Whether the class is entitled to injunctive relief;
- 2 e. Whether Defendant had any support for its claims prior to making
- 3 them;
- 4 f. Whether the claims are true, misleading, or reasonably likely to
- 5 deceive;
- 6 g. Whether Defendant falsely represented that its product has
- 7 characteristics, ingredients, uses, benefits, or quantities that it does not
- 8 have;
- 9 h. Whether Defendant labeled its product in a way that is misleading, or
- 10 likely to mislead, in a material respect;
- 11 i. Whether Defendant fraudulently induced customers to purchase its
- 12 toothpaste;
- 13 j. Whether Defendants continued to sell its toothpaste after knowing the
- 14 preceding facts;
- 15 k. Whether Plaintiff, Class, and Sub-Class have sustained monetary loss
- 16 and the proper measure of that loss;
- 17 l. Whether the Class and Sub-Class members are entitled to declaratory
- 18 and injunctive relief.

19 23. **Typicality:** Plaintiff's claims are typical of the claims of the members  
20 of the Class and Sub-Class. Plaintiff and all members of the Class and Sub-Class  
21 have been similarly affected by Defendant's common course of conduct since they  
22 all were subject to the common advertising campaign and reasonably relied on  
23 Defendant's representations (and are presumed to have relied upon the  
24 material omissions) concerning its product, and, in fact, purchased the product  
25 based on those representations.

26 24. **Adequacy of Representation:** Plaintiff will fairly and adequately  
27 represent and protect the interests of the Class and Sub-Class. Plaintiff has retained  
28 counsel with substantial experience in handling complex class action litigation.

1 Plaintiff and his counsel are committed to vigorously prosecuting this action on  
2 behalf of the Class and Sub-Class and have the financial resources to do so.

3       **25. Superiority of Class Action:** Plaintiff and the members of the Class  
4 and Sub-Class suffered, and will continue to suffer, harm as a result of Defendant's  
5 unlawful and wrongful conduct. A class action is superior to other available  
6 methods for the fair and efficient adjudication of the present controversy.  
7 Individual joinder of all members of the class is impracticable. Even if individual  
8 class members had the resources to pursue individual litigation, it would be unduly  
9 burdensome to the courts in which the individual litigation would proceed.  
10 Individual litigation magnifies the delay and expense to all parties in the court  
11 system of resolving the controversies engendered by Defendants' common course  
12 of conduct. The class action device allows a single court to provide the benefits of  
13 unitary adjudication, judicial economy, and the fair and efficient handling of all  
14 class members' claims in a single forum. The conduct of this action as a class  
15 action conserves the resources of the parties and of the judicial system and protects  
16 the rights of the class members. Furthermore, for many, if not most, a class action  
17 is the only feasible mechanism that allows an opportunity for legal redress and  
18 justice.

19       **26.** Adjudication of individual Class Members' claims with respect to the  
20 Defendant would, as a practical matter, be dispositive of the interests of other  
21 members not parties to the adjudication, and could substantially impair or impede  
22 the ability of other class members to protect their interests.

23       **27.** Unless a class is certified, Defendant will retain monies received as a  
24 result of their conduct that was taken from tens of thousands of consumers  
25 throughout the United States. Unless a classwide injunction is issued, Defendant  
26 will continue to commit the violations alleged, and the members of the Class, Sub-  
27 Class, and the general public will continue to be misled.

28



28. Defendant has acted and refused to act on grounds generally applicable to the Class and Sub-Class, making appropriate final injunctive relief with respect to the Class and Sub-Class -- as a whole.

**COUNT ONE**

**VIOLATIONS OF THE CONSUMERS LEGAL REMEDIES ACT  
(California Sub-Class)**

29. Plaintiff incorporates by this reference the proceeding allegations as if fully set forth herein and, to the extent necessary, pleads this cause of action in the alternative.

30. This cause of action is brought pursuant to the Consumers Legal Remedies Act, California Civil Code § 1750, et seq. (the "Act"). Plaintiff is a consumer as defined by California Civil Code § 1781(d). The product is a good within the meaning of the Act.

31. Defendant violated and continues to violate the Act by engaging in the following practices proscribed by California Civil Code § 1770(a) in transactions with Plaintiff and the Sub-Class which were intended to result in, and did result in, the sale of its Product:

(5) Representing that it has ... characteristics ... uses [or] benefits ... which it does not have ... .

(7) Representing that it is of a particular standard, quality or grade ... if it is of another.

(9) Advertising goods ... with intent not to sell them as advertised.

(16) Representing that the product has been supplied in accordance with a previous representation when [it has] not.

32. Defendant violated the Act by making claims, through its advertisements, about its Product that it knew, or should have known, were unsubstantiated, false and misleading.

1           33. Pursuant to § 1782 of the Act, Plaintiff has notified the Defendant in  
2 writing by certified mail of the particular violations of § 1770 of the Act and  
3 demand that Defendant rectify the problems associated with the actions detailed  
4 above and give notice to all affected consumers of its intent to act.

5           34. Pursuant to California Civil Code § 1782(d), Plaintiff and the Sub-  
6 Class seek an order enjoining the above-described wrongful acts and practices of  
7 the Defendant and for restitution and disgorgement.

8           35. If Defendant fails to rectify or does not agree to rectify the problems  
9 associated with the actions detailed above and give notice to all affected consumers  
10 within thirty days of the written notice pursuant to § 1782 of the Act, Plaintiff will  
11 seek to amend his claims to seek actual, punitive and statutory damages, as  
12 appropriate. Defendant's conduct is malicious, fraudulent and wanton and provides  
13 misleading information to the Plaintiff, Sub-Class members and the general public.

#### 14                                   **COUNT TWO**

### 15                   **VIOLATION OF CALIFORNIA BUSINESS & PROFESSIONS**

#### 16                                   **CODE §§ 17200, et seq.**

#### 17                                   **(On Behalf Of The California Sub-Class)**

18  
19           36. Plaintiffs incorporate by this reference the proceeding allegations as if  
20 fully set forth herein and, to the extent necessary, plead this cause of action in the  
21 alternative.

22           37. California Business & Professions Code § 17200 prohibits any "unfair,  
23 deceptive, untrue or misleading advertising." For the reasons discussed above,  
24 Defendant has engaged in unfair, deceptive, untrue and misleading advertising in  
25 violation of California Business & Professions Code § 17200.

26           38. California Business & Professions Code § 17200 also prohibits any  
27 "unlawful ... business act or practice." Defendant has violated § 17200's probation  
28 against engaging in unlawful acts and practices by, *inter alia*, making the



1 representations and omissions of material facts, as set forth more fully herein, and  
2 violating California Civil Code §§ 1572, 1573, 1709, 1710, 1711, 1770, Business &  
3 Professions Code § 17200 *et seq.*, 21 U.S.C. § 343, and the common law.

4 39. Plaintiff and the Sub-Class reserve the right to allege other violations  
5 of law that constitute other unlawful business acts or practices. Defendant's  
6 conduct, specifically its false and misleading advertising and marketing of  
7 Complete Care, is ongoing and continues to this date.

8 40. Defendant's acts, omissions, misrepresentations, practices and  
9 nondisclosures as alleged herein also constitute "unfair" business acts and practices  
10 within the meaning of Business & Professions Code § 17200 *et seq.* in that its  
11 conduct is substantially injurious to consumers, offends public policy, and is  
12 immoral, unethical, oppressive, and unscrupulous as to gravity of conduct that  
13 outweighs any alleged benefits attributable to such conduct.

14 41. As stated in this Complaint, Plaintiff alleges violations of consumer  
15 protection, unfair competition and truth in advertising laws in California and other  
16 states resulting in harm to consumers. Plaintiff asserts violation of the public policy  
17 of engaging in false and misleading advertising, unfair competition and deceptive  
18 conduct towards consumers. This conduct constitutes violations of the unfair  
19 prong of California Business & Professions Code § 17200 *et seq.*

20 42. There were reasonably available alternatives to further Defendant's  
21 legitimate business interests, other than the conduct described herein.

22 43. Business & Professions Code § 17200 also prohibits any "fraudulent  
23 business act or practice."

24 44. Defendants' claims, nondisclosures and misleading statements, as  
25 more fully set forth above, were false, misleading and/or likely to deceive the  
26 consuming public within the meaning of Business & Professions Code § 17200.





1 induce members of the public to purchase its Product. Indeed, these statements  
2 have a "tendency to deceive" a reasonable person from an objective standpoint.

3 51. These acts of untrue and misleading advertising by Defendant present  
4 a continuing threat to members of the public in that they mislead, and are likely to  
5 mislead, the public into believing that its toothpaste is all natural and does not  
6 contain chemically-processed ingredients.

7 52. Defendant's conduct was unfair, unlawful, or fraudulent, as described  
8 herein, and presents a continuing threat to members of the public in that its  
9 toothpaste is not all natural and in fact contains ingredients that are synthetically  
10 produced. Thus, consumers are paying for a product that is not as advertised.  
11 Plaintiff has no other adequate remedy of law to correct this misleading advertising.

12 53. Wherefore, Plaintiff prays for the relief as set forth hereinafter.

13 **COUNT FOUR**

14 **FRAUD**

15 **(Nationwide for Injunctive Relief Only)**

16  
17 54. Plaintiff incorporates by this reference the proceeding allegations as if  
18 fully set forth herein and, to the extent necessary, plead this cause of action in the  
19 alternative.

20 55. As alleged herein, Plaintiff alleges that Defendant has made at least the  
21 following uniform material misrepresentations to Plaintiff and the Class:  
22 Defendant claims that its Product is all natural and does not contain synthetic  
23 ingredients.

24 56. Defendant acted fraudulently and deceitfully with knowledge that  
25 Plaintiffs and the Class would rely on their actions and omissions. Defendant made  
26 the material representations and/or concealed material facts to induce the Plaintiff  
27 and the Class to act in reliance on the misrepresentations and statements.  
28

1           57. In purchasing the Defendant's product, Plaintiff and the Class  
2 Members relied on the representations of the Defendants and had no reason to  
3 doubt or dispute those representations. Indeed, due to the uniformity of the  
4 representations to all Class Members, Plaintiff and the Class at all times are  
5 presumed to have reasonably and justifiably relied both directly and indirectly on  
6 the actions and representations of the Defendant.

7           58. As a direct and proximate result of Defendant's fraud, Plaintiff and the  
8 Class have suffered actual damages in an amount not presently known, but has  
9 acted on grounds applicable to all purchasers of all relevant products.

10          59. Pursuant to Rule 23(b)(2), the Defendant has adopted a pattern and  
11 policy that is likely to be the same as to all Class Members because its  
12 misrepresentations on its Product's labels and advertising are made to the Class  
13 Members who are all purchasers of the product.

14          60. The driving force behind this class action is a desire to enjoin the  
15 Defendant's false and misleading advertising. Given that it is unlikely that any  
16 named Plaintiff or Class Member will recover more than a few dollars, the Court  
17 may presume that the Plaintiffs are primarily interested in injunctive relief.  
18 Furthermore, it is proper to apply the laws of 50 states to the nationwide Rule  
19 23(b)(2) fraud class. Although manageability concerns may preclude a nationwide  
20 Rule 23(b)(3) fraud class, the Ninth Circuit has held that Rule 23(b)(2) does not  
21 require a determination of manageability.

22          61. Moreover, there are fewer manageability issues when the Court, rather  
23 than the jury, applies differing legal standards. The Court, rather than the jury, will  
24 apply the laws of the 50 states in this claim for injunctive relief. Similarly, there is  
25 no requirement that common issues predominate for a Rule 23(b)(2) class. It is  
26 sufficient if class members complain of a pattern or practice, as here, that is  
27 generally applicable to the class as a whole.



**PRAYER FOR RELIEF**

Wherefore, Plaintiff and members of the Class and Sub-Class request that the Court enter an order or judgment against Defendant as follows:

1. Certification of a nationwide Rule 23(b)(2) fraud Class for injunctive relief;
2. Certification of a California Rule 23(b)(3) for all other claims;
3. Awarding Plaintiff and the proposed Sub-Class members damages;
4. Awarding restitution and disgorgement of Defendant's revenues to Plaintiff and the proposed Sub-Class members;
5. Awarding declaratory and injunctive relief as permitted by law or equity, including: enjoining Defendant from continuing the unlawful practices as set forth herein, and directing the Defendant to identify, with Court supervision, victims of its conduct and pay them restitution and disgorgement of all monies acquired by Defendant by means of any act or practice declared by this Court to be wrongful;
6. For compensatory, general, statutory, exemplary, and any other damages legally available according to proof on certain causes of action;
7. For both pre- and post-judgment interest at the maximum allowable rate on any amounts recovered;
8. For litigation costs of the proceedings herein;
9. Reasonable attorneys' fees and costs; and
10. Providing such further relief as may be just and proper.

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///

///

1 Date: April 29, 2014

DESAI LAW FIRM, P.C.

2  
3 By

Aashish Y. Desai, Esq.

M. Adrienne De Castro, Esq.

4 Attorneys for Plaintiffs, Individually  
5 and on behalf of all others similarly  
6 situated  
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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury of all claims and causes of action in this lawsuit to the extent authorized by law.

Date: April 29, 2014

DESAI LAW FIRM, P.C

By

  
Aashish V. Desai, Esq.

M. Adrienne De Castro, Esq.

Attorneys for Plaintiffs, Individually  
and on behalf of all others similarly  
situated

# **EXHIBIT A**

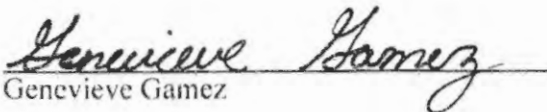


1 I, Genevieve Gamez, declare as follows:

2 1. I am a Plaintiff in this action, and am a citizen of the State of California. I have  
3 personal knowledge of the facts herein and, if called as a witness, I could and would testify  
4 competently thereto.

5  
6 2. The Complaint in this action, filed concurrently with this Declaration, is filed in the  
7 proper place for trial under Civil Code Section 1780(d) in that Los Angeles County is a county in  
8 which Defendants are doing business.

9  
10 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
11 true and correct.

12  
13   
14 Genevieve Gamez

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Christina A. Snyder and to  
Magistrate Judge Victor B. Kenton.

The case number on all documents filed with the Court should read as follows:

CV14-03336 CAS (VBKx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the assigned Magistrate Judge has been designated to hear discovery-related motions. All discovery-related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

April 30, 2014

Date

By Lori Wagers  
Deputy Clerk

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ATTENTION

*A copy of this Notice must be served on all parties served with the Summons and Complaint (or, in cases removed from state court, on all parties served with the Notice of Removal) by the party who filed the Complaint (or Notice of Removal).*



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I. (a) PLAINTIFFS</b> ( Check box if you are representing yourself <input type="checkbox"/> )  GENEVIEVE GAMEZ, individually, and on behalf of all others similarly situated	<b>DEFENDANTS</b> ( Check box if you are representing yourself <input type="checkbox"/> )  TOM'S OF MAINE, INC., and DOES 1 through 10, inclusive
<b>(b) County of Residence of First Listed Plaintiff</b> <u>Los Angeles</u> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>County of Residence of First Listed Defendant</b> <u>York</u> (IN U.S. PLAINTIFF CASES ONLY)
<b>(c) Attorneys (Firm Name, Address and Telephone Number)</b> If you are representing yourself, provide the same information. Aashish Y. Desai, Esq. (SBN 187394), Adrienne De Castro, Esq. (SBN 238930) Desai Law Firm, P.C. 3200 Bristol Street, Ste. 650 Costa Mesa, CA 92626; Tele: (949) 614-5830	<b>Attorneys (Firm Name, Address and Telephone Number)</b> If you are representing yourself, provide the same information.

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2. U.S. Government Defendant <input checked="" type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:33%; border: none;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<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	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. ORIGIN** (Place an X in one box only.)

<input checked="" type="checkbox"/> 1. Original Proceeding	<input type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify)	<input type="checkbox"/> 6. Multi-District Litigation
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**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION under F.R.Cv.P. 23:** ☒ Yes ☐ No **MONEY DEMANDED IN COMPLAINT:** \$

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Class Action Fairness Act of 2005 (U.S.C. § 1367); The False Advertising Act (Bus. & Prof. Code § 17500)

**VII. NATURE OF SUIT** (Place an X in one box only.)

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

FOR OFFICE USE ONLY:

Case Number:

**CV14-03336-CAS (VBKx)**  
CIVIL COVER SHEET

CV-71 (11/13)

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside:		Then check the box below for the county in which the majority of PLAINTIFFS reside:
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**C.1. Is either of the following true? If so, check the one that applies:**

- ☐ 2 or more answers in Column C  
☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the  
SOUTHERN DIVISION.  
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

**C.2. Is either of the following true? If so, check the one that applies:**

- ☐ 2 or more answers in Column D  
☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the  
EASTERN DIVISION.  
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the  
WESTERN DIVISION.  
Enter "Western" in response to Question D below.

<b>Question D: Initial Division?</b>	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	WESTERN



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY  
(OR SELF-REPRESENTED LITIGANT):**

DATE:

4/29/14

**Notice to Counsel/Parties:** The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))