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FILED
Superior Court Of California
County Of Los Angeles

APR 28 2015

Sherri K. Young Executive Officer/Clerk
By [Signature] Deputy
Judith Lara

IN THE SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

VERSIL MILTON, individually and on behalf of all others similarly situated,

Plaintiff,

v.

GUESS?, INC., GUESS? RETAIL, INC., and DOES 1 - 50, inclusive,

Defendants.

Case No.

BC 580216

CLASS ACTION COMPLAINT FOR:

1. DECEIT (FRAUD)
2. UNFAIR, UNLAWFUL, AND FRAUDULENT BUSINESS ACTS AND PRACTICES
3. FALSE ADVERTISING
4. VIOLATION OF THE CLRA
5. INJUNCTION

BY FAX

RECEIPT #: CCH520872134
 DATE PAID: 04/28/15 03:40 PM
 PAYMENT: \$1,435.00 310
 RECEIVED:
 CHECK: \$1,435.00
 CASH: \$0.00
 CHANGE: \$0.00
 CARD: \$0.00

CIT/CASE: BC580216
LEA/DEF#:

04/28/2015

1 Plaintiff Versil Milton ("Named Plaintiff") is informed and believes, and thereupon
2 alleges, the following:

3 I. INTRODUCTION

4 1. Named Plaintiff brings these claims individually and as a class action under
5 California Code of Civil Procedure § 382. Named Plaintiff asserts these claims in his capacity
6 as a class action representative on behalf of all similarly situated persons (the "Plaintiff
7 Class").

8 2. The "Plaintiff Class" consists of all individuals who purchased clothing and/or
9 other items from a Guess Factory Store in the State of California during the Class Period.

10 3. The "Class Period" is designated as the period from October 9, 2010, through the
11 trial date. All violations of law described herein have been ongoing from at least October 9,
12 2010, and are continuing at present, and will continue unless and until enjoined by this Court.

13 4. Named Plaintiff and the Plaintiff Class (together, "Plaintiffs") have been injured,
14 in fact, have lost money and property, and have suffered damages as the proximate result of
15 defendants' fraud; unlawful, unfair, and fraudulent business practices; and unfair, deceptive,
16 untrue, and misleading advertising practices – all as described below.

17 5. For these injuries, Plaintiffs seek restitution, actual and punitive damages,
18 interest, attorney's fees, costs, and injunctive relief, all under California law, including:
19 California Business & Professions Code §§ 17200, *et seq.* and 17500, *et seq.*; California Civil
20 Code §§ 1709, 1710, 1750, *et seq.*, and 3294; and California Code of Civil Procedure § 1021.5.

21 6. Defendants knowingly and intentionally engaged in the conduct complained of
22 herein, and Defendants acted as alleged herein with malice, oppression, and fraud.

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1 11. Defendant Guess? Retail, Inc. (together with Guess?, Inc., hereinafter referred to
2 as "Guess") is a Delaware Corporation doing substantial business in the State of California,
3 with its corporate headquarters located in Los Angeles, California.

4 12. Guess markets and distributes clothing and accessories via retail and wholesale
5 channels in California, throughout the United States, and internationally.

6 13. Plaintiffs are unaware of the true names or capacities of defendants named herein
7 as Does 1 through 50, inclusive, and therefore sue these defendants by these fictitious names.
8 When the names and capacities of these defendants are ascertained, Plaintiffs will amend this
9 complaint accordingly. Each of the defendants named herein or designated as a Doe is liable
10 for, and engages in, the conduct complained of in this complaint in Alameda County,
11 California

12 IV. GENERAL ALLEGATIONS

13 14. Guess designs, markets, and distributes designer clothing. Guess represents itself
14 as a purveyor of fine, upmarket apparel, describing its clothing line as "one of the world's
15 leading lifestyle collections of contemporary apparel." Guess owns and operates high-end
16 retail stores ("Boutiques") and also sells products for distribution in premium department
17 stores such as Nordstrom and Macy's. Additionally, Guess owns and operates factory outlet
18 stores ("Factory Stores" or "Outlets"). There are approximately 113 Guess Factory Stores in
19 the United States, including approximately 23 in California.

20 15. Traditionally, Outlets such as those operated by Guess sold discounted items
21 otherwise available for full price at Boutiques and/or department stores. Outlets are generally
22 grouped together in large complexes, at great distance from other retail centers, and solicit and
23 attract consumers eager to obtain prestigious label items at discounted prices. For example, the
24 outlet complex at which Named Plaintiff Versil Milton purchased his Guess items, Las
25 Americas Premium Outlets, advertises "Exceptional Brands," and "extraordinary savings of
26 25% to 65%. For shopping that is always worth the trip." The Las Americas Premium Outlets
27 complex also purports to offer "impressive" savings at "125 Outlet Stores" (including Guess).

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1 16. In fact, the purported savings offered at Outlets are a sham. Despite the
2 carefully-cultivated public perception that modern Outlets, like their traditional forerunners,
3 offer discounted premium merchandise, many or most of the clothing companies operating
4 Outlets now produce clothing and other items exclusively for their Outlets, items which are
5 never sold at Boutique or department stores, nor for the higher prices from which consumers
6 believe they are receiving discounts. In short, these clothiers: (1) surreptitiously produce entire
7 lines of inferior products, (2) offered at illusory markdowns, (3) to induce consumers to
8 purchase items they would not purchase if their true origin, characteristics, and pricing status
9 were known, or to pay more than they would otherwise pay.

10 17. This is precisely the practice followed by Guess. The clothing and other items
11 sold at Guess Outlets are manufactured for, and sold exclusively by, those Outlets. These
12 items are never offered to the public at the "full" prices from which Guess Outlets claim to
13 offer discounts, nor at department stores or Guess Boutiques. Nevertheless, the price tag for
14 each Guess Outlet item prominently and conspicuously displays two purported prices: a higher
15 price and a seemingly discounted price. The higher price is labeled either as an "MSR" or
16 "Value Was" price. The lower price is identified by Guess Outlets as "Our Price." In fact, no
17 Guess Outlet item is ever offered or sold at the higher "MSR" or "Value Was" price, but rather
18 is always sold for the lower "Our Price" amount.

19 18. Accordingly, the price of each Guess Outlet item – the "Our Price" amount – is
20 improperly advertised as a discount from a former price – the "MSR" or "Value Was" price –
21 that was not the prevailing market price within the three months immediately preceding the
22 advertised discount.

23 19. Guess, however, goes well beyond improperly advertising a discount from a stale
24 market price by fabricating a wholly imaginary former price. Because no item is *ever* sold at
25 the MSR or Value Was price, those prices are entirely fictitious and arbitrary. These prices are
26 contrived and displayed solely to dupe consumers into the mistaken belief that Guess Outlet
27 items are the same premium items available at Guess Boutiques and high-end department
28 stores, and that these items are offered for dramatically discounted prices at Guess Outlets.

1 20. By this pricing scheme, Guess induces consumers to purchase items they would
2 not otherwise purchase or to pay more for items than they would otherwise pay; misrepresents
3 the source of Guess Outlet items; misrepresents the quality and grade of Guess Outlet items;
4 advertises goods with the intent not to sell them as advertised; makes false and misleading
5 statements of fact concerning reasons for, existence of, and amounts of price reductions; and
6 provides false information about the worth of each item sold at Guess Outlets.

7 21. Guess styles its Outlets as "Factory Stores" precisely so that consumers will
8 believe that those stores operate as outlets in the traditional sense, that is, as stores offering
9 steeply-discounted items otherwise available at more prestigious retail locales. Guess furthers
10 this illusion by the wording of its Outlet price tags, which mislead consumers into the false
11 belief that they are obtaining premium items, identical to those offered at Guess Boutiques and
12 department stores, at significant discounts.

13 22. Each price tag displaying a "MSR" price misrepresents the existence and amount
14 of a manufacturer's suggested retail price. However, because Guess produces each item with
15 the specific intent of selling that item at the lower "Our Price" amount, never intends those
16 items to be sold at the "MSR" price, and in fact, sells each item only at the lower "Our Price"
17 amount, the "MSR" price is fictitious and arbitrary.

18 23. Similarly, each price tag displaying a "Value Was" price misrepresents that the
19 attached item "was" formerly sold at a higher price and that the item has or had an alternative
20 "value." Again, however, no item is ever sold at the "Value Was" price, and that price is
21 therefore fictitious and arbitrary.

22 24. Additionally, display of an "Our Price" amount on all Guess Outlet price tags is
23 misleading because: (1) Guess fails to disclose that the attached item was never offered for a
24 higher price (that there is no, as it were, "their price"); (2) that the item was never offered at
25 Guess Boutiques, department stores, or any retailers other than Guess Outlets; (3) that the item
26 was produced exclusively for Guess Outlets; and (4) that the item is inferior in quality to items
27 offered at Guess Boutiques and department stores.

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1 25. Further, the display of two prices on each price tag misrepresents the existence
2 and amount of a fictitious discount: that is, the difference between the higher "MSR" or "Value
3 Was" Price and the "Our Price" Amount.

4 26. Because each and every item sold at Guess Outlets contains a misleading price
5 tag as described above, Guess' misrepresentations and statements rendered misleading by
6 material omissions are conveyed through uniform writings given to each member of the
7 Plaintiff Class.

8 **V. ALLEGATIONS CONCERNING NAMED PLAINTIFF**

9 27. Named Plaintiff was deceived by Guess' pricing scheme as described herein.

10 28. On December 19, 2014, Named Plaintiff Versil Milton visited the Guess Outlet
11 at the Las America Premium Outlets, the "Guess Las Americas Premium Outlet." Based on
12 Guess' characterization of its Las Americas Outlet as a Factory Store, Named Plaintiff believed
13 that shopping at that Outlet would allow him to obtain bargains on prestigious Guess
14 merchandise.

15 29. During his visit to the Guess Las Americas Premium Outlet, Named Plaintiff
16 Versil Milton purchased a jacket for \$35.00, two shirts for \$9.75 and \$15.00, respectively, and
17 a pair of sweatpants for \$27.99. The price tag for each of these items had a "MSR" listing that
18 was higher than the "OUR PRICE" listed. Named Plaintiff Versil Milton believed that these
19 items were offered at Guess Boutiques and department stores for the higher "MSR" price, and
20 that he was therefore receiving a substantial discount. In reality, the items were never offered
21 or intended for sale at the MSR listed prices, nor were the items ever sold at Guess Boutiques
22 or department stores. Rather, the items were manufactured exclusively for sale at Guess
23 Outlets for the "OUR PRICE" listed.

24 30. The "MSR" price displayed on the price tag of the items purchased by Named
25 Plaintiff was not the prevailing market price of the items within the three months preceding the
26 advertisement of the purported discount, and in fact, was never the prevailing market price for
27 the items, but rather, was illusory, fabricated, and arbitrary.

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1 31. The price tag affixed to the items purchased by Named Plaintiff falsely
2 represented the existence and amount of a non-existent manufacturer's suggested retail price
3 and a false discount; was misleading because it included an "Our Price" amount without
4 disclosing that the item had never been offered at any location other than Guess Outlets nor at
5 any price other than the "Our Price" amount, was manufactured for sale exclusively at Guess
6 outlets, and was inferior in quality to items sold in at Guess Boutiques and department stores;
7 and otherwise had the effects described in ¶¶ 15-26, above.

8 32. Named Plaintiff read, believed, and relied on the misrepresentations and
9 omissions displayed on the price tag for the Guess Outlet item she purchased. Named Plaintiff
10 would not have purchased the item, and would not have parted with the money paid for the
11 item, if they had known the true facts misrepresented and omitted by Guess.

12 33. The misrepresentations and omissions displayed on the price tag for the Guess
13 Outlet item purchased by Named Plaintiff are typical of the price tags for all Guess Outlet
14 items.

15 34. These misrepresentations and omissions are material because a reasonable
16 consumer would consider them important in making a decision to purchase the item purchased
17 by Named Plaintiff, or to purchase any Guess Outlet item.

18 35. As a direct result of Guess' conduct as alleged herein, Named Plaintiff was
19 injured, lost money or property, and has been damaged in an amount to be proved at trial.

20 VI. CLASS ACTION ALLEGATIONS

21 36. Named Plaintiff brings this action on behalf of himself and all others similarly
22 situated as a class action pursuant to California Code of Civil Procedure § 382. The class that
23 Named Plaintiff seeks to represent is defined as follows: All persons who purchased clothing
24 or other items from a Guess Factory Store in the State of California during the Class Period.
25 Excluded from the Plaintiff Class are Guess, its parents, subsidiaries, affiliates, and officers
26 and directors.

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1 37. The claims alleged herein may properly be maintained as a class action because
2 there is a well-defined community of interest among ascertainable class members with regard
3 to the claims asserted.

4 38. The Plaintiff Class is believed to be numbered in the tens of thousands, and
5 joinder of all class members is therefore impractical.

6 39. Questions of law and fact common to Named Plaintiff and the Plaintiff Class
7 predominate over questions of law and fact affecting only individual members of the Plaintiff
8 Class. Said common questions of law and fact include, but are not limited to, the following:

9 (a) Whether the price tags affixed to all items sold at Guess Outlets contain
10 misrepresentations and omissions;

11 (b) Whether such misrepresentations and omissions are material;

12 (c) Whether Guess made such misrepresentation and omissions with the
13 intent to induce the reliance of Plaintiff Class, and whether the Guess' conduct as alleged
14 herein was knowing and intentional;

15 (d) Whether such misrepresentation and omissions were disseminated to
16 Plaintiff Class in uniform, written form;

17 (e) Whether the "MSR" and "Value Was" prices displayed on the price tags
18 of Guess Outlet items were the prevailing market prices for those items during the three month
19 periods preceding the dissemination and/or publication of those advertised former prices;

20 (f) Whether Guess falsely advertises price discounts on all items sold at
21 Guess Outlets;

22 (g) Whether the conduct alleged herein constitutes unfair, unlawful, and/or
23 fraudulent business practices under California law and therefore violates California Business
24 and Professions Code §§ 17200, *et seq.*;

25 (h) Whether the conduct alleged herein constitutes false advertising under
26 California law;

27 (i) Whether Plaintiff Class is entitled to restitution and/or damages, and the
28 amount of such restitution and damages;

1 (j) Whether Guess will, unless enjoined, continue the practices alleged
2 herein; and

3 (k) The terms and conditions of the injunction to be issued against Guess.

4 40. Named Plaintiff's claims are typical of the claims of the Plaintiff Class because
5 Named Plaintiff was subjected to the unlawful practices alleged herein common to the Plaintiff
6 Class. Named Plaintiff's claims are based on, and arise out of, uniform misrepresentations and
7 omissions. Guess' common course of conduct has caused Named Plaintiff and the members of
8 the Plaintiff Class to sustain the same or substantially similar injuries and damages and to lose
9 money or property in the same manner. Named Plaintiff's claims are therefore representative
10 of the claims of Plaintiff Class.

11 41. Named Plaintiff has no conflict of interest with any other members of the
12 Plaintiff Class, and Named Plaintiff will vigorously prosecute this case on behalf of the
13 Plaintiff Class.

14 42. Counsel who represent Named Plaintiff is competent and experienced in
15 litigating complex actions pertaining to fraudulent, unfair, and unlawful practices, including
16 many class action claims. Named Plaintiff and his counsel will fairly and adequately represent
17 and protect the interests of the members of the Plaintiff Class.

18 43. The identity of each member of the Plaintiff Class is ascertainable from available
19 records maintained by Guess or by third parties. There is a well-defined community of interest
20 between the members of Plaintiff Class.

21 **VII. CAUSES OF ACTION**

22 **FIRST CAUSE OF ACTION**

23 **Deceit (Fraud)**

24 44. Named Plaintiff incorporates by reference all preceding paragraphs as though
25 fully set forth herein.

26 45. As alleged herein, including in ¶¶ 15-26, above, Guess made material
27 misrepresentations to, and concealed and suppressed facts from, Named Plaintiff and the other
28 members of the Plaintiff Class.

1 46. As alleged herein, including in ¶¶ 15-26, above, Guess knew these
2 misrepresentations were false, and Guess knew that the facts it concealed and suppressed were
3 necessary to make material statements made by Guess not misleading.

4 47. As alleged herein, including in ¶¶ 15-26, above, Guess made these
5 misrepresentations, and concealed and suppressed these facts, with the intent to induce the
6 reliance of and to defraud Named Plaintiff and the other the members of the Plaintiff Class.

7 48. Guess' misrepresentations and omissions were conveyed through uniform
8 writings given to Named Plaintiff and each member of the Plaintiff Class.

9 49. Named Plaintiff and the other members of the Plaintiff Class believed that
10 Guess' misrepresentations and statements rendered misleading by concealment and
11 suppression of facts were true or were ignorant of their falsity or misleading nature.

12 50. In reliance on Guess' misrepresentations and omissions, Named Plaintiff and the
13 other members of the Plaintiff Class, were induced to, and did in fact, purchase clothing and
14 other items they would not have otherwise purchased, and/or pay more for such clothing and
15 items than they otherwise would have. Had Named Plaintiff and the other members of the
16 Plaintiff Class known the truth, they would not have taken such actions.

17 51. The reliance of Named Plaintiff, and of the other members of the Plaintiff Class,
18 was reasonable and justified.

19 52. As a proximate result of Guess' fraudulent conduct as alleged herein, Named
20 Plaintiff and the other members of the Plaintiff Class have been injured.

21 53. Pursuant to California Code of Civil Procedure § 1709, Guess is liable for the
22 damages suffered by Named Plaintiff and the other members of the Plaintiff Class.

23 54. The actions of Guess as alleged herein constitute oppression, fraud, or malice, as
24 those terms are defined in California Civil Code § 3294, thus entitling Named Plaintiff and the
25 other members of the Plaintiff Class, and each of them, to an award of punitive damages.

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1 SECOND CAUSE OF ACTION

2 **Unfair, Unlawful, and Fraudulent Business Acts and Practices – Restitution**

3 55. Named Plaintiff incorporates by reference all preceding paragraphs as though
4 fully set forth herein.

5 56. California’s Unfair Competition Law, Business & Professions Code §§ 17200, *et*
6 *seq.* prohibits acts of unlawful and unfair competition, including any “unlawful, unfair or
7 fraudulent business act or practice,” and “unfair, deceptive, untrue or misleading advertising”
8 and any act prohibited by Business & Professions Code § 17500.

9 57. Guess has committed unlawful, unfair, and fraudulent business acts and practices
10 by engaging in the conduct alleged herein.

11 58. The conduct of Guess as alleged herein constitutes unfair, unlawful, and
12 fraudulent acts and practices because such conduct violates California Civil Code §§ 1710 and
13 1770(a)(2), (a)(7), (a)(9), and (a)(13); California Business & Professions Code § 17501; 15
14 U.S.C. § 45(a)(1); 15 U.S.C § 52; and 16 C.F.R. § 233.3.

15 59. The conduct of Guess as alleged herein also constitutes unfair competition in that
16 Guess’ acts and practices offend public policy and are unethical, oppressive, and unscrupulous,
17 and are substantially injurious to the public.

18 60. The conduct of Guess as alleged herein was a proximate cause of the injuries of
19 Named Plaintiff and the other members of the Plaintiff Class, and it caused and continues to
20 cause substantial injury to Named Plaintiff and the other members of the Plaintiff Class.

21 61. By its conduct as alleged herein, Guess has improperly obtained money and
22 property from Named Plaintiff and the other members of the Plaintiff Class, and Named
23 Plaintiff and the other members of the Plaintiff Class have been injured in fact, and have lost
24 money and property, as the result of Guess’ conduct as alleged herein. By reason of the
25 foregoing, Guess should be required to pay restitution to Named Plaintiff and the other
26 members of the Plaintiff Class.

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1 THIRD CAUSE OF ACTION

2 **False Advertising**

3 62. Named Plaintiff incorporates by reference all preceding paragraphs as though
4 fully set forth herein.

5 63. California Business & Professions Code §§ 17500, *et seq.* prohibits untrue,
6 misleading, or deceptive advertising, including, but not limited to such false advertising
7 relating to the worth, value, and/or former value of any item.

8 64. Guess' conduct as alleged herein violates California Business & Professions
9 Code §§ 17500, *et seq.* because Guess' advertisements as described herein make untrue
10 statements of material fact and omit material facts necessary to make facts stated not
11 misleading. By advertising fictional former prices for its Outlet items which are materially
12 greater than the actual prices of those items, Guess conveys the false impression that Guess
13 Outlet items – which are manufactured exclusively for Guess Factory Stores – are routinely
14 sold in department stores and Guess Boutiques at higher prices. This practice conveys false
15 information about the value and worth of the items sold at Guess' Factory Outlets, and is
16 intended to, and does in fact, mislead California consumers. Further, the "MSR" and "Value
17 Was" prices advertised for all Guess Outlet items – that is, the alleged former prices of those
18 items – were not the prevailing market prices of those items within the preceding three months,
19 nor does Guess indicate in any manner the date when the advertised former prices prevailed.

20 65. By its conduct as alleged herein, Guess has improperly obtained money and
21 property from Named Plaintiff and the other members of the Plaintiff Class, and Named
22 Plaintiff and the other members of the Plaintiff Class have been injured in fact, and have lost
23 money and property, as the result of Guess' conduct as alleged herein. By reason of the
24 foregoing, Guess should be required to pay restitution to Named Plaintiff and the other
25 members of the Plaintiff Class.

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1 FOURTH CAUSE OF ACTION

2 **Violation of the Consumers Legal Remedies Act**

3 66. Named Plaintiff incorporates by reference all preceding paragraphs as though
4 fully set forth herein.

5 67. Named Plaintiff brings this cause of action pursuant to the California Consumers
6 Legal Remedies Act.

7 68. Named Plaintiff, and each of the members of the Plaintiff Class, are
8 "consumer[s]" within the meaning of California Civil Code § 1761(d); the purchases of Guess
9 Outlet items as described herein are "transaction[s]" within the meaning of California Civil
10 Code § 1761(e); and the Guess Outlet items purchased by Named Plaintiff and the other
11 members of the Plaintiff Class are "goods" within the meaning of California Civil Code §
12 1761(a).

13 69. By engaging in the conduct alleged herein, Guess violated California Civil Code
14 § 1770(a)(2), (a)(7), (a)(9), and (a)(13), by, respectively: misrepresenting the source of Guess
15 Outlet items, misrepresenting the standard and quality of Guess Outlet items, advertising goods
16 or services with intent not to sell them as advertised, and making false or misleading
17 statements of fact concerning reasons for, existence of, and amounts of price reductions.

18 70. Named Plaintiff, and the other members of the Plaintiff Class, relied on Guess'
19 misrepresentations and misleading statements in deciding to purchase Guess Outlet items, and
20 would not have purchased Guess Outlet items absent Guess' conduct as alleged herein.

21 71. Named Plaintiff, and the other members of the Plaintiff Class, were injured as the
22 proximate result of Guess' conduct as alleged herein.

23 FIFTH CAUSE OF ACTION

24 **Unfair, Unlawful, and Fraudulent Business Acts and Practices – Injunction**

25 72. Named Plaintiff incorporates by reference all preceding paragraphs as though
26 fully set forth herein.

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1 5. That this action and the Plaintiff Class be further designated, respectively, as a
2 representative action and representative class under California Business & Professions Code §
3 17200, *et seq.*;

4 6. That Guess, pursuant to California Business and Professions Code § 17200, *et*
5 *seq.*, be ordered to make full restitution of all amounts received by Guess as a result of the
6 conduct alleged herein;

7 7. That in addition to any constitutionally sufficient notice that is or might
8 otherwise be required in a class action under California law, Guess be ordered to pay for all
9 necessary efforts to actually locate members of the representative class under Business and
10 Professions Code § 17200, *et seq.*;

11 8. That this Court determine, and provide its declaratory judgment, that the
12 practices complained of herein were done willfully, knowingly, and intentionally;

13 9. That this Court issue a permanent injunction, on terms the Court may deem
14 appropriate and necessary, prohibiting Guess from engaging in the practices complained of
15 herein, requiring Guess to make appropriate reports to the Court or its appointed agent
16 or expert regarding its compliance with said injunction, and requiring Guess to pay all costs
17 associated with said monitoring said injunction;

18 10. For attorney's fees as provided by statutory and common law;

19 11. For costs of suit incurred;

20 12. For punitive damages; and

21 13. For such other legal and equitable relief as the Court may deem just and proper.

22 Dated: April 28, 2015

aiman-smith & marcy



Hallie VonRock
Attorneys for Plaintiff Versil Milton

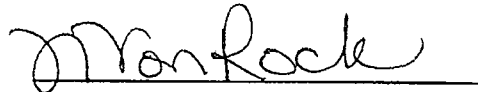
04
2015

DEMAND FOR JURY TRIAL

Named Plaintiff, on behalf of himself and the Plaintiff Class, hereby demands a jury on all causes of action and claims with respect to which Named Plaintiff has a right to jury trial.

Dated: April 28, 2015

aiman-smith & marcy



Hallie VonRock
Attorneys for Plaintiff Versil Milton

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04/28/2015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
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 ATTORNEY FOR (Name): Plaintiffs Versil Milton, et al.

FOR COURT USE ONLY

FILED
 Superior Court Of California
 County Of Los Angeles

APR 28 2015

Juerrita L. ... Officer/Clerk
 By Judi Lara Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
 STREET ADDRESS: 111 N. Hill Street
 MAILING ADDRESS:
 CITY AND ZIP CODE: Los Angeles, California 90012
 BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:
 MILTON, et al. V. GUESS?, INC., et al.

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter **Joinder**

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **BC 580216**

JUDGE:
 DEPT:

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

BY FAX

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

<p>Auto Tort</p> <p><input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PII/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PII/PD/WD (23)</p> <p>Non-PII/PD/WD (Other) Tort</p> <p><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-PII/PD/WD tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)</p>	<p>Contract</p> <p><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)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><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)</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <p><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)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)</p>
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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 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: April 28, 2015
 Hallie Von Rock, Esq., SBN 233152

Hallie Von Rock
 (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.

SHORT TITLE: Milton v. Guess?, Inc.

CASE NUMBER

BC 5 80 216
BY FAX

**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 21 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.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location where defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
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)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 3.	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.	

SHORT TITLE:

Milton v. Guess?, Inc.

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 _____
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-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)
Unlawful Detainer	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.

04/26/2015

SHORT TITLE:

Milton v. Guess?, Inc.

CASE NUMBER

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 8.
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.
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 (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.

04/29/2015

SHORT TITLE: Milton v. Guess?, Inc.	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 checked="" 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: 1444 South Alameda St.
CITY: Los Angeles	STATE: CA	ZIP CODE: 90021

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 West District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subs. (b), (c) and (d)].

Dated: 4/28/15

Mon Rock

(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.

04/28/2015