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6 Attorneys for Defendant
Chattem, Inc.
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 SHERRY WILTZ, individually, and on
behalf of all others similarly situated,

12 Plaintiff,

13 v.
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15 CHATTEM, INC. is a Tennessee
corporation, and DOES 1-10 Inclusive,

16 Defendants.
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CASE NO. 2:15-cv-1352

**NOTICE OF REMOVAL BY
DEFENDANT CHATTEM, INC.**

(28 U.S.C. §§ 1332, 1441, 1446, 1453)

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA:**

PLEASE TAKE NOTICE that Defendant Chattem, Inc. (“Chattem”) hereby removes this action from the Superior Court of the State of California for the County of Los Angeles to this Court pursuant to 28 U.S.C. §§ 1332, 1441, 1446 and 1453. Removal is proper because this is a putative class action that satisfies the jurisdictional prerequisites under the Class Action Fairness Act (“CAFA”), codified under 28 U.S.C. § 1332(d).

I. INTRODUCTION

On January 16, 2015, Plaintiff Sherry Wiltz (“Plaintiff”) commenced a putative class action in the Superior Court of the State of California for the County of Los Angeles entitled *Sherry Wiltz, individually, and on behalf of all others similarly situated v, Chattem, Inc. is a Tennessee corporation, and Does 1-10 Inclusive*, Case No. BC569573 (“State Court Action”).

Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders served upon Chattem in the State Court Action are attached to this Notice as Exhibit A. There have been no other proceedings in this action.

II. REMOVAL IS PROPER PURSUANT TO CAFA

CAFA provides this Court with original jurisdiction and permits Chattem to remove the State Court Action from the California state court to this Court. CAFA provides that federal district courts shall have original jurisdiction over class actions where the number of proposed class members is 100 or greater, any member of the putative class of plaintiffs is a citizen of a state different from that of any defendant, and the aggregate amount in controversy for all putative class members exceeds \$5 million (exclusive of interests and costs). 28 U.S.C. § 1332(d)(2), (d)(5)(B). These jurisdictional requirements are satisfied in this action.

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1 **A. This is a Class Action as Defined by CAFA**

2 This action meets the applicable definition of a class action under CAFA,
3 which defines a class action as “any civil action filed under rule 23 of the Federal
4 Rules of Civil Procedure or similar State statute or rule of judicial procedure.” 28
5 U.S.C. § 1332(d)(1)(B).

6 Plaintiff filed the State Court Action as a putative class action on behalf of
7 herself and a proposed class of plaintiffs, which includes all California residents
8 who purchased the product at issue. (Complaint, ¶1.) The California rule
9 governing the maintenance of class actions, California Code of Civil Procedure
10 Section 382, is analogous to Federal Rule of Civil Procedure 23. Thus, this action
11 falls within the definition of a “class action” per CAFA.

12 **B. The Proposed Class Consists of 100 Members or More**

13 The putative class in this action consists of over 100 members. 28 U.S.C. §
14 1332(d)(5)(B). Plaintiff purports to represent a class that includes “[a]ll California
15 residents who purchased ACT Mouthwash, containing the statement ‘Rebuilds
16 Tooth Enamel’ for personal use within 4 years from the date of filing this complaint
17 to the present.” (Compl., ¶1.) Plaintiff claims that “the exact number and identities
18 of the Class members are unknown at this time,” but she estimates the total number
19 of Class members to be “at least in the tens of thousands.” (*Id.* at ¶19.)

20 Although Chattem disputes that any class can be appropriately certified under
21 Federal Rule of Civil Procedure 23, Plaintiff’s allegations in the Complaint are
22 sufficient to satisfy CAFA’s requirement that the proposed class consist of at least
23 100 members. *See* 28 U.S.C. § 1332(d)(5)(B).

24 **C. There is Minimal Diversity of Citizenship Under CAFA**

25 The requisite diversity of citizenship exists between Chattem and the putative
26 class members. CAFA provides that “[t]he district courts shall have original
27 jurisdiction of any civil action in which the matter in controversy exceeds the sum
28 or value of \$5,000,000, exclusive of interest and costs, and is a class action in

1 which . . . *any* member of a class of plaintiffs is a citizen of a State different from
 2 *any* defendant.” 28 U.S.C. § 1332(d)(2)(A) (emphasis added). Thus, only minimal
 3 diversity is required.

4 Chattem is incorporated under the laws of the State of Tennessee, with its
 5 principal place of business in Chattanooga, Tennessee. (Compl., ¶5.) Chattem is
 6 thus a citizen of Tennessee for diversity purposes. Plaintiff resides in the State of
 7 California. (*Id.* at ¶4.) Plaintiff defines the putative class as consisting of only
 8 “California residents.” (*Id.* at ¶1.)

9 Because at least one, if not all, of the putative class members is a citizen of a
 10 state (California) different from the state of which Chattem is a citizen (Tennessee),
 11 minimal diversity of citizenship is satisfied for the purposes of CAFA jurisdiction.
 12 28 U.S.C. § 1332(d)(2)(A).

13 **D. The Amount in Controversy is Satisfied**

14 The aggregate amount in controversy here, exclusive of interest and costs,
 15 exceeds the value of \$5 million. 28 U.S.C. § 1332(d)(2), (d)(6). As the Supreme
 16 Court recently clarified, Chattem need not provide evidence proving that the
 17 amount in controversy exceeds the CAFA threshold. *Dart Cherokee Basin*
 18 *Operating Co., LLC v. Owens*, 135 S. Ct. 547 (2014). Rather, where the complaint
 19 does not specify a particular amount of alleged damages, a “defendant’s notice of
 20 removal need include only a *plausible allegation* that that the amount in
 21 controversy exceeds the jurisdictional threshold.” *Id.* at 554 (emphasis added).

22 Chattem contends that the allegations in the Complaint are without merit and
 23 that neither Plaintiff nor the putative class members have suffered any injury for
 24 which it can be held liable. Nevertheless, Plaintiff seeks damages and restitutionary
 25 disgorgement “in an amount sufficient to provide each and every class member
 26 with a full refund for each and every one of the ACT Restoring mouthwash
 27 purchased” during the class period. (Compl., Exhibit A, p. 3, Section III.C.; *see*
 28 *also* Prayer for Relief ¶ 6.) The total retail sales in California for the ACT

1 Restoring Mouthwash product at issue during the relevant four-year time period
 2 exceeds \$5 million. Plaintiff also seeks statutory damages and penalties, punitive
 3 damages, injunctive relief, and attorneys' fees and costs. (Compl., ¶¶ 31, 38, 46,
 4 50; Prayer for Relief ¶¶ 2-9.)

5 While Chattem disputes that it is liable to Plaintiff or any putative class
 6 member, Plaintiff seeks to recover damages, disgorgement and other monetary
 7 relief in excess of \$5 million.

8 **III. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE** 9 **SATISFIED**

10 **A. This Notice of Removal is Timely Filed**

11 Chattem was served with the Complaint on January 26, 2015. This notice of
 12 removal is timely pursuant to 28 U.S.C. §§ 1446(b) and 1453(b) because it is filed
 13 within thirty (30) days after Chattem was served.

14 **B. Venue is Proper**

15 The Superior Court of the State of California for the County of Los Angeles
 16 is located within the Central District of California. 28 U.S.C. § 84(c). This Notice
 17 of Removal is therefore properly filed in this Court pursuant to 28 U.S.C.
 18 §§ 1441(a), 1446(a) and 1453(b).

19 **C. Notice of Filing**

20 Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being
 21 filed with the Clerk of the Superior Court of the State of California for the County
 22 of Los Angeles and served upon counsel for Plaintiff. A copy of that Notice to
 23 State Court and to Plaintiff of Removal of Action is attached hereto as Exhibit B.

24 **IV. CONCLUSION**

25 For the reasons stated, federal diversity jurisdiction exists pursuant to 28
 26 U.S.C. § 1332(d). Accordingly, this action is removable to this Court pursuant to
 27 28 U.S.C. §§ 1441(a) and 1453.

28 **////**

1 Nothing in this Notice of Removal should be construed as an admission of
2 the merits of any of Plaintiff's claims or as a waiver by Chattem of any of its claims
3 or defenses that may be available.

4 Defendant Chattem, Inc. thus gives notice that this action is removed from
5 the Superior Court of the State of California for the County of Los Angeles to this
6 Honorable Court.

7 Dated: February 25, 2015

8 DLA PIPER LLP (US)

9
10 By: /s/Christopher M. Young
11 CHRISTOPHER M. YOUNG
12 RYAN T. HANSEN
13 Attorneys for Defendant
14 Chattem, Inc.
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1/26/15 10:15 AM

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CHATTEM, Inc. is a Tennessee corporation, and DOES 1-10, inclusive

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

SHERRY WILTZ, individually, and on behalf of all others similarly situated

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

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

JAN 16 2015

Sherri R. Carter, Executive Officer/Clerk
By: Judi Lara, 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 ó 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): Los Angeles
600 S. Commonwealth Avenue
Los Angeles, CA 90005

CASE NUMBER:
(Número del Caso):

BC 5 6 9 5 7 3

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):
Kabateck Brown Kellner, LLP, 644 S. Figueroa St., Los Angeles, CA 90017; 213-217-5000

DATE:
(Fecha)

SHERRI R. CARTER

Clerk, by
(Secretario)

Judi Lara

, 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):

JAN 16 2015

Brian S. Kabateck, SBN 152054
(bsk@kbklawyers.com)
Joshua H. Haffner, SBN 188652
(jhh@kbklawyers.com)
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CONFORMED COPY
ORIGINAL FILED
Superior Court Of California
County Of Los Angeles

JAN 16 2015

Sherri R. Carter, Executive Officer/Clerk
By: Judi Lara, Deputy

Attorneys for Plaintiff and the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SHERRY WILTZ, individually, and on behalf of
all others similarly situated,

Plaintiff,

vs.

CHATTEM, Inc. is a Tennessee corporation, and
DOES 1-10 Inclusive

Defendants.

Case No.

BC 5 6 9 5 7 3

CLASS ACTION COMPLAINT

1. FALSE AND MISLEADING
ADVERTISING IN VIOLATION OF
BUSINESS AND PROFESSIONS CODE
§ 17200, *et seq.*;
2. FALSE AND MISLEADING
ADVERTISING IN VIOLATION OF
BUSINESS AND PROFESSIONS CODE
§ 17500, *et seq.*;
3. VIOLATION OF CONSUMER LEGAL
REMEDIES ACT (Civ. Code §§
1770(a)(5); 1770(a)(7); 1770(a)(9); AND
4. UNJUST ENRICHMENT.

JURY TRIAL DEMANDED

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NATURE OF THE ACTION

1. Plaintiff Sherry Wiltz ("Plaintiff") brings this class action against Defendant Chattem Inc., and Does 1 through 10 (collectively "Defendant") to recover damages and other relief available at law and in equity on behalf of herself as well as on behalf of the members of the following class:

All California residents who purchased Act Mouthwash, containing the statement "Rebuilds Tooth Enamel" for personal use within 4 years from the date of filing of this complaint to the present.

2. This action arises from Defendant's false labeling and advertising of ACT branded mouthwash. Defendant included claims that its ACT branded restoring mouthwash "REBUILDS tooth enamel." This claim is false and is likely to mislead consumers.

3. Accordingly, Plaintiff brings this class action asserting claims for Defendant's violation of California Business and Professions Code sections 17200 and 17500, et seq., and unjust enrichment.

PARTIES

4. Plaintiff Sherry Wiltz is, and was at all relevant times, a resident of the State of California. She purchased ACT Restoration mouthwash for personal use on a regular basis based on the claims made that it rebuilds tooth enamel.

5. Defendant Chattem Inc., is a Tennessee corporation with its principle place of business in Chattanooga Tennessee.

GENERAL ALLEGATIONS

6. The true names and capacities, whether individual, corporate, associate, representative, alter ego or otherwise, of defendants and/or their alter egos named herein as DOES 1 through 10 inclusive are presently unknown to Plaintiff at this time, and are therefore sued by such fictitious names pursuant to California Code of Civil Procedure § 474. Plaintiff will amend this Complaint to allege the true names and capacities of DOES 1 through 10 when they have been ascertained. Plaintiff is informed and believes and based thereon alleges that DOES 1 through 10 were authorized to do and did business in Los Angeles County.

7. Plaintiff is further informed and believes and based thereon alleges that DOES 1 through 10 were and/or are, in some manner or way, responsible for and liable to Plaintiff for the events, happenings, and damages hereinafter set forth below.

8. Plaintiff is informed and believes, and on that basis alleges, that all Defendants, including the fictitious Doe Defendants, were at all relevant times acting as actual agents, captive agents or brokers, conspirators, ostensible agents, partners, brokers and/or joint venturers and employees of all other defendants, and that all acts alleged herein occurred within the course and scope of said agency, employment, partnership, joint venture, conspiracy and/or enterprise, and with the express and/or implied permission, knowledge, consent, authorization and ratification of their co-defendants; however, this allegation is pleaded as an “alternative” theory wherever not doing so would result in a contradiction with other allegations.

9. All allegations in this complaint are based on information and belief and/or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery. Whenever allegations in this complaint are contrary or inconsistent, such allegations shall be deemed alternative.

JURISDICTION AND VENUE

10. This Court has jurisdiction over all causes of action asserted herein by virtue of the fact that this is a civil action wherein the matter in controversy, exclusive of interest and costs, exceeds the jurisdictional minimum of this Court.

11. Venue is proper in this Court because this is a class action, the acts and/or omissions complained of took place, in whole or in part, within the venue of this Court.

FACTUAL BACKGROUND

12. Defendant markets, sells, distributes, designs, and makes available ACT branded mouthwash which contains an improper, false, and misleading label stating that the mouthwash “REBUILDS tooth enamel.” This statement is contained on their “Restoring” line of product. A bottle of ACT restoring mouthwash costs approximately between \$10.00 and \$20.00. There are at least two

1 sizes of ACT Restoring mouthwash, which are identical, except for the bottle size, and include the
2 representations complained of herein.

3 13. The ACT Restoring mouthwash label claims it "REBUILDS tooth enamel" despite
4 overwhelming scientific knowledge that tooth enamel cannot be rebuilt.

5 14. Defendant's representations about the efficacy of their products are false.

6 15. Plaintiff, relying on the representations contained on the labels of the mouthwash,
7 regularly purchased ACT restoring mouthwash for personal use. During a regular dentist cleaning she
8 was told by her dentist that the product does not and cannot restore tooth enamel.

9 16. Plaintiff used the product as directed. However, contrary to the assertions contained on
10 the label, Plaintiff did not receive the benefits asserted. As such, Plaintiff – like every class member –
11 has been injured as a result of Defendant's false claims concerning rebuilding tooth enamel.

12 CLASS ACTION ALLEGATIONS

13 17. Plaintiff brings this class action for damages other monetary and injunctive relief on
14 behalf of the following class:

15 *All California residents who purchased Act Mouthwash, containing the*
16 *statement "Rebuilds Tooth Enamel" for personal use within 4 years*
17 *from the date of filing of this complaint to the present.*

18 18. Excluded from the Class are governmental entities, Defendant, any entity in which
19 Defendant has a controlling interest or to which Defendant is a subsidiary, and Defendant's officers,
20 directors, affiliates, legal representatives, employees, co-conspirators, successors, and assigns. Also
21 excluded from the Class is any judge, justice, or judicial officer presiding over this matter and the
22 members of their immediate families and judicial staff.

23 19. NUMEROSITY: The proposed Class is so numerous that individual joinder of all its
24 members is impracticable. Due to the nature of the trade and commerce involved, however, Plaintiff
25 believes that the total number of Class members is at least in the tens of thousands and members of the
26 Class as numerous and geographically dispersed across California. While the exact number and
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1 identities of the Class members are unknown at this time, such information can be ascertained through
2 appropriate investigation and discovery.

3 20. COMMONALITY: There is a well-defined community of interest in the questions of
4 law and fact involved affecting the class and these common questions predominate over any questions
5 that may affect individual Class members. Common questions of fact and law include, but are not
6 limited to, the following:

- 7 a. Are Defendant's efficacy claims about ACT Restoring mouthwash false?
- 8 b. Are Defendant's efficacy claims about ACT Restoring mouthwash misleading?
- 9 c. Can ACT Restoring mouthwash restore tooth enamel?
- 10 d. When and to what extent did Defendant know that their ACT Restoring
11 mouthwash efficacy claims were false or misleading?
- 12 e. Do Defendant's business practices constitute a violation of the UCL?

13 21. TYPICALITY: Plaintiff's claims are typical of the claims of the members of the Class.
14 Plaintiff and all members of the Class have been similarly affected by Defendant's common course of
15 conduct since they all purchased ACT Restoring mouthwash for personal use with the efficacy claims
16 printed prominently on the front of the bottle in large bold lettering. The offending claim is the first
17 bullet point in a list of product features.

18 22. ADEQUACY: Plaintiff will fairly and adequately represent and protect the interests of
19 the Class. Plaintiff has no interests adverse to that of the class. Plaintiff has retained counsel with
20 substantial experience in handling complex class action litigation. Plaintiff and her counsel are
21 committed to vigorously prosecuting this action on behalf of the Class.

22 23. SUPERIORITY: A class action is superior to other available methods for the fair and
23 efficient adjudication of the present controversy. Individual joinder of all members of the class is
24 impracticable. Even if individual class members had the resources to pursue individual litigation, it
25 would be unduly burdensome to the courts in which the individual litigation would proceed.
26 Individual litigation magnifies the delay and expense to all parties in the court system of resolving the
27 controversies engendered by Defendant's common course of conduct. The class action device allows
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1 a single court to provide the benefits of unitary adjudication, judicial economy, and the fair and
 2 efficient handling of all class members' claims in a single forum. The conduct of this action as a class
 3 action conserves the resources of the parties and of the judicial system and protects the rights of the
 4 class members. Furthermore, for many, if not most, a class action is the only feasible mechanism that
 5 allows an opportunity for legal redress and justice. Adjudication of individual class members' claims
 6 with respect to the Defendant would, as a practical matter, be dispositive of the interests of other
 7 members not parties to the adjudication, and could substantially impair or impede the ability of other
 8 class members to protect their interests. Individual damages are less than \$500 and often less than
 9 \$50.00 such that it would be impracticable or infeasible to redress grievances on an individual basis.

10 FIRST CAUSE OF ACTION

11 **VIOLATION OF CALIFORNIA BUSINESS AND PROFESSIONS**

12 **CODE § 17200, ET SEQ.**

13 **(On Behalf of Plaintiff and Class against Defendant)**

14 24. Plaintiff re-alleges the preceding paragraphs and incorporates them herein by reference.

15 25. This cause of action is brought on behalf of Plaintiff individually and on behalf of all
 16 others similarly situated, and members of the general public pursuant to California Business and
 17 Professions Code section 17200, et seq., which provides that "unfair competition shall mean and
 18 include any unlawful, unfair or deceptive business act or practice and unfair, deceptive, untrue or
 19 misleading advertising and any act prohibited by Chapter I (commencing with § 17500) as Part 3 of
 20 Division 7 of the Business and Professions Code."

21 26. Plaintiff has standing to pursue this claim as Plaintiff has suffered injury in fact and has
 22 lost money as a result of Defendant's false advertising and unfair business practices. Specifically,
 23 prior to the filing of this action, Plaintiff purchased ACT restoring mouthwash for her own personal
 24 use. In so doing, she relied upon the false representations referenced above.

25 27. Defendant's actions as alleged in this Complaint constitute an unfair or deceptive
 26 business practice within the meaning of California Business and Professions Code section 17200 in
 27 that Defendant's actions are unfair, unlawful, and misleading, and because the advertising statements
 28

1 are false and misleading within the meaning of California Business and Professions Code sections
2 17200, et seq.

3 28. Based on the foregoing, Defendant's false and misleading marketing, labels and
4 representations violate, among other statutes, California Civil Code section 1770, et seq. in that it
5 represents that ACT Restoring mouthwash has characteristics and benefits that it does not and is of a
6 particular quality or standard which it is not. As a result, Defendant's conduct constitutes an unlawful
7 business practice within the meaning of California Business and Profession Code section 17200 et seq.

8 29. Based on the foregoing, the benefits of Defendant's conduct are outweighed by the
9 harm it causes, and as such, Defendant's conduct is unfair within the meaning of California Business
10 and Professions Code section 17200, et seq.

11 30. Based on the foregoing, Defendant fraudulently deceived Plaintiff and the Class by
12 representing that ACT Restoring mouthwash restores tooth enamel, which it does not. In doing so,
13 Defendant misrepresented and concealed material facts from Plaintiff and the Class.

14 31. Plaintiff seeks all remedies available under Section 17200 of the California Business
15 and Professions Code, including restitutionary and injunctive relief, as well as attorneys' fees and
16 costs.

17 **SECOND CAUSE OF ACTION**

18 **VIOLATION OF CALIFORNIA BUSINESS AND PROFESSIONS**

19 **CODE § 17500, ET SEQ.**

20 **(On Behalf of Plaintiff and Class against Defendant)**

21 32. Plaintiff re-alleges the preceding paragraphs and incorporates them herein by reference.

22 33. This cause of action is brought pursuant to California Business and Professions Code
23 section 17500, et seq., on behalf of Plaintiff individually and on behalf of all California consumers
24 similarly situated who purchased ACT Restoring mouthwash for personal use at any time during the
25 four years preceding the filing of this Complaint.

26 34. As alleged herein, Plaintiff has standing to pursue this claim, as Plaintiff has suffered
27 injury in fact and has lost money as a result of Defendant's false statements, labeling, and unfair
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1 business practices in an amount representing the difference between the actual value of the product
2 and the premium value of the product charged with the misleading and false label.

3 35. Defendant, in its labeling and advertising of ACT Restoring mouthwash, made false
4 and misleading statements regarding its efficacy.

5 36. At all relevant times, Defendant was responsible for the manufacturing, marketing,
6 labeling, and distribution of ACT Restoring mouthwash.

7 37. Based on the foregoing, Defendant fraudulently deceived Plaintiff and the Class by
8 representing that ACT Restoring mouthwash could "REBUILD tooth enamel." In doing so, Defendant
9 misrepresented and concealed material facts from Plaintiff and the Class, which an ordinary consumer
10 would rely upon and upon which Plaintiff relied in purchasing the product.

11 38. Plaintiff seeks all remedies available under Section 17535 of the California Business
12 and Professions Code, including restitutionary disgorgement and injunctive relief, as well as attorneys'
13 fees and costs.

14 THIRD CAUSE OF ACTION

15 VIOLATION OF CONSUMER LEGAL REMEDIES ACT (Civ. Code §§ 1770, *et seq.*)

16 (On Behalf of Plaintiff and Class against Defendant)

17 39. Plaintiff re-alleges the preceding paragraphs and incorporates them herein by reference.

18 40. Plaintiff brings this claim under the California Civil Code section 1750, *et seq.*, the
19 Consumer Legal Remedies Act, on behalf of herself and the Class, who were subject to Defendant's
20 above-described unfair and deceptive conduct.

21 41. Section 1770 makes unlawful certain "unfair methods of competition and unfair or
22 deceptive acts of practices undertaken by any person in a transaction intended to result or which
23 results in the sale . . . of goods . . . to any consumer."

24 42. Defendant is a "person" within the meaning of Civil Code sections 1761(c) and 1770
25 and provides "goods" within the meaning of Civil Code sections 1761(a) and 1770.

26 43. Purchasers of Defendant's cordless power tools, including Plaintiff and members of the
27 Classes, are "consumers" within the meaning of Civil Code sections 1761(d) and 1770. The purchases
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1 made by Plaintiff and members of the Class constitute a “transaction” within the meaning of Civil
2 Code sections 1761(e) and 1770. Specifically, prior to filing this action, Plaintiff purchased
3 Defendant’s ACT Restoring mouthwash for her personal use, and in doing so, she relied upon
4 Defendant’s representations.

5 44. Defendant has undertaken unfair methods of competition and unfair or deceptive
6 practices in transactions intended to result or which have resulted in the sale of goods to a consumer,
7 including but not limited to:

- 8 a. Deceptively representing that ACT Restoring mouthwash has characteristics,
9 uses, or benefits that it does not have, in violation of Section 1770(a)(5);
- 10 b. Deceptively representing that ACT Restoring mouthwash is of a particular
11 standard, quality, or grade when it is of another, in violation of Section
12 1770(a)(7); and
- 13 c. Deceptively advertising ACT Restoring mouthwash with intent not to sell it as
14 advertised, in violation of Section 1770(a)(9).

15 45. Defendant has been notified of the alleged violations of the CLRA pursuant to
16 California Civil Code section 1782. See Exhibit 1 (Letter to Chattem, Inc., dated November 6, 2014.)
17 Defendant’s wrongful business practices constituted, and constitute, a continuing course of conduct in
18 violation of the CLRA since Defendant still refuses to honor the promises made in the express
19 warranty and have thus injured Plaintiff and the Class.

20 46. As a proximate result of Defendant’s violations of the CLRA, Plaintiff and the Class
21 has suffered damages. Defendant should be required to pay actual and punitive damages, to make
22 restitution to Plaintiff and the Classes, should be enjoined from continuing such practices, and should
23 be ordered to pay for all costs for bringing this lawsuit, including attorneys’ fees, and any other relief
24 which the Court deems proper.

FOURTH CAUSE OF ACTION

UNJUST ENRICHMENT

(On Behalf of Plaintiff and Class against Defendant)

47. Plaintiff re-alleges the preceding paragraphs and incorporates them herein by reference.

48. Plaintiff and Class members conferred benefits on Defendant by purchasing ACT Restoring mouthwash.

49. Defendant has been unjustly enriched in retaining the revenues derived from Plaintiff's and Class members' purchases of ACT Restoring mouthwash. Retention of those monies under the circumstances is unjust and inequitable because Defendant misrepresented that ACT Restoring mouthwash could "REBUILD tooth enamel" when it could not. This conduct caused injuries to Plaintiff and Class members because they would not have purchased ACT Restoring mouthwash if the true facts had been known.

50. Because Defendant's retention of the non-gratuitous benefits conferred on them by Plaintiff and Class members is unjust and inequitable, Defendant must pay restitution to Plaintiff and the Class members for its unjust enrichment, as ordered by the Court, because no adequate remedy is available at law.

PRAYER FOR RELIEF

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

1. Certification of the proposed class and notice thereto to be paid by Defendant;
2. Adjudge and decree that Defendant has engaged in the conduct alleged herein;
3. For all legal and equitable remedies available under the Unfair Business Practices Act, California Business & Professions Code § 17200, *et seq.*;
4. For all legal and equitable remedies available under the False Advertising Law, California Business & Professions Code § 17500, *et seq.*;
5. For all legal and equitable remedies available under the Consumer Legal Remedies Act, California Civil Code § 1770, *et seq.*;

- 1 6. For an order of restitutionary disgorgement and all other forms of equitable and
- 2 monetary relief;
- 3 7. For any and all other legal and equitable remedies that may be available, including
- 4 damages, statutory penalties, attorneys' fees, costs, and pre-judgment and post-
- 5 judgment interest;
- 6 8. For an injunction preventing Defendant from continuing to falsely represent that its
- 7 product can "REBUILD tooth enamel."
- 8 9. For any and all such other and further relief that this Court may deem just and proper.
- 9

10 Dated: January 8, 2015

KABATECK BROWN KELLNER LLP

11
12 By: _____

13 Joshua H. Haffner

14 Peter Klausner

15 Attorneys for Plaintiff and the Proposed Class

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury of all claims and causes of action in this lawsuit.

Dated: January 8, 2015

KABATECK BROWN KELLNER LLP

By: 

Joshua H. Haffner

Peter Klausner

Attorneys for Plaintiff and the Proposed Class

EXHIBIT A



Kabateck Brown Kellner LLP

VIA CERTIFIED U.S. MAIL

November 6, 2014

Consumer Affairs Dept.
Chattem, Inc.
PO Box 2219
Chattanooga, TN 37409-0219

Re: Violation of the California Consumer Legal Remedies Act Regarding Advertising
and Marketing of the ACT Restoring Mouthwash

To Whom It May Concern:

We are legal counsel for Sherry Wiltz. You are hereby notified that Chattem, Inc. ("Defendant"), the manufacturer and distributor of ACT Restoring mouthwash ("Product") in the United States, has violated and continues to violate provisions of the California Consumer Legal Remedies Act, California Civil Code sections 1750, *et seq.*, (the "CLRA") with respect to the advertising and marketing of the Product. Defendant's false and deceptive advertising and marketing of the ACT Restoring mouthwash has affected Ms. Wiltz and thousands of other similarly situated California consumers (the "Plaintiff Class"). The Plaintiff Class has entered and continues to enter into transactions and expend substantial amounts of money in reliance upon the uniform false and misleading claims contained on the very labels and packaging of the Product, concerning the Product's ability to rebuild tooth enamel despite the overwhelming scientific knowledge that tooth enamel cannot be rebuilt.

I. DEFENDANT'S FALSE AND MISLEADING REPRESENTATIONS

Defendant's false and misleading representations made in its advertising, marketing, and packaging of the Product include, by way of example and without limitation, the contention that the ACT Restoring mouthwash "REBUILDS Tooth Enamel." Such a claim misrepresents the fact that the Product is unable to rebuild tooth enamel, as tooth enamel, as a matter of scientific fact, cannot be rebuilt. Simply, the Product does not perform as Defendant has advertised to Ms. Wiltz and the Plaintiff Class.

II. BASIS OF THE COMPLAINT

Chattem, Inc. ("Defendant") is alleged to have violated the CLRA by selling the Product, while misrepresenting the capability and function of the Product including, but not limited to, rebuilding tooth enamel. Defendant is requested to provide copies of the development, test results and/or studies, if any, which substantiate the aforementioned claims concerning the Chattem Product.

Until such time, and as set forth herein, Defendant is in violation of the following California Civil Code sections:

1. Section 1770(a)(5) – Representing that [ACT Restoring mouthwash] has...characteristics,...uses [or] benefits...which [it does] not have.
2. Section 1770(a)(7) – Representing that [ACT Restoring mouthwash is] of a particular standard, quality, or grade...if [it is] of another.
3. Section 1770(a)(9) – Advertising [ACT Restoring mouthwash]...with intent not to sell [it] as advertised.

III. DEMAND FOR RELIEF

Demand is hereby made that Defendant agrees, within 30 days of receipt of this Notice, to do and complete the following:

A. Changes to Defendant's Advertising of ACT Restoring Mouthwash

We, on behalf of Ms. Wiltz and the Plaintiff Class, demand that Defendant change its advertising of the product and:

- (1) remove all false and misleading claims from the labels and packaging of the ACT Restoring mouthwash;
- (2) remove all references in the ACT Restoring mouthwash advertising to any and all false and misleading claims; and
- (3) immediately cease making any and all false and misleading claims about the ACT Restoring mouthwash.

B. Recall of Misbranded Product

In addition, on behalf of Ms. Wiltz and the Plaintiff Class, we request that Defendant institute a recall program, to be approved and supervised by us, as counsel to Ms. Wiltz and the Plaintiff Class, of all of the ACT Restoring mouthwash that presently have packaging or labeling that make any of the claims as described herein.

C. Restitution to the Plaintiff Class

We request that you offer Ms. Wiltz and the Plaintiff Class full restitution. Specifically, provide a consumer fund in an amount sufficient to provide each and every class member with a full refund for each and every one of the ACT Restoring mouthwash purchased. Of course, this would be subject to our review, as class counsel, of appropriate financial information detailing all sales made to California consumers during the Class Period.

This letter also serves as a demand that you preserve and maintain all of the following records, including but not limited to, all electronic records and data, pending resolution of this matter, in accordance with state and federal law:

- (1) All internal manuals, written policies, directives, memoranda, correspondence, emails and other records of communication concerning the Product;
- (2) All advertisements disseminated in California discussing or concerning the Product;
- (3) Any materials disseminated to consumers that discuss or concern the Product;
- (4) Any complaints from any source concerning the Product; and
- (5) Any documents showing the number of units of the Product sold in California.

Finally, we also request that Defendant provide for all costs, reasonable attorney fees, and claims administration costs pursuant to California Civil Code sections 1750, *et seq.*

If you wish to discuss the above, please do not hesitate to contact the undersigned at 213-417-9792. If we do not hear from you prior to the close of business in two weeks from the date of this letter, then we will assume that Defendant has no interest in attempting to amicably resolve this matter, per C.C.P. 1750, *et seq.* and we will file our Complaint forthwith.

Sincerely,

KABATECK BROWN KELLNER LLP



Evan M. Zucker
Attorney for Plaintiff and the Proposed Class

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joshua H. Haffner, SBN: 188652; Peter Klausner, SBN (271902) Kabateck Brown Kellner, LLP 644 S. Figueroa Street Los Angeles, CA 90017 TELEPHONE NO.: 213-217-5000 FAX NO.: 213-217-5010 ATTORNEY FOR (Name):		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court Of California County Of Los Angeles JAN 16 2015 Sherri R. Carter, Executive Officer/Clerk By: Judi Lara, Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 600 S. Commonwealth Avenue MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central Civil West			
CASE NAME: Wiltz vs Chattem, inc.			
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)	
		CASE NUMBER: BC 5 6 9 5 7 3 JUDGE: DEPT:	

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 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 checked="" 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)

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 checked="" type="checkbox"/> Large number of witnesses |
| b. <input 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 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):
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: January 15, 2015

Joshua H. Haffner

(TYPE OR PRINT NAME)

NOTICE

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- 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

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	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
Auto (22)–Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)	Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>)	Construction Defect (10)
	Contract/Warranty Breach–Seller Plaintiff (<i>not fraud or negligence</i>)	Claims Involving Mass Tort (40)
	Negligent Breach of Contract/Warranty	Securities Litigation (28)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09)	Environmental/Toxic Tort (30)
Asbestos (04)	Collection Case–Seller Plaintiff	Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)
Asbestos Property Damage	Other Promissory Note/Collections Case	Enforcement of Judgment
Asbestos Personal Injury/Wrongful Death	Insurance Coverage (<i>not provisionally complex</i>) (18)	Enforcement of Judgment (20)
Product Liability (<i>not asbestos or toxic/environmental</i>) (24)	Auto Subrogation	Abstract of Judgment (Out of County)
Medical Malpractice (45)	Other Coverage	Confession of Judgment (<i>non-domestic relations</i>)
Medical Malpractice–Physicians & Surgeons	Other Contract (37)	Sister State Judgment
Other Professional Health Care Malpractice	Contractual Fraud	Administrative Agency Award (<i>not unpaid taxes</i>)
Other PI/PD/WD (23)	Other Contract Dispute	Petition/Certification of Entry of Judgment on Unpaid Taxes
Premises Liability (e.g., slip and fall)	Real Property	Other Enforcement of Judgment Case
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Eminent Domain/Inverse Condemnation (14)	Miscellaneous Civil Complaint
Intentional Infliction of Emotional Distress	Wrongful Eviction (33)	RICO (27)
Negligent Infliction of Emotional Distress	Other Real Property (e.g., quiet title) (26)	Other Complaint (<i>not specified above</i>) (42)
Other PI/PD/WD	Writ of Possession of Real Property	Declaratory Relief Only
Non-PI/PD/WD (Other) Tort	Mortgage Foreclosure	Injunctive Relief Only (<i>non-harassment</i>)
Business Tort/Unfair Business Practice (07)	Quiet Title	Mechanics Lien
Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08)	Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>)	Other Commercial Complaint Case (<i>non-tort/non-complex</i>)
Defamation (e.g., slander, libel) (13)	Unlawful Detainer	Other Civil Complaint (<i>non-tort/non-complex</i>)
Fraud (16)	Commercial (31)	Miscellaneous Civil Petition
Intellectual Property (19)	Residential (32)	Partnership and Corporate Governance (21)
Professional Negligence (25)	Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)	Other Petition (<i>not specified above</i>) (43)
Legal Malpractice	Judicial Review	Civil Harassment
Other Professional Malpractice (<i>not medical or legal</i>)	Asset Forfeiture (05)	Workplace Violence
Other Non-PI/PD/WD Tort (35)	Petition Re: Arbitration Award (11)	Elder/Dependent Adult Abuse
Employment	Writ of Mandate (02)	Election Contest
Wrongful Termination (36)	Writ–Administrative Mandamus	Petition for Name Change
Other Employment (15)	Writ–Mandamus on Limited Court Case Matter	Petition for Relief From Late Claim
	Writ–Other Limited Court Case Review	Other Civil Petition
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal–Labor Commissioner Appeals	

SHORT TITLE:

Sherry Wiltz vs Chattem, Inc.

CASE NUMBER

BC 5 6 9 5 7 3

**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)	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: Sherry Wiltz vs Chattem, Inc.	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)
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input 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 checked="" type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	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	1., 2., 3.
		<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
		<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
		<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
		<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
		<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	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	1., 2., 3., 5.
		<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
		<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
<input type="checkbox"/> A6032 Quiet Title		2., 6.	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2., 6.	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	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: Sherry Wiltz vs Chattem, Inc.	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	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
	Miscellaneous Civil Petitions	<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	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	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
	<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.	
	<input type="checkbox"/> A6190 Election Contest	2.	
	<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.	
	<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.	
<input type="checkbox"/> A6100 Other Civil Petition	2., 9.		


SHORT TITLE: Sherry Wiltz vs Chattem, 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 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: 2936 West 129th Street
CITY: Gardena	STATE: CA	ZIP CODE: 90249

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: January 15, 2015


 (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.

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS



Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

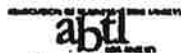
Los Angeles County
Bar Association Labor and
Employment Law Section



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

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:			CASE NUMBER:
DEFENDANT:			
STIPULATION – DISCOVERY RESOLUTION			

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:

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Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR PLAINTIFF)

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(ATTORNEY FOR DEFENDANT)

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(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 Court'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:			CASE NUMBER
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			

- 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:			CASE NUMBER
STIPULATION AND ORDER – MOTIONS IN LIMINE			

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

**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)).

BC 569573

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		

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 JAN 16 2015 SHERRI R. CARTER, Executive Officer/Clerk

LACIV CCW 190 (Rev09/13)
LASC Approved 05-06
For Optical Use

By  Deputy Clerk

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's Stamp CONFORMED COPY ORIGINAL FILED <small>Superior Court Of California County Of Los Angeles</small> JAN 16 2015 Sherri R. Carter, Executive Officer/Clerk By: Judi Lara, Deputy
COURT ADDRESS: 600 S. Commonwealth Avenue, L.A., CA 90005		
PLAINTIFF: Sherry Wiltz		
DEFENDANT: Chattem, Inc.		
CIVIL DEPOSIT		CASE NUMBER: BC 569578

CLERK: PREPARE A FORM FOR EACH DEPOSITOR PAYING SEPARATELY

PLEASE REPORT TO THE CLERK'S OFFICE/CASHIER:

☐ Room 102, Central Civil ☐ Clerk's Office, Room _____ ☐ Department Number _____

Distribution Codes	Amt Due	Distribution Codes	Amt Due
<input checked="" type="checkbox"/> 261 DAILY JURY FEES Dates: _____ # of day(s) _____ x\$ _____	150.00	<input type="checkbox"/> 74 DEPOSIT IN TRUST	
<input checked="" type="checkbox"/> 72 JURY FEES Trial Date: _____ (Initial Deposit) \$	50	<input checked="" type="checkbox"/> 101 FIRST PAPERS- GENERAL JURISDICTION	435.00
<input type="checkbox"/> 252 REPORTERS FEES Dates: _____ # of 1/2 day(s) _____ x\$ _____ Full Day _____		<input type="checkbox"/> 101 FIRST PAPERS-LIMITED OVER \$10,000 <input type="checkbox"/> 141 With declaration Limited to \$10,000 (per B&P 6322.1(a)) <input type="checkbox"/> 130 Limited to \$10,000	
<input type="checkbox"/> 721 SANCTIONS ORDERED ON Date: _____		<input type="checkbox"/> 211 RECLASSIFICATION FEE	
<input type="checkbox"/> 213 MOTIONS/APPLICATION TO CONT. HEARING		<input checked="" type="checkbox"/> 150 COMPLEX LITIGATION TRIAL/PLAINTIFF	1000.00
<input type="checkbox"/> 200 MOTIONS/APPLICATION TO CONT. TRIAL		<input type="checkbox"/> 151 COMPLEX LITIGATION TRIAL/DEFENDANT	
<input type="checkbox"/> Other: _____			

To be paid via: ☐ Cash ☒ Check ☐ Certified Check/Money Order ☐ Credit Card☐ On or Before _____ ☒ ForthwithPayment will be made by ☒ Plaintiff Sherry Wiltz ☐ Defendant _____

JOHN A. CLARKE, Executive Officer/Clerk

DATE _____

BY: _____
Deputy Clerk

TO BE COMPLETED BY DEPOSITOR

CASHIER'S VALIDATION

Depositor's Name: Kabateck Brown Kellner LLC☐ Plaintiff in Pro Per ☐ Defendant in Pro Per☒ Counsel for ☒ Plaintiff Sherry Wiltz

Name of Party

☐ Defendant _____

Name of Party

Address of depositor 644 S. Figueroa Street

Street

Los Angeles, CA 90017

City/State/zip

1 CHRISTOPHER M. YOUNG (Bar No. 163319)
christopher.young@dlapiper.com
2 RYAN T. HANSEN (Bar. No. 234329)
ryan.hansen@dlapiper.com
3 DLA PIPER LLP (US)
401 B Street, Suite 1700
4 San Diego, California 92101-4297
Tel: 619.699.2700
5 Fax: 619.699.2701

6 Attorneys for Defendant
Chattem, Inc.
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 SHERRY WILTZ, individually, and on
11 behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 CHATTEM, INC. is a Tennessee
15 corporation, and DOES 1-10 Inclusive,
16 Defendants.

CASE NO. BC569573

**NOTICE TO STATE COURT AND
TO PLAINTIFF OF REMOVAL OF
ACTION TO THE UNITED STATES
DISTRICT COURT FOR THE
CENTRAL DISTRICT OF
CALIFORNIA**

Complaint Filed: January 16, 2015
Trial Date: None

1 **TO THE CLERK OF THE COURT AND TO PLAINTIFF:**

2 **PLEASE TAKE NOTICE** that a Notice of Removal of this action was filed
3 with the United States District Court for the Central District of California on
4 February 25, 2015. The action was assigned Case No. 2:15-cv-1352.

5 A true and correct copy of said Notice of Removal is attached to this Notice,
6 and is served and filed herewith as Exhibit A.

7 **PLEASE TAKE FURTHER NOTICE** that pursuant to 28 U.S.C. §§ 1332,
8 1441 and 1446, the filing of the Notice of Removal in the United States District
9 Court for the Central District of California, together with the instant filing of a copy
10 of same with the Court, effects the removal of this action and the State Court may
11 proceed no further unless and until this action is remanded. 28 U.S.C. § 1446(d).

12 Dated: February 25, 2015

13 DLA PIPER LLP (US)

14
15 By: 

16 CHRISTOPHER M. YOUNG
17 RYAN T. HANSEN
18 Attorneys for Defendant
19 Chattem, Inc.
20
21
22
23
24
25
26
27
28

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

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Sherry Wiltz, individually, and on behalf of all others similarly situated.	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) Chattem, Inc., and Does 1-10, Inclusive.
(b) County of Residence of First Listed Plaintiff <u>Los Angeles County</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Brian S. Kabateck (SBN 152054); Joshua H. Haffner (SBN 188652); Peter Klausner (SBN 271902) Kabateck Brown Kellner LLP 644 South Figueroa Street Los Angeles, CA 90017 Tel: 213.217.5000	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Christopher M. Young (Bar No. 163319); Ryan T. Hansen (Bar No. 234329) DLA Piper LLP (US) 401 B Street, Suite 1700 San Diego, CA 92101-4297 Tel: 619.699.2700

II. BASIS OF JURISDICTION (Place an X in one box only.) <div style="display: flex; justify-content: space-between;"> <div style="width:48%;"> <input type="checkbox"/> 1. U.S. Government Plaintiff </div> <div style="width:48%;"> <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width:48%;"> <input type="checkbox"/> 2. U.S. Government Defendant </div> <div style="width:48%;"> <input checked="" type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III) </div> </div>	III. CITIZENSHIP OF PRINCIPAL PARTIES -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" 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 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
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
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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. ORIGIN (Place an X in one box only.) <div style="display: flex; justify-content: space-between;"> <div style="width:33%;"> <input type="checkbox"/> 1. Original Proceeding </div> <div style="width:33%;"> <input checked="" type="checkbox"/> 2. Removed from State Court </div> <div style="width:33%;"> <input type="checkbox"/> 3. Remanded from Appellate Court </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width:33%;"> <input type="checkbox"/> 4. Reinstated or Reopened </div> <div style="width:33%;"> <input type="checkbox"/> 5. Transferred from Another District (Specify) _____ </div> <div style="width:33%;"> <input type="checkbox"/> 6. Multi-District Litigation </div> </div>

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

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

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 California Business and Professions Code §§ 17200, 17500; California Consumers Legal Remedies Act; Diversity jurisdiction based on 28 U.S.C. § 1332(d) (CAFA).

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<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/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State 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 Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. 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 REAL PROPERTY <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 TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. 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-Med Malpractice <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	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input checked="" type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <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 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	Habeas Corpus: <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 Other: <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 FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. 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 Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

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

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

QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> ➔	<input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question B.2.
	B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> ➔	<input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> ➔	<input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question C.2.
	C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> ➔	<input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. ➔	D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓
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QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: ➔	Western Division

QUESTION F: Northern Counties?
Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

IX(a). IDENTICAL CASES: Has this action been previously filed in this court?

☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?

☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): /s/ Christopher M. Young DATE: 2/25/2015

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

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

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2 RYAN T. HANSEN (Bar. No. 234329)
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3 DLA PIPER LLP (US)
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4 San Diego, California 92101-4297
Tel: 619.699.2700
5 Fax: 619.699.2701

6 Attorneys for Defendant
Chattem, Inc.
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 SHERRY WILTZ, individually, and on
behalf of all others similarly situated,

12 Plaintiff,

13 v.
14

CHATTEM, INC. is a Tennessee
15 corporation, and DOES 1-10 Inclusive,

16 Defendants.
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CASE NO. 2:15-cv-1352

**CERTIFICATE AND NOTICE OF
INTERESTED PARTIES BY
DEFENDANT CHATTEM, INC.**

1 Pursuant to Federal Rule of Civil Procedure 7.1(a) and Local Rule 7.1-1, the
2 undersigned, counsel of record for Defendant Chattem, Inc. ("Chattem"), certifies
3 that the following listed party (or parties) may have a pecuniary interest in the
4 outcome of this case. These representations are made to enable the Court to
5 evaluate possible disqualification or recusal.

6 1. Sanofi SA.

7 Chattem is a wholly-owned subsidiary of Sanofi SA, a publicly held corporation.

8 Dated: February 25, 2015

9 DLA PIPER LLP (US)

10 By: /s/Christopher M. Young
11 CHRISTOPHER M. YOUNG
12 RYAN T. HANSEN
13 Attorneys for Defendant
14 Chattem, Inc.
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