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10 *Attorneys for Plaintiff and the Proposed Class*  
11 *and New Jersey Sub-Class*

12 [Additional counsel listed on signature page]

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 BRUCE GUEST, on behalf of himself and all  
16 others similarly situated,

17 Plaintiff,

18 v.

19 LUMBER LIQUIDATORS INC.; LUMBER  
20 LIQUIDATORS LEASING, LLC; LUMBER  
21 LIQUIDATORS HOLDINGS, INC.; and  
22 LUMBER LIQUIDATORS SERVICES,  
23 LLC,

24 Defendants.

Case No.

**COMPLAINT**

JURY TRIAL DEMANDED

1 Plaintiff Bruce Guest (“plaintiff”), for his Complaint against the defendants named in this  
2 Complaint, alleges as follows, on the basis of his own personal knowledge as to the allegations  
3 relating to himself, and on the basis of information and belief as to all other allegations:

#### 4 **I. INTRODUCTION**

5 1. This is a proposed class action brought against Lumber Liquidators by plaintiff  
6 Bruce Guest, on behalf of himself and the Class and the New Jersey Sub-Class defined below, to  
7 obtain damages and injunctive relief arising from and relating to their purchases and installation  
8 of Lumber Liquidators’ laminate wood flooring products, which widely reported professional  
9 sampling revealed high levels of formaldehyde, a known carcinogen and other health-threatening  
10 substances.

#### 11 **II. PARTIES**

12 2. Plaintiff Bruce Guest is a citizen and resident of the State of New Jersey. During  
13 the period of time relevant to this action, plaintiff purchased laminated flooring product, from  
14 Lumber Liquidators, for personal use in his home, that plaintiff avers, on the basis of information  
15 and belief, was manufactured in China, and that was one of the styles of Lumber Liquidators  
16 laminate wood flooring products that was shown by independent testing (described in paragraph  
17 19 of this Complaint) to contain and emit formaldehyde significantly above the legal limits that  
18 Lumber Liquidators warranted.

19 3. Defendant Lumber Liquidators Inc. is a Delaware corporation with its  
20 headquarters and principal place of business located in Toano, Virginia. Lumber Liquidators,  
21 Inc. reportedly has over 350 locations in North America, and 38 retail stores located throughout  
22 the State of California. Lumber Liquidators, Inc. distributes, markets and/or sells laminate wood  
23 flooring products nationally, including in the State of California.

24 4. Defendant Lumber Liquidators Leasing, LLC is a Delaware Limited Liability  
25 Corporation with its principal place of business at 3000 John Deere Road, Toano, Virginia  
26 23168.

27 5. Defendant Lumber Liquidators Holding, Inc. is a Delaware corporation with its  
28 principal place of business at 3000 John Deere Road, Toano, Virginia 23168.

1           6. Defendant Lumber Liquidators Services, LLC is a Delaware Limited Liability  
2 Corporation with its principal place of business at 3000 John Deere Road, Toano, Virginia  
3 23168.

4           7. The aforementioned Lumber Liquidator entities are hereinafter collectively  
5 referred to as “Lumber Liquidators,” the “Company,” or “defendants.”

6                           **III. JURISDICTION AND VENUE**

7           8. This Court has original jurisdiction over the claims asserted in Count I of this  
8 Complaint, which arises under the federal Magnuson-Moss Warranty Act, 15 U.S.C. § 2301, *et*  
9 *seq.* by virtue of federal question jurisdiction under 28 U.S.C. § 1331. The Court has jurisdiction  
10 over the state law claims (asserted in Counts II, III and IV of this Complaint) under the doctrines  
11 of supplemental and pendent jurisdiction pursuant to 28 U.S.C. § 1367(a) in that the facts  
12 underlying the claims asserted in such Counts are so related to the facts underlying the  
13 Magnuson-Moss Warranty Act claims asserted in Count I that they form part of the same case or  
14 controversy under Article III of the United States Constitution. In addition, with respect to all  
15 claims asserted in this action, the Court has jurisdiction under 28 U.S.C. § 28 U.S.C. §§  
16 1332(d)(2), and the provisions of the Class Action Fairness Act.

17           9. This Court has personal jurisdiction over the parties in this action by virtue of the  
18 fact that defendants actively conduct business in the State of California and sold substantial  
19 quantities of laminate floor products to members of the Class within the State of California.

20           10. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because unlawful  
21 practices complained of in this Complaint took place in the State of California and in this  
22 District, because defendant regularly conducts business within the State of California and in this  
23 District, and sold laminated wood flooring products to many members of the Class within the  
24 State of California and within this District, and because acts and transactions relevant to the  
25 claims asserted in this litigation occurred within this District. In addition, there are several other  
26 lawsuits pending in this District that relate to, and arise out of the same facts and occurrences, as  
27 those at issue in this litigation, and the regulatory limits applicable to Lumber Liquidators’  
28

warranties arise under and are established by California law, regardless of where in the United States the laminate wood flooring products are sold.

#### IV. FACTUAL ALLEGATIONS

11. This case seeks redress on behalf of those consumers who have been victimized by Lumber Liquidators' marketing and sale of laminate wood flooring products, that are intended for use in homes and businesses, that contain and emit unsafe levels of formaldehyde, a health-threatening compound. Not only did Lumber Liquidators market and sell such products, it specifically warranted its products against such defects even though Lumber Liquidators knew, or recklessly disregarded, that its bullish representations and warranties were false and misleading, as alleged more specifically in this Complaint.

12. Many of the laminate wood flooring products that Lumber Liquidators markets and sells to consumers in the United States are manufactured in China including the laminate wood flooring product purchased by the plaintiff.

13. Lumber Liquidators has consistently emphasized and boasted about the safety of its laminate wood flooring products. Lumber Liquidators also represents, in substance, that it carefully supervises and monitors the manufacture of its laminate wood flooring products in China so as to ensure that the products comply with applicable formaldehyde emissions standards. On that basis, plaintiff avers that Lumber Liquidators' laminate wood flooring products that are manufactured in China are manufactured using common formulae, designs and processes relating to the susceptibility of such products to the emission of formaldehyde.

14. Indeed, Lumber Liquidators consistently and pervasively represented and warranted that its laminate wood flooring products complied with the emissions limits (including the limits for formaldehyde emissions) set by the California Air Resources Board ("CARB") in January of 2009, which are reported to be the most stringent in the nation. These standards have become the *de facto* laminate wood flooring industry standard in the United States.

15. For example, on its internet website as it existed in early March of 2015, Lumber Liquidators made the following representations:

Is Lumber Liquidators Compliant with the California law?

Laminate and engineered flooring products sold by Lumber Liquidators are purchased from mills whose production method has been certified by a Third Party Certifier approved by the State of California to meet the CARB standards. The scope of the certification by the Third Party Certifier includes the confirmation that the manufacturer has implemented the quality systems, process controls, and testing procedures outlined by CARB and that their products conform to the specified regulation limits. The Third Party Certifier also provides ongoing oversight to validate the manufacturers' compliance and manufacturers must be periodically re-certified.

Does CARB only apply to California?

Though it currently applies only to products sold in California, Lumber Liquidators made a decision to require all of our vendors to comply with the California Air Resources Board regulations regardless of whether we intended to sell the products in California or any other state/country.

What extra steps does Lumber Liquidators take to ensure compliance?

In addition to the California Air Resources Board requirements, Lumber Liquidators regularly selects one or more finished products from each of its suppliers and submits them for independent third-party lab testing. This is done as a monitoring activity to validate ongoing quality control.

16. Lumber Liquidators clearly represents on its product labels, on its website, and on its warranties that the flooring products it sells to consumers comply with strict CARB, and the even more stringent European, formaldehyde standards. Indeed, during the relevant time period, Lumber Liquidators' internet website represented as follows:

Regulations and Lumber Liquidators' Compliance

The California Air Reform Bill (CARB) requires that products containing Hardwood Plywood Veneer Core (HWP-VC), Hardwood Plywood Composite Core (HWP-CC), Particleboard and MDF be tested for emissions and products not meeting the strict standards for emissions may not be sold in California.

1 The Environmental Protection Agency has drafted national  
2 standards for formaldehyde emissions in composite wood products  
3 that are similar to those of California. Those standards have not  
4 yet been enacted.

5 All laminates and engineered flooring products sold by Lumber  
6 Liquidators are purchased from mills whose production method  
7 has been certified by a Third Party Certifier approved by the State  
8 of California to meet the CARB standards. The scope of the  
9 certification by the Third Party Certifier includes the confirmation  
10 that the manufacturer has implemented the quality systems,  
11 process controls, and testing procedures outlined by CARB and  
12 that their products conform to the specified formaldehyde emission  
13 limits. The Third Party Certifier also provides ongoing oversight  
14 to validate the manufacturers' compliance and manufacturers must  
15 be periodically re-certified. Though it currently applies only to  
16 products sold in California, Lumber Liquidators made a decision to  
17 require all of our suppliers to comply with CARB regardless of  
18 whether we intended to sell the products in California or any other  
19 state/county. In addition to the CARB requirements, Lumber  
20 Liquidators regularly selects one or more products from each of its  
21 suppliers and submits them for independent third-party lab testing.  
22 This is done as a monitoring activity to validate ongoing  
23 compliance.

24 Formaldehyde – What is it? Lumberliquidators.com,  
25 [http://www.lumberliquidators.com/ll/flooring/Flooring101-](http://www.lumberliquidators.com/ll/flooring/Flooring101-formaldehyde-what-is-it)  
26 [formaldehyde-what-is-it](http://www.lumberliquidators.com/ll/flooring/Flooring101-formaldehyde-what-is-it) (last visited on December 10, 2014.)

27 17. Moreover, Lumber Liquidators' website, as it existed in early March of 2015,  
28 stated that, "we not only comply with laws-we exceed them." "Highest Quality Flooring.  
GUARANTEED." . This statement, which appeared on Lumber Liquidators' Website at least  
until March 2, 2015 (the day after the 60 Minutes expose that exposed the fact that  
impermissibly high levels of formaldehyde had been found in Lumber Liquidators' laminate  
wood flooring products) no longer appears on the website.

18 18. Lumber Liquidators' purchase orders, as they were posted and appeared on the  
19 Company's internet website at least through early March of 2015, contained the following  
20 warranty:

21 **SELLER'S WARRANTIES:** Seller expressly warrants that all goods  
22 covered by this Purchase Order will: (a) strictly conform to Seller's

1 specifications, drawings, samples and other written materials and  
 2 descriptions, or, to the extent the goods were purchased to Lumber  
 3 Liquidators' specifications and drawings as set forth or referred to  
 4 in this Purchase Order, that the goods strictly conform with those  
 5 specifications and drawings; (b) be free from defects in design,  
 6 material and workmanship; (c) be of merchantable quality and  
 7 suitable for the particular purposes intended, whether express or  
 8 reasonably implied; and (d) bear all warnings, labels, and markings  
 9 required by applicable laws and regulations. In addition, Seller  
 10 warrants that: (e) none of the goods covered hereby, to the extent  
 11 they are subject to laws prohibiting adulteration or misbranding, is  
 12 adulterated or misbranded within the meaning of such laws as of  
 the date of delivery to Lumber Liquidators; (f) all goods covered  
 hereby may be introduced into the stream of commerce without  
 violation of applicable laws and regulations; and (g) all goods  
 furnished or supplied pursuant to this Purchase Order have been  
 sourced, produced, sold, delivered, declared, packaged, labeled,  
 manufactured, and/or rendered to Lumber Liquidators in  
 compliance with all applicable laws, codes and regulations.

13 See <http://www.lumberliquidators.com/ll/customer-care/potc800201> (as it existed in early March  
 14 of 2015).

15 19. On March 1, 2015, the show "60 Minutes" featured a segment reporting that  
 16 samplings of Lumber Liquidators' laminate wood flooring products that were manufactured in  
 17 China had been tested by independent testing laboratories, and the testing determined that these  
 18 products contain levels of formaldehyde that far exceed CARB limits and that pose dangers to  
 19 human health. The 60 Minutes segment also aired footage of employees of certain of the  
 20 Chinese mills where Lumber Liquidators' flooring is manufactured, wherein the employees  
 21 made the shocking admissions that Lumber Liquidators' flooring was not CARB2 compliant.

22 20. After the alarming "60 Minutes" segment, Lumber Liquidators doubled down on  
 23 its previous assurances concerning the safety of its products by posting a letter from its Chairman  
 24 on its website stating:

25 Let me make one thing very clear – our laminate products, all of  
 26 our products, are 100% safe.

27 ...

28 We comply with applicable regulations regarding our products,  
 including California standards for formaldehyde emissions for

1 composite wood products – the most stringent rules in the country.  
2 We take our commitment to safety even further by employing  
3 compliance personnel around the world and utilizing the latest in  
4 cutting- edge technology to provide our customers with top quality  
5 and high value flooring.

6 <http://www.lumberliquidators.com/sustainability/60-minutes-letter-from-tom/> (last visited March  
7 12, 2015).

8 21. Lumber Liquidators continues to market and sell laminate wood flooring products  
9 to customers in New Jersey and throughout the nation on the basis of warranties, representations  
10 and assurances that such products are CARB compliant, notwithstanding the substantial  
11 questions that have been raised concerning the truth of these assurances.

12 22. Because of defendants' repeated assurances, representations and warranties, the  
13 recent substantial safety concerns that have been raised concerning Lumber Liquidators'  
14 laminate flooring products have raised a substantial concern about the safety of such products  
15 and safety and advisability of allowing such products to remain in their homes.

16 23. Plaintiff and members of the class would have never paid what they did for  
17 Lumber Liquidators' laminate flooring had they been told of the substantial safety concerns that  
18 existed with respect to Lumber Liquidators' products. Indeed, had Lumber Liquidators disclosed  
19 the substantial safety concerns that existed, plaintiff and members of the Class and the New  
20 Jersey Sub-Class would not have purchased Lumber Liquidators' laminate flooring products.

21 24. Lumber Liquidators' senior-most executives, armed as they were with inside  
22 knowledge about the true state of affairs at Lumber Liquidators, were not so unfortunate.

23 25. Indeed, while Lumber Liquidators was widely touting the safety of its laminate  
24 wood flooring products and while its stock was trading at or near record highs on the New York  
25 Stock Exchange, but before the truth was revealed to the public, two of Lumber Liquidators'  
26 executives sold over \$22 million of their stock, on certain occasions simultaneously exercising  
27 stock options to purchase shares at prices significantly below the then current market price and  
28 then immediately selling those shares at the then current market price. The fortuitous timing of  
these insider stock sales allowed these corporate insiders to avoid the massive drop in the price  
of Lumber Liquidators' stock that occurred when the truth was revealed. On March 16, 2015,



the market price of Lumber Liquidators' stock closed at \$29.63 per share on the New York Stock Exchange.

26. The details of these stock sales, insofar as they are publicly available, are as follows:

Robert Lynch: President and Chief Executive Officer of Lumber Liquidators Holdings, Inc., Lumber Liquidators, Inc., responsible for Lumber Liquidators' merchandising, supply chain and store operations:

Date Sold	Number of Shares	Price Per Share	Total Proceeds
07/24/2013	10,000	95.75	\$957,500.00
07/24/2013	10,000	94.99	\$949,900.00
07/31/2013	10,000	97.9	\$979,000.00
07/31/2013	10,000	97.25	\$972,500.00
07/31/2013	10,000	96.5	\$965,000.00
02/21/2014	67,491	103.05	\$6,954,947.55
02/21/2014	7,630	103.1141	\$786,760.58
		TOTAL	\$12,565,608.13

Thomas D. Sullivan: Chairman of the Board of Directors of Lumber Liquidator Holdings, Inc.:

Date Sold	Number of Shares	Price Per Share	Total Proceeds
08/22/2013	30,000	100.4908	\$3,014,724.00
08/22/2013	25,000	101.524	\$2,538,100.00
08/22/2013	45,000	102.3688	\$4,606,596.00
		TOTAL	\$10,159,420.00
		GRAND TOTAL	\$22,725,028.13

1  
2 27. These unprecedented and suspiciously timed insider stock sales give rise to the  
3 reasonable, if not compelling, inference that the senior-most officers of Lumber Liquidators,  
4 armed as they were with inside information that was not available to the public (including  
5 plaintiff and members of the Class and New Jersey Sub-Class), were aware that the Company  
6 was selling massive quantities of defective and potentially illegal products that the public was  
7 not yet aware of, and acted to sell their shares before the truth was known and the stock price  
8 was predictably devastated as a result.

9 **V. CLASS ACTION ALLEGATIONS**

10 28. Plaintiff incorporates by reference the allegations of paragraphs 1-27 of the  
11 Complaint.

12 29. Plaintiff brings this action under Rule 23 of the Federal Rules of Civil Procedure,  
13 on behalf of themselves and a plaintiff Class consisting of all persons who purchased from  
14 Lumber Liquidators one or more laminate wood flooring products that were for their personal  
15 use rather than for resale or distribution, that were manufactured in China, and that were  
16 warranted and advertised by Lumber Liquidators as being CARB compliant, and a Sub-Class  
17 (the “New Jersey Sub-Class”) consisting of all members of the Class who reside in and/or  
18 purchased their laminated flooring within the State of New Jersey. Excluded from the Class and  
19 the New Jersey Sub-Class are (1) governmental entities, (2) any Judge or Magistrate Judge  
20 presiding over this action as well as their immediate family members, and (3) the defendant, its  
21 affiliates, subsidiaries, defendants’ current or former employees, officers, directors, agents,  
22 representatives, and their family members.

23 30. The Class and the New Jersey Sub-Class satisfy the requirements of Rules 23(a)  
24 and (b)(3) of the Federal Rules of Civil Procedure in that:

25 31. The proposed Class and New Jersey Sub-Class are so numerous that joinder of all  
26 members thereof is impracticable, as required by Fed.R.Civ.P. 23(a)(1). While plaintiff does not  
27 know the exact size or identities of the members of the proposed Class, plaintiff believes, and  
28 avers on the basis of information and belief, that the Class and New Jersey Sub-Class number in

1 the thousands. The identities of Class and New Jersey Sub-Class members can be ascertained  
2 from Lumber Liquidators' records.

3 32. There are questions of law and fact that are common to members of the Class and  
4 the New Jersey Sub-Class and such questions predominate over questions affecting only  
5 individual members of the Class and New Jersey Sub-Class, as required by Rules 23(a)(2) and  
6 (b)(3) of the Federal Rules of Civil Procedure. These predominant common questions include,  
7 without limitation:

- 8 a. Whether the laminate wood flooring products manufactured and sold by  
9 Lumber Liquidators to plaintiff and members of the Class and the New  
10 Jersey Sub-Class complied with the representations and warranties that  
11 defendants made with respect to these products.
- 12 b. Whether defendants' representations regarding their laminate wood  
13 flooring products were made knowingly and willfully;
- 14 c. Whether Lumber Liquidators concealed and omitted material facts from  
15 its communications with and disclosure to members of the Class and New  
16 Jersey Sub-Class concerning the safety of its laminate wood flooring  
17 products;
- 18 d. Whether Lumber Liquidators breached express and implied warranties to  
19 Class members regarding its laminate wood flooring products;
- 20 e. Whether, with respect to New Jersey Sub-Class members, Lumber  
21 Liquidators violated New Jersey law, including the New Jersey Consumer  
22 Fraud Act;
- 23 f. Whether the actions of Lumber Liquidators caused members of the Class  
24 and the New Jersey Sub-Class to suffer damages; and
- 25 g. The proper measure of damages to which members of the Class and the  
26 New Jersey Sub-Class are entitled.

27 33. Plaintiff's claims are typical of the claims of the Class and the New Jersey Sub-  
28 Class, as required by Rule 23(a)(3) of the Federal Rules of Civil Procedure, in that plaintiff's

1 claims arise from the same nucleus of operative facts and course of conduct that give rise to the  
2 claims of all members of the Class and the New Jersey Sub-Class.

3 34. As required by Rule 23(a)(4) of the Federal Rules of Civil Procedure, plaintiff  
4 will adequately represent the interests of the Class and the New Jersey Sub-Class and has  
5 retained attorneys who have the ability and the experience to prosecute this litigation.

6 35. As additionally required by Rule 23(b)(3) of the Federal Rules of Civil Procedure,  
7 a class action is superior to other available methods for the fair and efficient adjudication of this  
8 controversy because the damages suffered by individual members of the Class and New Jersey  
9 Sub-Class may be too small, relatively speaking, to justify the prosecution of these claims on an  
10 individual, non-class action basis, and therefore, absent certification of this action as a class  
11 action, claims that are otherwise meritorious may go unredressed. Plaintiff anticipates no  
12 insurmountable obstacles to the management of this action as a class action.

### 13 COUNT I

#### 14 VIOLATION OF THE MAGNUSON-MOSS 15 WARRANTY ACT, 15 U.S.C. §§ 2301, et seq.

16 36. Plaintiff incorporates by reference the allegations of paragraphs 1-35 of this  
17 Complaint.

18 37. Plaintiff and the other members of the Class and New Jersey Sub-Class are  
19 “consumers” within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(3).

20 38. Lumber Liquidators is a “supplier” and “warrantor” within the meaning of 15  
21 U.S.C. §§ 2301(4)-(5).

22 39. The flooring that forms the basis of this action was purchased separate from the  
23 initial construction of the structure into which it was to be installed and therefore constitutes a  
24 “consumer product” within the meaning of 15 U.S.C. § 2301(1).

25 40. Lumber Liquidators’ representations regarding the compliance of these flooring  
26 products with CARB and other applicable safety and environmental standards, as alleged in this  
27 Complaint, constitute written warranties within the meaning of 15 U.S.C. § 2301(6).



53. Plaintiff and members of the Class and New Jersey Sub-Class were injured by reason of their purchase of defendants' laminate wood flooring products.

**FRAUD ACT, N.J.S.A. § 56:8-1 et seq.**

58. Lumber Liquidators engaged in the concealment, suppression, or omission within the meaning of N.J.S.A. § 56:8-1 by selling, marketing and distributing defective manufactured laminate flooring products as alleged in this Complaint.

1           59. Defendants intended, knew and/or recklessly disregarded the fact that plaintiff  
2 and members of the New Jersey Sub-Class would rely upon defendants' concealment,  
3 suppression, or omission of such material facts in connection with their purchases of  
4 manufactured laminate flooring products from Lumber Liquidators.

5           60. Plaintiff and members of the New Jersey Sub-Class would not have purchased the  
6 manufactured laminate flooring products if they were aware of the defects alleged in this  
7 Complaint.

8           61. Defendants' actions, as alleged in this Complaint, constitute unfair, deceptive and  
9 fraudulent business practices within the meaning of N.J.S.A. § 56:8-1 *et seq.*

10           62. Lumber Liquidators either knew, should have known, or recklessly disregarded  
11 that its laminate flooring products were defectively designed and manufactured, in the manner  
12 alleged in this Complaint, and such defects existed at the time of their sale to plaintiff and  
13 members of the New Jersey Sub-Class.

14           63. By reason of defendants' violations of N.J.S.A. § 56:8-1 as alleged in this  
15 Complaint, plaintiff and members of the New Jersey Sub-Class have suffered injury in an  
16 amount to be determined at trial. Such injuries include, without limitation: (a) the difference  
17 between the prices paid for the product and the value of such products, if any, with such defects,  
18 (b) the cost to repair or replace such products and to otherwise remediate the damage they have  
19 suffered.

20           64. Lumber Liquidators used unfair methods of competition and unfair or deceptive  
21 acts or practices, and engaged in fraud, in conducting their businesses, within the meaning of  
22 N.J.S.A. § 56:8-1 *et seq.*

## 23                           **VI. PRAYER FOR RELIEF**

24           WHEREFORE, plaintiff respectfully requests that the Court grant the following relief:

25           A. An Order certifying this action as a class action under Fed.R.Civ.P. 23, on behalf  
26 of the Class and New Jersey Sub-Class defined in this Complaint, and designating the plaintiff as  
27 the representative of the Class and New Jersey Sub-Class;  
28

1 B. Damages, restitution and other monetary and punitive relief, to the fullest extent  
2 allowed under any of the causes of action alleged in this Complaint;

3 C. An Order directing defendants to reimburse plaintiff and members of the Class  
4 and New Jersey Sub-Class for the amounts they paid for defendants' laminate wood flooring  
5 products, as well as the costs incurred in installing and now removing such products;

6 D. An Order enjoining and restraining defendants from continuing to market,  
7 distribute and sell laminate wood flooring until the defects alleged in this Complaint are  
8 corrected and rectified, and until defendants institute and implement appropriate safeguards to  
9 prevent the continuation of such defects in their laminate wood products;

10 E. Reasonable costs and attorneys' fees, to the fullest extent allowed under any of  
11 the causes of action alleged in this Complaint; and

12 F. Such other and further relief as this Court may deem just and appropriate.

13 **VII. DEMAND FOR JURY TRIAL**

14 Plaintiff hereby demands trial by jury on all issues so triable.

15 DATED: March 24, 2015

CERA LLP

17 By: /s/Solomon B. Cera  
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# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

BRUCE GUEST, on behalf of himself and all others similarly situated

(b) County of Residence of First Listed Plaintiff OCEAN COUNTY, NEW JERSEY  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
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Solomon B. Cera (SBN 99467)  
C. Andrew Dirksen (SBN 197378)  
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## DEFENDANTS

LUMBER LIQUIDATORS INC.; LUMBER LIQUIDATORS LEASING, LLC;  
LUMBER LIQUIDATORS HOLDINGS, INC.; and LUMBER LIQUIDATORS  
SERVICES, LLC,

County of Residence of First Listed Defendant JAMES CITY COUNTY

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

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

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Magnuson-Moss Warranty Act, 15 U.S.C. § 2301 et seq.; 28 U.S.C. § 1331; 28 U.S.C. § 1332(d); N.J.S.A. § 56:8-1, et seq.  
Brief description of cause:  
Class action complaint for violations of federal and state consumer protection laws.

## VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Jon S. Tigar

DOCKET NUMBER 15-cv-01005-JST (See attached)

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

(Place an "X" in One Box Only)

☒ (X) SAN FRANCISCO/OAKLAND

☐ ( ) SAN JOSE

☐ ( ) EUREKA

DATE

SIGNATURE OF ATTORNEY OF RECORD

March 24, 2015

/s/Solomon B. Cera

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.  
Original Proceedings. (1) Cases which originate in the United States district courts.  
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**Civil Cover Sheet Attachment**

VIII. Related Cases:

<u>Judge:</u>	<u>Docket Number:</u>	<u>Case Name:</u>
Hon. Jon S. Tigar	15-cv-01005-JST	<i>Balero, et al. v. Lumber Liquidators, Inc., et al.</i>
Hon. Jon S. Tigar	15-cv-01012-JST	<i>Conte, et al v. Lumber Liquidators, Inc., et al.</i>
Hon. Jon S. Tigar	15-cv-01074-JST	<i>Ezovski, et al. v. Lumber Liquidators, Inc., et al.</i>