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11 NATURE'S BOUNTY, INC. AND
12 NBTY, INC.

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15

16 ALISON WILSON, individually and on
17 behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 NATURE'S BOUNTY, INC., a New
21 York Corporation, NBTY, INC., a
22 Delaware Corporation, and DOES 1
23 through 100, Inclusive,

24 Defendants.
25
26
27
28

Case No.: 2:14-cv-09082

(LASC Case No. BC561527)

**NOTICE OF REMOVAL OF
ACTION PURSUANT TO 28 U.S.C.
§ 1446**

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF
2 AND HIS ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. § 1446, defendants
4 Nature's Bounty, Inc. and NBTY Inc. (collectively "NBTY") remove the above-
5 captioned action from the Superior Court of the State of California for the County
6 of Los Angeles to the United States District Court for the Central District of
7 California. In support of its Notice of Removal, NBTY states:

8 1. On October 22, 2014, plaintiff Alison Wilson ("Plaintiff") filed a
9 Complaint in the Superior Court of the State of California for the County of Los
10 Angeles, Docket No. BC561527, captioned *Alison Wilson, individually and on*
11 *behalf of all others similarly situated, v. Nature's Bounty, Inc., a New York*
12 *Corporation, NBTY, Inc., a Delaware Corporation, and Does 1 through 100,*
13 *Inclusive.*

14 2. On October 27, 2014, Plaintiff served the Summons and Complaint on
15 NBTY. NBTY's Notice of Removal is timely filed within 30 days of October 27,
16 2014.

17 3. True and correct copies of the Summons, Complaint, and Notice of
18 Court Order, which constitute "all process, pleadings, and orders served upon"
19 NBTY, *see* 28 U.S.C. § 1446(a), are attached as Exhibits A-H, respectively.

20 4. A copy of this Notice of Removal is being filed with the Clerk of the
21 Superior Court of the State of California for the County of Los Angeles, and is
22 being served on counsel of record under 28 U.S.C. § 1446(d).

23 5. Plaintiff alleges NBTY manufactures, markets and sells four Ginkgo
24 Biloba products (specifically described as "Ginkgo Biloba 120mg (100 capsules),"
25 "Ginkgo Biloba 60mg (200 capsules)," "Ginkgo Biloba 400mg plus 60mg
26 Standardized Extract (120 Tablets)," and "Ginkgo Biloba 60 mg (60 Tablets)")
27 (collectively, the "Products") that are falsely advertised. Complaint, ¶ 16.

28 6. Plaintiff alleges NBTY's actions violate California's Unfair

1 Competition Law, Cal. Bus. & Prof. Code § 17200, *et seq.* (Counts I, II, III),
 2 California’s False Advertising Law, Cal. Bus. & Prof. Code § 17500, *et seq.*
 3 (Count IV), and the California Consumers Legal Remedies Act, Cal. Civ. Code
 4 § 1750, *et seq.* (Count V). Complaint, ¶¶ 46-91.

5 7. Plaintiff seeks to litigate her claims on behalf of herself and a putative
 6 class: “All persons who purchased Nature’s Bounty Ginkgo Biloba for personal
 7 use and not for resale, in the State of California during the applicable liability
 8 period for their personal use, rather than for resale or distribution.”
 9 Complaint ¶ 36.

10 8. Plaintiff alleges members of the putative class number “at least in the
 11 tens of thousands.” Complaint ¶ 38.

12 9. Plaintiff seeks, *inter alia*: (1) restitution, (2) injunctive relief, (3)
 13 penalties of up to \$5,000 for each class member under California Civil Code
 14 section 1780(b), (4) pre-judgment interest, (5) costs, (6) attorneys’ fees, and (7)
 15 any other award that the Court deems just. Complaint at pp. 19-20, Prayer for
 16 Relief.

17 10. As demonstrated below, this Court has jurisdiction over Plaintiff’s
 18 action, and it is properly removed to this Court.

19 **BASIS OF FEDERAL JURISDICTION UNDER**
 20 **CLASS ACTION FAIRNESS ACT**

21 11. This action is removable to this Court because federal diversity
 22 jurisdiction under 28 U.S.C. § 1332 exists over Plaintiff’s claims under the Class
 23 Action Fairness Act of 2005, Pub. L. 109-2, 119 Stat. 4 (2005) (“CAFA”), codified
 24 in various sections of Title 28 of the United States Code including 28 U.S.C.
 25 §§ 1332(d) & 1453.

26 12. Congress enacted CAFA to enlarge federal jurisdiction over proposed
 27 class actions. CAFA provides that a class action against a non-governmental entity
 28 may be removed to federal court if: (1) the aggregate amount in controversy

1 exceeds \$5 million, exclusive of interest and costs; (2) any member of the
 2 proposed plaintiff class is a citizen of a state different from any defendant; and (3)
 3 the number of proposed class members is not less than 100. *See* 28 U.S.C.
 4 §§ 1332(d)(2), (d)(5), (d)(6) & 1453(b). As set forth below, all the requirements
 5 for removal are met here.

6 **Amount-In-Controversy Requirement**

7 13. CAFA’s first requirement, that the aggregate amount in controversy
 8 exceeds \$5 million, exclusive of interest and costs, 28 U.S.C. § 1332(d)(2), is met
 9 here.

10 14. First, Plaintiff alleges that the number of putative class members is “at
 11 least in the tens of thousands.” Complaint ¶ 38. Plaintiff seeks penalties “up to
 12 \$5,000” for “each” class member. Complaint ¶ 90. Plaintiff thus has alleged at
 13 least \$50,000,000 in controversy, even assuming only 10,000 putative class
 14 members.¹

15 15. Second, Plaintiff seeks restitution on behalf of all putative class
 16 members, including specifically “any money paid for the Products as a result of the
 17 wrongful conduct of the Defendants.” Complaint, ¶ 56.

18 16. It is NBTY’s regular practice to create and maintain, in the ordinary
 19 course of its business, records of sales of its various products to distributors,
 20 retailers, and consumers, where applicable. Declaration of Joseph Looney
 21 (“Looney Decl.”) ¶ 3.

22 17. NBTY’s business records reflect that from October 22, 2010-October
 23 22, 2014, NBTY sold more than 322,000 units of the Products in California
 24 totaling more than \$2,500,000 in sales (Looney Decl. ¶ 4), all of which Plaintiff
 25 seeks to recover by restitution – i.e., “any money paid for the Products” by putative
 26

27
 28 ¹ Nothing herein shall be construed as an admission by Defendants that Plaintiffs
 are entitled to any relief requested.

1 class members (Complaint ¶ 56).²

2 18. Third, Plaintiff seeks attorneys' fees. Complaint p. 20, Prayer for
3 Relief. Attorneys' fees may be included in calculating the amount in controversy.
4 *Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1156 (9th Cir. 1998); *see also*
5 *Guglielmino v. McKee Foods Corp.*, 506 F.3d 696, 700 (9th Cir. 2007).

6 19. In the Ninth Circuit, 25% of compensatory damages is a common
7 estimate of attorneys' fees in a class action. *Molnar v. 1-800-Flowers.com, Inc.*,
8 No. CV08-0542CAS (JCX), 2009 WL 481618, at *5 (C.D. Cal. Feb. 23, 2009)
9 (citing *Staton v. Boeing Co.*, 327 F.3d 938, 967 (9th Cir. 2003)). Calculating
10 attorney's fees as 25% of the restitution sought by Plaintiff yields \$625,000.

11 20. Plaintiff also seeks both prohibitory and mandatory injunctive relief:
12 (a) "an order of this Court enjoining Defendants from continuing to engage, use, or
13 employ their practice of advertising the sale and use of the Products," and (b) "an
14 order requiring Defendants to disclose such misrepresentations." Complaint ¶¶ 80-
15 81. "The cost of . . . the injunction against defendant must be included when
16 determining the amount in controversy." *Lyon v. W.W. Grainger Inc.*, No. C 10-
17 00884 WHA, 2010 WL 1753194, at *2 (N.D. Cal. Apr. 29, 2010) (citing *In re*
18 *Ford Motor Co.*, 264 F.3d 952, 959 (9th Cir. 2001)).

19 21. If the cost of an injunction to NBTY is included, the amount in
20 controversy would be even higher. Based on a previous experience in providing
21 notice to class participants and its experiences with product recalls, NBTY
22 estimates the costs of providing notice to a purported class and providing the
23 requested injunctive relief would exceed \$1 million. Looney Decl. ¶ 5.

24 22. NBTY has therefore established CAFA's minimum amount in
25

26 ² Defendants consider the exact amount of units sold and revenue generated to be
27 confidential. As this is a public filing, Defendants are using conservative round
28 numbers. If the Court has a question regarding Defendant's filing, Defendant is
willing to submit precise numbers under seal.

1 controversy of more than \$5 million, exclusive of interest and costs, is satisfied.

2 **Minimal Diversity of Citizenship**

3 23. CAFA's second requirement, that any one member of the proposed
4 class be a citizen of a state different from any defendant, 28 U.S.C. § 1332(d)(2), is
5 also met here. Plaintiff alleges she is a citizen of California. Complaint. ¶ 1.

6 24. Plaintiff alleges Nature's Bounty, Inc. is a "New York based
7 corporation," and NBTY, Inc. "is a corporation organized under the laws of
8 Delaware." Complaint ¶¶ 2, 3.

9 25. NBTY, Inc. is a corporation organized under the laws of the State of
10 Delaware with its principal place of business at Ronkonkoma, New York. Looney
11 Decl. ¶ 2. Accordingly, diversity of citizenship exists between at least one
12 proposed class member and Defendant, satisfying 28 U.S.C. § 1332(d)(2).

13 26. The complete diversity between the named Plaintiff and NBTY, Inc.
14 not only satisfies the minimal diversity-of-citizenship requirement under CAFA,
15 but also precludes the "local controversy" or "home state" exceptions in 28 U.S.C.
16 § 1332(d)(3) and § 1332(d)(4).

17 **Proposed Class Size**

18 27. CAFA's third requirement, that the proposed class contain at least 100
19 members, 28 U.S.C. § 1332(d)(5), is met here as well.

20 28. Plaintiff alleges that the number of putative class members is "at least
21 in the tens of thousands." Complaint ¶ 38. Plaintiff thus alleges a potential class
22 with at least 100 members.

23 //

24 //

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28

Dated: November 25, 2014

By: /s/William A. Delgado

William A. Delgado
Attorneys for Defendants
NATURE'S BOUNTY, INC. AND
NBTY, INC.

EXHIBIT A

COPY

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

OCT 22 2014

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By Shaunya Bolden, Deputy

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Alison Wilson and the Proposed Class*

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

ALISON WILSON, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

NATURE'S BOUNTY, INC., a New York
Corporation, NBTY INC., a Delaware
Corporation, and DOES 1-100, Inclusive

Defendants.

Case No.:

BC 561527

CLASS ACTION

COMPLAINT FOR:

1. VIOLATION OF BUSINESS & PROFESSIONS CODE § 17200, *et seq.* (UNLAWFUL PRONG)
2. VIOLATION OF BUSINESS & PROFESSIONS CODE § 17200, *et seq.* (UNFAIR PRONG)
3. VIOLATION OF BUSINESS & PROFESSIONS CODE § 17200, *et seq.* (FRAUDULENT PRONG)
4. VIOLATION OF BUSINESS & PROFESSIONS CODE § 17500, *et seq.*
5. VIOLATION OF CALIFORNIA CIVIL CODE § 1750, *et seq.* (Consumer Legal Remedies Act)

DEMAND FOR JURY TRIAL

1 Plaintiff Alison Wilson ("Plaintiff"), individually and on behalf of all others similarly
 2 situated (hereinafter collectively "Plaintiffs" or "the Class"), brings this consumer class action
 3 against Nature's Bounty, Inc. ("Nature's Bounty"), NBTY, Inc. ("NBTY"), and Does 1 through
 4 100, inclusive (hereinafter "Defendants") for unlawful, unfair, and deceptive business practices
 5 in violation of California Business & Professions Code Section 17200 *et seq.*, California
 6 Business & Professions Code Section 17500 *et seq.*, California Civil Code Section 1750 *et seq.*,
 7 and alleges as follows:

8 **JURISDICTION AND VENUE**

9 1. This Court has subject matter jurisdiction over this class action pursuant to
 10 California Constitution, Article VI, § 10, because this case is a cause not given by statute to other
 11 trial courts. Plaintiff has standing to bring this action pursuant to California Business &
 12 Professions Code § 17200 *et seq.*, Business & Professions Code §17500 *et seq.*, and California
 13 Civil Code § 1750 *et seq.*

14 2. Venue is proper in this Court because Plaintiff purchased Nature's Bounty
 15 Ginkgo Biloba at a Whole Foods store located in Los Angeles, California. Further, Defendants
 16 conduct substantial business in Los Angeles County. Defendants receive substantial
 17 compensation from sales in Los Angeles County and Defendants make numerous
 18 misrepresentations which have a substantial effect in Los Angeles County, including, but not
 19 limited to, point of purchase, internet, and mass media advertisements.

20 3. Other out of state participants can be brought before this Court pursuant to the
 21 provisions of Code of Civil Procedure Section 395.5.

22 **PARTIES**

23 1. Plaintiff Alison Wilson ("Plaintiff") is, and at all times relevant hereto was, an
 24 individual residing in Los Angeles, California. Plaintiff purchased Nature's Bounty Ginkgo
 25 Biloba in or about 2013 in Los Angeles, California at a Whole Foods retail store. In doing so,
 26 Plaintiff relied upon advertising and other promotional materials, including information on the
 27 Products' packaging, containing the misrepresentations alleged herein, including the claims the
 28 Products (defined below) will cause or assist in improved memory and brain functioning.

1 Plaintiff consumed the Products as directed by Defendants and did not receive any of the
2 advertised benefits associated with the Products and would not have purchased the Products had
3 she known Defendants' representations were false.

4 2. Defendant Nature's Bounty, Inc. ("Nature's Bounty") is a New York based
5 corporation with its principal place of business at 2100 Smithtown Avenue, Ronkonkoma, New
6 York. Nature's Bounty is the manufacturer of the Products. Nature's Bounty created and/or
7 authorized the false, misleading and deceptive advertisements and packaging of the Products.
8 Nature's Bounty, directly and through its agents, has substantial contacts with and receives
9 substantial benefits and income from and through the State of California. On information and
10 belief, Nature's Bounty is wholly owned by Defendant NBTY, Inc.

11 3. Defendant NBTY, Inc. is a corporation organized under the laws of Delaware
12 with its principal place of business at 2100 Smithtown Avenue, Ronkonkoma, New York.
13 NBTY is a large manufacturer of vitamins and dietary supplements, including the Products, and
14 markets its products under various name brands. NBTY created and/or authorized the false,
15 misleading and deceptive advertisements and packaging of the Products. NBTY directly and
16 through its agents, has substantial contacts with and receives substantial benefits and income
17 from and through the State of California.

18 4. The true names and capacities, whether individual, corporate, associate or
19 otherwise of certain manufacturers, distributors and/or their alter egos sued herein as DOES 1
20 through 250 inclusive are presently unknown to Plaintiff who therefore sues these Defendants by
21 fictitious names. Plaintiff will seek leave of this Court to amend the Complaint to show the true
22 names and capacities of said Doe Defendants when the same have been ascertained. Plaintiff is
23 informed and believes and based thereon alleges that DOES 1 through 250 were authorized to do
24 and did business in the State of California, including, but not limited to, Los Angeles County.
25 Plaintiffs are further informed and believe and based thereon allege that DOES 1 through 250
26 were and/or are, in some manner or way, responsible for and liable to Plaintiff for the events,
27 happenings and damages hereinafter set forth below.

1 11. Defendants seek to take advantage of the public's desire for these "miracle"
2 supplements promising to elevate mental capacities and prevent dementia.

3 12. Defendants manufacture, market and sell:

- 4 a. Ginkgo Biloba 120mg (100 Capsules)
5 b. Ginkgo Biloba 60mg (200 Capsules)
6 c. Ginkgo Biloba 400mg plus 60mg Standardized Extract (120 Tablets)
7 d. Ginkgo Biloba 60mg (60 Tablets)

8 (the "Products").

9 13. Defendants specifically target the elderly by claiming: "Ginkgo helps support
10 memory, especially occasional mild memory problems associated with aging." *See* Ex. A.

11 14. Unfortunately, the promise of enhanced mental acuity and prevention of memory
12 loss is nothing but a sham.

13 15. Unbiased, randomized, double blind clinical human studies conclude ginkgo
14 biloba supplements to be ineffective in improving memory or cognitive function.

15 16. Throughout the Class Period, Defendants have engaged in advertising and
16 marketing campaigns that utilize claims of improved memory and cognitive ability, conveying
17 the message to consumers the Products will provide health benefits, irrespective of whether the
18 claims are factually and scientifically accurate.

19 17. As a result of these deceptive claims, Defendants sell thousands of units of the
20 Products nationally per month through stores such as Albertsons, Safeway, CVS Pharmacy,
21 Walgreens, Whole Foods, and many other retail and on-line stores.

22 18. This action seeks to halt Defendants' deceptive advertising and marketing of the
23 Products.

24 **Defendants' Advertising and Marketing of the Products**

25 19. In the now ultra-competitive market for supplements, companies make advertising
26 claims for their respective products, which based off extensive consumer research, they know
27 will differentiate their products from others in the marketplace.
28

20. Upon information and belief, Defendants have expert knowledge of the consumer market for supplements and have designed coordinated, uniform advertising and marketing for the Products, using a variety of deceptive claims.

21. Defendants advertise their Products will cause or assist in improved memory and cognitive ability. Specifically, Defendants claim their Products “support brain function and can help improve memory, especially the occasional mild memory problems associated with aging.”²

22. Further, Defendants claim their Products’ “capsules provide Ginkgo at the clinically studied dose for brain function.”³

23. Moreover, on the Products’ labels, Defendants state: “Supports Healthy Brain Function & Circulation” and “Helps Support Mental Alertness.” *See* Ex. A.

24. The label on the bottle for Ginkgo Biloba 120mg (100 Capsules) lists the sole active ingredient as “Ginkgo Biloba Extract (Ginkgo biloba) (leaf) (Standardized to contain 24% Ginkgo Flavone Glycosides, 28mg).” *See* Ex. A.

25. The label on the bottle for Ginkgo Biloba 60mg (200 Capsules) lists the sole active ingredient as “Ginkgo Biloba Extract (Ginkgo biloba) (leaf) (Standardized to contain 24% Ginkgo Flavone Glycosides, 14.4mg).” *See* Ex. B.

26. The label on the bottle for Ginkgo Biloba 60mg (60 Tablets) lists the sole active ingredient as “Ginkgo Biloba Extract (Ginkgo biloba) (leaf) (Standardized to contain 24% Ginkgo Flavone Glycosides, 14.4mg).” *See* Ex. C.

27. The label on the bottle for Ginkgo Biloba 400mg plus 60mg Standardized Extract (120 Tablets) lists the active ingredients as “Ginkgo Biloba Extract (Ginkgo biloba) (leaf) (Standardized to contain 24% Ginkgo Flavone Glycosides, 14.4mg)” and “Ginkgo Biloba (Ginkgo Biloba)(leaf).” *See* Ex. D.

28. Upon information and belief, the Products’ labels have always contained the following representations:

² Nature’s Bounty, <http://www.naturesbounty.com/product/004544> (last visited Aug. 21, 2014).

³ *Id.*

- a. "Supports Healthy Brain Function & Circulation;"
- b. "Helps Support Mental Alertness;"
- c. "Ginkgo helps support memory especially occasional mild memory problems associated with aging."

29. Unfortunately for consumers, Defendants' advertising claims, in their entirety, are false and deceptive.

Defendants' Advertising Claims For Products Are False and Deceptive

30. Despite Defendants' advertising claims for the Products, ginkgo biloba is not effective for improved memory or mental acuity. In reality, the Products provide zero benefits to consumers.

31. Competent and reliable scientific evidence has repeatedly demonstrated ginkgo biloba supplements fail to show any improvement in mental cognition.

32. Three separate meta-studies on ginkgo biloba published in 2002, 2007 and 2012 evaluated all known published credible human scientific studies.⁴ The studies uniformly conclude ginkgo biloba supplements have no positive effect on cognitive functions in healthy individuals.⁵

- a. In 2002, PH Canter and E. Ernst published "*Ginkgo biloba: a smart drug? A systematic review of controlled trials of the cognitive effects of ginkgo biloba extracts in healthy people*" in the University of Exeter Psychopharmacology Bulletin.⁶ The meta-study evaluates data in six computerized databases for placebo-controlled, double-blind trials of the effect of standardized Ginkgo

⁴ A meta-analysis contrasts and combines results from different studies in an attempt to identify patterns among study results, sources of disagreement, and other relationships between the studies.

⁵ K. R. Laws et al., UK, *Is Ginkgo biloba a cognitive enhancer in healthy individuals? A meta-analysis*, 27 Human Psychopharmacology 527, (2012), available at <http://dx.doi.org/10.1002/hup.2259>.

⁶ PH Canter & E. Ernst, *Ginkgo biloba: a smart drug? A systematic review of controlled trials of the cognitive effects of ginkgo biloba extracts in healthy people*, 36 Psychopharmacol Bulletin 108, (2002), available at <http://www.ncbi.nlm.nih.gov/pubmed/12473969>.

biloba extracts on cognitive function in healthy subjects. The study concludes “[t]he use of Ginkgo biloba as a “smart” drug cannot be recommended on the basis of the evidence available to date, and there is a particular need for further long-term trials with healthy subjects.”⁷

b. In 2007, PH Canter and E. Ernst published an update to their 2002 study titled, *“Ginkgo biloba is not a smart drug: an updated systematic review of randomized clinical trials testing the nootropic effects of G. biloba extracts in healthy people.”*⁸ The 2007 meta-study reviews available research added to the then-existing data set from the previous 2002 meta-study. Canter and Ernst conclude; “[t]he collated evidence from 15 randomized clinical trials provides no convincing evidence that G. biloba extracts ingested either as a single dose or over a longer period has a positive effect on any aspect of cognitive performance in healthy people under the age of 60 years.”⁹

c. In 2012, K. Laws, H. Sweetnam and T. Kondel published a meta-study titled *“Is Ginkgo biloba a cognitive enhancer in healthy individuals? A meta-analysis”* in the journal of Human Psychopharmacology at the University of Hertfordshire, UK.¹⁰ This meta-study, similar to the aforementioned meta-studies of 2002 and 2007, gathered data from all relevant credible studies on Ginkgo biloba’s effect as a cognitive enhancer. Here, the authors emphasize, “[g]iven that G. biloba is marketed worldwide as a memory enhancer or touted to at least ‘maintain memory’, it is crucial to establish the validity for

⁷ *Id.*

⁸ PH Canter & E. Ernst, *Ginkgo biloba is not a smart drug: an updated systematic review of randomized clinical trials testing the nootropic effects of G. biloba extracts in healthy people*, 22 Human Psychopharmacology 265, (2007), available at <http://dx.doi.org/10.1002/hup.843>.

⁹ *Id.* at 277.

¹⁰ Laws, et al., *supra* note 6.

such claims.”¹¹ This meta-study concludes “[g]. biloba has no significant impact on memory, executive function or attention with all effect sizes non-significant and effectively at zero.”¹² Further, “we found no evidence that G. biloba improves memory, executive or attention functioning in healthy individuals.”¹³

33. Overwhelmingly, the consensus of reliable scientific studies concludes ginkgo biloba supplements do nothing to enhance memory or cognitive abilities in healthy adults.

a. A 2002 study conducted by P. Solomon, PhD and published in the Journal of the American Medical Association titled “*Ginkgo for Memory Enhancement*,” studies the effects of over-the-counter Ginkgo biloba products in 203 subjects in a six-week randomized, double-blind, placebo-controlled, parallel group trial.¹⁴ Solomon and co-researchers conclude “[t]he results of this 6-week study indicate that ginkgo did not facilitate performance on standard neuropsychological tests of learning, memory, attention and concentration or naming and verbal fluency in elderly adults without cognitive impairment.”¹⁵ The authors found, “[t]he ginkgo group also did not differ from the control group in terms of self-reported memory function or global rating by spouses, friends, and relatives. These data suggest that when taken following the manufacturer’s instructions, ginkgo provides no measurable benefit in memory or related cognitive function to adults with healthy cognitive

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ P. R. Solomon et al., *Ginkgo for Memory Enhancement* 288 JAMA 835, (2002), available at <http://jama.jamanetwork.com/article.aspx?articleid=195207>.

¹⁵ *Id.*

function.”¹⁶ Solomon notes, “[d]espite the manufacturer’s claims of improved memory in healthy adults, we were unable to identify any well-controlled studies that document this claim.”¹⁷ Solomon further concludes “this study does not support the manufacture’s claims of the benefits of ginkgo on learning and memory.”¹⁸

b. In a 2002 article on the Cleveland Clinic Center for Continuing Education Pharmacotherapy Update, titled “*Ginkgo Biloba and Memory*,” the Department of Pharmacy observe, “[d]espite the lack of well-controlled studies to support the use of Ginkgo biloba leaf extract for prevention and treatment of memory impairment, ginkgo products continue to be heavily marketed and widely used.”¹⁹ The article concludes “[t]he use of ginkgo biloba leaf extract for memory impairments marketed and targeted at the healthy adult that experiences forgetfulness. Currently, the claims that Ginkgo biloba has beneficial effects on learning and memory are not supported by the literature.”²⁰

34. The widespread popularity of ginkgo biloba is simply a testament to the power of marketing rather than to any measurable brain benefits.²¹

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ A. Popa, Pharmacology Update, *Ginkgo Biloba and Memory*, available at <http://www.clevelandclinicmeded.com/medicalpubs/pharmacy/sepoct02/ginkgo.htm> (last visited Nov. 8, 2012).

²⁰ *Id.*

²¹ Kirk R. Daffner (ed.), Harvard Medical School, *Improving Memory – Understanding age-related memory loss* (2012) (“Harvard Report”), at 46, available at http://www.health.harvard.edu/special_health_reports/improving-memory?utm_source=promo&utm_medium=email&utm_content=body1b&utm_campaign=PA111812&j=29792816&e=wolchansky@halunenlaw.com&l=16223912_HTML&u=347687378&mid=148797&jb=0 (last visited Nov. 19, 2012).

35. Accordingly, Defendants' marketing is deceptive and misleading as the claims are specifically refuted by competent and reliable scientific evidence as set forth above.

CLASS ACTION ALLEGATIONS

36. Plaintiff brings this action for injunctive and related equitable relief on behalf of herself, and as a class action pursuant to Code of Civil Procedure § 382, on behalf of the following putative class (hereafter "Class"):

All persons who purchased Nature's Bounty Ginkgo Biloba for personal use and not for resale, in the State of California during the applicable liability period for their personal use, rather than for resale or distribution. Excluded from the Class are Defendants' officers, directors, employees; counsel for Plaintiff and Defendants; and the judicial officer to whom this lawsuit is assigned.

37. Plaintiff reserves the right to amend the Class definition if further investigation and discovery indicates that the Class definitions should be narrowed, expanded, or otherwise modified.

38. Numerosity: Plaintiff does not know the exact number of Class members. Due to the nature of the trade and commerce involved. However, Plaintiff is informed and believes that the total number of Class members is at least in the tens of thousands, and that members of the Class are numerous and geographically dispersed throughout California. While the exact number and identities of the Class members are unknown at this time, such information can be ascertained through appropriate investigation and discovery. The disposition of the claims of the Class members in a single class action will provide substantial benefits to all parties and to the Court.

39. Well-defined Community of Interest: there is a well-defined community of interest in the questions of law and fact involved affecting the plaintiff Class and these common questions predominate over any questions that may affect individual Class members. Common questions of fact and law include, but are not limited to, the following:

- a. Whether Defendants falsely advertise and misrepresent the benefits of the Products;

- 1 b. Whether Defendants' mass media advertising and/or the packaging for the
- 2 Products is misleading and deceptive;
- 3 c. Whether Defendants' labeling and/or packaging for the Products is misleading,
- 4 false and/or illegal;
- 5 d. Whether Defendants represent to consumers that the Products have
- 6 characteristics, uses, benefits or qualities that the Products does not have;
- 7 e. Whether Defendants knew or should have known that the Products do not have
- 8 the characteristics, uses, benefits or qualities for which Defendants advertised the
- 9 Products;
- 10 f. Whether Defendants represented that the Products are of a particular standard,
- 11 quality, or grade, when they are of another;
- 12 g. Whether Defendants advertised the Products with intent to sell them not as
- 13 advertised;
- 14 h. Whether Defendants engaged in unfair, unlawful and/or fraudulent business
- 15 practices in marketing and distributing the Products;
- 16 i. Whether Defendants engaged in false advertising with respect to the Products;
- 17 j. The nature and extent of damages and other remedies to which the wrongful
- 18 conduct of Defendants entitles the Class members;
- 19 k. Whether Defendants' representations, concealments and non-disclosures
- 20 concerning the Products violate the CLRA, FAL and/or the UCL;
- 21 l. Whether the Class is entitled to injunctive relief prohibiting the challenged
- 22 wrongful practices and enjoining such practices in the future;
- 23 m. Whether the Class is entitled to restitution; and,
- 24 n. Whether Plaintiff and the Class are entitled to attorneys' fees and expenses, and in
- 25 what amount.

26 40. Typicality: Plaintiff's claims are typical of the claims of the members of the Class
 27 in that Plaintiff and the putative class members each purchased the Products during the Class
 28

1 Period, and the products purchased by Plaintiff and the putative class members contained
2 unfairly deceptive and misleading representations.

3 41. Adequacy of Representation: Plaintiff will fairly and adequately represent and
4 protect the interests of the Class in that Plaintiff is a typical purchaser of the Products and has no
5 conflicts of interest with any member of the proposed Class. Additionally, Plaintiff has retained
6 counsel with experience in handling complex class action litigation who will fairly and
7 adequately protect the interests of the putative class. Plaintiff and her counsel are committed to
8 vigorously prosecuting this action on behalf of the Class and Plaintiff's Counsel has the financial
9 resources to do so.

10 42. Superiority: Plaintiff and the members of the Class suffered, and will continue to
11 suffer, harm as a result of Defendants' unlawful and wrongful conduct. This class action is
12 superior to the alternatives, if any, for the fair and efficient adjudication of this controversy. The
13 relief sought per individual member of the putative class is small given the burden and expense
14 of individual prosecution of the potentially extensive litigation necessitated by the conduct of
15 Defendants. Furthermore, it would be virtually impossible for the putative class members to
16 seek redress on an individual basis. Even if the putative class members themselves could afford
17 such individual litigation, the court system could not. Individual litigation magnifies the delay
18 and expense to all parties in the court system of resolving the controversies engendered by
19 Defendants' common course of conduct. The class action device allows a single court to provide
20 the benefits of unitary adjudication, judicial economy, and the fair and efficient handling of all
21 class members' claims in a single forum. The conduct of this action as a class action conserves
22 the resources of the parties and of the judicial system and protects the rights of the class
23 members. Furthermore, for many, if not most, a class action is the only feasible mechanism that
24 allows an opportunity for legal redress and justice.

25 43. Adjudication of individual class members' claims with respect to Defendants
26 would, as a practical matter, be dispositive of the interests of other members not parties to the
27 adjudication, and could substantially impair or impede the ability of other class members to
28 protect their interests.

1 44. If necessary, notice of this action may be affected to the proposed class through
2 publication and through contact information maintained by Defendants.

3 45. Unless a classwide injunction is issued, Defendants will continue to commit the
4 violations alleged, and the members of the Class will continue to be misled.

5
6 **FIRST CAUSE OF ACTION**
7 **VIOLATION OF UNFAIR COMPETITION LAW**
8 **(CAL. BUS. & PROF. CODE § 17200, *et seq.*)**
9 **Unlawful Business Acts and Practices**

10 46. Plaintiff incorporates by reference and realleges all allegations set forth in the
11 preceding paragraphs.

12 47. Plaintiff brings this claim individually and on behalf of the proposed Class against
13 Defendants.

14 48. As alleged herein, Plaintiff has standing to pursue this claim as Plaintiff has
15 suffered injury in fact and has lost money or property as a result of Defendants' actions.
16 Specifically, Plaintiff purchased the Products for her own personal use. In so doing, Plaintiff
17 relied upon the false representations that the Products will cause or assist in improved memory
18 and brain function as referenced above. Plaintiff used the Products as directed and did not
19 receive any of the advertised benefits. Plaintiff would not have purchased the Products had she
20 known Defendants' advertising claims were false.

21 49. The actions of Defendants, as alleged herein, constitute illegal and unlawful
22 practices committed in violation of the Business & Professions Code §17200.

23 50. Defendants have unlawfully marketed and advertised Products because
24 Defendants: (1) violate sections 1770(a)(5), 1770(a)(7) and 1770(a)(9) of the CLRA, *Civil Code*
25 § 1750, *et seq.*; (2) violate sections 17200 *et seq.* and 17500 *et seq.* of the Business & Professions
26 Code; and (3) violate sections 111330 and 111445 of the California Health & Safety Code.

27 51. Moreover, Defendants' manufacturing, marketing, advertising, packaging,
28 labeling, distributing, and selling of the Products violates California's Sherman Act, Cal. Health
& Safety Code §109875, *et seq.* The Sherman Act defines a "person" as "any individual, firm,
partnership, trust, corporation, limited liability company, company, estate, public or private

1 institution, association, organization, group, city, county, city and county, political subdivision of
 2 this state, other governmental agency within the state, and any representative, agent, or agency of
 3 any of the foregoing.” *Cal. Health & Safety Code*, §109995. Defendants are a corporation and,
 4 therefore, a “person” within the meaning of the Sherman Act.

5 52. In relevant part, a drug is misbranded if its labeling is false or misleading in any
 6 particular way. *Cal. Health & Safety Code* §§111330, 111445.

7 53. Plaintiff and other putative class members were mislead and, because the
 8 misrepresentations were uniform and material, presumably believed that Products would
 9 provide cognitive benefits as advertised.

10 54. There were reasonably available alternatives to further Defendants legitimate
 11 business interests, other than the conduct described herein.

12 55. Plaintiff and the Class reserve the right to allege other violations of law which
 13 constitute other unlawful business acts or practices. Such conduct is ongoing and continues to
 14 this date.

15 56. As a result of the business practices described above, Plaintiff and the other
 16 members of the Class, pursuant to Business & Professions Code §17203, are entitled to an order
 17 enjoining such future conduct on the part of the Defendants’ ill-gotten gains and to restore to any
 18 person in interest any money paid for the Products as a result of the wrongful conduct of the
 19 Defendants.

20 **SECOND CAUSE OF ACTION**
 21 **VIOLATION OF UNFAIR COMPETITION LAW**
 22 **(CAL. BUS. & PROF. CODE § 17200, *et seq.*)**
Unfair Business Acts and Practices

23 57. Plaintiff incorporates by reference and realleges all allegations set forth in the
 24 preceding paragraphs.

25 58. Plaintiff brings this claim individually and on behalf of the proposed Class against
 26 Defendants.

27 59. As alleged herein, Plaintiff has standing to pursue this claim as Plaintiff has
 28 suffered injury in fact and has lost money or property as a result of Defendants’ actions.

1 Specifically, Plaintiff purchased the Products for her own personal use. In so doing, Plaintiff
 2 relied upon the false representations that the Products will cause or assist in improved memory
 3 and brain function as referenced above. Plaintiff used the Products as directed and did not
 4 receive any of the advertised benefits. Plaintiff would not have purchased the Products had she
 5 known Defendants' advertising claims were false.

6 60. California Business & Professions Code § 17200 also prohibits any "unfair ...
 7 business act or practice."

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

13 62. There were reasonably available alternatives to further Defendants' legitimate
 14 business interests, other than the conduct described herein.

15 63. As a result of the business acts and practices described above, Plaintiff and the
 16 other members of the Class, pursuant to Business & Professions Code §17203, are entitled to an
 17 order enjoining such future conduct on the part of Defendants, and such other orders and
 18 judgments which may be necessary to disgorge Defendants' ill-gotten gains and to restore to any
 19 person in interest any money paid for the Products as a result of the wrongful conduct of
 20 Defendants.

21 **THIRD CAUSE OF ACTION**
 22 **VIOLATION OF UNFAIR COMPETITION LAW**
 23 **(CAL. BUS. & PROF. CODE § 17200, *et seq.*)**
Fraudulent Business Acts and Practices

24 64. Plaintiff incorporates by reference and realleges all allegations as set forth in the
 25 preceding paragraphs.

26 65. Plaintiff brings this claim individually and on behalf of the proposed Class against
 27 Defendants.

1 66. As alleged herein, Plaintiff has standing to pursue this claim as Plaintiff has
 2 suffered injury in fact and has lost money or property as a result of Defendants' actions.
 3 Specifically, Plaintiff purchased the Products for her own personal use. In so doing, Plaintiff
 4 relied upon the false representations that the Products will cause or assist in improved memory
 5 and brain function as referenced above. Plaintiff used the Products as directed and did not
 6 receive any of the advertised benefits. Plaintiff would not have purchased the Products had she
 7 known Defendants' advertising claims were false.

8 67. California Business & Professions Code § 17200 also prohibits any "fraudulent
 9 business act or practice."

10 68. Defendants' claims, nondisclosures and misleading statements with respect to the
 11 Products, as more fully set forth above, were false, misleading and/or likely to deceive the
 12 consuming public within the meaning of Business & Professions Code § 17200.

13 69. Defendants' conduct caused and continues to cause injury to Plaintiff and the
 14 other Class members. Plaintiff has suffered injury in fact and has lost money as a result of
 15 Defendants' deceptive conduct.

16 70. As a result of the business acts and practices described above, Plaintiff and the
 17 other members of the Class, pursuant to Business & Professions Code §17203, are entitled to an
 18 order enjoining such future conduct on the part of Defendants, and such other orders and
 19 judgments which may be necessary to disgorge Defendants' ill-gotten gains and to restore to any
 20 person in interest any money paid for the Products as a result of the wrongful conduct of
 21 Defendants.

22 **FOURTH CAUSE OF ACTION**
 23 **FALSE AND MISLEADING ADVERTISING**
 24 **(CAL. BUS. & PROF. CODE § 17500, *et seq.*)**

25 71. Plaintiff incorporates by reference and realleges all allegations set forth in the
 26 preceding paragraphs.

27 72. Plaintiff brings this claim individually and on behalf of the proposed Class against
 28 Defendants.

1 73. As alleged herein, Plaintiff has standing to pursue this claim as Plaintiff has
2 suffered injury in fact and has lost money or property as a result of Defendants' actions.
3 Specifically, Plaintiff purchased the Products for her own personal use. In so doing, Plaintiff
4 relied upon the false representations that the Products will cause or assist in improved memory
5 and brain function as referenced above. Plaintiff used the Products as directed and did not
6 receive any of the advertised benefits. Plaintiff would not have purchased the Products had she
7 known Defendants' advertising claims were false.

8 74. Defendants violated *Business & Professions Code* § 17500 by publicly
9 disseminating false, misleading, and unsubstantiated advertisements regarding the Products.

10 75. Defendants' false, misleading and unsubstantiated advertisements were
11 disseminated to increase the sales of the Products.

12 76. Defendants knew or should have known their advertisements for the Products
13 were false and misleading.

14 77. Furthermore, Defendants publicly disseminated the false and misleading.

15 78. Plaintiff and the members of the Class have suffered harm as a result of these
16 violations of the FAL because they have incurred charges and/or paid monies for the Products
17 that they otherwise would not have incurred or paid.

18 79. Defendants are aware, or by the exercise of reasonable care should have been
19 aware, that the representations were untrue or misleading.

20 80. Plaintiff and the members of the Class have suffered injury in fact and have lost
21 money as a result of Defendants' false representations and false advertising.

22 81. Pursuant to *Business & Professions Code* § 17535, Plaintiffs and the members of
23 the putative Class seek an order of this Court enjoining Defendants from continuing to engage,
24 use, or employ their practice of advertising the sale and use of the Products.

25 82. Likewise, Plaintiff and the members of the putative Class seek an order requiring
26 Defendants to disclose such misrepresentations, and additionally request an order awarding
27 Plaintiff and other members of the putative class restitution of the money wrongfully acquired by
28

1 Defendants by means of responsibility attached to Defendants' failure to disclose the existence
2 and significance of said misrepresentations.

3
4 **FIFTH CAUSE OF ACTION**
5 **VIOLATION OF CALIFORNIA LEGAL REMEDIES ACT**
6 **(CAL. CIV. CODE § 1750, *et seq.*)**

7 83. Plaintiff incorporates by reference and realleges all allegations set forth in the
8 preceding paragraphs as if fully set forth herein.

9 84. Plaintiff brings this claim individually and on behalf of the proposed Class against
10 Defendants.

11 85. As alleged herein, Plaintiff has standing to pursue this claim as Plaintiff has
12 suffered injury in fact and has lost money or property as a result of Defendants' actions.
13 Specifically, Plaintiff purchased the Products for her own personal use. In so doing, Plaintiff
14 relied upon the material, false representations that the Products will cause or assist in improved
15 memory and brain functioning, as set forth above. Plaintiff used the Products as directed and did
16 not receive any of the advertised benefits. Plaintiff would not have purchased the Products had
17 she known Defendants' advertising claims were false.

18 86. Plaintiff has concurrently filed the declaration of venue required by Civil Code
19 §1780(d) with this complaint.

20 87. Defendants have violated and continue to violate the CLRA by engaging in the
21 following practices proscribed by California Civil Code §1770(a) in transactions with Plaintiff
22 and the Class which were intended to result in, and did result in, the sale of the Products:

23 §1770(a) (5) Representing that [The Products have] ... characteristics, ... uses [or]
24 benefits ... which [it does] not have

25 §1770(a) (7) Representing that [The Products are] of a particular standard, quality
26 or grade ... if [it is] of another.

27 §1770(a) (9) Advertising goods or services with intent not to sell them as
28 advertised.

1 88. On or about December 23, 2013, Plaintiff's counsel sent to Defendants a written
2 notice letter via certified mail as required by Civil Code Section 1782(a).

3 89. Defendants' wrongful business practices constituted, and constitute, a continuing
4 course of conduct in violation of the CLRA. Pursuant to *Civil Code* § 1782(d), Plaintiff and the
5 Class seek a Court order enjoining the above-described wrongful acts and practices of
6 Defendants along with any other conduct found by the Court to be illegal, fraudulent,
7 misleading, unlawful, unfair and/or deceptive conduct.

8 90. In addition, the CLRA has enhanced penalties for acts perpetrated against senior
9 citizens and disabled persons. If the Defendant's conduct is directed at a class of persons who
10 are senior citizens and/or disabled, a \$5,000.00 civil penalty may be awarded to "each class
11 member." Civ. Code § 1780(b). A "disabled person" is someone who has a "physical or mental
12 impairment which substantially limits one or more major life activities." Civ. Code §1761(f),
13 (g). Under California law, individuals suffering from Alzheimer's are "disabled." Defendant's
14 conduct is clearly directed at senior citizens and the disabled (i.e. those with Alzheimer's), as the
15 Products are intended to treat and/or prevent memory loss. Accordingly, the Court may award a
16 civil penalty of up to \$5,000 for each class member.

17 91. Plaintiff engaged counsel to prosecute this action and is entitled to recover costs
18 and reasonable attorney's fees according to proof at trial.


19
20 **PRAYER FOR RELIEF**

21 **WHEREFORE**, Plaintiff, on behalf of herself and all others similarly situated, prays for
22 judgment as requested above against Defendants and further prays for:

- 23 1. An order certifying that the action may be maintained as a Class Action;
24 2. An order enjoining Defendants from pursuing the policies, acts, and practices
25 complained of herein.
26 3. An order requiring Defendants to pay restitution to Plaintiff and all members of
27 the Class;
28

4. For pre-judgment interest from the date of filing this suit;
5. For reasonable attorneys' fees;
6. Costs of this suit; and,
7. Such other and further relief as the Court may deem necessary and appropriate.

Dated: October 22, 2014




MILSTEIN ADELMAN LLP
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Facsimile: 310/396-9635

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Minneapolis, MN 55402
Telephone: 612/605-4098
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury as to all claims for which the right to jury trial is provided.

Dated: October 22, 2014



MILSTEIN ADELMAN LLP
GILLIAN L. WADE
ALLISON R. WILLETT
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Santa Monica, CA 90405
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Exhibit A

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Ginkgo Biloba provides you with the supplemental nutrition you need to support circulation to the extremities.* In addition, Ginkgo helps support memory, especially occasional mild memory problems associated with aging.* Ginkgo Biloba contains antioxidant properties that help fight free radicals in the body.* Free radicals may contribute to the premature aging of cells.*

No Artificial Color, Flavor or Sweetener, No Preservatives, No Sugar, No Milk, No Lactose, No Soy, No Gluten, No Wheat, No Yeast, No Fish, Sodium Free.

NATURE'S BOUNTY
DOUBLE STRENGTH
STANDARDIZED EXTRACT
Ginkgo Biloba
120mg | Standardized to contain 24% Ginkgo Flavone Glycosides
Supports Healthy Brain Function & Circulation*

Supplement Facts
Serving Size 1 Capsule
Amount Per Serving %Daily Value
Ginkgo Biloba Extract 120 mg **
(Ginkgo biloba) (leaf)
(Standardized to contain 24% Ginkgo Flavone Glycosides, 28 mg)
**Daily Value not established.

Other Ingredients: Rice Flour, Gelatin, Vegetable Magnesium Stearate, Silica.

WARNING: If you are pregnant, nursing, taking any medications, planning any medical procedure or have any medical condition, consult your doctor before use. Discontinue use and consult your doctor if any adverse reactions occur. Not intended for use by persons under the age of 18. Keep out of reach of children. Store at room temperature. Do not use if seal under cap is broken or missing.

Carefully Manufactured by
NATURE'S BOUNTY, INC.
Bohemia, NY 11716 U.S.A.
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100 capsules HERBAL SUPPLEMENT

For educational health tips and to join our money saving Healthy Rewards™ program, visit www.NaturesBounty.com

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

Prod. No. 4544 E4544 08E

0 74312 04544 8

Nutrition Questions or Comments?
Call 1-800-423-2690
Mon. - Sat. 9 AM - 7 PM ET

Helps Support Mental Alertness*

Exhibit B

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VALUE SIZE • VALUE SIZE • VALUE SIZE • VALUE SIZE • VALUE SIZE • VALUE SIZE •

Ginkgo Biloba provides you with the supplemental nutrition you need to support circulation to the extremities. In addition, Ginkgo helps support memory, especially occasional mild memory problems associated with aging.* Ginkgo Biloba contains antioxidant properties that help fight free radicals in the body.* Free radicals may contribute to the premature aging of cells.*

NATURE'S BOUNTY
STANDARDIZED EXTRACT

Ginkgo Biloba

60mg per serving

Standardized to contain 24% Ginkgo Flavone Glycosides

Supports Healthy Brain Function & Circulation*

200 capsules

HERBAL SUPPLEMENT

Supplement Facts

Amount Per Serving	%Daily Value
Ginkgo Biloba Extract (Ginkgo biloba) (leaf) 60 mg	**
(Standardized to contain 24% Ginkgo Flavone Glycosides, 14.4 mg)	

**Daily Value not established.

Other Ingredients: Rice Flour, Gelatin, Vegetable Magnesium Stearate.

No Artificial Color, Flavor or Sweetener. No Preservatives. No Sugar, No Milk, No Lactose, No Soy, No Gluten, No Wheat, No Yeast, No Fish, Sodium Free.

WARNING: If you are pregnant, nursing, taking any medications, planning any medical procedure or have any medical condition, consult your doctor before use. Discontinue use and consult your doctor if any adverse reactions occur. Not intended for use by persons under the age of 18. Keep out of reach of children. Store at room temperature. Do not use if seal under cap is broken or missing.

PROG. No. 11743 517242 045

For additional health tips and to join our mailing list, please visit www.NaturesBounty.com

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

Manufactured by NATURE'S BOUNTY, INC., Bohemia, NY 11716 U.S.A. © 2012 Nature's Bounty, Inc.

Exhibit C

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Ginkgo Biloba provides you with the supplemental nutrition you need to support circulation to the extremities.* In addition, Ginkgo helps support memory, especially occasional mild memory problems associated with aging.* Ginkgo Biloba contains antioxidant properties that help fight free radicals in the body.* Free radicals may contribute to the premature aging of cells.

No Artificial Color, Flavor or Sweetener, No Preservatives, No Sugar, No Starch, No Milk, No Lactose, No Soy, No Gluten, No Wheat, No Yeast, No Fish, Sodium Free.

NATURE'S BOUNTY
STANDARDIZED EXTRACT
Ginkgo Biloba
60mg | Standardized to contain 24% Ginkgo Flavone Glycosides

Supports Healthy Brain Function & Circulation*

Helps Support Mental Alertness*

Supplement Facts
Serving Size 1 Tablet

Amount Per Serving	%Daily Value
Ginkgo Biloba Extract 60 mg	**
(Ginkgo biloba) (leaf)	
(Standardized to contain 24% Ginkgo Flavone Glycosides, 14.4 mg)	

**Daily Value not established.

Other Ingredients: Vegetable Cellulose, Dicalcium Phosphate. Contains <2% of: Silica, Vegetable Magnesium Stearate, Vegetable Stearic Acid.

WARNING: If you are pregnant, nursing, taking any medications, planning any medical procedure or have any medical condition, consult your doctor before use. Discontinue use and consult your doctor if any adverse reactions occur. Not intended for use by persons under the age of 18. Keep out of reach of children. Store at room temperature. Do not use if seal under cap is broken or missing.

Suitable for Vegetarians

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Prod. No. 7652 B7650 05E

60 tablets

HERBAL SUPPLEMENT

0 74312 37652 8

GUARANTEED QUALITY

NATURE'S BOUNTY

For additional health tips and to join our money saving Healthy Rewards™ program, visit www.NaturesBounty.com

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

Nutrition Questions or Comments?
Call 1-800-433-2960
Mon. - Sat. 9 AM - 7 PM ET

Exhibit D

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Ginkgo has the ability to help maintain peripheral circulation and blood flow, particularly in cerebral tissue.* In addition, Ginkgo helps support memory, especially occasional mild memory problems associated with aging.* Ginkgo contains antioxidant properties that help fight free radicals in the body.* Free radicals may contribute to the premature aging of cells. Ginkgo Biloba contains 400 mg of Whole Herb Ginkgo per serving enhanced with 60 mg of standardized extract.

No Artificial Color, Flavor or Sweetener, No Preservatives, No Sugar, No Starch, No Milk, No Lactose, No Soy, No Gluten, No Wheat, No Fish, Sodium Free.

NATURE'S BOUNTY

WHOLE HERB

Ginkgo Biloba

400 mg of Whole Herb† Plus 60 mg Standardized Extract†

Supports Healthy Brain Function & Circulation*

COATED FOR EASY SWALLOWING

120 tablets

HERBAL SUPPLEMENT

Supplement Facts

Serving Size 2 Tablets
Servings Per Container 60

Amount Per Serving	% Daily Value
Ginkgo Biloba Extract (Ginkgo Biloba) (leaf) (Standardized to contain 24% Ginkgo Flavone Glycosides, 14.4 mg)	60 mg **
Ginkgo Biloba (Ginkgo Biloba) (leaf)	400 mg **

**Daily Value not established.

Other Ingredients: Dicalcium Phosphate, Vegetable Cellulose, Silica, Contains <2% of: Acacia Gum, Vegetable Magnesium Stearate, Vegetable Stearic Acid.

† per serving

Suitable for Vegetarians

WARNING: If you are pregnant, nursing, taking any medications, planning any medical procedure or have any medical condition, consult your doctor before use. Discontinue use and consult your doctor if any adverse reactions occur. Not intended for use by persons under the age of 18. Keep out of reach of children. Store at room temperature. Do not use if seal under cap is broken or missing.

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0 74312 35644 5

For educational health tips and to join our money saving Healthy Rewards™ program, visit www.NaturesBounty.com

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

Prod. No. 5644 B50632 09E

EXHIBIT B

COPY
CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): MILSTEIN ADELMAN, LLP Gillian L. Wade, State Bar No. 229124; Allison R. Willett, State Bar No. 238430 2800 Donald Douglas Loop North Santa Monica, California 90405 TELEPHONE NO.: (310) 396-9600 FAX NO.: (310) 396-9635 ATTORNEY FOR (Name): Plaintiff, ALISON WILSON		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles OCT 22 2014 Sherri H. Carter, Executive Officer/Clerk By Shaunya Bolden Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse		
CASE NAME: ALISON WILSON v. NATURE'S BOUNTY, INC., ET AL.		CASE NUMBER: BC 561527 JUDGE: DEPT:
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|---|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input checked="" type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): Five (5)
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 22, 2014

Allison R. Willett

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice–Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach–Seller
Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case–Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ–Administrative Mandamus
Writ–Mandamus on Limited Court Case Matter
Writ–Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal–Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

EXHIBIT C

COPY

SHORT TITLE:

ALISON WILSON v. NATURE'S BOUNTY, INC., ET AL.

CASE NUMBER

BC 561527

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE: ALISON WILSON v. NATURE'S BOUNTY, INC., ET AL.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2.
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: ALISON WILSON v. NATURE'S BOUNTY, INC., ET AL.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: ALISON WILSON v. NATURE'S BOUNTY, INC., ET AL.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 11737 San Vicente Blvd
CITY: Los Angeles	STATE: CA	ZIP CODE: 90049	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: October 22, 2014

(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

EXHIBIT D

COPY

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

OCT 22 2014

Sherri R. Carter, Executive Officer/Clerk
By Shaunya Bolden, Deputy

MILSTEIN ADELMAN LLP
GILLIAN L. WADE, State Bar No. 229124
Allison R. Willett, State Bar No. 238430
2800 Donald Douglas Loop North
Santa Monica, CA 90405
Telephone: 888/835-8055
Facsimile: 310/396-9635

HALUNEN & ASSOCIATES
CLAYTON HALUNEN
SUSAN M. COLER
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1650 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: 612/605-4098
Facsimile: 612/605-4099

*Attorneys for Plaintiff,
Alison Wilson and the Proposed Class*

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

BC 561527

ALISON WILSON, individually and on behalf) Case No.:
of all others similarly situated,)

Plaintiffs,)

v.)

**DECLARATION OF GILLIAN L. WADE
REGARDING VENUE**

NATURE'S BOUNTY, INC., a New York)
Corporation, NBTY INC., a Delaware)
Corporation, and DOES 1-100, Inclusive)

Defendants.)

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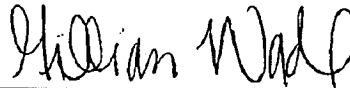
DECLARATION OF GILLIAN L. WADE

I, Gillian L. Wade, do hereby declare and state as follows:

1. I am a Partner at the Law Offices of Milstein Adelman, LLP, counsel of record for Plaintiff Alison Wilson, and am licensed to practice before all courts in the State of California. I have personal knowledge of all of the facts stated herein, and if called to testify as a witness, I could and would competently testify to them.

2. This Court is proper for trial of this action because Defendants are doing business in Los Angeles County and the transaction at issue occurred in Los Angeles County.

I declare and state under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 22, 2014 at Santa Monica, California.



Gillian L. Wade, Declarant

EXHIBIT E

COPY
SUM-100**SUMMONS
(CITACION JUDICIAL)****NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

NATURE'S BOUNTY, INC., a New York Corporation, NBTY INC., a Delaware Corporation, and DOES 1-250, Inclusive

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

ALISON WILSON, individually and on behalf of all others similarly situated,

CONFORMED COPY
ORIGINAL FILED IN THE COURT
Superior Court of California
County of Los Angeles

OCT 22 2014

Sherri R. Carter, Executive Officer/Clerk
By Shaunya Bolden, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Stanley Mosk Courthouse

111 North Hill Street,
Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

BC 561527

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Gillian L. Wade/Allison R. Willett, 2800 Donald Douglas Loop N., Santa Monica, CA 90405 T: 310-396-9600

DATE:
(Fecha)

Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1

EXHIBIT F

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT – CLASS ACTION CASES
Case Number _____

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 3.3(c)).

ASSIGNED JUDGE	DEPT	ROOM
Judge Elihu M. Berle	323	1707
Judge William F. Highberger	322	1702
Judge John Shepard Wiley, Jr.	311	1408
Judge Kenneth Freeman	310	1412
Judge Jane Johnson	308	1415
Judge Amy D. Hogue	307	1402
OTHER		

BC 561527

Instructions for handling Class Action Civil Cases

The following critical provisions of the Chapter Three Rules, as applicable in the Central District, are summarized for your assistance.

APPLICATION

The Chapter Three Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Three Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on

OCT 22 2014

SHERRI R. CAMERON, Executive Officer/Clerk

LACIV CCW 190 (Rev09/13)

LASC Approved 05-06

For Optical Use

By SHARUNYA BOLDEN, Deputy Clerk

EXHIBIT G

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

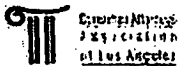


Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION – EARLY ORGANIZATIONAL MEETING			CASE NUMBER:

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, to *discuss and consider whether there can be agreement on the following*:
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lasuperiorcourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ (INSERT DATE) for the complaint, and _____ (INSERT DATE) for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation.
 3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

➤ _____
(ATTORNEY FOR PLAINTIFF)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR _____)

➤ _____
(ATTORNEY FOR _____)

➤ _____
(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION – DISCOVERY RESOLUTION			CASE NUMBER:

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR PLAINTIFF)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			CASE NUMBER:

- This document relates to:
 - ☐ Request for Informal Discovery Conference
 - ☐ Answer to Request for Informal Discovery Conference
2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).
3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).
4. For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION AND ORDER – MOTIONS IN LIMINE			CASE NUMBER:

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

➤

(ATTORNEY FOR PLAINTIFF)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

EXHIBIT H

MILSTEIN ADELMAN LLP
1 GILLIAN L. WADE, State Bar No. 229124
2 Allison R. Willett, State Bar No. 238430
2800 Donald Douglas Loop North
3 Santa Monica, CA 90405
Telephone: 888/835-8055
4 Facsimile: 310/396-9635

5 HALUNEN & ASSOCIATES
CLAYTON HALUNEN
6 SUSAN M. COLER
7 MELISSA W. WOLCHANSKY
1650 IDS Center
8 80 South Eighth Street
Minneapolis, MN 55402
9 Telephone: 612/605-4098
Facsimile: 612/605-4099
10

11 *Attorneys for Plaintiff,*
Alison Wilson and the Proposed Class

12 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

13
14 **FOR THE COUNTY OF LOS ANGELES**

15 ALISON WILSON, individually and on behalf) Case No.: **BC561527**
of all others similarly situated,)

16 Plaintiffs,)

17 v.)

18 NATURE'S BOUNTY, INC., a New York)
Corporation, NBTY INC., a Delaware)
19 Corporation, and DOES 1-100, Inclusive)

20 Defendants.)

(Assigned for all purposes to the Honorable
Amy D. Hogue, Dept. 307)

21 CLASS ACTION

22 **NOTICE OF COURT ORDER ON**
23 **COMPLEX DESIGNATION AND**
24 **INITIAL STATUS CONFERENCE**
25 **ORDER**

1 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE THAT on November 7, 2014, the Honorable Amy D. Hogue in
3 Department 307 of the above-referenced Court made its determination that the case *Alison*
4 *Wilson v. Nature's Bounty, Inc. et al.* (Case No. BC561527) is designated complex.

5 Attached hereto as Exhibit A is a true and correct copy of the November 7, 2014 Court
6 Order.

7 Attached hereto also as Exhibit B is a true and correct copy the Court's Initial Status
8 Conference Order. Plaintiff is ordered to give notice.

9
10 Dated: November 14, 2014

Respectfully submitted,

11
12 

13
14 MILSTEIN ADELMAN LLP
15 GILLIAN L. WADE
16 ALLISON R. WILLETT
17 2800 Donald Douglas Loop North
18 Santa Monica, CA 90405
19 Telephone: 888/835-8055
20 Facsimile: 310/396-9635

21 HALUNEN & ASSOCIATES
22 CLAYTON HALUNEN
23 SUSAN M. COLER
24 MELISSA W. WOLCHANSKY
25 1650 IDS Center
26 80 South Eighth Street
27 Minneapolis, MN 55402
28 Telephone: 612/605-4098
Facsimile: 612/605-4099

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 11/07/14

DEPT. 307

HONORABLE AMY D. HOGUE

JUDGE

M. CERVANTES

DEPUTY CLERK

HONORABLE
16

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

T. MASSAROTTI, C.A.

Deputy Sheriff

NONE

Reporter

BC561527

Plaintiff

ALISON WILSON

Counsel

VS

Defendant

NATURES BOUNTY INC ET AL

Counsel

NO APPEARANCES

NATURE OF PROCEEDINGS:

COURT ORDER REGARDING NEWLY FILED CLASS ACTION

By this order, the Court determines this case to be Complex according to Rule 3.400 of the California Rules of Court. The Clerk's Office has randomly assigned this case to this department for all purposes.

By this order, the Court stays the case, except for service of the Summons and Complaint. The stay continues at least until the Initial Status Conference. Initial Status Conference is set for January 12, 2015, at 3:00 p.m. in Department 307. At least 10 days prior to the Initial Status Conference, counsel for all parties must discuss the issues set forth in the Initial Status Conference Order issued this date. The Initial Status Conference Order is to help the Court and the parties manage this complex case by developing an orderly schedule for briefing, discovery, and court hearings. The parties are informally encouraged to exchange documents and information as may be useful for case evaluation.

Responsive pleadings shall not be filed until further Order of the Court. Parties must file a Notice of Appearance in lieu of an Answer or other responsive pleading. The filing of a Notice of Appearance shall not constitute a waiver of any substantive or procedural challenge to the Complaint. Nothing in this order stays the time for filing an Affidavit of

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 11/07/14

DEPT. 307

HONORABLE AMY D. HOGUE

JUDGE

M. CERVANTES

DEPUTY CLERK

HONORABLE
16

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

T. MASSAROTTI, C.A.

Deputy Sheriff

NONE

Reporter

BC561527

Plaintiff

Counsel

ALISON WILSON

Defendant

Counsel

VS

NATURES BOUNTY INC ET AL

NO APPEARANCES

NATURE OF PROCEEDINGS:

Prejudice pursuant to Code of Civil Procedure Section 170.6.

Counsel are directed to access the following link for information on procedures in the Complex Litigation Program courtrooms:

<http://courtnet/internet/civil/UI/ToolsForLitigators2.aspx>

According to Government Code Section 70616 subdivisions (a) and (b), each party shall pay a fee of \$1,000.00 to the Los Angeles Superior Court within 10 calendar days from this date.

The plaintiff must serve a copy of this minute order and the attached Initial Status Conference Order on all parties forthwith and file a Proof of Service in this department within seven days of service.

CLERK'S CERTIFICATE OF MAILING

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order and Initial Status Conference Order Complex Cases and Class Actions upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 11/07/14

DEPT. 307

HONORABLE AMY D. HOGUE

JUDGE

M. CERVANTES

DEPUTY CLERK

HONORABLE
16

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

T. MASSAROTTI, C.A.

Deputy Sheriff

NONE

Reporter

BC561527

Plaintiff

Counsel

ALISON WILSON

Defendant

Counsel

VS

NATURES BOUNTY INC ET AL

NO APPEARANCES

NATURE OF PROCEEDINGS:

at the courthouse in Los Angeles,
California, one copy of the original filed/entered
herein in a separate sealed envelope to each address
as shown below with the postage thereon fully prepaid,
in accordance with standard court practices.

Dated: November 7, 2014

Sherri R. Carter, Executive Officer/Clerk

By: _____
M. Cervantes, Deputy Clerk

MILSTEIN ADELMAN LLP
Gillian L. Wade
2800 Donald Douglas Loop North
Santa Monica, CA 90405

EXHIBIT B

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

NOV 07 2014

Sherril R. Carter, Executive Officer/Clerk
By: Martha Cervantes, Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ALISON WILSON,)	Case No.: BC561527
)	
Plaintiff,)	INITIAL STATUS CONFERENCE ORDER
)	COMPLEX CASES AND CLASS
vs.)	ACTIONS
)	
NATURE'S BOUNTY , INC., et al.,)	
)	
Defendant)	Dept. 307
)	Central Civil West
)	Judge Amy D. Hogue,
)	
)	
)	E-service provider: _____

This case has been assigned, for all purposes, to the Complex Litigation Program, Department 307, Central Civil West Courthouse (600 S. Commonwealth Ave., Los Angeles, CA 90005), Judge Amy D. Hogue, presiding. Extensive information about Department 307 is posted on the Court's website, www.lacourt.org ("information about courtroom").

I. Immediate Stay in Proceedings to Facilitate Case Management

The Court entirely stays all proceedings, including motions and discovery, pending further order of the Court. The stay precludes defendants from filing answers,

1 demurrers, motions to strike, and motions challenging the jurisdiction of the Court. It
2 also stays all parties' obligations to respond to any discovery promulgated in the case to
3 date.

4
5 The Court orders each as yet non-appearing defendant to file a Notice of
6 Appearance (identifying counsel by name, firm name, address, email address,
7 telephone number and fax number). The filing of a Notice of Appearance is without
8 prejudice to (a) any jurisdictional, substantive or procedural challenge to the Complaint,
9 (b) any affirmative defense, and (c) the filing of any cross-complaint in this action.

10
11 The Court further orders that future stays imposed in this action for purposes of
12 managing the case, including stays of discovery, do not affect the five year period in
13 which cases shall be brought to trial under Code of Civil Procedure Section 583.310
14 unless and until the parties otherwise so stipulate in accordance with Section 583.330.

15
16 Notwithstanding the stay order, the Court encourages the parties to make
17 informal disclosures to facilitate early evaluation of the case. The Court's stay order
18 does not preclude informal exchanges of documents and information among counsel.

19 **II. Initial Status Conference**

20
21 The Court orders counsel for all parties to appear in Department 307 for an Initial
22 Status Conference ("ISC") on January 12, 2015, at 3:00 p.m. At the ISC, the Court will
23 discuss case management and invite the parties to propose procedures to enhance
24 efficiency and avoid duplicative or unnecessary expenditures of time. The Court is
25

1 particularly interested in making early decisions on any threshold or potentially
 2 dispositive issues as a means of enhancing the parties' ability to assess the case.

3
 4 **A. Counsel Must Meet and Confer and File Joint ISC Statement**

5 At least 15 days prior to the ISC, all counsel must meet together, IN PERSON, to
 6 discuss case management.¹ The Court orders Plaintiff's counsel to take the lead in
 7 preparing a joint ISC Statement and ensuring that it is filed with the court at least five
 8 Court days prior to the ISC. The ISC Statement should begin with a brief description of
 9 the case and attach a service list (identifying all counsel, email addresses, telephone
 10 numbers, and fax numbers). It should also jointly address the matters listed below. To
 11 the extent the parties are unable to agree on a joint submission, each party may
 12 separately present a brief statement of its position.

- 13
 14 1. Any basis for the Court's recusal or disqualification.
 15 2. Whether the action incorrectly identifies the name of any party and whether
 16 Plaintiff(s) intend to add parties.
 17 3. Counsels' joint recommendation for an e-service provider for inclusion in the
 18 Court's order for initiation of e-service. All parties appearing in Department 307
 19 must employ an e-service provider. ***Please note that to file a document in***
 20 ***court, a party must physically deliver a copy to the courtroom (or fax file);***
 21 ***the Court has no e-filing technology.*** The parties shall identify the appointed
 22
 23
 24

25 ¹ If the travel time for an in-person meeting exceeds 90 minutes, counsel may participate by telephone provided that they use any reasonably available technology allowing face-to-face communication.

1 e-service provider in the caption of each filing as indicated in the caption of this
2 Order.

- 3 4. Any issues of jurisdiction, venue, contractual arbitration/judicial reference that
4 any party intends to raise.
- 5 5. A brief description of any related cases pending in other courts or anticipated for
6 future filing.
- 7 6. Whether or not there is insurance coverage for this dispute and the extent of
8 coverage for liability and/or defense costs.
- 9 7. A succinct description of key factual and legal issues in the case to alert the
10 Court to likely proceedings and disputes, e.g., important contractual provisions,
11 statutes, regulations, and affirmative defenses. In class actions, counsel should
12 address issues such as an agreement to share the cost of class notice/opt out
13 procedures, the adequacy of class representatives, conflicts of interest among
14 class representatives, and contractual arbitration provisions affecting the Court's
15 jurisdiction.
- 16 8. Any grounds for challenging the pleadings or the court's jurisdiction (demurrers,
17 motions for judgment on the pleadings, motions to strike, etc.) and the outcome
18 of the parties' efforts to resolve the dispute informally by, for example, voluntary
19 amendment of the pleadings, stipulation to binding arbitration, etc.
- 20 9. A plan to preserve evidence, to deploy a uniform system for identification of
21 documents, and to protect confidentiality by, for example, executing a protective
22 order using the form posted on the Court's website.
23
24
25

10. A detailed and optimally efficient discovery plan reflecting the parties'

consideration of phased discovery, e.g., limiting initial discovery to a significant or
dispositive issue as a predicate to an important early ruling or meaningful
participation in an early mediation. In class actions, the parties should address
whether the Court should initially limit discovery to class certification issues.

11. A plan for electronic discovery. Where appropriate, the parties should outline a
process for managing discovery of electronically stored information by, for
example, scheduling a meeting among counsel and the parties' IT consultants in
order to address (1) the information management systems employed by the
parties; (2) the location and custodians of information that is likely to be subject
to production (including the identification of network and email servers and hard
drives maintained by target custodians); (3) the format in which electronically
stored information will be produced; (4) the type of ESI that will be produced, i.e.,
data files, emails, etc.; and (5) appropriate search criteria for focused requests.

12. A stipulation to resolve discovery disputes by:

- i. i). Agreeing to meet and confer IN PERSON (after exchanging
correspondence articulating each side's position) in an effort to
narrow the issues in dispute;
- ii. ii) Extending deadlines for filing motions to compel in favor of jointly
scheduling an informal discovery conference with the Court in an
effort to achieve a mediated solution;²

²The Court is readily available to confer with the parties on short notice to resolve discovery
disputes and otherwise facilitate progress in the case. The Court's preferred method of participating is
described in the information about Department 307 posted on the Court's website, www.lacourt.org.

iii. iii) Structuring discovery motions as joint statements presenting each side's position on jointly identified issues.

13. An ADR plan that identifies the mechanism and the timing of mediation and/or mandatory settlement conferences.

14. Recommended dates and times for trial, filing of motions for class certification, ADR, and deadlines (and proposed briefing schedules) for filing other anticipated motions.

15. A recommended date for the next Status Conference. ***At least five days prior to each status conference, the parties must submit a joint Status Conference Report recounting the nature of the case and describing the parties' progress to date.***

III. Reminders for Class Actions

The dismissal of a class action or of any party or cause of action in a class action requires Court approval. Counsel must submit a declaration setting forth, among other things, the reasons why a party seeks a dismissal in a class action and identify any and all consideration given in exchange for the dismissal. California Rules of Court, Rule 3.770(a)

To obtain approval of a class action settlement, the parties should adhere to the Guidelines for Motions for Preliminary and Final Approval posted on the Court's website under Tools for Litigators. The Court requires counsel to address any fee splitting arrangement(s) and to demonstrate compliance with California Rules of Court, Rule 3.

1 769 and the Rules of Professional Conduct 2-200(a). *Mark v. Spencer* (2008) 166
2 Cal.App.4th 219.

3
4 **IV. Notice of the ISC Order**

5 The Court orders Plaintiff's counsel is to serve this Initial Status Conference
6 Order on all defense counsel, or if counsel is not known, on each defendant within five
7 (5) days of the date of this Order. If the Complaint has not been served as of the date
8 of this Order, Plaintiff(s) must serve the Complaint, along with a copy of this
9 Order, within five (5) days of the date of this Order.

10
11
12 Dated this 7th day of November

13 **AMY D. HOGUE, JUDGE**

14
15 Amy D. Hogue
16 Judge of the Superior Court
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of LOS ANGELES, State of CALIFORNIA. I am over the age of 18 and not a party to within action; my business address is **2800 Donald Douglas Loop North, Santa Monica, CA 90405**.

On November 14, 2014, I served the foregoing documents described as:

**NOTICE OF COURT ORDER ON COMPLEX DESIGNATION
AND INITIAL STATUS CONFERENCE ORDER**

On interested parties in this action by sending a true copy of the document to the following parties as follows:

<p>NATURE'S BOUNTY, INC. c/o Corporation Service Company 80 State Street Albany, New York 12207</p> <p><i>Registered Agent for Defendant, NATURE'S BOUNTY, INC.</i></p>	<p>NBTY, INC. c/o Corporation Service Company 2711 Centerville Rd Suite 400 Wilmington, DE 19808</p> <p><i>Registered Agent for Defendant, NBTY, INC.</i></p>
<p>Clayton Halunen Susan M. Coler Melissa W. Wolchansky HALUNEN & ASSOCIATES 1650 IDS Center 80 South Eighth Street Minneapolis, MN 55402</p> <p><i>Attorneys for Plaintiff, Alison Wilson and the Proposed Class</i></p>	

----- (BY ELECTRONIC MAIL) I caused the document(s) to be successfully transmitted via electronic mail to the offices of the addressees.

----- (BY ELECTRONIC SERVICE) I caused the document(s) to be sent to the offices of the addressees via Online Filing Service.

----- (BY FACSIMILE) I transmitted pursuant Rule 2.306, the above-described document by facsimile machine (which complied with Rule 2003(3)), to the attached listed fax number(s). The transmission originated from facsimile phone number (310) 396-9635 and was reported as complete and without error.

1 ----- (BY OVER NIGHT DELIVERY) I caused such envelope(s) thereon fully prepaid to be placed
in the Norco Overnite Express box at Santa Monica, California.

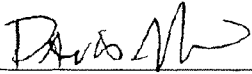
2 ----- (BY PERSONAL SERVICE) I caused such envelope(s) to be hand delivered to the offices of
the addressees.

3
4 xxxx (BY US MAIL) I caused such envelope(s) with postage thereon fully prepaid, with return
receipt requested, to be placed in the United States mail at Santa Monica, California, pursuant
5 to California Code of Civil Procedure § 415.40. I am readily familiar with this business'
6 practice for collecting and processing correspondence for mailing. On the same day that
correspondence is placed for collection and mailing, it is deposited in the ordinary course of
business with the United States Postal Service.

7 Executed on November 14, 2014, at Santa Monica, California

8 xxxx (STATE) I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

9
10 ----- (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at
whose direction the service was made.

11
12
13 
David Marin