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15 Attorneys for the Plaintiffs

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 MAYA ABRAMSON-HORDS, VICKY
19 ADOPACA, MELISSA AINSWORTH,
20 PATRICIA ALEXANDER, JUDITH
21 ALLAIRE-PITZZ, TERRI ANDERSON,
22 MARY JO ARRIGHI, MARCELLA
23 ATKINSON, MICHELLE BAER,
24 LATOSHA BAKER, DANIELLE
25 BARNHART, MARIA BARCELONA,
26 STEPHANIE BECHTEL, TIFFANY
27 BELL, INDIVIDUALLY AND ON
28 BEHALF OF HER MINOR CHILD, P.B.,
GINNY BENDER, LUCY BENTON,
ALLISON BERRY, JODY
BLANCHARD, TAMMY BLANCHARD,
AMY BODELL-HERSCH, VICKIE
BOLTON, MOLLY BOREN, AMY
BOYD, GINA BOYD, LAJEANA
BROOKS, VIRNA BROWN, SUSAN
BROWNING, SKYE BRUNS, LYN
BURNS, CYNTHIA BUTLER, CHERYL
CALKINS, BRANDON CALLIS,
CHRISTINA CAMPBELL, LIZ
CAMPBELL, CARMEN CASTANG,
SANDRA CASTELLON, SYLVIA

**CASE NO. 2:15-cv-01974-ODW-
AGR**

**FIRST AMENDED COMPLAINT
FOR:**

- 1. BREACH OF WARRANTY**
- 2. VIOLATION OF CALIFORNIA UNFAIR COMPETITION STATUTE, BUS. & PROF. CODE § 17200 et seq.**
- 3. VIOLATION OF CALIFORNIA FALSE ADVERTISING LAW, BUS. & PROF. CODE § 17500 et seq.**
- 4. NEGLIGENCE – FAILURE TO WARN**
- 5. NEGLIGENCE – FAILURE TO TEST**
- 6. STRICT PRODUCT LIABILITY**

DEMAND FOR JURY TRIAL

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1 CASTILLA, TRESSA CLARDY, JANICE
2 CLARK, INDIVIDUALLY AND ON
3 BEHALF OF HER MINOR DAUGHTER,
4 T.C., JOANNE CLARK, CONNIE
5 CLARKE, SUE CLERMONT, TERRI
6 COLE, CARYN COLLAZO, KRIS
7 CONNOLLY, SARA COOK, QUEEN
8 COSME, PAIGE CRIST, RICA
9 CUNANAN, LASHAWNDA DANIELS,
10 KIMBERLY DAVIS, NORA DEVINE,
11 JOYCE DIAMOND, KAMELIA
12 DIANATI, ROXIE DROFIK, DORNICE
13 DYCUS, GILBERTA ESCAMILLA,
14 STEPHANIE EVERETT, ALICE
15 FACTOR, CONNIE FENTER, BARBIE
16 FERRESE, RAMONA FINN, STARSHA
17 FLETCHER, CHERYL FOOTMAN,
18 ALISON FRANKS, NANCY
19 GAGLIARDI, ANGIE GANNS ON
20 BEHALF OF HER MINOR DAUGHTER,
21 S. G., CHRISTINA GARCES, DANIEL
22 X. GARCIA, JEANINE GAZZILLO,
23 SUSAN GEORGE, RANDEE GERRY,
24 SHERRY GIAMMICHELE, FAYE RENÉ
25 GIBSON, RANDI GOLD, PATRICIA
26 GOMEZ, VICKY GRAFF, EVE GRAY,
27 VELMA GREEN, GLORIA GUEST,
28 KEISA GUNBY, MARILYN HAGAN,
KYM HALL, KRISTI HARDENBROOK,
KELLY HARRIS, ELIZABETH HAYES,
REENA HEENAN, LYNDY
HENDREN, PAULETTE HOLDER,
INDIVIDUALLY AND ON BEHALF OF
HER MINOR DAUGHTER, T. H.,
LAVERNE HOLLINS-MCGLOTHEN,
LEYDA IMPSON, MONICA INFANTE,
MICHELLE JOHNSON, CONNIE
JONES, JESSICA JONES, NIDIA JONES,
DENISE KETCHAM, DELORES
KENNERLY, AMANDA KOLKANA,
RENEE KRAUSE, CYNTHIA KRIST,
FREDRICKA KYLE, KRISS LACEBAL,

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1 DANA LAMBRICK, ANNA LEONOVA,
2 ALYCE LINDSEY, SANDRA LIRETTE,
3 JULIE LOFFREDO, KELLIE LOGES,
4 LAINIE LOWERY, JULIA MAGRATH,
5 YESENIA MALDONADA-DIAZ,
6 SUSAN MALETZ, KAREN MALONE,
7 DORRI MANCHETTI, FRANCISCO
8 MARROQUIN, THERESA MASCARO,
9 ANGELE MASON, ON BEHALF OF
10 HER MINOR SON, C.P., LINDA MAST,
11 LINDA MATTLI, KARAN MCCLURE,
12 RACHEL MCGEE, ADELA MCGREW,
13 SHELIA MCKEE, MARUSIA
14 MELACKRONIS, ROY MENDOZA,
15 KRIS THORSEN MICHELS, TANYA
16 MILLER, ANITA MONTGOMERY,
17 MARIBEL MONTOYA, TERRI
18 MORGAN, JILL MORPHEW, ROXAN
19 MORRIS, ANTHONY MOSER, AVIVA
20 MRAZIK, DUSTY MUSSER,
21 MARIANNE MUYLAERT, CANDANCE
22 MUDRAK, RANEE MYERS, JULIE
23 NALLY, TANYA NORMAN, ALY
24 NUTTER, LEA OLIVIERA, LINDA
25 ORTIZ-YAREMKO, KRISTA OSBORN,
26 ROBYN OSTEN, TAMMY OWAN,
27 MAILYN PAREDES, DAVID PARKER,
28 VICKIE PARKER, MEA PARKS,
BRIDGETTE PAYTON, IDALIA PAZ,
CRISTI PECHART, LAURA PEDUZZI-
BROWN, ADABEL PENA, LEE
PERKINSON, CINDY PETERSON,
DUSAN PETROVIC, JENNA POHL,
PAULA REYNOLDS, GILDA
ROMANIELLO, KIMBERLY RUSSELL,
KATHY RUSSO, VICTORIA SALLIS,
FILIPINAS SAN JOSE, CAROL SAUER,
DELINDA SAYE, LESLIE SCALES,
PATRICIANN SCHVABENITZ,
ELIZABETH SEALS, DENISE
SEREMETA, CYNTHIA SHUSTER,
TARA SIMKO, JENNIFER SIX, KAREN

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SMAHA, PAMELA SMALLWOOD,
DENA SMITH, JENNIFER SMITH,
CASEY STANTON, VANESSA
STEVENS, SHIRLEY STORY, ANNE
MARIE SWEENEY, AMANDA
TAPSCOTT, RAVYN THERRELL,
CRYSTAL TELLES, SALLY TESORO,
CONNIE THEISS, VENITA VANCE,
RONDA VENCIL, LISA VIDES ON
BEHALF OF MINOR, R.V., KIM
WALLACE, KATY WALKER,
SUMMER WARREN, JOANNE WELCH,
NATASHA WHITNEY, SHANNON
WILKINS, PAMELA WYNN, ALICE
YELL, ELIZABETH YODER, AND
JOELLE ZURILGEN,

Plaintiffs,

v.

WEN BY CHAZ DEAN, INC. AND
GUTHY-RENKER LLC,

Defendants.

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1 Plaintiffs Maya Abramson-Hords, Vicky Adopaca, Melissa Ainsworth,
2 Patricia Alexander, Terri Anderson, Mary Jo Arrighi, Marcella Atkinson,
3 Michelle Baer, Latosha Baker, Danielle Barnhart, Maria Barcelona, Stephanie
4 Bechtel, Tiffany Bell, Individually and on behalf of her minor child, P.B.,
5 Ginny Bender, Lucy Bentor, Allison Berry, Jody Blanchard, Tammy
6 Blanchard, Vickie Bolton, Molly Boren, Amy Boyd, Gina Boyd, Susan
7 Browning, Skye Bruns, Lyn Burns, Cynthia Butler, Cheryl Calkins, Brandon
8 Callis, Christina Campbell, Liz, Campbell, Carmen Castang, Sandra Castellon,
9 Sylvia Castilla, Tressa Clardy, Janice Clark, individually and on behalf of her
10 minor daughter, T.C., Joanne Clark, Connie Clarke, Sue Clermont, Terri Cole,
11 Caryn Collazo, Kris Connolly, Sara Cook, Queen Cosme, Paige Crist, Rica
12 Cunanan, LaShawnda Daniels, Kimberly Davis, Nora Devine, Joyce Diamond,
13 Kamelia Dianati, Roxie Drofiak, Dornice Dycus, Gilberto Escamilla, Stephanie
14 Everett, Alice Factor, Connie Fenter, Barbie Faresse, Ramona Finn, Starsha
15 Fletcher, Alison Franks, Nancy Gagliardi, Christina Garces, Daniel X. Garcia,
16 Jeanine Gazzillo, Sherry Giammichele, Fayerene Gibson, Susan George,
17 Randee Gerry, Randi Gold, Patricia Gomez, Vicky Graff, Eve Gray, Velma
18 Green, Gloria Guest, Keisa Gunby, Marilyn Hagan, Kym Hall, Kristi
19 Hardenbrook, Kelly Harris, Elizabeth Hayes, Reena Heenan, Lyndsay Hendren,
20 LaVerne Paulette Holder, Individually and on behalf of her minor daughter,
21 T.H., Hollins-McGlothen, Leyda Impson, Monica Infante, Michelle Johnson,
22 Connie Jones, Jessica Jones, Nidia Jones, Denise Ketcham, Delores Kennerly,
23 Amanda Kolkana, Cynthia Krist, Fredricka Kyle, Kriss Lacebal, Dana
24 Lambrick, Anna Leonova, Alyce Lindsey, Sandra Lirette, Julie Loffredo, Kellie
25 Loges, Lainie Lowery, Julia Magrath, Yesenia Maldonada-Diaz, Susan Maletz,
26 Karen Malone, Dorri Marchetti, Francisco Marroquin, Theresa Mascaro, Angele
27 Mason on behalf of her minor son, C.P., Linda Mast, Karan McClure, Rachel
28 McGee, Adela McGrew, Shelia McKee, Marusia Melackronis, Roy Mendoza,

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1 Kris Thorsen Michels, Tanya Miller, Anita Montgomery, Maribel Montoya,
2 Terri Morgan, Jill Morphew, Roxan Morris, Anthony Moser, Aviva Mrazik,
3 Dusty Musser, Marianne Muylaert, Ranee Myers, Julie Nally, Tanya Norman,
4 Aly Nutter, Lea Oliviera, Linda Ortiz-Yaremko, Krista Osborn, Robyn Osten,
5 Tammy Owan, Maily Paredes, David Parker, Vickie Parker, Mea Parks,
6 Bridgette Payton, Idalia Paz, Cristi Pechart, Adabel Pena, Lee Perkinson, Cindy
7 Peterson, Dusan Petrovic, Jenna Pohl, Paula Reynolds, Filipinas San Jose,
8 Carol Sauer, Gilda Romaniello, Kimberly Russell, Kathy Russo, Victoria Sallis,
9 Leslie Scales, Delinda Saye, Patriciann Schvabenitz, Elizabeth Seals, Denise
10 Seremeta, Cynthia Shuster, Jennifer Six, Karen Smaha, Pamela Smallwood,
11 Jennifer Smith, Casey Stanton, Vanessa, Stevens, Shirley Story, Anne Marie
12 Sweeney, Amanda Tapscott, Ravyn Therrell, Crystal Telles, Sally Tesoro,
13 Connie Theiss, Venita Vance, Ronda Vencil, Lisa Vides on behalf of minor,
14 R.V., Kim Wallace, Katy Walker, Summer Warren, Joanne Welch, Natasha
15 Whitney, Shannon Wilkins, Pamela Wynn, Elizabeth Yoder and Joelle Zurilgen
16 (“WEN and Guthy-Renker Plaintiffs”), through counsel, file this First
17 Amended Complaint against Defendant Wen by Chaz Dean, Inc. (“Wen”) and
18 Defendant Guthy-Renker LLC. (“Guthy-Renker”) (Defendants collectively,
19 “Defendants”). Plaintiffs Judith Allaire-Pitzz, Amy Bodell-Hersch, Lajeana
20 Brooks, Virna Brown, Cheryl Footman, Angie Ganns on behalf of her minor
21 daughter, S.G., Renee Krause, Linda Mattli, Candace Mudrak, Laura Peduzzi-
22 Brown, Tara Simko, Dena Smith and Alice Yell (“WEN-Only Plaintiffs”)
23 (collectively, WEN and Guthy-Renker Plaintiffs” and “WEN-Only Plaintiffs”
24 referred to as “Plaintiffs”), through counsel, file this First Amended Complaint
25 against Wen. Plaintiffs respectfully state as follows:
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NATURE OF THE ACTION

1
2 1. Plaintiffs seek redress for misrepresentations and severe injuries to
3 their hair and scalp in connection with their purchase and use of
4 WEN® Cleansing Conditioner hair care products in various varieties (the
5 “Products”), including, but not limited to, Coconut Mango, Cranberry, Fig,
6 Lavender, Pomegranate, Sweet Almond Mint and Tea Tree, designed,
7 manufactured, marketed, sold and distributed by Defendants.

8 2. The Products remain available for sale to the general public despite
9 Defendants’ knowledge they cause serious injuries. Plaintiffs purchased the
10 Products because of Defendants’ false representations that the Products would
11 clean and condition their hair, leaving their hair smoother, shinier, stronger,
12 fuller, more manageable with no frizz and that the Products would limit or repair
13 damage or potential damage to the hair as the result of other hair treatments,
14 such as coloring or bleaching, or regular heat-based styling. Defendants failed to
15 disclose to Plaintiffs and other consumers that the Products contain an
16 ingredient or combination of ingredients that cause significant hair loss, damage
17 and other injuries upon proper application of the Products.

18 3. One or more of the Products’ active ingredients act as a depilatory
19 and caustic agent, either by causing a chemical reaction that damages the hair
20 strand and/or follicle. The effect of this ingredient(s) render the Products
21 dangerous and unsafe for sale as an over-the-counter hair product.

22 4. Defendants failed to properly warn consumers, including
23 Plaintiffs, of the risks and dangers attendant to the use of the Products on their
24 hair and scalp even well after Defendants knew or should have known of their
25 hazards. Defendants continued to conceal the dangers of the Products by failing
26 to appropriately and fully discontinue and recall the Products, by continuing
27 to claim the Products are safe when properly applied, by offering more of the
28 Products to the market and by failing to warn consumers, including Plaintiffs,

1 of the dangers attendant to their use.

2 5. Defendants’ acts and omissions in connection with the
3 development, marketing, sales, distribution and delivery of the Products, and
4 their failure to discontinue and recall and/or discontinue sale of the Products
5 after learning of their hazards, violates the consumer protection and deceptive
6 trade practices laws of California, breaches Defendants’ express and implied
7 warranties to Plaintiffs and other consumers, and constitutes negligence and
8 strict liability by the Defendants.

9 6. Defendants labeled, advertised, promoted and sold the Products,
10 targeting women who wanted smoother, shinier, stronger, more manageable hair
11 with no frizz or who sought to limit or repair damage or potential damage to the
12 hair caused by other hair treatments, such as coloring or bleaching, or regular
13 heat-based styling. Through an extensive marketing campaign, including use of
14 ubiquitous infomercials and television advertising with celebrity testimonials,
15 the Internet and widely circulated popular style and fashion magazines,
16 Defendants made a number of express warranties to the effect that the Products
17 would clean and condition hair gently, without causing damage to hair and, in
18 fact, would limit or repair damage or potential damage to hair caused by other
19 hair treatments and regular heat-based styling and that the Products were
20 superior to other products available on the market. More particularly,
21 Defendants represented that, “[The Products are] gentle enough to use every day
22 and “[aren’t] like an ordinary shampoo so you want to use more of it, not less.
23 You can never use too much! The more you use, the better the results.”

24 7. Defendants failed to warn Plaintiffs, either in their extensive
25 television, print and online marketing of the Products or on the package
26 labeling, that they were at risk of significant hair loss, damage and/or other
27 injuries upon proper application of the Products.

28 8. Defendants failed to warn Plaintiffs of the risks, despite their

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1 knowledge shortly after introduction of the Products to the market that
2 consumers were complaining that the Products caused significant hair loss,
3 burning of the scalp and other adverse effects, such as dryness and breaking of
4 the hair. Not only did Defendants fail to properly warn consumers, including
5 Plaintiffs, before they purchased the Products but also failed to discontinue and
6 recall the Products upon learning that they were unsafe for use by consumers,
7 including Plaintiffs.

8 9. As of the date of the filing of this Complaint, Defendants continue
9 to sell the Products. Moreover, Defendants continue to falsely claim to
10 consumers that the Products are safe, and continue to fail to warn consumers of
11 the dangers of the Products even upon proper use.

12 10. United States consumers, including Plaintiffs, reasonably expect
13 that their hair care products will not cause significant hair loss, damage and
14 other injuries because of defective design and manufacturing, inadequate
15 research and/or due diligence. In addition, United States consumers expect that
16 the Products will not cause their hair to fall out, break, become dry, change in
17 texture or cause other injuries to their hair and scalp. Further, United States
18 consumers, including Plaintiffs, reasonably expect that if Defendants, the
19 companies primarily responsible for developing, manufacturing, marketing,
20 distributing and selling the Products, knew that the Products would or could
21 cause hair loss and other injuries (whether by proper application or by
22 misapplication), they would disclose those risks to consumers immediately,
23 rather than continuing to aggressively market and sell the Products.

24 11. Defendants failed in their duty to provide consumers, including
25 Plaintiffs, with accurate, adequate information, and continued even after
26 learning of the unreasonable risks and hazards of the Products to perpetuate and
27 create a false public perception that there was little or no risk from the use of the
28 Products.

JURISDICTION AND VENUE

1
2 12. The Court has jurisdiction over the state law claims pursuant to 28
3 U.S.C. §§ 1332(a) and 1332(d)(11) because this is a lawsuit brought by more
4 than 100 plaintiffs in which over \$75,000 is at issue per individual and over \$5
5 million at issue in the aggregate and many Plaintiffs are citizens of states other
6 than Defendants’ state of citizenship.

7 13. Venue is proper pursuant to 28 U.S.C. § 1391(a) because a
8 substantial part of the events giving rise to the claims asserted occurred in this
9 District. Venue is also proper pursuant to 28 U.S.C. § 1391(c) because
10 Defendant conducts substantial business in this District, has sufficient minimum
11 contacts with this District, and otherwise purposely avail themselves of the
12 markets in this District, through the promotion, sale, and marketing of the
13 Products in this District.

PARTIES

14
15 14. Plaintiff Maya Abramson-Hords is a citizen of Michigan, residing
16 in Franklin, Michigan.

17 15. Plaintiff Vicky Adopaca is a citizen of New Mexico, residing in
18 Albuquerque, New Mexico.

19 16. Plaintiff Melissa Ainsworth is a citizen of Texas, residing in
20 Abbot, Texas.

21 17. Plaintiff Patricia Alexander is a citizen of Texas, residing in
22 Dallas, Texas.

23 18. Plaintiff Judith Alliare-Pitzz is a citizen of Nevada, residing in Las
24 Vegas, Nevada.

25 19. Plaintiff Terri Anderson is a citizen of Tennessee, residing in
26 Nashville, Tennessee.

27 20. Plaintiff Mary Jo Arrighi is a citizen of California, residing in San
28 Jose, California.

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1 21. Plaintiff Marcella Atkinson is a citizen of Texas, residing in
2 Dallas, Texas.

3 22. Plaintiff Michelle Baer is a citizen of Pennsylvania, residing in
4 Williamsport, Pennsylvania.

5 23. Plaintiff Latosha Baker is a citizen of Texas, residing in Houston,
6 Texas.

7 24. Plaintiff Danielle Barnhart is a citizen of New Jersey, residing in
8 Millville, New Jersey.

9 25. Plaintiff Maria Barcelona is a citizen of Louisiana, residing in
10 River Ridge, Louisiana.

11 26. Plaintiff Stephanie Bechtel is a citizen of Kansas, residing in
12 Overland Park, Kansas.

13 27. Plaintiff Tiffany Bell, who brings claims individually and on behalf
14 of her minor daughter, P.B., is a citizen of Alabama as is her daughter, both of
15 whom reside in Pelham, Alabama.

16 28. Plaintiff Ginny Bender is a citizen of California, residing in
17 Upland, California.

18 29. Plaintiff Lucy Bentor is a citizen of North Carolina, residing in
19 Gastonia, North Carolina.

20 30. Plaintiff Allison Berry is a citizen of Texas, residing in LaMarque,
21 Texas.

22 31. Plaintiff Jody Blanchard is a citizen of Texas, residing in Baytown,
23 Texas.

24 32. Plaintiff Tammy Blanchard is a citizen of Texas, residing in
25 LaPointe, Texas.

26 33. Amy Bodell-Hersch is a citizen of Kentucky, residing in Bowling
27 Green, Kentucky.

28 34. Plaintiff Vickie Bolton is a citizen of Washington, residing in

1 Auburn, Washington.

2 35. Plaintiff Molly Boren is a citizen of Texas, residing in Houston,
3 Texas.

4 36. Plaintiff Amy Boyd is a citizen of Mississippi, residing in
5 Pascagoula, Mississippi.

6 37. Plaintiff Gina Boyd is a citizen of Texas, residing in Dallas, Texas.

7 38. Plaintiff Lajeana Brooks is a citizen of Georgia, residing in
8 Fitzgerald, Georgia.

9 39. Plaintiff Virna Brown is a citizen of Massachusetts, residing in
10 Attleboro, Massachusetts.

11 40. Plaintiff Susan Browning is a citizen of Texas, residing in
12 McKinney, Texas.

13 41. Plaintiff Skye Bruns is a citizen of Idaho, residing in Coeur
14 d'Alene, Idaho.

15 42. Plaintiff Lyn Burns is a citizen of Texas, residing in Granbury,
16 Texas.

17 43. Plaintiff Cynthia Butler is a citizen of Texas, residing in Houston,
18 Texas.

19 44. Plaintiff Brandon Callis is a citizen of Texas, residing in Waller,
20 Texas.

21 45. Plaintiff Cheryl Calkins is a citizen of Texas, residing in
22 Arlington, Texas.

23 46. Plaintiff Christina Campbell is a citizen of California, residing in
24 Folsom, California.

25 47. Plaintiff Liz Campbell is a citizen of Texas, residing in Mission,
26 Texas.

27 48. Plaintiff Carmen Castang is a citizen of Maryland, residing in Bel
28 Air, Maryland.

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1 49. Plaintiff Sandra Castellon is a citizen of Texas, residing in
2 Houston, Texas.

3 50. Plaintiff Sylvia Castilla is a citizen of Texas, residing in Houston,
4 Texas.

5 51. Plaintiff Tressa Clardy is a citizen of Missouri, residing in Summit,
6 Missouri.

7 52. Plaintiffs Janice and T.C. are citizens of Louisiana, residing in
8 Lacombe, Louisiana.

9 53. Plaintiff Joanne Clark is a citizen of New Jersey, residing in
10 Wyckoff, New Jersey.

11 54. Plaintiff Connie Clarke is a citizen of Virginia, residing in Fairfax,
12 Virginia.

13 55. Plaintiff Sue Clermont is a citizen of New York, residing in Lake
14 George, New York.

15 56. Plaintiff Terri Cole is a citizen of Arizona, residing in Mesa,
16 Arizona.

17 57. Plaintiff Caryn Collazo is a citizen of Florida, residing in Orlando,
18 Florida.

19 58. Plaintiff Kris Connolly is a citizen of Iowa, residing in Dubuque,
20 Iowa.

21 59. Plaintiff Sara Cook is a citizen of Texas, residing in Dallas, Texas.

22 60. Plaintiff Queen Cosme is a citizen of Texas, residing in Red Oak,
23 Texas.

24 61. Plaintiff Paige Crist is a citizen of New York, residing in New
25 York City, New York.

26 62. Plaintiff Rica Cunanan is a citizen of Texas, residing in Plano,
27 Texas.

28 63. Plaintiff LaShawnda Daniels is a citizen of Texas, residing in

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1 Livingston, Texas.

2 64. Plaintiff Kimberly Davis is a citizen of Minnesota, residing in St.
3 Cloud, Minnesota.

4 65. Plaintiff Nora Devine is a citizen of Ohio, residing in Fairview
5 Park, Ohio.

6 66. Joyce Diamond is a citizen of Massachusetts, residing in Lawrence,
7 Massachusetts.

8 67. Plaintiff Kamelia Dianati is a citizen of Texas, residing in Austin,
9 Texas.

10 68. Plaintiff Roxie Drofiak is a citizen of Virginia, residing in Renton,
11 Virginia.

12 69. Plaintiff Dornice Dycus is a citizen of Louisiana, residing in
13 Slidell, Louisiana.

14 70. Plaintiff Gilberto Escamilla is a citizen of Texas, residing in Anna,
15 Texas.

16 71. Plaintiff Stephanie Everett is a citizen of Massachusetts, residing in
17 Concord, Massachusetts.

18 72. Plaintiff Alice Factor is a citizen of Texas, residing in Frisco,
19 Texas.

20 73. Plaintiff Connie Fenter is a citizen of Texas, residing in Richards,
21 Texas.

22 74. Plaintiff Barbie Faresse is a citizen of New York, residing in
23 Endicott, New York.

24 75. Plaintiff Ramona Finn is a citizen of South Carolina, residing in
25 Greer, South Carolina.

26 76. Plaintiff Starsha Fletcher is a citizen of Canada, residing in
27 Brampton, Ontario, Canada.

28 77. Plaintiff Cheryl Footman is a citizen of Indiana, residing in

1 Indianapolis, Indiana.

2 78. Plaintiff Alison Franks is a citizen of Georgia, residing in Macon,
3 Georgia.

4 79. Plaintiff Nancy Gagliardi is a citizen of Connecticut, residing in
5 Coventry, Connecticut.

6 80. Plaintiff Angie Ganns and her minor daughter, S.G., for whom she
7 is bringing suit, are citizens of Texas, residing in Mansfield, Texas.

8 81. Plaintiff Christina Garces is a citizen of Texas, residing in
9 Brownsville, Texas.

10 82. Plaintiff Daniel X. Garcia is a citizen of Texas, residing in San
11 Antonio, Texas.

12 83. Plaintiff Jeanine Gazzillo is a citizen of Pennsylvania, residing in
13 Douglassville, Pennsylvania.

14 84. Plaintiff Susan George is a citizen of Pennsylvania, residing in
15 Harrisburg, Pennsylvania. .

16 85. Plaintiff Randee Gerry is a resident of New York, residing in
17 Valley Stream, New York.

18 86. Plaintiff Sherry Giammichele is a citizen of New York, residing in
19 Accord, New York.

20 87. Plaintiff Fayerene Gibson is a citizen of Texas, residing in Dallas,
21 Texas.

22 88. Plaintiff Randi Gold is a citizen of Texas, residing in Bryan, Texas.

23 89. Plaintiff Patricia Gomez is a citizen of Texas, residing in McAllen,
24 Texas.

25 90. Plaintiff Vicky Graff is a citizen of Texas, residing in Saginaw,
26 Texas.

27 91. Plaintiff Eve Gray is a citizen of Nevada, residing in Las Vegas,
28 Nevada.

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- 1 92. Plaintiff Velma Green is a citizen of Oregon, residing in Portland,
2 Oregon.
- 3 93. Plaintiff Gloria Guest is a citizen of California, residing in Oxnard,
4 California.
- 5 94. Plaintiff Keisa Gunby is a citizen of South Carolina, residing in
6 Columbia, South Carolina.
- 7 95. Plaintiff Marilyn Hagan is a citizen of Texas, residing in Texas
8 City, Texas.
- 9 96. Plaintiff Kym Hall is a citizen of New Jersey, residing in North
10 Plainfield, New Jersey.
- 11 97. Plaintiff Kristi Hardenbrook is a citizen of Texas, residing in Cedar
12 Hill, Texas.
- 13 98. Plaintiff Kelly Harris is a citizen of Texas, residing in Whitehouse,
14 Texas.
- 15 99. Plaintiff Elizabeth Hayes is a citizen of Texas, residing in San
16 Antonio, Texas.
- 17 100. Plaintiff Reena Heenan is a citizen of New Jersey, residing in
18 Keyport, New Jersey.
- 19 101. Plaintiff Lyndsay Hendren is a citizen of Indiana, residing in Idaho
20 Falls, Indiana.
- 21 102. Plaintiff Paulette Holder and her minor daughter, T.H., are citizens
22 of Mississippi, residing in Lauren, Mississippi.
- 23 103. Plaintiff LaVerne Hollins-McGlothen is a citizen of Texas, residing
24 in Missouri City, Texas.
- 25 104. Plaintiff Leyda Impson is a citizen of Washington, residing in
26 Stevenson, Washington.
- 27 105. Plaintiff Monica Infante is a citizen of Texas, residing in Katy,
28 Texas.

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1 106. Plaintiff Michelle Johnson is a citizen of Texas, residing in Lake
2 Worth, Texas.

3 107. Plaintiff Connie Jones is a citizen of Texas, residing in New
4 Boston, Texas.

5 108. Plaintiff Jessica Jones is a citizen of Tennessee, residing in
6 Memphis, Tennessee.

7 109. Plaintiff Nidia Jones is a citizen of Delaware, residing in Bear,
8 Delaware.

9 110. Plaintiff Denise Ketcham is a citizen of Texas, residing in
10 Grapevine, Texas.

11 111. Plaintiff Delores Kennerly is a citizen of Texas, residing in
12 Carrollton, Texas.

13 112. Plaintiff Amanda Kolkana is a citizen of Washington, residing in
14 Des Moines, Washington.

15 113. Plaintiff Renee Krause is a citizen of Michigan, residing in Clinton
16 Township, Michigan.

17 114. Plaintiff Cynthia Krist is a citizen of Ohio, residing in
18 Reynoldsburg, Ohio.

19 115. Plaintiff Fredricka Kyle is a citizen of Ohio, residing in Cleveland,
20 Ohio.

21 116. Plaintiff Kriss Lacebal is a citizen of Texas, residing in
22 Richardson, Texas.

23 117. Plaintiff Dana Lambrick is a citizen of Tennessee, residing in
24 Brentwood, Tennessee.

25 118. Plaintiff Anna Leonova is a citizen of Pennsylvania, residing in
26 Darby, Pennsylvania.

27 119. Plaintiff Alyce Lindsey is a citizen of Florida, residing in Panama
28 City Beach, Florida.

1 120. Plaintiff Sandra Lirette is a citizen of Louisiana, residing in
2 Lacombe, Louisiana.

3 121. Plaintiff Julie Loffredo is a citizen of Pennsylvania, residing in
4 Pitcairn, Pennsylvania.

5 122. Plaintiff Kellie Loges is a citizen of Georgia, residing in Tyrone,
6 Georgia.

7 123. Plaintiff Lainie Lowery is a citizen of Florida, residing in
8 Tallahassee, Florida.

9 124. Plaintiff Julia Magrath is a citizen of Nevada, residing in Carson
10 City, Nevada.

11 125. Plaintiff Yesenia Maldonada-Diaz is a citizen of Oregon, residing
12 in Beaverton, Oregon.

13 126. Plaintiff Susan Maletz is a citizen of South Carolina, residing in
14 Rock Hill, South Carolina.

15 127. Plaintiff Karen Malone is a citizen of Texas, residing in
16 McKinney, Texas.

17 128. Plaintiff Dorri Marchetti is a citizen of California, residing in
18 Stockton, California.

19 129. Plaintiff Francisco Marroquin is a citizen of California, residing in
20 West Hollywood, California.

21 130. Plaintiff Theresa Mascaro is a citizen of Texas, residing in Cypress,
22 Texas.

23 131. Plaintiff Angele Mason is a citizen of Texas, residing with her son
24 in Denton, Texas.

25 132. Plaintiff Linda Mast is a citizen of Illinois, residing in Woodbridge,
26 Illinois.

27 133. Plaintiff Linda Mattli is a citizen of Missouri, residing in Wright
28 City, Missouri.

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1 134. Plaintiff Karan McClure is a citizen of Texas, residing in
2 McKinney, Texas.

3 135. Plaintiff Rachel McGee is a citizen of California, residing in Los
4 Angeles, California.

5 136. Plaintiff Adela McGrew is a citizen of Texas, residing in Keller,
6 Texas.

7 137. Plaintiff Shelia McKee is a citizen of Alabama, residing in Foley,
8 Alabama.

9 138. Plaintiff Marusia Melackronis is a citizen of New York, residing in
10 West Hempstead, New York.

11 139. Plaintiff Roy Mendoza is a citizen of California, residing in Simi
12 Valley, California.

13 140. Plaintiff Kris Thorsen Michels is a citizen of Hawaii, residing in
14 Kailua-Kona, Hawaii.

15 141. Plaintiff Tanya Miller is a citizen of Georgia, residing in
16 Kennesaw, Georgia.

17 142. Plaintiff Anita Montgomery is a citizen of Tennessee, residing in
18 Crossville, Tennessee.

19 143. Plaintiff Maribel Montoya is a citizen of Texas, residing in Wiley,
20 Texas.

21 144. Plaintiff Terri Morgan is a citizen of Texas, residing in Plano,
22 Texas.

23 145. Plaintiff Jill Morphew is a citizen of Texas, residing in Cypress,
24 Texas.

25 146. Plaintiff Roxan Morris is a citizen of Texas, residing in Jefferson,
26 Texas.

27 147. Plaintiff Anthony Moser is a citizen of Washington, residing in
28 Kennewick, Washington.

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1 148. Plaintiff Aviva Mrazik is citizen of Virginia, residing in
2 Williamsburg, Virginia.

3 149. Plaintiff Dusty Musser is a citizen of Virginia, residing in Midland,
4 Virginia.

5 150. Plaintiff Marianne Muylaert is a citizen of Arizona, residing in
6 Gold Canyon, Arizona.

7 151. Plaintiff Candace Mudrak is a citizen of Michigan, residing in
8 Sterling Heights, Michigan.

9 152. Plaintiff Ranee Myers is a citizen of West Virginia, residing in
10 Charleston, West Virginia.

11 153. Plaintiff Julie Nally is a citizen of California, residing in Redding,
12 California.

13 154. Tanya Norman is a citizen of California, residing in Los Angeles,
14 California.

15 155. Plaintiff Aly Nutter is a citizen of Colorado, residing in Denver,
16 Colorado.

17 156. Plaintiff Lea Oliviera is a citizen of California, residing in San
18 Jose, California.

19 157. Plaintiff Linda Ortiz-Yaremko is a citizen of Florida, residing in
20 Homestead, Florida.

21 158. Plaintiff Krista Osborn is a citizen of Tennessee, residing in
22 Bartlett, Tennessee.

23 159. Plaintiff Robyn Osten is a citizen of Maryland, residing in
24 Baltimore, Maryland.

25 160. Plaintiff Tammy Owan is a citizen of Hawaii, residing in Wailuku,
26 Hawaii.

27 161. Mailyn Paredes is a citizen of Florida, residing in Royal Palm
28 Beach, Florida.

1 162. David and Vickie Parker are husband and wife. Both are citizens
2 of Texas, residing in Galveston, Texas.

3 163. Plaintiff Mea Parks is a citizen of Pennsylvania, residing in
4 Philadelphia, Pennsylvania.

5 164. Plaintiff Bridgette Payton is a citizen of California, residing in Simi
6 Valley, California.

7 165. Plaintiff Idalia Paz is a citizen of Texas, residing in Waller, Texas.

8 166. Plaintiff Cristi Pechart is a citizen of Pennsylvania, residing in
9 Gettysburg, Pennsylvania.

10 167. Plaintiff Laura Peduzzi-Brown is a citizen of Nevada, residing in
11 Las Vegas, Nevada.

12 168. Plaintiff Adabel Pena is a citizen of Texas, residing in Anna,
13 Texas.

14 169. Plaintiff Lee Perkinson is a citizen of Louisiana, residing in
15 Metairie, Louisiana.

16 170. Plaintiff Cindy Peterson is a citizen of Minnesota, residing in
17 Grand Meadow, Minnesota.

18 171. Plaintiff Dusan Petrovic is a citizen of Texas, residing in Dallas,
19 Texas.

20 172. Plaintiff Jenna Pohl is a citizen of Illinois, residing in Charleston,
21 Illinois.

22 173. Plaintiff Paula Reynolds is a citizen of South Dakota, residing in
23 Rapid City, South Dakota.

24 174. Plaintiff Filipinas San Jose is a citizen of California, residing in
25 Orange, California.

26 175. Plaintiff Carol Sauer is citizen of North Carolina, residing in
27 Knightdale, North Carolina.

28 176. Plaintiff Gilda Romaniello is a citizen of Colorado, residing in

1 Bristol, Colorado.

2 177. Plaintiff Kimberly Russell is a citizen of Texas, residing in Ft.
3 Worth, Texas.

4 178. Plaintiff Kathy Russo is a citizen of New York, residing in
5 Middletown, New York.

6 179. Plaintiff Victoria Sallis is a citizen of Arizona, residing in Phoenix,
7 Arizona.

8 180. Plaintiff Delinda Saye citizen of Texas, residing in Greenville,
9 Texas.

10 181. Plaintiff Leslie Scales is a citizen of Tennessee, residing in
11 Smyrna, Tennessee.

12 182. Plaintiff Patriciann Schvabenitz is a citizen of Pennsylvania,
13 residing in Aliquippa, Pennsylvania.

14 183. Plaintiff Elizabeth Seals is a citizen of California, residing in Los
15 Angeles, California.

16 184. Plaintiff Denise Seremeta is a citizen of New Jersey, residing in
17 Trenton, New Jersey.

18 185. Plaintiff Cynthia Shuster is a citizen of Ohio, residing in Sheffield
19 Village, Ohio.

20 186. Plaintiff Tara Simko is a citizen of Connecticut, residing in Bethel,
21 Connecticut.

22 187. Plaintiff Jennifer Six is a citizen of Texas, residing in Little Elm,
23 Texas.

24 188. Plaintiff Karen Smaha is a citizen of Texas, residing in Spring,
25 Texas.

26 189. Plaintiff Pamela Smallwood is a citizen of Texas, residing in Fort
27 Worth, Texas.

28 190. Plaintiff Dena Smith is a citizen of Florida, residing in Tampa,

1 Florida.

2 191. Plaintiff Jennifer Smith is a citizen of California, residing in Citrus
3 Heights, California.

4 192. Plaintiff Casey Stanton is a citizen of Wisconsin, residing in
5 Pleasant Prairie, Wisconsin.

6 193. Plaintiff Vanessa Stevens is a citizen of Michigan, residing in
7 Wyoming, Michigan.

8 194. Plaintiff Shirley Story is a citizen of Minnesota, residing in Hoyt
9 Lakes, Minnesota.

10 195. Plaintiff Anne Marie Sweeney is a citizen of Texas, residing in
11 Fort Worth, Texas.

12 196. Plaintiff Amanda Tapscott is a citizen of Indiana, residing in
13 Indianapolis, Indiana.

14 197. Plaintiff Ravyn Therrell is a citizen of New Jersey, residing in
15 Bordentown, New Jersey.

16 198. Plaintiff Crystal Telles is a citizen of Texas, residing in Princeton,
17 Texas.

18 199. Plaintiff Sally Tesoro is a citizen of Massachusetts, residing in
19 Dedham, Massachusetts.

20 200. Plaintiff Connie Theiss is a citizen of Oregon, residing in Keizer,
21 Oregon.

22 201. Plaintiff Venita Vance is a citizen of Texas, residing in Grand
23 Prairie, Texas.

24 202. Plaintiff Ronda Vencil is a citizen of Nebraska, residing in
25 Waterloo, Nebraska.

26 203. Plaintiff Lisa Vides, who brings claims on behalf of her minor
27 daughter, R.V., is a citizen of Florida, residing with her daughter in Port Saint
28 Lucie, Florida.

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1 216. Defendants designed, manufactured, marketed, sold and distributed
2 the Products throughout the United States at all times relevant to this Complaint.

3 217. According to his website, Chaz Dean, the founder of Wen, is a Los
4 Angeles-based hair care stylist who “has a celebrity clientele list that reads like
5 a who’s who in Hollywood” and “believes in a natural, healthy lifestyle,”
6 “dedicate[ed] to harmony and holistic methods.”¹ Dean creates hair care
7 products, such as and including the Products. His website touts Dean’s products
8 as “groundbreaking” and “a spectacular shift in the way we protect and style our
9 hair.”² On the website, Dean describes his development of the concept of which
10 the Products are a part:

11 I was becoming known for healthy hair. I developed the cleansing
12 conditioner concept, and it worked. My very first celebrity client was
13 Nicollette Sheridan, and I worked with several actors from the Aaron Spelling
14 shows of the time—Beverly Hills 90210 and Melrose Place. I was able to
15 dramatically improve the condition of their hair, to restore the body, shine and
16 bounce. Everybody took notice [and] wanted that.

17 *See* <http://chazdean.com/aboutChaz/about/> (internal references and quotations
18 omitted).

19 218. Dean’s website further explains that, “[w]ith the success of WEN,
20 [he] became a fixture on television shows . . . speaking about healthy hair and
21 hair transformations. Viewers may also know him from his award winning
22 WEN Hair Care infomercial.”³

23 219. Dean, through Wen, at all times relevant to this Complaint
24 designed, manufactured, marketed, sold and distributed the Products jointly with
25 Guthy-Renker. According to its website, Guthy-Renker is “one of the largest
26

27 ¹ *See* <http://chazdean.com/aboutChaz/>.

28 ² *See* <http://chazdean.com/aboutChaz/about/>.

³ *See id.*

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1 and most respected direct marketing companies in the world” and “since 1988 []
2 has discovered and developed dozens of well-loved, high quality consumer
3 products in the beauty, skincare, entertainment and wellness categories.”⁴
4 Guthy-Renker credits itself for “moving, award-winning production and
5 marketing campaigns featuring some of today’s leading celebrities.”⁵

6 220. Defendants use these types of direct marketing techniques, among
7 others, to market the Products as natural, safe, strengthening and repairing hair
8 care products. By way of the Wen website, magazine advertising, infomercials,
9 television ads, QVC and other direct marketing channels, Defendants’
10 promotion of the Products includes multiple false and/or misleading
11 representations, including, but not limited to:

12 **It seems like I'm using a lot of product. Can I use too much?**

13 WEN® isn't like an ordinary shampoo so you want to use more of it, not
14 less. You can never use too much! The more you use, the better the results.

15 **Should I use the Cleansing Conditioner every day?**

16 That's up to you. Some people like to wash their hair daily. Others will go
17 a day or two between washings. Although WEN® is gentle enough to use every
18 day, if you don't, you can combine 4-6 pumps of Cleansing Conditioner with a
19 quarter-size amount of Styling Creme in a spray bottle with water. Shake
20 vigorously to mix completely. Spritz it on 12-18 inches above hair to provide a
21 light mist. Shake out and restyle or fluff up your hair!

22 Rinse hair thoroughly. Apply WEN® into your palms and rub together.
23 Use 10-16 pumps for short hair, 16-24 for medium length hair and 24-32 pumps
24 for long hair. If your hair is longer/thicker you may need to increase the amount
25 of pumps.

26 Apply to scalp and hair, adding a splash of water to evenly distribute.

27 ⁴ See <http://www.guthy-renker.com/about/>.

28 ⁵ See *id.*

1 WEN® has no harsh detergents or sodium lauryl sulfate, so it won't lather.
2 Massage thoroughly into hair and leave on for the remainder of your shower.

3 “WEN® Cleansing Conditioner is a revolutionary new concept in hair
4 care. A 5-in-1 formula, this one product takes the place of your shampoo,
5 conditioner, deep conditioner, detangler and leave-in conditioner. It cleanses
6 hair thoroughly without lathering or harsh ingredients. It's designed not to strip
7 your hair and scalp of natural oils, leaving your hair with more strength,
8 moisture, manageability and better color retention.”

9 See www.wen.com.

10 221. In various forms of their advertisements, Wen, Dean and Guthy-
11 Renker further misrepresented the nature and quality of the Products in so-called
12 hair transformations, which indicated consumers could expect to see
13 extraordinary changes in their hair after just one use of the Products. The
14 following is an example of the depictions used by Defendants to mislead
15 consumers:
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222. The Products contain the same or similar “Key Ingredients.”

KEY INGREDIENTS

Glycerin: A humectant that provides moisturizing benefits to the hair.

Chamomile Extract: Used for its soothing and calming properties.

1 Wild Cherry Bark: Formulated to help condition the hair.

2 Rosemary Extract: Designed to soothe hair.

3 Panthenol: Designed to help strengthen hair and restore resilience.

4 223. Defendants offer the same instructions for use the Products no
5 matter the variety/scent:

6 **CLEANSING YOUR HAIR IN 3 EASY STEPS:**

7 **Step 1:**

8 Rinse hair thoroughly. Apply WEN® into your palms and rub together.

9 Use 10-16 pumps for short hair, 16-24 for medium length hair and 24-32
10 pumps for long hair. If your hair is longer/thicker you may need to
11 increase the amount of pumps.

12 **Step 2:**

13 Apply to scalp and hair, adding a splash of water to evenly distribute.

14 WEN® has no harsh detergents or sodium lauryl sulfate, so it won't
15 lather. Massage thoroughly into hair and leave on for the remainder of
16 your shower.

17 **Step 3:**

18 Rinse thoroughly and completely, massaging scalp and running fingers
19 through to the ends.

20 **ADDITIONAL USAGE TIPS:**

21 Apply 1/2 to 1 pump depending on hair length and texture as a leave-in
22 conditioner to soaking wet hair. For best results, we highly suggest you
23 cleanse, rinse and repeat, using half the recommended pumps for the first
24 cleanse, and the remaining half for the second cleanse. Unlike many
25 ordinary shampoos, you may find you don't need to cleanse as often.

26 224. Defendants further promote the Products with the summary of a so-
27 called “3-week study” in which 100% of the participants purportedly found their
28 “hair was more moisturized!,” “97% noticed that WEN® added more shine!”

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1 and “95% reported that hair became more manageable.” Defendants admit— in
2 much smaller print— that the results are “not typical.”⁶

3 225. By these representations and instructions, Defendants represent and
4 warrant that the Products will produce smoother, shinier, stronger, more
5 manageable hair with no frizz and are particularly helpful to consumers who
6 seek to limit or repair damage or potential damage to hair caused by other hair
7 treatments, such as coloring or bleaching, or regular heat-based styling.

8 226. Contrary to these express and implied representations, the Products
9 contain one or more active ingredients that act as a depilatory or caustic agent,
10 causing a chemical reaction that damages the hair strand and/or follicle.

11 227. An average consumer, Plaintiffs included, understand these
12 representations to mean the Products are gentle, natural, free from harsh or
13 damaging chemicals, conditioning and safe, and will not cause hair loss and
14 other injury upon proper (or improper) application.

15 228. Instead, Plaintiffs and other consumers reasonably expect a
16 warning regarding any potential hazard to consumers, especially because the
17 Food, Drug and Cosmetic Act regulations provide that cosmetics that may be
18 hazardous to consumers must bear appropriate warnings. See
19 <http://www.fda.gov/Cosmetics/CosmeticLabelingLabelClaims/default.htm>.

20 229. Contrary to the Food, Drug and Cosmetic Act regulations, the
21 Products failed to provide adequate directions for safe use, although Defendants
22 knew or should have known the Products were unsafe even if used correctly.

23 230. In fact, many consumers who suffered hair loss and other serious
24 injuries as a result of the Products complained to Defendants directly and online
25 about their experience. Many more did not initially associate their injuries with
26 use of the Products, it being so unexpected that a product sold over-the-counter
27

28 ⁶ See www.wen.com (“Features”).

1 by Wen, a company that claims to have a “holistic” and “healthy” focus, could
2 be dangerous. Many of these victims assumed their hair loss was the result of a
3 serious illness and sought medical treatment. The situation caused them and
4 their loved ones terrible concern and expense.

5 231. Online reviews for the Products—known and/or available to
6 Defendants as early as 2012, included but were certainly not limited to the
7 following:

- 8 • <http://community.qvc.com/forums/wen/topic/305237/hair-loss-after-using-wen-products.aspx>

9 **Hair Loss After Using Wen Products**

10 Started 07/08/2012 at 10:26 AM in WEN | Last reply 11/15/2013 at 4:03
11 AM by racern

12 I'm posting this note after losing massive amounts of hair in patches mostly at
13 the crown of my head, with smaller bald patches all over my scalp. Early this
14 year (2012) I purchased the Wen introductory package (cleanser, deep
15 conditioner, styling creme, styling balm [stick] and a comb) with the auto 30-
16 day refill. Almost immediately after using the product I noticed huge amounts of
17 hair caught in the drain (the water in my shower built up to my ankles so I
18 checked the drain and found a handful of hair -- much more than I've EVER lost
19 at one time). I didn't make the connection between the natural Wen product and
20 my hair loss and honestly didn't think anything of it until I went to get my long,
21 curly hair cut/shaped and was told by the stylist that I had 'alopecia.' I've never
22 had any problem with hair loss and only the regular 'shedding.' This loss of hair
23 was way behind the regular shedding. The stylist showed me a 2" patch at the
24 crown of my head with smaller patches in the area. I located an additional 5
25 patches around my scalp. After a tugging feeling that the Wen could be the root
26 of my problem, I checked the internet for 'hair loss after using wen' and found
27 many reports of hair loss similar to mine. And the majority of them sound like
28

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1 my experience. For the record, I haven't had any medical issues, dietary
2 changes, lifestyle changes since the onset of hair loss and the only behavioral
3 change I've made is adding Wen to my hair care routine.

4 A word of warning to those of you about to purchase WEN Cleansing
5 Conditioner: Wen is a dangerous product.

- 6 • **<http://womenshair.about.com/u/reviews/products/Wen-Haircare-Products/DO-NOT-BUY-WEN-Made-My-Hair-Fall-Out-With-One-Use.htm>**

9 **My Review**

10 My husband bought this as a birthday gift for me after he overheard me talking
11 to about a friend about it. I only used it once, but that was enough for me. In my
12 first use I lost 100x's the amount of hair than I do in an average shower. I was
13 literally pulling clumps of hair out of my head and I had hair balls running down
14 my legs into the shower drain.

15 I look online and found horror stories about people losing so much hair that they
16 were balding and lawsuits of people trying to recup costs from dermatology
17 appointments to try and get there hair back.I called the mall kiosk where I
18 bought it and the cashier said, "I've got to tell you, this isn't the first time
19 someone's returned the product and complained that their hair was falling out.
20 I would NEVER recommend this product and I wonder how these people can
21 sleep at night with so many people complaining about this problem.

- 22 • **<http://womenshair.about.com/u/reviews/products/Wen-Haircare-Products/Very-Angry-About-Hairloss-from-WEN.htm>**

24 **My Review**

25 I used Wen hair care for the first time and it was good till the next week. I
26 washed my hair and it was coming out. Wen hair thinned my hair and made it
27 frizzy. I noticed it right away. I'm so upset! I am African American with long
28 hair, until I used this mess and thinned my hair!

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- 1 • <http://womenshair.about.com/u/reviews/products/Wen-Haircare-Products/My-Hair-is-Lifeless-and-Thinning-After-Using-WEN.htm>

3 **My Review**

4 At first I really liked this product. Then I noticed my hair was feeling greasy and
5 heavy. Now my hair is falling out in gobs daily. I would not recommend this
6 product. My hair is now thinning so bad you can see my scalp. It is lifeless and
7 lusterless.

- 8 • <http://womenshair.about.com/u/reviews/products/Wen-Haircare-Products/WEN-Caused-Immeidate-Hair-Loss-for-Me.htm>

10 **My Review**

11 Note: I have very delicate hair!

12 The first wash was amazing! Then the next 3 times (without using any other
13 products) there was massive hair loss. I would put in the conditioner and when I
14 ran my fingers through it to distribute it took me a full minute to get all the hair
15 that had fallen out off my fingers. Then I would see random FULL LENGTH
16 hair floating around my car, my desk, and in my eyes. I stopped using it after the
17 4th day. Today I received an email asking how I like the product.

18 After reading other reviews I will be on the phone with them first thing in the
19 morning for a FULL refund. And if they dare try to charge me for the
20 membership....don't get me started.

21 **mish 1 year ago**

22 Craig,

23 YOU can contact me about my hair loss after using WEN! I have suffered hair
24 loss and breakage! I have been using WEN for about 8 months.

25 Thought I was using a safe & healthy product! Saw my Drs. and all tests are
26 normal, nothing in my recent blood work or physical that would point to hair
27 loss!

28 Never made the connection to WEN until I MADE my POOR husband use it,

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1 thinking I was doing a good thing! THEN, he suffered hair loss!!!!!!
2 So TODAY, I googled WEN & Hair loss! I was floored when I saw the MANY
3 complaints of Hair Loss and WEN! Many were told by dermatologists that
4 WEN causes blocked hair follicles. What is most alarming is that people have
5 reported that their hair still has not returned to normal even after stopping the
6 use of WEN! I find that disturbing! They also said that reported that to the FDA
7 snucif@aol.com 1 year ago

8 Started using Wen cleansing Conditioner about 6 or 7 months ago, I bought a
9 package deal on QVC now my thin hair is even thinner and my son says you can
10 see a bald spot in the back! I am going to stop using it

- 11 • **[http://wen-haircare.pissedconsumer.com/beware-using-wen-](http://wen-haircare.pissedconsumer.com/beware-using-wen-shampoo-hair-loss-20120818340078.html)**
12 **[shampoo- hair-loss-20120818340078.html](http://wen-haircare.pissedconsumer.com/beware-using-wen-shampoo-hair-loss-20120818340078.html)**

13 sunshine2da I've seen the commercials and thought why not try it try it because
14 it seems to have a nice effect on hair and felt that my hair could even look
15 better. I was shocked to see after the first wash SO MUCH HAIR IN THE
16 SHOWER.

17 I have never experienced that in my life. I immediately called company and gal I
18 spoke with advised to keep using with the conditioner as she had lost hair too
19 the first time as it was just kicking out old stuff. I wanted to believe and used
20 again with the conditioner and gobs of hair falling out. I stopped and it has been
21 a month and shedding, shedding, shedding.

22 I hate to wash my hair as there is so much fall out and now I'm stressed which
23 doesn't help. I only wish I would have read all the other people that are losing
24 their hair with this horrible product.

25 **HumbleOpinion Jun 02**

26 I have very thick, healthy, never-colored hair. My overall health is excellent and
27 I am not on any medications. I can confirm that Wen causes hair loss! Just
28 Friday, after a limited trial of Wen, I had hair falling out in the shower. I have

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1 never experienced anything like this in my life. I have not washed my hair since
2 Friday and am frankly fearful of showering! Wen is an awful product - do not
3 tell someone with handfuls of lost hair how much you love Wen!!!

4 **Thinning Jan 09**

5 Loved the product at first, but after 8 months, I have lost hair in two spots as
6 well as at the front hairline. I am sad, my hair has always been thick and pretty. I
7 can only pray that after discontinuing usage, maybe it will grow back. Be aware,
8 not a good thing to use.

9 **hate deception Oct 20, 2013 Winston Salem, North Carolina**

10 I used Wen on the advice of a family member. I started getting sores on my
11 scalp and my hair came out. There is something in it that causes an infection of
12 the hair follicles, thus the hair falls out. stop using and see a dermatologist.

- 13 • <http://www.consumeraffairs.com/cosmetics/wen.html>

14 **Sherry of Sumter, SC on July 5, 2014**

15 I have tried two different types (mint, fig) and the first couple of days my hair
16 was soft, and after a week, my hair was falling out in clumps. My husband
17 always would ask me "are you okay, I keep finding your hair in the bathroom"..
18 I promise you as I was washing my hair, clumps would come out in my hands. I
19 called and cancelled and even told them I didn't want a refund (didn't want to go
20 through the hassle of refunds with them after reading reviews). I still had to pay
21 for the next shipment and called American express and they had any new
22 payments after my initial shipment stopped. I am the type of person that I don't
23 believe everything I read without proof and I am telling you the reader this is the
24 honest truth.

25 This was my experience with Wen and the last. I hope this will help somebody
26 even if it's just one. Thank You for your attention...

- 27 • <http://www.consumeraffairs.com/cosmetics/wen.html>

28 **Nancy of Dunsford, ON**

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1 I started using the WEN Sweet Almond Cleansing Conditioner about 6 weeks
2 ago. I have naturally curly hair that is very fine, just past my shoulders. I used
3 the conditioner as directed 3-4 times a week. Soon after I noticed considerable
4 hair loss. I comb my hair when wet in shower which was filled with hair. My
5 drain full. I thought maybe it was a nutritional imbalance. However, I
6 supplement with Biotin for hair growth and never had a problem with hair loss
7 in past. I spoke to a friend who mentioned she heard that Wen users were
8 complaining of the same. Coincidence? I think not.

9 • <http://www.consumeraffairs.com/cosmetics/wen.html>

10 **cheryl of Youngstown, OH**

11 I order 5 bottles of wen cleansing conditioners because my aunt got me one for
12 Christmas and at first it worked great so I got more. Then my hair started just
13 falling out. I mean bad. I'm bald in spots. I stopped using it and hair still not
14 quite right. There's got to be something done. My hair was so nice and long now
15 it looks like **. I'm going to talk to a lawyer because I don't even want to leave
16 the house anymore. Thanks to wen by Chaz Dean.

17 • [http://www.complaintsboard.com/complaints/wen-hair-care-
18 c523263.html](http://www.complaintsboard.com/complaints/wen-hair-care-c523263.html)

19 I purchased this product and after 2 weeks my hair started falling out, let me
20 first say I have no medical issues and this is not normal hair shedding, I didn't
21 connect the hair loss to the wen at first, until a friend said do you think it's the
22 wen, so I googled wen hair loss and there are many women that have had the
23 same reaction, and before some of you wen lovers comment, some women after
24 several months are now having the same results (hair loss), I have contacted the
25 fda and you need to call this number to report it 1-800- 332-1088, I went to the
26 wen facebook page and women posting they have hair loss was removed and
27 blocked from commenting, if I would of seen some of these comments my hair
28 would be on my head and not in the trash, it was healthy now it's like straw and

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1 brittle, I have stopped using wen over a week now, the hair loss is not as bad,
2 but the damage is done and over half my hair is gone ...please report to the fda
3 and the BBB, don't let them keep selling this to others, save someone from this,
4 wish I had found web sites before I started using it!!!

5 • **<http://katieelizabethchicago.blogspot.com/2013/12/back-wen.html>**

6 Until... my hair started falling out. At first, I had no idea what it was from. It
7 wasn't alarmingly falling out so I just figured I was just "shedding" more than
8 normal. When it continued for quite a while, I decided it had to be something I
9 was using. I'm always trying new products so I cut out every single styling
10 product that I was using to see if that made a difference. When it didn't and all I
11 was using was the Wen, I decided to do some research. All you have to do is
12 Google Wen and you'll find tons of articles on Wen + hair loss. And sadly, it's
13 true for me. As soon as I stopped using my beloved Wen, the hair stopped
14 coming out in handfuls.

15 So this is my warning to women - it's NOT worth it!! I know not everyone has
16 this problem when they use Wen, but why risk it? There are so many other
17 great options out there that WON'T possibly make your hair fall out!! Check out
18 these articles on Wen hair loss if you're considering trying it:

19 [Wen Shampoo Causes Hair Loss. Do Not Use!](#)

20 [QVC Community on Wen Hair Loss](#)

21 [Wen Products Caused Hair Loss and Damage](#)

22 ///

23 ///

24 ///

25 • **<http://forum.purseblog.com/the-beauty-bar/wen-hair-care-thoughts-466693.html>**

26
27 I used it for a while, and it did make my hair feel soft. However, I SWEAR it
28 felt like I was loseing hair. I know we all lose a certain amount through out the

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1 day, but this felt like a lot. I was in the shower rinseing (keep in mind you have
2 to do a TON of rinseing with this stuff) and I felt something hit my thigh. I
3 looked down, and I kid you not, it was a HUGE wad of my hair!!! I FREAKED
4 after that, and have not touched it since!

5 • [http://forum.purseblog.com/the-beauty-bar/wen-hair-care-thoughts-
6 466693.html](http://forum.purseblog.com/the-beauty-bar/wen-hair-care-thoughts-466693.html)

7 OK - SAME for me. I was using the fig. At first it was great. My hair was softer,
8 color held longer (I have fairly thick red color-treated past shoulder length hair).
9 Then I noticed tons of hair by the drain, clumps of it on my skin, just like the
10 quote above. My hair was definitely thinner around my bangs - I freaked out. I
11 wrote to WEN, they answered me with some bs quote - you lose up to 100 hairs
12 a day, medication use (I don't), ageing (I'm not that old). I told them I wasn't
13 looking for compensation, just giving them information and they should quite
14 defending themselves. I was using the Fig because I really like that smell. I am
15 back to my Pureology and am hoping my hair will be restored to its original
16 awesomeness before the Wen.

17 • [http://forum.purseblog.com/the-beauty-bar/wen-hair-care- thoughts-
18 466693-2.html](http://forum.purseblog.com/the-beauty-bar/wen-hair-care-thoughts-466693-2.html)

19 I've been scouring my life and focusing on staying calm while I try to figure out
20 why I, someone with thick hair who has to get it thinned (and my mother still
21 does at the age of 67!), have lost 50% of my hair in the past two weeks! I'm a bit
22 baffled as I am, in general, feeling pretty good.

23 Out of my research, it says to consider what medication and actions one has
24 done in the past four months. Well, one thing is I started using this all "Natural"
25 WEN Cleansing Conditioner almost exactly four months ago! I come here and
26 see that some others are also describing the same kinds of sudden, significant
27 and scary amounts of hair falling out.

28 Two weeks ago, I was using the stuff, combing it through my hair in the shower

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1 and was shocked to see how much hair I saw in the drain and in the comb and
2 for the past two weeks have been trying to figure out this miserable corundum.
3 Unfortunately I had just ordered a new supply, but I will never use the stuff
4 again! This has been an unnecessary and very stressful experience. And I'm
5 going to submit this to the FDA as this is a very rough side effect for women.

- 6 • <http://forum.purseblog.com/the-beauty-bar/wen-hair-care-thoughts-466693-3.html>

7
8 I started using Wen a few months ago and started noticing my hair falling out
9 out in handfuls. I also started noticing a significant amount of hair breakage. I
10 have a lot of hair normally and the amount of hair loss is quite noticeable. I
11 stopped using the product when I suspected that it was what might be causing
12 the thinning hair and hair loss. As soon as I stopped the Wen the hair stopped
13 falling. I am waiting to see when hair will start growing back.

14 It also happened to my daughter, and when she stopped using it it started
15 growing back.

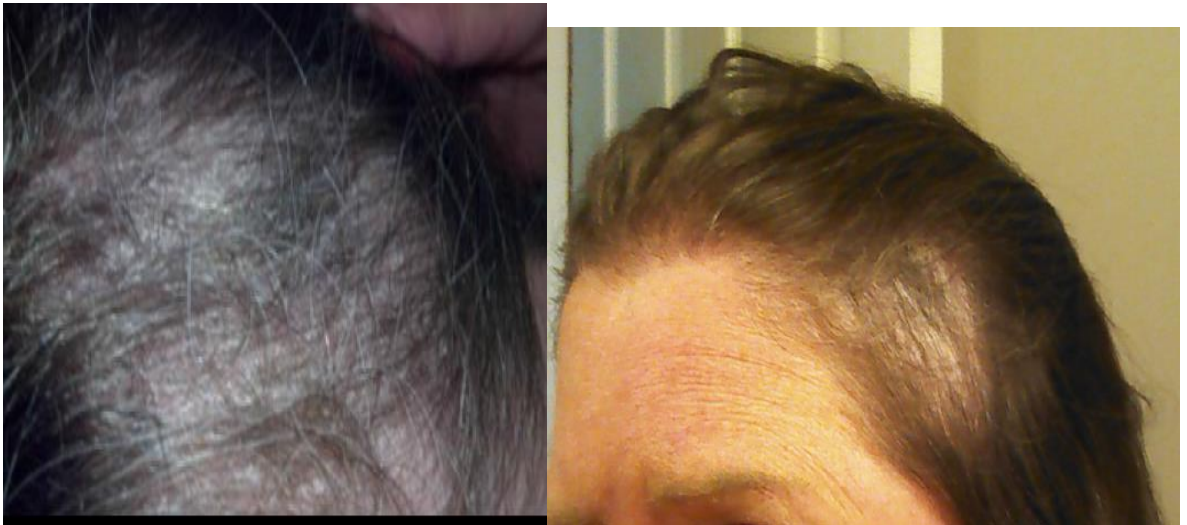
- 16 • <http://forum.purseblog.com/the-beauty-bar/wen-hair-care-thoughts-466693-3.html>

17
18 I tried it also and at first loved it, but then my hair started falling out as well. I
19 didnt realize until the second time that, that was what was making my hair fall
20 out. Stopped using it and my hair has stopped falling out. I am glad I googled
21 my hunch and found this forum, because I thought something was wrong with
22 me! I also had a painful to the touch lump on my head.

23 232. The injuries sustained by these victims are strikingly similar to
24 those suffered by Plaintiffs. Victims believed the Products would clean and/or
25 condition their hair and would limit and/or repair damage caused by other hair
26 treatments but found the Products to cause hair loss, dryness, breakage and other
27 injuries and adverse effects.

28 233. The following photographs depict the type of damage caused by

1 the Products.



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234. One or more of the Products' active ingredients act as a depilatory or caustic agent, either by causing a chemical reaction that damages the hair strand and/or follicle. The effect of this ingredient(s) render the Products dangerous and unsafe for sale as an over-the-counter hair product.

235. Designing, manufacturing and providing a direct-to-consumer hair conditioning/care products with these ingredient(s) is unreasonably dangerous

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1 and unsafe to consumers, especially when marketed as gentle and safe to use
2 every day and given Defendants’ instructions to consumers to use large amounts
3 of the Products and to leave the Products in their hair for long, even indefinite,
4 periods of time.

5 236. Prior to Plaintiffs’ purchase of the Products, Defendants were
6 aware or should have been aware that the Products contained an inherent
7 defect(s) that caused significant hair loss and other injury upon proper
8 application and that any instructions and warnings provided with the Products
9 were wholly insufficient. Defendants were unaware of this because they failed
10 to perform pre- and post-marketing safety testing as required by industry
11 standards and best practices.

12 237. Defendants knew, or but for their reckless indifference would have
13 known, prior to Plaintiffs’ purchases of the Products that they would continue to
14 receive complaints of hair loss and other injuries attributed to the Products.
15 Based on their experience, Defendants knew or should have known that even if
16 they diligently investigated the problem, it would be difficult if not impossible
17 to remediate the problem.

18 238. Defendants knew, or but for their reckless indifference would have
19 known, that: (a) the risk of hair loss and other injury was substantial, (b) users
20 of the Products were unaware of that substantial risk, and (c) those users had a
21 reasonable expectation that Defendants would disclose the risks and discontinue
22 sell of the Products.

23 239. Despite such knowledge, Defendants did not disclose to
24 prospective purchasers, before or after learning of the Products’ hazards, that
25 there was a substantial risk of hair loss and other injury associated with use of
26 the Products. Defendants instead continued to claim the Products were safe,
27 while concealing or attempting to conceal or control all the adverse reports filed
28 by consumers.

FACTS RELATING TO PLAINTIFFS

1
2 240. Plaintiff Maya Abramson-Hords used the Sweet Almond Mint
3 variety of the Products between April-June 2015. Abramson Hords purchased
4 the Products from WEN based on representations made by Dean in an
5 infomercial that the Products are good for your hair, unlike ordinary shampoo,
6 which are harmful to your hair, that the Products are gentle enough to use every
7 day, that you should use the Products in large amounts and that the Products
8 will not strip your hair and scalp of natural oils. She used the Products as
9 instructed but, nonetheless, has suffered hair loss, breakage and discoloration as
10 well as scalp irritation and rash.

11 241. Plaintiff Vicky Adopaca learned of the Products through
12 Defendants' various advertisements. She purchased the Products between
13 approximately January 2014-mid-2015 based on representations by the
14 Defendants that the Products would produce smoother, shinier, stronger, more
15 manageable hair with no frizz and were particularly helpful to consumers who
16 sought to limit or repair damage or potential damage to the hair caused by other
17 hair treatments, such as coloring or bleaching, or regular heat-based styling.
18 Ms. Adopaca used the Products as instructed. Nevertheless, she has suffered
19 hair loss and damage and scalp irritation and rash.

20 242. Plaintiff Melissa Ainsworth used the Fall Apple, Tea Tree and
21 SixThirteen varieties of the Products between November 2013-April 2015. She
22 purchased the Products through QVC based on the QVC depictions of purported
23 hair transformations. She also relied on Dean's representations that the Products
24 were a 5-in-1 formula, free of harsh ingredients found in regular shampoos, are
25 all natural and make hair smoother, more manageable with better color
26 retention. She used the Products as directed but still suffered hair loss.

27 243. Plaintiff Patricia Alexander used the Fig, Sweet Almond Mint and
28 Tea Tree varieties of the Products between March 2014-April 2015. She

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1 purchased the Products by phone based on representations made by Dean in
2 local and satellite television advertisements, including purported hair
3 transformations on twin red headed Caucasian models and one African-
4 American model; and Dean's claim the Products will not strip color or moisture
5 like shampoos and will prevent brittleness, leaving the hair more manageable,
6 shinier and full of body; and the Products are free of harsh detergents and
7 sulfates. Alexander also spoke at length to a customer service representative
8 before making her purchase; the representative confirmed all she saw and heard
9 on infomercials. Later, after using the Products for some time, she called
10 customer service to inquire about hair breakage and was told to continue using
11 the Products and that the Pomegranate, Lavender, Cucumber or Tea Tree
12 varieties would especially strengthen her hair.

13 244. Plaintiff Allaire-Pitzz purchased the Products online based on
14 representations by Dean in infomercials that the Products were a 5-in-1 formula,
15 a revolutionary new concept in hair, and designed not to strip hair and scalp of
16 natural oils, leaving hair with more strength, moisture, manageability and better
17 color retention. She used the Products as directed but suffered hair loss and
18 damage and scalp irritation and rash, nonetheless.

19 245. Plaintiff Terri Anderson used the Green Tea, Fig, Pomegranate,
20 Coconut Mango, Cucumber Aloe, Winter Vanilla Mint and SixThirteen varieties
21 of the Products between approximately April 2012-April 2015. She purchased
22 the Products based on demonstrations which showed amazing before and after
23 transformations, indicating the Products will make hair smooth, shiny and
24 bouncy. She also relied on Dean's representations that the Products replace
25 shampoo, conditioner, deep conditioner, detangler and leave-in conditioner,
26 should be used in large quantities, will not dry or damage hair, are free of harsh
27 chemicals and, in fact, good for your hair, are a revolutionary concept in hair
28 care and that regular shampoos strip natural oils from hair. She also relied the

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1 QVC page which says the Products are a hair repair that treat your tresses to
2 conditioning like no other cleansing conditioner, are formulated with a unique
3 blend of restorative botanicals, extracts and argan oil, are a revolutionary step
4 towards beautiful, healthy, shiny hair; are great for all hair types but exceptional
5 for fine to medium hair and extremely beneficial for oily scalps and dry hair due
6 to its astringent and antioxidant properties, add volume and body to fine to
7 medium hair. She also relied on Dean’s claim that celebrities like Brooke
8 Shields use the Products. She used the Products as directed, yet suffered hair
9 loss and breakage.

10 246. Plaintiff Mary Jo Arrighi purchased the Products in the Sweet
11 Almond Mint, Tea Tree and Summer Mango varieties between February 2013-
12 mid-2015 from stores and online based on representations made by Dean in
13 infomercials that the Products are free of harsh and harmful ingredients,
14 including sulfates, good for all hair types, all natural and stronger, shinier,
15 healthier, smoother and fuller and are in a 5-in-1 formula. She also relied on
16 Dean’s depictions of purported “hair transformations.” She used the Products
17 as instructed but suffered hair loss and damage and scalp irritation and rash.

18 247. Plaintiff Marcella Atkinson used the Sweet Almond Mint variety of
19 the Products between November 2014-December 2015. Atkinson used the
20 Products based on representations made by Dean in infomercials that you cannot
21 use too much of the Products, more is better; the number of pumps used
22 depended on the length and thickness of hair; the Products contain no harsh
23 ingredients or sulfates; should be massaged through the hair and left on the
24 remainder of the shower; are a "revolutionary new concept;" are a 5-in-1
25 product; cleanse hair thoroughly without lather or harsh ingredients; are
26 designed not to strip hair of natural oils, leaving the hair with more strength,
27 moisture, manageability and better color retention; will help soothe and calm
28 hair, condition hair, strengthen and restore hair; should be used to cleanse, rinse

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1 and repeat; are safe for all types of hair; and were demonstrated to outperform
2 other products in a three week study in the areas of manageability, moisturizing
3 and shininess. She also relied on depictions of hair transformations and Dean's
4 claim that Holly Robinson Peete and other African-American actresses and
5 models are WEN users. Although she used the Products as directed, Plaintiff
6 Atkinson suffered hair loss and scalp irritation.

7 248. Plaintiff Michelle Baer used the Sweet Almond Mint variety of the
8 Products between February 2014-April 2015. Baer ordered the Products online
9 from QVC based on representations made by Dean on QVC using depictions of
10 hair transformations with so-called WEN girls, indicating and/or expressly
11 stating that the Products are "revolutionary hair care" products that will
12 moisturize and strengthen hair and can be used every day, the more the better.
13 She used the Products as directed; nevertheless, she suffered hair loss and
14 breakage.

15 249. Plaintiff Latosha Baker used the Sweet Almond Mint, Ultra
16 Nourishing Cleansing Treatment varieties of the Products between December
17 2014-April 2015 based on previously described representations made by Dean
18 on the WEN website, particularly that the Products make hair stronger and
19 promote hair growth. She used the Products as directed; nevertheless, she
20 suffered hair loss, breakage and poor hair condition as well as scalp irritation
21 and rash.

22 250. Plaintiff Danielle Barnhart purchased the Products in the SixThirteen variety
23 between February-April 2015 through QVC after seeing a QVC advertisement
24 featuring Dean on February 18, 2015. Barnhart relied on Dean's
25 representations that he uses the Products, that the Products are great for your
26 hair, are gentle enough to use every day, contain no harsh detergents and are
27 sulfate free, are a revolutionary hair car product, cleanse hair thoroughly
28 without shampoo, make hair the healthiest it has ever been, are super

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1 conditioners for the hair, contain high end oils, replace all other products, are
2 great for all ages, help maintain color and alleviate the need for new color
3 except at the roots of hair. The QVC advertisement also included depictions of
4 so-called hair transformations on which Barnhart relied. She used the Products
5 as directed but suffered extreme hair loss.

6 251. Plaintiff Maria Barcelona purchased the Products in the Fig variety
7 between approximately April 2014-April 2015 by phone based on
8 representations by Dean in an infomercial that he is an expert in hair care and
9 that the Products are a 5-in-1 formula that replace other products. She also
10 relied on depictions of so-called hair transformations that indicated the Products
11 would drastically improve the appearance of hair in just one use. She used the
12 Products as directed but still suffered hair loss, breakage and poor hair
13 condition.

14 252. Plaintiff Stephanie Bechtel purchased the Products in the
15 Pomegranate, Fig and Sweet Almond Mint varieties between 2008-2009 and
16 again in early 2014-early 2015 based on representations by Dean in infomercials
17 that the Products are used by many celebrities such as Alyssa Milano and Jenny
18 Garth and are free of harsh and harmful ingredients, gentle enough for every day
19 use, natural and make hair shinier, smoother, and more manageable. She also
20 relied on Dean's depictions of purported "hair transformations." She used the
21 Products as directed but suffered extreme hair loss and damage.

22 253. Plaintiff Tiffany Bell used the Sweet Almond Mint variety of the
23 Products on herself and the Watermelon for Kids variety of the Products on
24 Payton between December 2013-April 2014. Plaintiff Tiffany Bell purchased
25 the Products based on representations by Dean in infomercials that the Products
26 make hair healthier, silky and smooth and prevent drying and brittleness and on
27 depictions of purported hair transformations. She also relied on Dean's
28 statements that regular shampoo strips children's hair of natural oil right from

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1 the start and that the Products are natural and safe enough for infant. She used
2 the Products as instructed on both herself and P.B. Nevertheless, Tiffany
3 suffered hair loss, breakage and poor hair condition. P.B. suffered extreme hair
4 loss and balding for which she required medical treatment.

5 254. Plaintiff Ginny Bender purchased the Sweet Almond Mint, Fig and
6 Pomegranate varieties of the Products between 2011-April 2015 based on
7 representations made by Dean on QVC that the Products are gentle enough to
8 use every day, should be used in large amounts, the more, the better, contain no
9 harsh detergents or sulfates, should be left on hair for the duration of the
10 consumer's shower, cleanse hair without lathering or harsh ingredients, are a 5-
11 in-1 formula that replace other products, are designed not to strip the hair and
12 scalp of natural oils, leaving hair with more strength, moisture, manageability
13 and better color retention. She also relied on depictions of so-called hair
14 transformations. She used the Products as recommended, yet suffered hair loss
15 with balding, breakage as well as scalp irritation and rash.

16 255. Plaintiff Lucy Benton learned of the Products through Defendants'
17 various advertisements. She purchased the Products between 2013-2014 based
18 on representations by the Defendants that the Products would produce smoother,
19 shinier, stronger, more manageable hair with no frizz and were particularly
20 helpful to consumers who sought to limit or repair damage or potential damage
21 to the hair caused by other hair treatments, such as coloring or bleaching, or
22 regular heat-based styling. Ms. Benton used the Products as instructed.
23 Nevertheless, she has suffered hair loss and damage.

24 256. Plaintiff Allison Berry used the Sweet Almond Mint variety of the
25 Products between December 2014-approximately May 2015 based on
26 representations made by Dean in late night infomercials she saw repeatedly.
27 The representations include promises that many celebrities, such as Alyssa
28 Milano and Lisa Rina, use the Products with great results and that the Products

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1 cause hair to be healthier, shinier and all over better in appearance. She also
2 relied on the previously described representations made by Dean on the WEN
3 website, particularly those that the Products are all natural, safe, gentle and free
4 from harsh and harmful ingredients. She used the Products as directed but
5 suffered hair loss, breakage and poor hair condition.

6 257. Plaintiff Jody Blanchard purchased the Products between
7 approximately April 2014-February 2015 based on representations by the
8 Defendants in their various advertisements, particularly Dean in infomercials,
9 that the Products would produce smoother, shinier, stronger, more manageable
10 hair with no frizz and were particularly helpful to consumers who sought to
11 limit or repair damage or potential damage to the hair caused by other hair
12 treatments, such as coloring or bleaching, or regular heat-based styling. She
13 used the Products as directed but suffered hair loss and damage, scalp irritation
14 and rash and matting of her hair.

15 258. Plaintiff Tammy Blanchard purchased the Products in the Fig and
16 Sweet Almond Mint varieties online between 2013-2014 based on
17 representations made by Dean on the WEN website, as previously described,
18 and in infomercials, particularly that the Products are free of harsh and harmful
19 ingredients and, therefore, gentle enough to use every day, do not strip hair and
20 scalp of natural oils and leave hair with strength, moisture, manageability and
21 better color retention. She used the Products as instructed but suffered hair loss
22 and damage and scalp irritation and rash.

23 259. Plaintiff Amy Bodell-Hersch purchased the Products in the Sweet
24 Almond Mint variety between approximately July 2014-mid-2015 based on
25 representations made by Dean in infomercials, particularly that the Products are
26 free from harsh and harmful ingredients, sulfate free, are a 5-in-formula that will
27 ultimately save consumers money in the long run, make hair shiny, smooth,
28 healthy and moisturized and were preferred and lauded by users in a study. She

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1 also relied on Dean's representations that celebrities use the Products and
2 depictions of so-called "hair transformations." She used the Products as directed
3 but suffered hair loss and damage and a failure of her hair to retain color.

4 260. Plaintiff Vickie Bolton purchased the Products in the Sweet
5 Almond Mint variety by phone and online through QVC between September
6 2014-mid-2015 based on representations made by Dean in infomercials that the
7 Products are a 5-in-1 formula, should be left on hair as leave-in-conditioner,
8 make hair shinier, smoother, healthier and more moisturized and are free of
9 harsh and harmful ingredients. She also relied on Dean's representations that
10 celebrities like Alyssa Milano use the Products and on depictions of purported
11 "hair transformations." She used the Products as instructed but suffered hair
12 loss and scalp irritation and rash.

13 261. Plaintiff Molly Boren purchased the Sweet Almond Mint variety of
14 the Products between 2011-2015 relying on representations made by Dean in
15 multiple infomercials that showed depictions of hair transformations which
16 showed models who, after purportedly using the Products, had thick, lustrous
17 hair. In the infomercials, Dean also represented the Products are gentle and were
18 created as a special "revolutionary" hair treatment for women because he
19 thought available products were not up to par. Dean also said the Products do
20 not foam because they do not strip hair of vital nutrients and oils as they have no
21 harsh ingredients. Finally, Dean gave statistics from users of the Products
22 which indicated that a high percentage saw great results in three weeks
23 regarding increased moisture, shine, and manageability. She used the Products
24 as recommended but, nevertheless, suffered hair loss with balding, breakage,
25 poor hair condition as well as scalp irritation and rash.

26 262. Plaintiff Amy Boyd purchased the Bamboo Green Tea , Winter
27 Vanilla Mint, Honey Lilac and SixThirteen varieties of the Products between
28 April-June 2015 through QVC based on representations made by Dean in

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1 infomercials including depictions of hair transformations that indicated WEN
2 would radically change the appearance and health of hair, making it shinier,
3 more hydrated, healthier and much more beautiful. Dean also represented that
4 the Products, particularly the Bamboo Green Tea variety, is made with rice
5 protein and bamboo water infusion. Dean even mentioned how strong bamboo
6 trees are and that you can achieve stronger healthier hair with this variety of the
7 Products. Dean also instructed consumers to use large amounts of the Products,
8 depending on the length and thickness of their hair, and to apply the Products
9 twice with every application as well as to leave it in the hair as a leave in
10 conditioner. Dean further described the Bamboo Green Tea variety of the
11 Products as a "universal formula," a restorative cleansing conditioner for all hair
12 types designed to bring out the best in your hair by combining amino acids,
13 peptides and antioxidant rich four tea complex in addition to the bamboo water.
14 He claimed the Bamboo Green Tea variety of the Products is rich in vitamins,
15 minerals and silica to help promote healthy hair. He recommended that
16 consumers become their own "mixologist," combining the various varieties of
17 the Products. He contended the Products were safe enough to use on pets. He
18 also said the SixThirteen variety of the Products should be used as a daily
19 cleansing treatment for your hair, made of a unique combination of 25 natural
20 oils and extracts like ginger, lemon, rosemary, lotus flower, ginseng and vanilla
21 bean. He claimed it was perfect for people with sensitive skin. He further
22 represented the SixThirteen variety of the Products are made of 11 amino acids
23 to help restore strength and elasticity to even the most damaged hair. He
24 claimed the SixThirteen variety is sulfate free and gluten free, made without
25 wheat or nuts. He even said it was an indulgence for your hair comparing its
26 ingredients to those you would use in a smoothie. The infomercials also
27 claimed that WEN had won the Customer Choice Award for best cleansing
28 conditioner 6 years in a row. Dean further explained in the infomercials that he

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1 approaches hair from the skin care prospective. He said that the seasonal scents
2 are so skin-treatment based and have such great skin care properties that you can
3 bathe and shave with them. Dean said "WEN is gentle enough to use every day,
4 the more you cleanse the better your hair will get with every use," that your hair
5 will be more hydrated, stronger, healthier and more manageable with use of the
6 Products, that the Products are infused with essential oils, extracts, botanicals
7 and herbs, that the Products do not lather because they contain no detergents or
8 harsh chemicals and are "anti-aging for your hair," "safe for color treated or
9 even chemically straightened hair," "WEN will make your color last longer,"
10 "Shampoo strips your hair, WEN infuses your hair and makes it look better,"
11 "WEN makes your hair look like you've put highlights in it," and encouraged
12 consumers to think of hair as a piece of wood and the Products as varnish which
13 will reveal the hair's natural texture and grain . The WEN girl hair models had
14 faded, flat and unhealthy looking hair in before photos and richly-colored,
15 naturally highlighted, full, healthy, shiny hair, with lots of bounce and body, in
16 the after portion of the demonstrations. She used the Products as directed and
17 suffered hair loss and damage, poor hair condition and discoloration and scalp
18 irritation with bumps and dryness.

19 263. Plaintiff Gina Boyd purchased the seasonal varieties of the
20 Products based on representations made by Dean in infomercials and on
21 QVC.com that the Products make hair thicker, stronger, and healthier and that
22 celebrities like Alyssa Milano and Brooke Burke-Charvet used the Products.
23 She also relied on representations made by QVC representatives on the phone
24 who also represented that the Products make hair thicker, stronger, and
25 healthier. Gina Boyd used the Products as instructed and, nevertheless, suffered
26 extreme hair loss.

27 264. Plaintiff Lajeana Brooks purchased the Products in January-
28 February 2015 based on representations akin to those previously described in

1 reference to the WEN website. She used the Products as directed but suffered
2 hair loss with balding and hair damage as well as scalp irritation and rash.

3 265. Plaintiff Virna Brown purchased the Products in the Pomegranate
4 variety between July 2014-January 2015 based on representations by Dean in
5 infomercials that the Products are used by many celebrities, including Alyssa
6 Milano, make hair easy to style, shiny, flowing, are a 5-in-1 formula that replace
7 other products and save time with blow drying and styling. She also relied on
8 depictions of purported hair transformations. She used the Products as directed
9 but suffered hair loss and damage.

10 266. Plaintiff Susan Browning purchased the Lavender and Cucumber
11 varieties of the Products between June 2013-December 2014 online and by
12 phone based on representations made by Dean on QVC and the WEN website in
13 2012-2013 that the Products are both a shampoo and conditioner in one; are free
14 of harsh chemicals, detergents and sulfate; contain natural essential oils and
15 extracts; will make hair thicker and stronger; should be applied after a quick
16 rinse with water then, cleanse, rinse and repeat; using more of the Products leads
17 to better results; are gentle enough to use every day; and should be applied 10-
18 16 pumps for her hair length and thickness per application. Browning also
19 relied on Dean's depictions of hair transformations. She also relied on Dean's
20 recommendation that consumers purchase travel size packs of the Products to
21 take when traveling or to the salon so they would never have to use regular
22 shampoos. Susan Browning used the Products as directed but, nonetheless,
23 suffered hair loss, breakage and poor hair condition.

24 267. Plaintiff Skye Bruns purchased the Products in the Sweet Almond
25 Mint variety between January-May 2013 and December 2014-February 2015 by
26 phone based on representations made by Dean in infomercials that many
27 celebrities use the Products such as Alyssa Milano and Roselyn Sanchez, that
28 the Products make hair 70% stronger than other products, are a 5-in-1 formula,

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1 should be used in large quantities, the more the better, that more than 90%
2 experience shinier, softer, stronger hair after using the Products, that the
3 Products soothe the scalp and hair, are free of harsh and harmful ingredients and
4 safe enough to use every day and help hair retain color. She also relied on
5 Dean's so-called "hair transformation" depictions. She used the Products as
6 directed but suffered hair loss and damage.

7 268. Plaintiff Lyn Burns purchased the Sweet Almond Mint and
8 Lavender varieties of the Products by phone between Fall 2014-April 2015
9 based on representations made by Dean in television commercials in Fall 2014,
10 particularly statements that the Products are not like ordinary shampoos, should
11 be used in large quantities, the more, the better, you cannot use too much,
12 cleanse thoroughly without lathering or harsh ingredients, should be left on the
13 entire duration of the shower and applied twice per use, are a 5 in 1 formula
14 that replaces shampoo, conditioner, deep conditioner, detangler and leave in
15 conditioner and are a revolutionary new concept in hair care. Lyn Burns used
16 the Products as instructed and suffered hair loss, breakage and poor hair
17 condition.

18 269. Plaintiff Cynthia Butler purchased the Ultra Nourishing Cleansing
19 Treatment Lemon Rosemary Vanilla Bean and Sweet Almond Mint varieties of
20 the Products between February 2015-April 2015 by phone based on
21 representations made in an infomercial featuring Holly Robinson Peete, who
22 said the Products make hair thick and healthy, stopped and repaired damage and
23 breaking, and Dean, who said the same thing and that the Products cause hair to
24 look silky and flowing. Cynthia Butler used the Products as instructed but
25 suffered hair loss, hair breakage, poor hair condition and scalp irritation and
26 rash.

27 270. Plaintiff Brandon Callis purchased the Products in the
28 Pomegranate, Fig and Sweet Almond Mint varieties between January 2013-

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1 2015 based on representations by Dean in an infomercial that celebrities such as
2 Alyssa Milano use the Products and that the Products improve the health and
3 appearance of hair in just one usage, are sulfate free, are safe to use daily and
4 make hair thicker, softer and more manageable. He used the Products as
5 instructed but suffered hair loss and damage and scalp irritation and rash.

6 271. Plaintiff Cheryl Calkins purchased the Products in the Sweet
7 Almond Mint variety between September 2013-March 2015 by phone based on
8 representations made by Dean in a 2012 infomercial and on the WEN website
9 that the Products are not “like an ordinary shampoo so you want to use more of
10 it, not less. You can never use too much! The more you use, the better the
11 results;” “gentle enough to use every day;” use 16-24 pumps for medium length
12 hair and 24-32 pumps for long hair:” ” maybe more if your hair is
13 longer/thicker;” and are “designed not to strip your hair and scalp of natural oils,
14 leaving your hair with more strength, moisture, manageability and better color
15 retention.” She also relied on testimonials presented by Dean of Roselyn
16 Sanchez, Holly Robinson-Peete and several other everyday women who lauded
17 the looks, smoothness, manageability and color of their hair. Cheryl Calkins
18 used the Products as directed; nevertheless, she suffered hair loss, breakage,
19 poor hair condition as well as scalp irritation and rash.

20 272. Plaintiff Christina Campbell purchased the Products in the Sweet
21 Almond Mint variety through Amazon based on representations made by Dean
22 on the WEN website, particularly that the Products make hair softer, smoother,
23 less frizzy, clean without harsh chemicals, contain natural ingredients and are
24 gentler on hair than all other products on the market. She also relied on the
25 before-and-after photos and video, showing “before” hair that looked coarse,
26 thick, frizzy and dry and "after photos," depicting hair as soft, shiny, healthy,
27 manageable and not frizzy after just one use. She used the Products as directed
28 but suffered hair loss and damage.

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1 273. Plaintiff Liz Campbell purchased the Products online between
2 January-December 2014 based on representations made in various
3 advertisements by the Defendants that the Products would produce smoother,
4 shinier, stronger, more manageable hair with no frizz and were particularly
5 helpful to consumers who sought to limit or repair damage or potential damage
6 to the hair caused by other hair treatments, such as coloring or bleaching, or
7 regular heat-based styling. She specifically recalls Deans’ promises that the
8 Products are healthier than other products because there do not contain harsh or
9 harmful ingredients, do not lather and do not strip hair and scalp of natural oils.
10 She also recalls Dean specifically promising the Products make hair less frizzy.
11 She also relied on Dean’s depictions of so-called “hair transformations.” She
12 used the Products as instructed but suffered hair loss, breakage, poor hair
13 condition and scalp irritation and rash.

14 274. Plaintiff Carmen Castang purchased the Products in the Sweet
15 Almond Mint and Tea Tree varieties between December 2013-April 2015
16 through QVC based on representations in QVC specials by Dean that the
17 Products are a new concept in hair care that take the place of your shampoo,
18 conditioner, deep conditioner, detangler and leave in conditioner, cleanse your
19 hair thoroughly without lather or harsh ingredients, won’t strip your hair of
20 natural oils, leave your hair with strength, moisture, manageability and better
21 color retention, contain no harsh detergents or sulfates and are designed for all
22 hair types. She also relied on depictions of so-called hair transformations which
23 indicated hair will vastly improve upon one use of the Products. She was also
24 moved by Dean's representation that celebrities such as Holly Robinson and her
25 children use the Products. Carmen Castang used the Products as directed and
26 nevertheless suffered hair loss, breakage and scalp irritation and rash.

27 275. Plaintiff Sandra Castellon purchased the Sweet Almond Mint,
28 Winter Vanilla and Pomegranate varieties of the Products between January

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1 2014-February 2015 based on representations made by Dean in infomercials
2 that the Products make your hair healthier and shinier, improve the overall
3 appearance of your hair, can be used every day, are not like ordinary shampoos,
4 are a revolutionary concept in hair care and a 5-in-1 formula. She used the
5 Products as directed and, nevertheless, suffered hair loss, breakage and scalp
6 irritation and rash.

7 276. Plaintiff Sylvia Castilla purchased the Products in the Sweet
8 Almond Mint variety between July 5, 2014-April 2015 through QVC based on
9 representations by Dean on QVC. Those representations included hair
10 transformation demonstrations. She also relied on representations that Alyssa
11 Milano and Holly Robinson Peter use the Products with great results. She
12 further relied on misrepresentations by Dean that the Products work better if you
13 used more, should be used with multiple pumps, depending on hair length and
14 thickness, are free of harsh detergents and sulfate, should massaged through the
15 hair and left on for the remainder of the shower, replace other Products, cleanse
16 hair thoroughly without harsh ingredients or lathering, are designed not to strip
17 hair and scalp of natural oils, leaving the hair with more strength, manageability
18 and better color retention and that consumers should cleanse, rinse and repeat.
19 She used the Products as directed but still suffered hair loss and scalp irritation.

20 277. Plaintiff Tressa Clardy purchased the Products in the Pomegranate
21 variety from Amazon.com between July 2014-June 2015 based on
22 representations made by Dean on the WEN website as previously described and
23 the same or similar representations made in infomercials. she further relied on
24 Dean's representations that many celebrities used the Products, such as Alyssa
25 Milano, Holly Robinson Peete and Roselyn Sanchez, and on Dean's so-called
26 "hair transformation" depictions. She used the Products as instructed but
27 suffered hair loss and damage.

28 278. Plaintiff Janice Clark used the Products in the Sweet Almond Mint

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1 variety between 2012-2014 by phone based on representations made by Dean in
2 infomercials, including depictions of so-called “hair transformations” and
3 promises that the Products are a 5-in-1 formula that make other products
4 unnecessary, make hair shiny, healthy and manageable and are used by many
5 celebrities such as Holly Robinson Peete. Plaintiff Janice Clark used the
6 Products as directed on her and her minor daughter, T.C., nevertheless, both
7 Janice and her daughter suffered hair loss and damage.

8 279. Plaintiff Joanne Clark purchased the Products in the SixThirteen,
9 Tea Tree, Fig and Apple for kids varieties between 2012-mid-2015 based on
10 representations made by Dean on QVC and in infomercials that were the same
11 or similar to the representations made on the WEN website as previously
12 described. She used the Products as instructed but suffered hair loss and
13 damage and scalp irritation and rash.

14 280. Plaintiff Connie Clarke purchased the Products in the Fig,
15 Lavender, Tea Tree and ThreeSixteen varieties between approximately April
16 2013-April 2015 relying on representations about the Products made in late
17 night infomercials and on QVC. Those representations included hair
18 transformation demonstrations, including one involving an African-American
19 model who has stopped using relaxers for several months and for which Dean
20 claimed the Products smoothed her hair and made it shiny, healthy and more
21 manageable. She also relied on representations that Holly Robinson Peete use
22 the Products with great results. She further relied on misrepresentations by
23 Dean that the Products work better if you used more, should be used with
24 multiple pumps, depending on hair length and thickness, are free of harsh
25 detergents and sulfate, should massaged through the hair and left on for the
26 remainder of the shower, replace other Products, cleanse hair thoroughly
27 without harsh ingredients or lathering, are designed not to strip hair and scalp of
28 natural oils, leaving the hair with more strength, manageability and better color

1 retention, that consumers should cleanse, rinse and repeat and that a three week
2 study indicated the Products outperformed other products with regard to shine,
3 moisturizing and manageability. She used the Products as directed but still
4 suffered hair loss and breakage.

5 281. Plaintiff Sue Clermont purchased the Products in the Sweet
6 Almond Mint, Fig, Bamboo Green Tea, Lavender and Coconut Mango varieties
7 between 2011-May 2015 through QVC based on representations made by Dean
8 in infomercials that the Products should be left on hair for long periods of time,
9 used in large amounts, were all natural, free of harsh and harmful ingredients
10 and transformed hair, including depictions of purported "hair transformations."
11 She used the Products as directed but suffered hair loss and damage.

12 282. Plaintiff Terri Cole purchased the Products in the Pomegranate
13 variety by phone between December 2014-March 2015 based on representations
14 made by Dean in an infomercial that the Products make hair fuller, reduce frizz
15 and contain no harsh or harmful ingredients and that celebrities such as Brooke
16 Shields use the Products. She used the Products as directed and, nevertheless,
17 suffered extreme hair loss with balding.

18 283. Plaintiff Sara Cook purchased the Products in the Sweet Almond
19 Mint variety online after repeatedly seeing in the three or four months before
20 her first purchase an infomercial featuring Chaz Dean, Alyssa Milano and
21 possibly other celebrities, as well as, hair transformations in which hair went
22 from frizzy to smooth and silky. Dean represented that he created the Products
23 for his high-profile celebrity clients. He also said words to the effect of "why
24 would you use shampoo to dry out your hair and then need to use conditioner to
25 re-moisturize it when you could just use the WEN cleansing conditioner?" He
26 also represented that the Products are free of harsh or harmful ingredients and
27 are sulfate-free. That was particularly important to Sara Cook because she was
28 already using a sulfate-free product. She used the Products as directed, yet

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1 suffered hair loss, breakage and poor hair condition as well as scalp irritation
2 and rash.

3 284. Plaintiff Caryn Collazo learned of the Products through
4 Defendants' various advertisements. She purchased the Products in the Tea
5 Tree and Wen 613 varieties in mid- to late 2014 based on representations by the
6 Defendants that the Products would produce smoother, shinier, stronger, more
7 manageable hair with no frizz and were particularly helpful to consumers who
8 sought to limit or repair damage or potential damage to the hair caused by other
9 hair treatments, such as coloring or bleaching, or regular heat-based styling.
10 Ms. Collazo used the Products as instructed. Nevertheless, she has suffered
11 extreme hair loss and damage.

12 285. Plaintiff Kris Connolly purchased the Products in the Sweet
13 Almond Mint, Tea Tree, Pomegranate, Cucumber Aloe, Winter Cranberry Mint,
14 Lavender and Fig varieties through QVC after watching multiple late night
15 infomercials beginning in 2012. The infomercials included hair transformation
16 depictions and featured Dean. She relied on representations by Dean that you
17 should use a lot of the Products for best results and more for medium to long
18 hair, that they are gentle enough for use every day, that they are free of harsh
19 ingredients, replace all other hair products, cleanse the hair without lather, are
20 designed to not strip color or the scalp and should be used by cleanse, rinse and
21 repeat. Kris Connolly used the Products as instructed but still suffered hair loss,
22 breakage and poor hair condition as well as scalp irritation and rash.

23 286. Plaintiff Queen Cosme purchased the Products in the Fig, Sweet
24 Almond Mint, Pomegranate, Mango and seasonal varieties between 2012-March
25 2015 through QVC based on representations made by Dean in that the Products
26 work on all hair types to make hair stronger, better looking and more
27 manageable, are safe and gentle enough to use every day and are used by many
28 celebrities. She also relied on Dean's depictions of purported "hair

1 transformations." She used the Products as instructed but suffered hair loss and
2 damage.

3 287. Plaintiff Paige Crist purchased the Products in the Sweet Almond
4 Mint variety on Amazon based on the previously described representations
5 made by Dean on the WEN website. She also relied on statements made by
6 Dean in an infomercial that the Products make hair thicker and easier to
7 manage, are gentle and safe enough to use daily and replace other products.
8 She used the Products as instructed between December 2012-March 2015;
9 nevertheless, she suffered hair loss, breakage and poor hair condition as well as
10 scalp irritation and a dark, oily substance covering her scalp.

11 288. Plaintiff Rica Cunanan purchased the Products in the Sweet
12 Almond Mint, Lavender and Pomegranate varieties between January-April
13 2015 through QVC based on representations made by Dean in infomercials,
14 including claims that many celebrities used the Products, such as Alyssa
15 Milano and Roselyn Sanchez, and that the Products eliminated the need to use
16 any other products; should be used in large quantities, the more the better; can
17 be used as a leave in conditioner; do not strip the hair of natural oils and restore
18 natural softness as well as strengthen hair. She used the Products as directed
19 and, nonetheless, suffered hair loss.

20 289. Plaintiff LaShawnda Daniels purchased the Products in the Sweet
21 Almond Mint variety between September-October 2014 based on television
22 advertisement seen in Summer 2014 in which Dean depicted so-called "hair
23 transformations" and represented the Products restore hair to a natural state,
24 make hair healthy, are a 5-in-1 formula, are used by many celebrities and cause
25 significant improvement after just one use. She used the Products as directed
26 but, nevertheless, suffered hair loss with balding and hair damage as well as
27 scalp irritation and rash.

28 290. Plaintiff Kimberly Davis used the Products in the Sweet Almond

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1 Mint variety between January 2013-March 2015 based on representations made
2 by Dean in infomercials that the Products would produce smoother, shinier,
3 stronger, more manageable hair with no frizz and were particularly helpful to
4 consumers who sought to limit or repair damage or potential damage to the hair
5 caused by other hair treatments, such as coloring or bleaching, or regular heat-
6 based styling. She also relied on depictions of "hair transformations" and
7 Dean's representation that many celebrities, like Alyssa Milano, use the
8 Products. Plaintiff Kimberly Davis used the Products as instructed but suffered
9 hair loss.

10 291. Plaintiff Nora Devine purchased the Products in the Sweet Almond
11 Mint variety between September-October 2014 based on representations made
12 by Dean in an infomercial on QVC. In that infomercial, Dean purportedly
13 demonstrated use of the Products, showing before and after photos. The before
14 photos showed dull and frizzy hair while the after photos showed fabulously
15 shiny and brilliantly colored hair. Dean also instructed consumers to large
16 quantities of the Products, about 20 or so pumps for Devine, and to leave the
17 Products in the hair for long periods of time. He further promised the Products
18 will strengthen hair and protect it from breakage. He claimed the Products are
19 good for your hair as opposed to regular shampoos, which strip the hair and
20 scalp's natural oils. He also represented the Products as 5-in-1 formulas, making
21 other products unnecessary. She used the Products as directed but suffered hair
22 loss and scalp irritation and rash.

23 292. Diamond purchased the Products online through QVC based on
24 representations made by Dean on QVC using depictions of so-called "hair
25 transformations" that indicated consumers will enjoy stronger, healthier, thicker
26 and longer hair if they use the Products exclusively. In one depiction involving
27 Anna Fox, Dean held up a portion of Fox's hair to demonstrate how much fuller
28 her hair had become and said, "I'll hold up even less hair just to prove that I'm

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1 not holding up more hair to make it look fuller,” or words to that effect. The
2 depictions also indicated the Products would not strip color from the hair. Dean
3 further represented that the Products are natural, gentle, free of harsh and
4 harmful ingredients that strip hair like shampoos and that the Products would
5 make hair healthier, stronger, fuller and longer. She used the Products as
6 directed but suffered hair loss and damage.

7 293. Plaintiff Kemelia Dianati purchased the Products in the Fig,
8 Pomegranate, Sweet Almond Mint and Lavender varieties between
9 approximately 2013-2015 online and by phone based on representations made
10 by Dean expressly and by way of depictions of so-called “hair transformations.”
11 The express representations made by Dean were the same or similar to those
12 previously described from his website. In addition, Dean repeatedly referred to
13 the Products as safe, gentle, natural and free of harsh and harmful ingredients.
14 Plaintiff Kamelia Dianati used the Products as directed but, nevertheless,
15 suffered hair loss and scalp irritation and rash.

16 294. Plaintiff Roxie Drofiak purchased the Products in the varieties
17 between Winger 2011-January 2015 based on representations made by Dean in
18 commercials that the Products should be used in large quantities, depending on
19 hair length and thickness, are free of harsh detergents and sulfate, are a 5-in-1
20 formula that replace other Products, cleanse hair thoroughly without harsh
21 ingredients or lathering, are designed not to strip hair and scalp of natural oils,
22 leaving the hair with more strength, manageability and better color retention,
23 that consumers should cleanse, rinse and repeat and that a three week study
24 indicated nearly 100% of participants noticed improvements in their hair right
25 away and that the Products are safe, good for every hair type and gentle and can
26 be used every day. She used the Products as directed but still suffered extreme
27 hair loss to the point of balding.

28 295. Plaintiff Dornice Dycus purchased the Products in the Cucumber,

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1 Lavender, Sweet Almond Mint, Pomegranate and Coconut varieties between
2 2012-April 2015 based on representations by Dean in the WEN infomercial she
3 saw multiple times and the WEN website. She relied on representations that the
4 Products should be used in larger amounts than other types of products, that they
5 are gentle enough to use every day, that you should massage the Products
6 through the hair and leave it in the hair the remainder of the shower, are a 5-in-1
7 product, boost manageability, control frizz, pamper and replenish scalp and hair
8 from the hair follicle to the ends, strengthen hair and help retain color and are
9 free of harsh chemicals. She further relied on Dean's representations that the
10 Products are used by celebrities such as Brooke Shields and Alyssa Milano and
11 purported hair transformation demonstrations. She used the Products as directed
12 but suffered hair loss and damage.

13 296. Plaintiff Gilberto Escamilla purchased and used the Products in the
14 Sweet Almond Mint variety between November 2012-May 2013 based on
15 depictions of hair transformations and celebrity endorsements, as well as,
16 representations made in a WEN infomercial that the Products are gentle enough
17 to use every day, will not strip your hair of natural oils, are a 5-in-1 product and
18 free of harsh ingredients. He used the Products as directed but, nevertheless,
19 suffered hair loss to the point of baldness.

20 297. Plaintiff Stephanie Everett used the Products in the Sweet Almond
21 Mint variety in 2009 based on representations made by Dean in an infomercial
22 that the Products are safe and gentle, give hair more shine, can be used daily,
23 strengthen hair and help color treated hair remain healthy and retain color. She
24 also relied on depictions that showed models using the Products with very
25 healthy, vibrant looking hair. She used the Products as directed but still suffered
26 hair loss, breakage and poor hair condition.

27 298. Plaintiff Alice Factor purchased the Products in the Sweet Almond
28 Mint variety between March 2014-April 2015 on eBay based on representations

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1 made by Dean in an early Saturday morning television infomercial. She relied
2 on Dean's representations that the Products are 5-in-1, cleanse thoroughly
3 without lather or harsh ingredients, moisturize hair and make it more
4 manageable. She used the Products as instructed but still suffered hair loss,
5 scalp irritation and rash.

6 299. Plaintiff Connie Fenter purchased the Products by phone in the
7 Sweet Almond Mint, SixThirteen and Cucumber Aloe varieties between May
8 2013-December 2014 based on representations made by Dean on television that
9 the Products would make her hair healthier, thicker and shinier. In fact, the
10 Products caused Fenter's hair to thin, dull and limp. When she called WEN to
11 complain, a representative told her she had been using the wrong variety, and
12 recommended the Cucumber Aloe. Ms. Fenter continued using the Products
13 based on this misrepresentation. She used the Products as instructed yet
14 suffered hair loss and breakage, poor hair condition, scalp irritation and rash.

15 300. Plaintiff Barbie Ferrese purchased the Products in the Sweet
16 Almond Mint variety between September 2014-February 2015 based on
17 representations made by Dean in infomercials, particularly that the Products are
18 free of harsh and harmful ingredients and, thus, safe for every day use and are
19 designed not to strip hair and scalp of natural oils, leaving hair with more
20 strength, moisture, manageability and better color retention. She also relied on
21 Dean's depictions of so-called "hair transformations." She used the Products as
22 directed by suffered hair loss, damage and scalp irritation and rash.

23 301. Plaintiff Ramona Finn purchased the Products in the SixThirteen
24 variety between February-March 2015 through QVC after seeing Dean on QVC
25 claiming the Products will transform hair from dull and frizzy to shiny, soft, full
26 and bouncy just like the models used in the depictions of hair transformations.
27 She used the Products as instructed; nonetheless, she suffered hair loss, poor
28 hair condition, scalp irritation and rash.

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1 302. Plaintiff Starsha Fletcher purchased the Products between
2 approximately 2013-2015 based on representations by the Defendants in their
3 various advertisements that the Products would produce smoother, shinier,
4 stronger, more manageable hair with no frizz and were particularly helpful to
5 consumers who sought to limit or repair damage or potential damage to the hair
6 caused by other hair treatments, such as coloring or bleaching, or regular heat-
7 based styling. She used the Products as directed but suffered hair loss and
8 damage.

9 303. Plaintiff Cheryl Footman purchased the Products in the Sweet
10 Almond Mint variety in October 2014 after seeing the WEN infomercial several
11 times and visiting the WEN website. The representations on which she relied
12 are as follows: the WEN product is used by celebrities and Miss USA pageant
13 contenders, will deeply moisturize and condition hair, the more you use, the
14 better, gentle enough to use every day, should use many pumps, depending on
15 your hair length and thickness, the Products have no harsh detergents or sodium
16 lauryl sulfate, the Products should be massaged thoroughly into hair and left on
17 the remainder of the shower, are a "revolutionary new concept," are a 5-in-1
18 product, cleanse without lathering or harsh ingredients, designed not to strip
19 your hair and scalp of natural oils, leaving your hair more strength, moisture,
20 manageability and better color retention" and the Products use glycerin, a
21 humectant, that provides moisturizing benefits to hair. The infomercials also
22 included hair transformation demonstrations that influenced Footman. She used
23 the Products as directed but still suffered hair loss, hair breakage, poor hair
24 condition and hair discoloration.

25 304. Plaintiff Alison Franks purchased the Product in the Sweet Almond
26 Mint variety in Summer 2013 from QVC based on representations from Dean in
27 an infomercial. Dean stated the Products are gentle enough for colored hair, are
28 a 5-in-1 and daily use and promised her hair would be transformed like the

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1 before and after hair transformations depicted in the infomercial, including one
2 with Melissa Gilbert. She used the Products as instructed and, nevertheless,
3 suffered hair loss and breakage.

4 305. Plaintiff Nancy Gagliardi purchased the Products in the Tea Tree
5 and Pomegranate varieties between 2012-2015 from QVC based on
6 representations made by Dean on QVC, the same or similar to those previously
7 described from the WEN website. In addition, Gagliardi relied on depictions of
8 hair transformations performed on the infomercials, including those done with a
9 set of redheaded twin models. Gagliardi continued using the Products based on
10 the same representations as well as celebrity testimonials seen on QVC and
11 other WEN infomercials, including testimonials of Alyssa Milano, Brooke
12 Shields, Ming Na Wen and Roselyn Sanchez. She used the Products as directed
13 and still suffered hair loss.

14 306. Plaintiff Angie Ganns purchased the Products in the Sweet Almond
15 Mint variety in January 2015 and used it on her daughter, S.G., relying on
16 promises made in a newspaper advertisement that promised the Products
17 replaced many other products, i.e., deep conditioner, leave-in conditioner and
18 detangler, as well as its promise to smooth and calm thick, unruly hair. Plaintiff
19 Angie Ganns used the Products as instructed, yet, S.G. suffered hair loss and
20 scalp irritation.

21 307. Plaintiff Christina Garces purchased the Products in the Sweet
22 Almond Mint, Pomegranate and Winter Cranberry Mint varieties between
23 2012-2015 based on hair transformation depictions performed by Dean in
24 infomercials, which indicated using regular shampoo as opposed to the
25 Products strips hair of natural oils and hair color. She also relied on Dean's
26 representations that the Products strengthen hair and restore resilience and that
27 it included panthenol. She used the Products as directed but, nevertheless,
28 suffered hair loss.

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1 308. Plaintiff Daniel X. Garcia used the Products in the Sweet Almond
2 Mint and Lavender varieties between 2013-2014 after seeing infomercials
3 multiple times. He relied on representations made by Dean in those
4 infomercials. Those representations included hair transformation
5 demonstrations and claims that celebrities such as Alyssa Milano use the
6 Products with great results. She further relied on representations by Dean that
7 the Products worked better if you used more, should be used with multiple
8 pumps, depending on hair length and thickness, are free of harsh detergents and
9 sulfate, that they should be massaged through the hair and left on for the remainder
10 of the shower, replace other Products, cleanse hair thoroughly without harsh
11 ingredients or lathering, are designed not to strip hair and scalp of natural oils,
12 leaving the hair with more strength, manageability and better color retention and
13 that consumers should cleanse, rinse and repeat. He used the Products as
14 directed but still suffered hair loss and damage.

15 309. Plaintiff Jeanine Gazzillo purchased the Products in the Sweet
16 Almond Mint, Fig and Pomegranate varieties between September-December
17 2014 after seeing multiple infomercials over a long period of time. She relied
18 on representations made in the infomercials that are the same or similar to those
19 described above from the WEN website. She also relied on representations
20 made on the phone by a WEN customer service representative who encouraged
21 her not to cancel her subscription despite experiencing hair loss and other issues,
22 promising that the Fig variety, which WEN will send her free of charge, will
23 help restore her hair. She used the Products as directed but still suffered hair
24 loss, breakage, poor hair condition, hair discoloration as well as scalp irritation
25 and rash.

26 310. Plaintiff Susan George purchased the Products in the Sweet
27 Almond Mint, Lavender, Fig, Winger Vanilla Mint and Summer Mango
28 Coconut varieties through QVC between 2011-2014 based on representations

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1 made by Dean in infomercials that the Products do not strip the hair and scalp of
2 natural oils, are safe enough to use every day and even on pets because they are
3 free of harsh and harmful ingredients and gentle, are a 5-in-1 formula,
4 dramatically improve the appearance and health of hair in just one use and
5 should be used in large quantities, the more the better, and left in the hair for
6 long periods of time. She also relied on Dean's depiction of purported "hair
7 transformations" and representation that the Products are used on celebrities
8 such as Alyssa Milano and Joanna Zanella. She used the Products as instructed
9 but suffered hair loss and damage and scalp irritation and rash.

10 311. Plaintiff Randee Gerry purchased the Products in the Fig, Sweet
11 Almond Mint, Tea Tree varieties between January 2013-May 2015. She saw
12 the WEN infomercial multiple times and relied on the representations made by
13 Dean about the Products in the infomercial, which are the same or similar to
14 those identified above from the WEN website. She also relied on hair
15 transformation demonstrations in the infomercial and the celebrity testimonial of
16 Alyssa Milano. She was particularly misled by Dean's statement that
17 conventional shampoo stripped and destroyed hair. Randee Gerry used the
18 Products as instructed; nonetheless, she suffered hair loss, breakage and poor
19 hair condition.

20 312. Plaintiff Giammichele purchased the Products in the Lavender,
21 Cucumber Aloe, Sweet Almond Mint and, to a lesser extent, Pomegranate and
22 Fig varieties between 2009-2010 from QVC based on representations by Dean
23 that the Products are not like ordinary shampoo so you want to use more of it,
24 not less, the more you use the better, are gentle enough to use every day, contain
25 no harsh ingredients and sulfates, should be left on hair during duration of
26 shower, are a revolutionary concept in hair care, are a 5-in-1 formula that
27 replaces other products, are designed not to strip hair of natural oils, leaving hair
28 with more strength, moisture, manageability and better color retention and

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1 contain natural herbs and oils as well as chamomile extract to soothe and calm
2 hair. She also relied on depictions of so-called hair transformations, indicating
3 use of the Products would cause hair to become luxurious, shiny, bouncy and
4 healthy. Finally, Giammichele relied on Dean's claim that many celebrities,
5 such as Alyssa Milano and Mellisa Gilbert use the Products. She used the
6 Products as directed but suffered hair loss.

7 313. Plaintiff Fayerene Gibson purchased the Products in the Sweet
8 Almond Mint variety between approximately Fall 2011-April 2015 by phone
9 based on representations made by Dean on the WEN website as previously
10 described, infomercials and Meaningful Beauty, particularly that that the
11 Products would transform her hair, are particularly good for colored hair, should
12 be used in large amounts, the more, the better, the number of pumps used
13 depended on the length and thickness of hair, the Products contain no harsh
14 ingredients or sulfates, should be massaged through the hair and left on the
15 remainder of the shower, are a "revolutionary new concept," are a 5-in-1
16 product, cleanse hair thoroughly without lather or harsh or harmful ingredients,
17 are designed not to strip hair of natural oils, leaving the hair with more strength,
18 moisture, manageability and better color retention, will help soothe and calm
19 hair, condition hair, strengthen and restore hair, should be used to cleanse, rinse
20 and repeat, are demonstrated to outperform other products in a three week study
21 in the areas of manageability, moisturizing and shininess. Ms. Gibson also
22 relied on Dean's use of celebrity testimonials, including those of Alyssa Milano,
23 Lisa Rinna, Brooke Shields, Nicolette Sheridan, Rosalyn Sanchez and Holly
24 Robinson-Peete, Rochelle Aytes, and depictions of so-called "hair
25 transformations." She used the Products as instructed but suffered hair loss and
26 damage.

27 314. Plaintiff Randi Gold purchased the Products in the Fig, Sweet
28 Almond Mint, Tea Tree varieties between Summer 2014-April 2015 based on

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1 representations by Dean in a mid-2014 infomercial that the Products completely
2 rejuvenate hair, increase the time between washing hair but gentle enough to
3 use it every day, should be used in great quantities and can be left in hair for
4 long periods of time, even indefinitely as a leave in conditioner, are safe, free of
5 harsh or harmful ingredients and that consumers will love the results. She also
6 relied on Dean's depictions of purported "hair transformations". She used the
7 Products as directed but suffered hair breakage, scalp irritation and rash.

8 315. Plaintiff Patricia Gomez purchased the Products in the Sweet
9 Almond Mint, Pomegranate, Lavender and SixThirteen varieties between
10 approximately June 2012-June 2015 based on representations made by Dean in
11 infomercials and in the media discussing his salons that he was an accomplished
12 and expert hair stylist and that the Products make hair shinier, fuller, smoother,
13 more vibrant, healthier and more manageable, celebrities such as Alyssa Milano
14 use the Products and "transform" hair as allegedly demonstrated in depictions.
15 She used the Products as instructed but suffered hair loss and damage and scalp
16 irritation and rash.

17 316. Plaintiff Vicky Graff purchased the Products in the Fig, Sweet
18 Almond Mint and Pomegranate varieties from QVC based on representations
19 made by Dean on QVC that the Products would transform her hair; was
20 particularly good for colored hair; you cannot use too much of the Products,
21 more is better; the number of pumps used depended on the length and thickness
22 of hair; the Products contains no harsh ingredients or sulfates; should be
23 massaged through the hair and left on the remainder of the shower; are a
24 "revolutionary new concept;" are a 5-in-1 product; cleanse hair thoroughly
25 without lather or harsh ingredients; are designed not to strip hair of natural oils,
26 leaving the hair with more strength, moisture, manageability and better color
27 retention; will help soothe and calm hair, condition hair, strengthen and restore
28 hair; should be used to cleanse, rinse and repeat; and, are demonstrated to

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1 outperform other products in a three week study in the areas of manageability,
2 moisturizing and shininess. Graff also relied on Dean's use of celebrity
3 testimonials, including those of Alyssa Milano, Lisa Rinna and Jenny Garth.
4 She used the Products as instructed; nevertheless, she suffered extreme hair loss.

5 317. Plaintiff Eve Gray used the Products in the Pomegranate variety
6 between December 2014-June 2015 based on representations made by Dean in
7 infomercials, including purported "hair transformation" demonstrations and
8 claims that celebrities such as Alyssa Milano use the Products with great results.
9 She further relied on representations by Dean that the Products are natural, made
10 from botanicals and other healthy, organic ingredients, are free of harsh
11 detergents and sulfate, replace other Products, cleanse hair thoroughly without
12 harsh ingredients or lathering and are designed not to strip hair and scalp of
13 natural oils, leaving the hair with more strength, manageability and better color
14 retention. She used the Products as directed but still suffered hair loss and
15 damage.

16 318. Plaintiff Velma Green purchased the Products in the Fall Apple
17 Spice, Spring Gardenia Green Tea, Summer Mango Coconut, Winter Cranberry
18 Mint, Pomegranate and Sweet Almond Mint varieties between 2006-2015
19 through QVC based on representations by Dean that the Products are unique and
20 revolutionary, contain natural ingredients, are mild enough for all hair types
21 including children, require cleansing less often and promote healthy, glossy hair
22 and hair growth. She also relied on depictions of hair transformations indicating
23 the Products would change the condition of hair in one use. Finally, Dean's
24 representation that many celebrities endorsed and recommended the Products
25 influenced Green. She used the Products as directed but suffered hair loss,
26 breakage and poor hair condition, hair discoloration and scalp irritation and
27 rash.

28 319. Plaintiff Gloria Guest purchased the Products in the Lavender

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1 variety between early 2015-June 2015 by phone based on representations made
2 by Dean in infomercials that the Products would produce smoother, shinier,
3 stronger, more manageable hair with no frizz and were particularly helpful to
4 consumers who sought to limit or repair damage or potential damage to the hair
5 caused by other hair treatments, such as coloring or bleaching, or regular heat-
6 based styling. She also relied on Dean’s depictions of purported “hair
7 transformations” and his representations that many celebrities used the
8 Products. She used the Products as instructed but suffered hair loss and
9 damage and scalp irritation and rash.

10 320. Plaintiff Keisa Gunby learned of the Products through Defendants’
11 infomercials. She purchased the Products between February-April 2014 through
12 Sephora based on representations by the Dean that the Products would produce
13 smoother, shinier, stronger, more manageable hair with no frizz and were
14 particularly helpful to consumers who sought to limit or repair damage or
15 potential damage to the hair caused by other hair treatments, such as perming.
16 She also relied on Dean’s so-called “hair transformation” depictions and his
17 representation that celebrities like Holly Robinson Peete use the Products. Ms.
18 Gunby used the Products as instructed. Nevertheless, she has suffered hair loss
19 and damage and scalp irritation and rash.

20 321. Plaintiff Marilyn Hagan purchased the Products in nearly all the
21 varieties between December 2013-July 2015 by phone and QVC based on
22 representations made by Dean in infomercials that were the same or similar to
23 the representations previously described from the WEN website. She used the
24 Products as instructed but suffered hair loss and damage.

25 322. Plaintiff Kym Hall learned of the Products through Defendants’
26 various advertisements. She purchased the Products in the Sweet Almond Mint
27 variety online prior to January 2014 based on representations by the Defendants
28 that the Products would produce smoother, shinier, stronger, more manageable

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1 hair with no frizz and were particularly helpful to consumers who sought to
2 limit or repair damage or potential damage to the hair caused by other hair
3 treatments, such as coloring or bleaching, or regular heat-based styling. Ms.
4 Hall used the Products as instructed. Nevertheless, she has suffered burning of
5 her scalp as well as extreme hair loss and damage.

6 323. Plaintiff Kristi Hardenbrook purchased the Products in the
7 Pomegranate, Cucumber Aloe and Sweet Almond Mint varieties between 2009-
8 March 2015 through QVC based on representations made by Dean on QVC that
9 the Products are used by celebrities such as Alyssa Milano, Book Shields, Angie
10 Harmon and Holly Robinson Peete, are free of harsh and harmful ingredients
11 like sulfates, should be used in great quantities, you can never use too much,
12 should be left on hair for extended periods of time, the longer, the better, do not
13 strip hair and scalp of natural oils, giving hair more strength, shine, moisture,
14 manageability and color retention. She used the Products as instructed but
15 suffered hair loss and damage.

16 324. Plaintiff Kelly Harris purchased the Products in the Sweet Almond
17 Mint, Pomegranate and Fig varieties between September 2013-March 2015
18 from the WEN website. She relied on representations from the website and
19 from the infomercial that the Products are all natural and will make her hair soft
20 and shiny. She also relied on depictions of hair transformations and the
21 celebrity testimonial of Alyssa Milano. She used the Products as directed but
22 still suffered hair loss, hair breakage, poor hair condition, scalp irritation with
23 scabs, redness and rash.

24 325. Plaintiff Elizabeth Hayes purchased the Products in the Sweet
25 Almond Mint variety between 2012-2013 by phone based on representations
26 made by Dean in infomercials that the Products are all natural and free of harsh
27 and harmful ingredients and drastically improve appearance and health of hair in
28 a short period of time, are much more effective than other products on the

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1 market and are a revolutionary new concept in hair care. She also relied on
2 Dean's representation that celebrities like Brooke Shields use the Products and
3 his depictions of "hair transformations." She used the Products as instructed but
4 suffered hair loss and damage and scalp irritation and rash.

5 326. Plaintiff Reena Heenan purchased the Products in the Spring
6 Gardenia Green Tea, Lavender and Sweet Almond Mint varieties between
7 September 2013-March 2015 based on representations made by Dean in
8 infomercials featuring Robinson-Peete, Alyssa Milano, and Roselyn Sanchez,
9 including statements that you cannot use too much of the Products, are free of
10 harsh detergents sulfates, work better the longer they are left on the hair. She
11 also relied on representations in a WEN ad that the Products are not like other
12 shampoos and do not strip your hair or scalp of oils. She used the Products as
13 instructed but suffered hair loss, hair breakage, poor hair condition, scalp
14 irritation with scabs, redness and rash.

15 327. Plaintiff Lyndsay Hendren purchased the Products in the
16 Watermelon, Sweet Almond Mint, Lavender, Pumpkin and Apple varieties
17 between April 2014-April 2015 after watching multiple QVC advertisements
18 featuring Dean, Dean's personal infomercial and visiting the WEN website.
19 Hendren relied on Dean's reference to "QVC Wen Girls," depicting hair
20 transformations on several models, endorsement by celebrity Alyssa Milano,
21 and representations the Products are all natural, sulfate free, reparative as it did
22 not "strip" hair from its natural oils, highly conditioning, could be used as
23 several things such as shampoo, conditioner and leave in conditioner, will
24 "thicken your hair over time" and "the more you use the better." She used the
25 Products as instructed but suffered hair loss, hair breakage, poor hair condition,
26 scalp irritation and rash.

27 328. Plaintiff Paulette Holder purchased the Products in the Sweet
28 Almond Mint and Summer Honey Peach varieties by phone and online between

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1 approximately 2013-2015 based on representations made by Dean on the WEN
2 website, as previously described, and in infomercials, particularly that the
3 Products give hair volume, moisturize hair, are free of harsh and harmful
4 ingredients and generally and significantly enhance the appearance and health of
5 hair. She also relied on depictions of purported "hair transformations" and
6 Dean's representations that celebrities use the Products. She used the Products
7 as directed but she and her daughter, T.H., suffered hair loss and damage and
8 scalp irritation and rash.

9 329. Plaintiff LaVerne Hollins-McGlothen purchased the Products in
10 the Pomegranate and Sweet Almond Mint varieties between 2012-2015 based
11 on representations made in a television advertisement by Dean that the Products
12 are safe for use on African-American hair, make hair manageable, are free of
13 harsh ingredients, included glycerin, a humectant that provides moisture benefits
14 to the hair and that Holly Robinson Peete along with other celebrities use the
15 Products. She used the Products as directed but still suffered hair loss.

16 330. Plaintiff Leyda Impson purchased the Products in the Sweet
17 Almond Mint and Pomegranate varieties between 2012-2015 after seeing
18 multiple late night WEN infomercials featuring Chaz Dean and also celebrities
19 like Alyssa Milano and including depictions of hair transformations. She also
20 visited the WEN website prior to purchasing the Products. She relied on
21 representations that you could not use too much of the Products, more is better,
22 the Products contains no harsh detergents, should be massaged through the hair
23 and left on the remainder of the shower, are a 5-in-1 product, cleanse hair
24 thoroughly without lather or harsh ingredients, are designed to restore resilience
25 and moisture to hair. She used the Products as instructed but suffered hair loss
26 and breakage.

27 331. Plaintiff Monica Infante used the Products in the Sweet Almond
28 Mint and Lavender varieties between 2010-2015 based on representations by

1 Dean in a commercial that the Products contain no harsh or harmful ingredients
2 and make hair grow faster and healthier. She used the Products as directed but
3 suffered hair loss and damage.

4 332. Plaintiff Michelle Johnson purchased the Products in the
5 Pomegranate variety between December 2014-February 2015 relying on
6 representations made by Dean on infomercials, including hair transformation
7 depictions and celebrity testimonials, and claims that the Products could be used
8 every day without stripping your hair and will leave hair soft, stronger, shiny
9 and frizz free. She used the Products as instructed but still suffered hair loss and
10 damage.

11 333. Plaintiff Connie Jones purchased the Products in the SixThirteen,
12 Lavender, Fig, Tea Tree, Fall Apple, Sweet Almond Mint, Pomegranate and
13 Bamboo Green Tea varieties between December 2011-June 2015 based on
14 representations made by Dean in infomercials that included a celebrity
15 endorsement, depictions of hair transformations that indicated straight, limp and
16 dry hair became shiny, bouncy and healthy upon application of the Products,
17 and claims the Products should be used the exclusion of other products,
18 designed to retain your hair and scalp's natural oils, will leave hair with sheen,
19 manageability, elasticity, strength and will not strip the hair of natural oils or
20 color, are made of all natural botanicals and are free of harsh ingredients, should
21 be used in large quantities, 16-24 pumps twice a day or so given Jones' hair
22 length and thickness and that a large percentage of women (and later, Dean also
23 claimed men are among this group) reported huge improvements with their hair
24 after just one use. She used the Products as directed but suffered hair loss.

25 334. Plaintiff Jessica Jones used the Products in the Sweet Almond Mint
26 and White Christmas Citrus between March-July 2015 based on representations
27 made by Dean in an infomercial that the Products do not strip hair of natural oils
28 and do not weigh hair down like other products. Dean also showed so-called

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1 “hair transformations” which indicated consumers would enjoy a dramatic
2 improvement in hair quality after just one use. She also relied on
3 representations by Dean that celebrities such as Alyssa Milano use the Products.
4 She used the Products as instructed, yet suffered hair loss and damage.

5 335. Plaintiff Nidia Jones purchased the Products in the Sweet Almond
6 Mint, Pomegranate and Fig varieties between 2009-2011 and approximately
7 March 2013-April 2014 based on representations made by Dean in QVC and
8 other infomercials that included celebrity endorsements and claims the Products
9 are a 5-in-1, designed to retain your hair and scalp's natural oils, will leave hair
10 with sheen, moisture, more manageable and with better color retention and that
11 she should use 24-32 pumps due to the length and thickness of her hair. She
12 used the Products as directed but suffered hair loss, breakage and damage.

13 336. Plaintiff Denise Ketcham purchased the Products in the Sweet
14 Almond Mint, Fig and the travel kit varieties relying on statements made by
15 Dean in an infomercial that featured 2 or 3 hair transformations which indicated
16 dry, unhealthy hair would be made healthy and beautiful after just one use of the
17 Products. She also relied on Dean’s statements that celebrities use the Products,
18 specifically Alysa Milano, and that the Products are a revolutionary new hair
19 concept designed to avoid stripping hair of moisture and color as do regular
20 shampoos, are free from harsh and harmful ingredients and with much better
21 results than other products per a three-week user study. She also relied on
22 Dean's representations that the Products are made of botanicals and leave hair
23 with strength, moisture, manageability and better color retention. She further
24 based on her purchase and use of the Products on Dean's instructions that she
25 should use a great deal of the Products on a regular basis, the more the better.
26 She used the Products as directed but suffered hair loss, hair breakage and poor
27 hair condition.

28 337. Plaintiff Delores Kennerly purchased the Products in the Sweet

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1 Almond Mint and Lavender varieties between 2013-February 2015 based on
2 representations by Dean in infomercials and on the WEN website including
3 depictions of hair transformations that indicated the Products would reduce the
4 amount of time needed to style her hair, vastly improve her hair's condition and
5 appearance in a very short time and that the Products are a 5-in-1 product; help
6 retain color; free of harsh ingredients; and, make hair hydrated, fuller and more
7 manageable. She used the Products as directed but suffered hair loss and
8 damage.

9 338. Plaintiff Amanda Kolkana purchased the Products in the Sweet
10 Almond Mint variety between August 2012-May 2015 online from Sephora
11 based on representations made by Dean in infomercials, including
12 representations that the Products significantly improve appearance and the
13 health of hair in one or so uses and that celebrities such as Melissa Gilbert use
14 the Products. She also relied heavily on Dean's use of purported "hair
15 transformation" depictions. She used the Products as instructed but suffered
16 hair loss and damage.

17 339. Plaintiff Renee Krause purchased the Products in the Sweet
18 Almond Mint and Lavender varieties between January-June 2015 based on
19 representations made in infomercials by Dean that the Products are gentle and
20 safe, clinically proven to retain color significantly, to create more shine, less
21 frizz and more bounce than competing products, are a 5-in-1 formula that
22 replace other products, are to be used as a leave-in or deep conditioner as well as
23 a cleanser and regular conditioner, are a revolutionary concept in hair care,
24 cleanse thoroughly without harsh or harmful ingredients and are designed not to
25 strip hair of oils or color, leaving hair stronger, more moisturized and more
26 manageable. She used the Products as directed but suffered hair loss.

27 340. Plaintiff Cynthia Krist purchased the Products in the SixThirteen
28 and Sweet Almond Mint varieties between December 2014-May 2015 by phone

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1 based on representations made by Dean in infomercials that the Products work
2 well for curly and frizzy hair, making it more manageable with more defined
3 curl, that the Products are guaranteed. She also relied on Dean's depictions of
4 purported "hair transformations." She used the Products as instructed but
5 suffered hair loss and damage and scalp irritation and rash.

6 341. Plaintiff Fredricka Kyle purchased the Products in the Sweet
7 Almond Mint variety between June 2013-April 2015 based on representations
8 made by Dean in infomercials that the Products will transform hair, including
9 so-called hair transformation depictions, particularly African American hair
10 from tangled and unmanageable to soft, manageable. She also relied on other
11 representations made by Dean in multiple infomercials that are the same or
12 similar to those previously described from the WEN website. She used the
13 Products as instructed yet suffered hair loss and breakage.

14 342. Plaintiff Kriss Lacebal purchased the Products in the Sweet
15 Almond Mint variety between July 2012-November 2012 from QVC after
16 watching the WEN infomercial multiple times. She relied on all the
17 representations made in the infomercial, particularly claims that the Products are
18 sulfate free, are 5-in-1 products, increase shine, can never be used in excess and
19 are gentle enough to use every day. She used the Products as directed but
20 suffered hair loss.

21 343. Plaintiff Dana Lambrick purchased the Products in the Sweet
22 Almond Mint and Fall Pumpkin Ginger varieties between 2013-2015 based on
23 representations made by Dean in infomercials that the Products are free of harsh
24 and harmful ingredients, should be used in large quantities because they do not
25 lather, repair hair, reduce frizz, moisturize hair, are detergent and sulfate-free,
26 replace all other hair care products, can be used as a leave-in conditioner, do not
27 strip the hair of color or natural oils, strengthen hair, contain all natural
28 ingredients and create more shine, more strength and manageability. She also

1 relied on so-called “hair transformation” depictions and Dean’s representations
2 that celebrities, such as Alyssa Milano, use the Products. She used the Products
3 as directed but suffered extreme hair loss and damage.

4 344. Plaintiff Anna Leonova purchased the Products in the Sweet
5 Almond Mint variety between November 2014-July 2015 through Amazon
6 based on representations by Dean in infomercials that the Products are used by
7 celebrities such as Alyssa Milano, would cause hair to be silky and healthy, safe
8 and gentle enough to use every day. She also relied on the previously identified
9 representations made by Dean on the WEN website. She used the Products as
10 directed yet suffered hair loss, breakage and damage.

11 345. Plaintiff Alyce Lindsey purchased the Products in the Sweet
12 Almond Mint varieties between August 2013-March 2015 by phone based on
13 representations made by Dean in infomercials, particularly that the Products
14 improve the health and appearance of hair shortly after beginning use and that
15 consumers should use the Products in large amounts, the more, the better. She
16 also relied on Dean's depictions of purported "hair transformations." She used
17 the Products as instructed but suffered hair loss and damage.

18 346. Plaintiff Sandra Lirette purchased the Products in the Sweet
19 Almond Mint variety between January 2014-March 2015 based on Dean's
20 representations on QVC touting the Products as a revolutionary product, free
21 from harsh chemicals that would transform her hair like the hair transformations
22 depicted in the QVC show. She used the Products as instructed but suffered
23 extreme hair loss.

24 347. Plaintiff Julie Loffredo purchased the Products in the Sweet
25 Almond Mint, Tea Tree, Pomegranate, multiple seasonal scented cleansing
26 conditioners, like Vanilla Mint, Fall Pumpkin Ginger, Summer Coconut,
27 Bamboo Green Tea and SixThirteen between March 2013-2015 online through
28 QVC after watching the QVC on-air presentation by Dean, who promised that

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1 the Products will strengthen hair, make hair fuller and promote growth. She
2 purchased the Tea Tree Cleansing Conditioner first because of claims by Dean
3 and QVC host, Lisa, that it worked especially well for fine hair and will
4 invigorate the scalp and encourage growth. Depictions of hair transformations,
5 celebrity endorsements and representations by hosts and models that they will
6 never be without WEN again also misled her along with statements that the
7 Products are 5-in-1. When Loffredo complained to WEN customer service
8 about unsatisfactory results, she is told to use more to get more dramatic results.
9 She used the Products as directed but suffered extreme hair loss.

10 348. Plaintiff Kellie Loges purchased the Products in the Pomegranate,
11 Sweet Almond Mint and Lavender varieties between 2013-2014 based on
12 representations made by Dean in advertisements on Lifetime television channel
13 and QVC that the Products are great for hair, can be used daily, are not harsh,
14 should be used in large quantities because they do not lather, repair hair up to
15 90%, reduce frizz up to 50%, moisturize hair, are detergent and sulfate-free,
16 replace all other hair care products and, therefore, save consumers money in the
17 long run, can be used as a leave-in conditioner, do not strip the hair of color or
18 natural oils, strengthen hair, contain all natural ingredients and create more
19 shine, more strength and manageability. She also relied on so-called “hair
20 transformation” depictions and Dean’s representations that celebrities, such as
21 Alyssa Milano and Brooke Shields, use the Products. She used the Products as
22 directed but suffered extreme hair loss and damage.

23 349. Plaintiff Lainie Lowery purchased the Products in the Mango, Tea
24 Tree and Pomegranate varieties between 2011-2012, 2014-2015 based on
25 representations made by Dean in June 2010 on QVC. Those representations
26 included hair transformation demonstrations and claims that celebrities such as
27 Alyssa Milano and Melissa Gilbert use the Products with great results. She
28 further relied on representations by Dean that the Products work better if you

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1 use more, should be used with multiple pumps, depending on hair length and
2 thickness, are free of harsh detergents and sulfate, that they should massaged
3 through the hair and left on for the remainder of the shower, replace other
4 Products, cleanse hair thoroughly without harsh ingredients or lathering, are
5 designed not to strip hair and scalp of natural oils, leaving the hair with more
6 strength, manageability and better color retention, that consumers should
7 cleanse, rinse and repeat and that the Products would not build up on hair. She
8 further relied on representations that the Tea Tree variety of the Products treated
9 dandruff and scalp issue. She used the Products as directed but still suffered
10 hair loss, breakage, poor hair condition, scalp irritation and rash.

11 350. Plaintiff Julia Magrath purchased the Products in the Sweet
12 Almond Mint, Pomegranate, Lilac and Orange Blossom varieties between
13 November 2014-April 2015 based on representations made by Dean in
14 infomercials that the Products are free of harsh chemicals and sulfates, are a 5-
15 in-1 formula and strengthen and restore resilience and moisture to the hair. She
16 used the Products as instructed yet suffered hair loss and scalp irritation and
17 rash.

18 351. Plaintiff Yesenia Maldonado-Diaz purchased the Products in the
19 Cucumber Aloe variety between 2013-2015 based on representations made by
20 Dean in infomercials, particularly that the Products will add more volume, make
21 hair stronger and grow faster. She used the Products as directed; nonetheless,
22 she suffered hair loss and breakage.

23 352. Plaintiff Susan Maletz purchased the Products in the Fig variety
24 between September-December 2014 based on representations made on the WEN
25 website, particularly those that the Products are 5-in-1, will not strip hair and are
26 natural. She used the Products as directed yet suffered hair loss and breakage.

27 353. Plaintiff Karen Malone purchased the Products in the Sweet
28 Almond Mint variety between January 2013-April 2013 based on

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1 representations made by Dean in television advertisements and on instructions
2 that came with the Products that the Products will transform the hair using the
3 same or similar representations as those previously described from the WEN
4 website as well as depictions of so-called “hair transformations”. She used the
5 Products as directed but suffered hair loss, breakage, poor hair condition and
6 scalp irritation and rash.

7 354. Plaintiff Dorri Marchetti purchased the Products in the Fig and
8 SixThirteen varieties between May 2011-July 2015 from based on
9 representations made by Dean in infomercials the same or similar to those on
10 the WEN website as previously described and that the Products are used by
11 celebrities such as Nicollette Sheridan. She also relied on Dean's so-called "hair
12 transformations." She used the Products as instructed but suffered hair loss and
13 damage and scalp irritation and rash.

14 355. Plaintiff Francisco Marroquin used the Products in the Sweet
15 Almond Mint and Lemon Rosemary Vanilla varieties between June 2014-
16 February 2014 based on Dean’s representations in infomercials that the
17 Products are a 5-in-1 formula, "cleanse" hair and scalp while moisturizing and
18 increasing volume, make hair fuller, are not “like an ordinary shampoo so you
19 want to use more of it, not less. You can never use too much! The more you
20 use, the better the results,” are gentle enough to use ever day, are free of harsh
21 ingredients and sulfates, should be left in hair during shower and longer if
22 better results are desired, are designed not to strip hair of natural oils or color.
23 He also relied on Dean’s depictions of hair transformations and representations
24 that the Products are used by celebrities, such as Alysa Milano. He used the
25 Products as directed but suffered extreme hair loss.

26 356. Plaintiff Theresa Mascaro purchased the Products in the Sweet
27 Almond Mint, SixThirteen and Pomegranate variety between 2012-2014
28 relying on representations made by Dean in QVC demonstrations, particularly

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1 his statements that the Products clean without harsh ingredients, are designed to
2 avoid stripping your hair and scalp of natural oils, are 5-in-1 formulas that
3 replace shampoo, conditioner, deep conditioner, detangler and leave-in
4 conditioner and contain chamomile extract, wild cherry bark, rosemary extract
5 and panthenol, which he claimed are all great ingredients for your hair.
6 Mascaro's reliance on Dean was also the result of him touting his experience and
7 respect, especially among celebrities, as a stylist. She used the Products as
8 directed but suffered hair loss, breakage and discoloration as well as scalp
9 irritation and rash.

10 357. Plaintiff Angele Mason brings claims on behalf of her minor son,
11 C.P., who used the Products in the Sweet Almond Mint variety in March 2015.
12 Plaintiff Angele Mason's family purchased the Products based on television
13 advertising in which Dean claimed the Products were safe, natural and free of
14 harsh and harmful ingredients and will make hair shinier and healthier. The
15 family used the Products as directed but C.P. suffered extreme scalp and skin
16 irritation and rash, as well as, other symptoms.

17 358. Plaintiff Linda Mast purchased the Products in the Tea Tree,
18 Lavender, Fig, Spring Orange Blossom Fall Spice varieties between October
19 2013-April 2015 after seeing multiple presentations about them on QVC. She
20 relied on misrepresentations that the Products are 5-in-1, that, for her hair
21 length, she should use 10-16 pumps twice and leave the second application in
22 for the remainder of the shower, should be used in large amounts for best
23 results, will bring back life and shine, are free of harsh chemicals and
24 ingredients like regular shampoos and will increase volume and bounce. She
25 used the Products as directed but suffered hair loss and breakage.

26 359. Plaintiff Linda Mattli purchased the Products in the Sweet Almond
27 Mint variety between June-August 2014 online based on representations by
28 Dean in infomercials that celebrities such as Alyssa Milano use the Products and

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1 that the Products are all natural, free of harsh and harmful ingredients, make hair
2 smoother, shinier, fuller and healthier in one or two uses, make hair retain color
3 better, are 5-in-1 product and should be used in large quantities, the more, the
4 better, improving hair with every use. She also relied on Dean's so-called "hair
5 transformations." She used the Products as instructed but suffered hair loss and
6 damage and scalp irritation and redness.

7 360. Plaintiff Karan McClure purchased the Products in the Sweet
8 Almond Mint, Fig, Tea Tree and Lavender varieties between 2009-2015 based
9 on Dean's promise in an infomercial that the Products provide more color
10 retention, manageability, thicker and fuller hair with less breakage because they
11 contain no sulfates or other harsh chemicals. She also relied on Dean's claims
12 that the Products do not strip hair color and are organic with added essential
13 oils. She further relied on Dean's instructions to use large amounts of the
14 Products and leave them in the hair for long periods of time. She used the
15 Products as directed but suffered extreme hair loss with balding.

16 361. Plaintiff Rachel McGee purchased the Products in the Fig variety
17 between March 2012-October 2014 relying on representations made by Dean in
18 infomercials, particularly that it would transform dry, dull, frizzy, tangled and
19 bad hair into luxurious, shiny, smooth, strong, straight and well moisturized
20 hair. She also relied on Dean's claim that the Products are safe and effective for
21 all types of hair, that they will not strip hair of vital nutrients and moisture like
22 regular shampoos and that they are gentle on hair, that the Products should be
23 used in great quantities and that you cannot use too much of the Products. She
24 also relied on depictions of hair transformations and Dean's claim that
25 celebrities like Alyssa Milano used the Products. She used the Products as
26 directed but suffered hair loss, breakage and scalp irritation and rash.

27 362. Plaintiff Adela McGrew purchased the Products between June
28 2014-March 2015 based on representations by Dean in infomercials that the

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1 Products clean your hair with no chemicals; make hair color last longer; leave
2 hair soft, shiny and bouncy; cleanse hair without lathering or harsh ingredients;
3 are a revolutionary concept in hair care; are good for hair and are used by
4 many famous people, including some Latina celebrities and Alyssa Milano;
5 and, should be used twice per wash an in large quantities. McGrew also relied
6 on Dean’s depictions of hair transformations. She used the Products as directed
7 but suffered hair loss, scalp irritation and rash.

8 363. Plaintiff Shelia McKee purchased the Products in all or most of the
9 varieties from eBay or by phone between March 2014- May 2015 based on
10 representations by Dean on QVC that the Products are a 5-in-1 formula, should
11 be applied twice at every wash, "the more you use, the better the results" "you
12 can't use too much" and are "safe to use every day". She also relied on Dean’s
13 depictions of so-called “hair transformations”. She used the Products as
14 directed but suffered hair loss and damage.

15 364. Plaintiff Marusia Melackronis purchased the Products in the Sweet
16 Almond Mint and Cucumber Aloe varieties between July 2013-November 2014
17 based on representations made by Dean in multiple infomercials featuring
18 celebrities, all of whom had undergone a purported major life changing hair
19 transformation because of the Products. She also visited the WEN website prior
20 to purchasing the Products. She relied on representations that you could not use
21 too much of the Products, more is better, the number of pumps used depended
22 on the length and thickness of hair, the Products contains no harsh ingredients,
23 should be massaged through the hair and left on for at least 3 minutes, are a
24 "revolutionary new concept," are a 5-in-1 product, cleanse hair thoroughly
25 without lather or harsh ingredients, will soothe and calm hair, condition hair,
26 strengthen and restore hair, should be used to cleanse, rinse and repeat and are
27 demonstrated to outperform other products in a three week study in the areas of
28 manageability, moisturizing and shininess. She used the Products as directed

1 but suffered hair loss and breakage.

2 365. Plaintiff Kris Thorsen Michels learned of the Products through
3 Defendants' infomercials. She purchased the Products in the Sweet Almond
4 Mint, Coconut Mango, Lavender and Pomegranate varieties by phone based on
5 representations by the Defendants that the Products would produce smoother,
6 shinier, stronger, more manageable hair with no frizz and were particularly
7 helpful to consumers who sought to limit or repair damage or potential damage
8 to the hair caused by other hair treatments, such as coloring or bleaching, or
9 regular heat-based styling. Ms. Michels used the Products as instructed.
10 Nevertheless, she has suffered extreme hair loss and damage.

11 366. Plaintiff Tanya Miller purchased the products in the Fig and Sweet
12 Almond Mint varieties between December 2013-November 2014 based on
13 representations made by Dean in infomercials that the Products are great for
14 hair, can be used daily, are not harsh, should be used in large quantities, about
15 30 pumps twice a use for Miller's hair, moisturize hair, are detergent and sulfate-
16 free, replace all other hair care products, can be used as a leave-in conditioner,
17 do not strip the hair of color or natural oils, strengthen hair, contain all natural
18 ingredients, such as rosemary, chamomile and panthenol, have been shown in
19 studies to create more shine, more strength and manageability than other
20 products, make hair thicker and are a new concept in hair care. She used the
21 Products as directed but suffered hair loss, breakage and scalp irritation and
22 rash.

23 367. Plaintiff Anita Montgomery purchased the Products in the
24 Pomegranate, Fig, SixThirteen, Fall Pumpkin and Tea Tree varieties between
25 2013-2015 through QVC based on representations by Dean that the Products
26 solve all hair problems, including hair thinning, breakage, color fading, tangling,
27 frizz, dandruff and slow or no-growth, make hair shinier, healthier and more
28 manageable. She also relied on depictions of so-called "hair transformations."

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1 She used the Products as directed but suffered hair loss and damage.

2 368. Plaintiff Maribel Montoya purchased the Products in the Sweet
3 Almond Mint variety between January-April 2015 by phone based on
4 representations made by Dean that the Products are free of harsh and harmful
5 ingredients, make hair stronger, shinier, more manageable, less frizzy and better
6 at color retention and that the Products should be used in large amounts, the
7 more, the better and can be left in the hair as a leave-in conditioner. She also
8 relied on Dean's so-called "hair transformations." She used the Products as
9 directed but suffered hair loss and damage.

10 369. Plaintiff Terri Morgan purchased the Products in the Sweet
11 Almond Mint varieties between early 2014-approximately April 2015 based on
12 Dean's promise in an advertisement that the Products clean your hair and make
13 hair healthy and full. She also relied on representations and depictions of hair
14 transformations from the WEN website. She used the Products as directed but
15 suffered hair loss and damage.

16 370. Plaintiff Jill Morpew purchased the Products in the Sweet
17 Almond Mint variety by phone between October 2014 and early 2015 based on
18 representations by Dean in infomercials that the Products would produce
19 smoother, shinier, stronger, more manageable hair with no frizz and were
20 particularly helpful to consumers who sought to limit or repair damage or
21 potential damage to the hair caused by other hair treatments, such as coloring or
22 bleaching, or regular heat-based styling. She also relied on Dean's promise that
23 the Products are a 5-in-1 formula, should be used in great amounts, the more the
24 better, and significantly improve the appearance and health of hair in one use.
25 She used the Products as instructed but suffered extreme hair loss.

26 371. Plaintiff Roxan Morris purchased the Products in the Sweet
27 Almond Mint, Fig, Summer Mango Coconut, SixThirteen, Lemon Rosemary
28 Vanilla Bean and Winter Cranberry Mint varieties between August 2013-April

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1 2015 after seeing multiple infomercials featuring Chaz Dean and celebrity,
2 Alyssa Milano. She relied on Dean's representations that you could not use too
3 much of the Products, more is better, the number of pumps used depended on
4 the length and thickness of hair-- 24-32 in her case, the Products contain no
5 harsh ingredients or sulfates, should be massaged through the hair and left on
6 the remainder of the shower with a second application using half the number of
7 pumps before completing the shower, are a "revolutionary new concept," are a
8 5-in-1 product, cleanse hair thoroughly without lather or harsh ingredients, are
9 designed not to strip hair of natural oils, leaving the hair with more strength,
10 moisture, manageability and no frizz, will help soothe and calm hair, condition
11 hair, strengthen and restore hair and should be used to cleanse, rinse and repeat.
12 She used the Products as directed but suffered hair loss and damage.

13 372. Plaintiff Anthony Moser purchased the Products in the Sweet
14 Almond mint varieties between January 2011-January 2012 by online based on
15 representations made by Dean in WEN infomercials that claimed the Products
16 make hair smoother, shinier, stronger, more manageable hair with no frizz, are
17 were particularly helpful to consumers who sought to limit or repair damage or
18 potential damage to the hair caused by other hair treatments, such as coloring or
19 bleaching, or regular heat-based styling and are free of harsh and harmful
20 ingredients. He used the Products as instructed but suffered hair loss and
21 damage and scalp irritation.

22 373. Plaintiff Aviva Mudrak purchased the Products based on Dean's
23 depictions of so-called hair transformations which indicated the Products make
24 hair bouncy and healthy after only one application. She used the Products as
25 directed but suffered hair loss and damage.

26 374. Plaintiff Dusty Musser purchased the Products in the Sweet
27 Almond Mint variety between approximately January 2014-March 2015 based
28 on representations made by Dean in infomercials, particularly that the Products

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1 would significantly improve the appearance and health of hair and make hair
2 better retain color. She also relied on Dean's depictions of so-called "hair
3 transformations" and his representation that many celebrities use the Products.
4 She used the Products as instructed but suffered hair loss and damage and scalp
5 irritation and rash.

6 375. Plaintiff Marianne Muylaert purchased the products in all the
7 varieties between December 2011-April 2015 based on representations made by
8 Dean on QVC. In those QVC presentations, Dean claimed many celebrities use
9 the Products. He also touted the Products as revolutionary and gentle enough
10 to use every day. He said the Products contain no harsh ingredients and no
11 stripping agents to harm hair or the scalp. He said the Products will not remove
12 color from hair and showed models with colored hair washing their hair with
13 the Products to "prove" it. Dean claimed the models used in his demonstrations
14 achieved amazing transformations after using the Products. Dean
15 recommended consumers leave the Products in the hair for long periods of time
16 and claimed they make hair stronger and more manageable, moisturizing hair
17 and scalp by retaining essential oils. He said the Products contain nourishing
18 botanicals such as chamomile and glycerin. He also instructed consumers to
19 rinse hair with cold water then use 16-24 pumps of the Products for medium
20 hair. Dean recommended the Products as leave in conditioner. Plaintiff
21 Marianne Muylaert used the Products as directed but suffered hair loss,
22 breakage, poor hair condition, hair discoloration and scalp irritation and rash.

23 376. Plaintiff Ranee Myers purchased the Products in the Pomegranate
24 and Fig varieties from QVC between 2011-March 2015 based on
25 representations made by Dean in infomercials that the Products are natural, free
26 of harsh and harmful ingredients and create dramatic improvement in the
27 appearance and health of hair. She also relied on Dean's representation that
28 celebrities like Alyssa Milano, Angie Harmon and Brooke Shields use the

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1 Products and depictions of purported "hair transformations." She used the
2 Products as instructed but suffered hair loss and damage and hair discoloration.

3 377. Plaintiff Julie Nally purchased the Products in the Sweet Almond
4 Mint and Pomegranate varieties between Early 2012-August 2013 based on
5 representations made by Dean in an infomercial that the Products are gentle,
6 safe and free of harsh and harmful chemicals, make hair fuller and less frizzy
7 and that celebrities used the Products. She used the Products as directed but
8 suffered hair loss, breakage, poor hair condition and a change in hair texture.

9 378. Plaintiff Candace Mudrak purchased the Products in the Sweet
10 Almond Mint variety based on Dean's depictions of so-called hair
11 transformations which indicated the Products make hair bouncy and healthy
12 after only one application. She used the Products as directed but suffered hair
13 loss, breakage, poor hair condition and scalp irritation and rash.

14 379. Plaintiff Tanya Norman purchased the Products in the Sweet
15 Almond Mint variety between January-October 2014 by phone based on
16 representations made by Dean in infomercials that the Products are all natural,
17 free of harsh and harmful ingredients, contain no sulfates, do not strip hair like
18 ordinary shampoos and dramatically improve the appearance and health of hair.
19 She also relied on Dean's so-called "hair transformations" and representations
20 that celebrities like Alyssa Milano use the Products. She used the Products as
21 instructed but suffered hair loss and damage and scalp irritation and rash.

22 380. Plaintiff Aly Nutter purchased the Products in the Sweet Almond
23 Mint, Fig, Cucumber Aloe, Lavender, Tea Tree, Summer Peach and Winter
24 Vanilla varieties between July 2014-June 2015 based on representations made
25 by Dean in infomercials that the Products are free of harsh and harmful
26 ingredients and significantly improve the appearance and health of hair by,
27 among other things, not stripping hair of natural oils. She also relied on Dean's
28 depictions of "hair transformations" and representations that the Products are

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1 used by celebrities such as Alyssa Milano and Brooke Shields. She used the
2 Products as directed by suffered extreme hair loss and damage.

3 381. Plaintiff Lea Oliviera purchased the Products in the Lavender, Tea
4 Tree, Sweet Almond Mint, Gardenia, Summer Mango varieties between 2010-
5 2012 from QVC, eBay and the Guthy-Renker website after seeing multiple
6 infomercials featuring Chaz Dean and also celebrities like Alyssa Milano. She
7 also visited the Guthy-Renker website prior to purchasing the Products. She
8 relied on representations that you could not use too much of the Products, more
9 is better, the number of pumps used depended on the length and thickness of
10 hair, the Products contain no harsh ingredients or sulfates, should be massaged
11 through the hair and left on the remainder of the shower, are a "revolutionary
12 new concept," are a 5-in-1 product, cleanse hair thoroughly without lather or
13 harsh ingredients, are designed not to strip hair of natural oils, leaving the hair
14 with more strength, moisture, manageability and better color retention, will help
15 soothe and calm hair, condition hair, strengthen and restore hair, should be used
16 to cleanse, rinse and repeat, are demonstrated to outperform other products in a
17 three week study in the areas of manageability, moisturizing and shininess. She
18 used the Products as directed but suffered hair loss, breakage, poor hair
19 condition, scalp irritation and rash.

20 382. Plaintiff Linda Ortiz-Yaremko purchased the Products in the Sweet
21 Almond Mint variety between April 2012-early 2015 based on representations
22 made by Dean in infomercials on QVC and other similar channels about 6
23 months before she started using the Products. The representations on which she
24 relied are: you cannot use too much of the Products, more is better, the number
25 of pumps used depended on the length and thickness of hair, the Products
26 contains no harsh ingredients or sulfates, should be massaged through the hair
27 and left on the remainder of the shower, are a "revolutionary new concept," are a
28 5-in-1 product, cleanse hair thoroughly without lather or harsh ingredients, are

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1 designed not to strip hair of natural oils, leaving the hair with more strength,
2 moisture, manageability and better color retention, will help soothe and calm
3 hair, condition hair, strengthen and restore hair, should be used to cleanse, rinse
4 and repeat, are demonstrated to outperform other products in a three week study
5 in the areas of manageability, moisturizing and shininess and contain botanicals
6 and other healthy ingredients. She used the Products as directed but suffered
7 hair loss.

8 383. Plaintiff Krista Osborn ordered the Products in the Sweet Almond
9 Mint and SixThirteen varieties between June 2014-April 2015 through Amazon
10 based on representations made by Dean in a late night infomercial stating the
11 Products do not strip hair, are safe for the environment, should be used in large
12 quantities depending upon the length and fullness of the hair, free of harsh
13 detergents or sulfates, promotes better color retention than other products, made
14 of all natural ingredients, such as chamomile and cherry bark and will transform
15 hair as was depicted in several hair transformation before and after
16 presentations. The infomercial also featured Alyssa Milano, who Dean claimed
17 used the Products. Dean also claimed the Products had been featured in People
18 Magazine and Oprah. She used the Products as directed but suffered hair loss
19 and breakage.

20 384. Plaintiff Osten purchased the Products in the Sweet Almond Mint
21 variety between April-June 2014 from Sephora based on representations by
22 Dean in an infomercial she saw multiple times. Those representations included
23 hair transformation demonstrations and claims that celebrities such as Alyssa
24 Milano use the Products with great results. She further relied on representations
25 by Dean that the Products work better if you use more, should be used with
26 multiple pumps, depending on hair length and thickness, are free of harsh
27 detergents and sulfate, should massaged through the hair and left on for the
28 remainder of the shower, replace other Products, cleanse hair thoroughly

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1 without harsh ingredients or lathering, are designed not to strip hair and scalp of
2 natural oils, leaving the hair with more strength, manageability and better color
3 retention, that consumers should cleanse, rinse and repeat and that a three week
4 study indicated the Products outperformed other products with regard to shine,
5 moisturizing and manageability. She used the Products as directed but still
6 suffered hair loss and damage.

7 385. Plaintiff Tammy Owan purchased the Products in the Fig, Tea Tree
8 and Sweet Almond Mint varieties between approximately Winter 2011-Mid-
9 November 2014 through QVC based on representations made by Dean in
10 infomercials, including statements that the Products will protect and strengthen
11 hair, contain no harsh ingredients, add volume and shine and are used by many
12 celebrities, like Brooke Shields. She used the Products as directed but suffered
13 hair loss and damage.

14 386. Plaintiff Maily Paredes purchased the Products in all or nearly all
15 of the varieties between 2011-2015 based on Dean's representations on QVC,
16 including representations that many celebrities use the Products and depictions
17 of so-called "hair transformations." She used the Products as directed but
18 suffered hair loss and damage and scalp irritation and rash.

19 387. Plaintiff David Parker's wife, Vickie Parker, purchased the
20 Products in the Sweet Almond Mint variety between June 2012-2013 for the
21 two of them based on representations by Dean in an infomercial that Alyssa
22 Milano uses and endorses the Products and that the Products replace multiple
23 other products, leave hair beautiful, are gentle enough for everyday use and
24 should be used 16-24 pumps at every use. Both used the Products as directed
25 but suffered hair loss.

26 388. Plaintiff Mea Parks purchased the Products in the Sweet Almond
27 Mint variety in 2012 based on representations made in multiple infomercials
28 featuring Dean and the WEN website. Dean represented the Products are all

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1 natural, free of harsh ingredients, full of botanicals, improve hair after one use,
2 are safe for all hair types, including African American hair, do not strip hair of
3 oils and moisture like shampoo and replace many other products. Dean also
4 represented that Alyssa Milano and Holly Robinson Peete use the Products with
5 great results and depicted hair transformations that resulted in shinier, fuller,
6 healthier, more conditioned and more manageable hair. Parks also relied on
7 representations made by a WEN customer service representative who told her
8 that she should use a lot of Product based on her hair length and thickness. She
9 used the Products as directed but suffered hair loss, breakage, poor hair
10 condition, scalp irritation and rash.

11 389. Plaintiff Mea Parks purchased the Products based on
12 representations made in multiple infomercials featuring Dean and the WEN
13 website are Dean represented the Products are all natural, free of harsh
14 ingredients, full of botanicals, improved hair after one use, are safe for all hair
15 types, including African American hair, did not strip hair of oils and moisture
16 like shampoo and replaced many other products. Dean also represented that
17 Alyssa Milano and Holly Robinson Peete used the Products with great results
18 and depicted hair transformations that resulted in shinier, fuller, healthier, more
19 conditioned and more manageable hair. Parks also relied on representations
20 made by a WEN customer service representative who told her that she a lot of
21 Product based on her hair length and thickness. She used the Products as
22 directed but suffered hair damage, loss and scalp irritation and rash.

23 390. Plaintiff Bridgette Payton and her husband, Plaintiff Roy Mendoza,
24 purchased the Products between 2013-2015 based on representations made by
25 Dean in infomercials that the Products would produce smoother, shinier,
26 stronger, more manageable hair with no frizz and were particularly helpful to
27 consumers who sought to limit or repair damage or potential damage to the hair
28 caused by other hair treatments, such as coloring or bleaching, or regular heat-

1 based styling. She and her husband, Roy Mendoza, used the Products as
2 directed but suffered hair loss and, with regard to Plaintiff Bridgette Payton, hair
3 damage.

4 391. Plaintiff Idalia Paz purchased the Products in the Sweet Almond
5 Mint and Pomegranate varieties between July 2012-June 2014 after seeing a
6 WEN infomercial featuring Dean and twin red-headed models. She relied on
7 Dean's representations that the Products will not strip color nor dry the hair. She
8 used the Products as directed but suffered hair loss.

9 392. Plaintiff Cristi Pechart purchased the Products in the Sweet
10 Almond Mint variety between September 2014-March 2015 from the QVC
11 website relying on misrepresentations made by Dean on QVC, including that the
12 Products are gentle enough to use every day, are meant to replace many other
13 Products, will cleanse the hair without lather and harsh ingredients and will
14 drastically improve the health and condition of hair right away. She used the
15 Products as directed but suffered hair breakage.

16 393. Plaintiff Laura Peduzzi-Brown purchased the Products in the Sweet
17 Almond Mint variety between April 2014-August 2015 online based on
18 representations by the Defendants in their various advertisements that the
19 Products would produce smoother, shinier, stronger, more manageable hair with
20 no frizz and were particularly helpful to consumers who sought to limit or repair
21 damage or potential damage to the hair caused by other hair treatments, such as
22 coloring or bleaching, or regular heat-based styling. She also relied on Dean's
23 representation that celebrities such as Angie Harmon and Brooke Shield use the
24 Products and on depictions of "hair transformations." She used the Products as
25 directed but suffered extreme hair loss.

26 394. Plaintiff Adabel Pena purchased the Products in the Sweet Almond
27 Mint variety between November 2012-May 2013 from the WEN website based
28 on depictions of hair transformations and celebrity endorsement, as well as,

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1 representations made in a WEN infomercial that the Products are gentle enough
2 to use every day, will not strip your hair of natural oils, are a 5-in-1 product and
3 are free of harsh ingredients. She used the Products as directed but suffered hair
4 loss.

5 395. Plaintiff Lee Perkinson purchased the Products online between
6 1999-May 2014 in the Sweet Almond Mint and Lavender varieties online based
7 on representations made by Dean on the WEN website, as previously described,
8 and in infomercials, including that many celebrities use the Products and that the
9 Products make hair stronger, healthier and more manageable. He used the
10 Products as instructed and suffered hair loss.

11 396. Plaintiff Cindy Peterson learned of the Products through
12 Defendants' various advertisements. She purchased the Products in the Sweet
13 Almond Mint varieties in 2014 based on representations by the Defendants that
14 the Products would produce smoother, shinier, stronger, more manageable hair
15 with no frizz and were particularly helpful to consumers who sought to limit or
16 repair damage or potential damage to the hair caused by other hair treatments,
17 such as coloring or bleaching, or regular heat-based styling. Ms. Peterson used
18 the Products as instructed. Nevertheless, she has suffered extreme hair loss and
19 damage.

20 397. Plaintiff Dusan Petrovic purchased the Products in the Sweet
21 Almond Mint, Tea Tree, Lavender and Cucumber varieties between April-July
22 2015 by phone based on depictions by Dean on QVC of purported hair
23 transformations indicating the Products would dramatically improve the health
24 and appearance of hair in a short period of time. He used the Products as
25 directed but still suffered hair loss and damage.

26 398. Plaintiff Jenna Pohl purchased the Products in the Winter
27 Cranberry Mint variety in 2013 based on Dean's representations in infomercials
28 that the Products are all natural, should be used in large amounts, the more the

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1 better, and contain no harsh ingredients and on depictions of hair
2 transformations that indicated that upon just one use of the Products, a user's
3 hair would go from dull, frizzy, lifeless or unmanageable to shiny, healthy and
4 beautiful. She also relied on Dean's representation that the Products are used by
5 many celebrities, such as Alyssa Milano. She used the Products as directed but
6 suffered hair loss and damage.

7 399. Plaintiff Paula Reynolds purchased the Products in the Sweet
8 Almond Mint variety between May 2011-July 2011 based on Dean's
9 representations in late night infomercials, including depictions of hair
10 transformations and statements that the Products were a revolutionary concept in
11 hair care, were much better for your hair than shampoos and that you could not
12 use too much, and, in fact, the more, the better. She used the Products as
13 directed but suffered extreme hair loss and breakage, poor hair condition, scalp
14 irritation and rash.

15 400. Plaintiff Filipinas San Jose used the Products in the Lavender Mint
16 variety between December 2014-March 2015 based on representations by Dean
17 in infomercials that celebrities such as Ming Na Wei use the Products, that the
18 Products are natural and free of harsh and harmful ingredients, including
19 sulfates, are safe for use on all hair types daily, should be used in large amounts,
20 rinse, repeat, the more, the better, and will greatly enhance the appearance and
21 health of hair and improve the hair's retention of color. She used the Products as
22 directed but suffered hair loss and damage, scalp irritation and rash.

23 401. Plaintiff Carol Sauer learned of the Products through Defendants'
24 various advertisements. She purchased the Products in the Sweet Almond Mint
25 and Lavender varieties by phone in 2013-2014 based on representations by the
26 Defendants that the Products would produce smoother, shinier, stronger, more
27 manageable hair with no frizz and were particularly helpful to consumers who
28 sought to limit or repair damage or potential damage to the hair caused by other

1 hair treatments, such as coloring or bleaching, or regular heat-based styling.
2 Ms. Sauer used the Products as instructed. Nevertheless, she has suffered
3 extreme hair loss and damage.

4 402. Plaintiff Gilda Romaniello purchased the Products in the Sweet
5 Almond Mint variety between 2011-2015 based on promises by Dean on QVC
6 that the Products produced thicker, healthier and more moisturized hair. She
7 also relied on depictions of so-called “hair transformations”. She used the
8 Products as directed but suffered hair loss.

9 403. Plaintiff Kimberly Russell purchased the Products in the
10 Pomegranate, Bamboo Green Tea, Winter Vanilla Mint, Summer Mango
11 Coconut, Sweet Almond Mint and Fig varieties between 2011-2015 after seeing
12 infomercials with Dean and Alyssa Milano. She also saw Dean in a QVC
13 infomercial. She relied on Dean's statements made in the infomercials, as well
14 as, on the DVD that came with her first shipment of the Products that the
15 Products will improve the condition of her hair; were created based on Dean's
16 extensive experience and expertise in the industry; and, will make hair more
17 manageable and smooth. She also relied on multiple depictions of hair
18 transformations which indicated her hair would be stronger, healthier, softer,
19 shinier, thicker and generally beautiful. She used the Products as directed but
20 suffered hair loss and damage.

21 404. Plaintiff Kathy Russo purchased the Products in the Cranberry
22 Mint, Winter Vanilla Mint and Sweet Almond Mint varieties between 2013-
23 2015 by phone based on representations made by Dean that the Products make
24 hair healthy, improve the appearance of hair, make hair more manageable, are
25 free of harmful and harsh ingredients. She used the Products as directed but
26 suffered hair loss and damage.

27 405. Plaintiff Victoria Sallis purchased the Products in the Pomegranate
28 and Sweet Almond Mint between October 2014-May 2015 based on

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1 representations made by Dean in infomercials and on the WEN website that it is
2 safe and even good for her hair type and that it will moisturize her hair and
3 make it manageable and smooth. She also relied on the depictions of hair
4 transformations, particularly those involving African American hair, and
5 celebrity endorsements, particularly those of Alyssa Milano and Roselyn
6 Sanchez. She froze her account indefinitely in March 2015 because her hair is
7 falling out at an alarming rate. Nevertheless, WEN continued to send the
8 Products and charge for them without authorization. She used the Products as
9 directed but suffered hair loss, breakage, poor hair condition, hair discoloration
10 and scalp irritation and rash.

11 406. Plaintiff Delinda Saye purchased the Products in the Sweet
12 Almond Mint variety between Mid-June 2014-March 2015 from Sephora based
13 on representations made by Dean in infomercials and on the WEN website,
14 particularly that the Products are designed not to strip your hair and scalp of
15 natural oils, leaving your hair with more strength, moisture, manageability and
16 better color retention and are a 5-in 1 formula, that can replace shampoo,
17 conditions, deep conditioner, detangler and leave-in conditioner. She used the
18 Products as directed but suffered hair loss, breakage, poor hair condition and
19 hair discoloration.

20 407. Plaintiff Leslie Scales learned of the Products through Defendants'
21 various advertisements. She purchased the Products in February 2012 based on
22 representations by the Defendants that the Products would produce smoother,
23 shinier, stronger, more manageable hair with no frizz and were particularly
24 helpful to consumers who sought to limit or repair damage or potential damage
25 to the hair caused by other hair treatments, such as coloring or bleaching, or
26 regular heat-based styling. Ms. Scales used the Products as instructed.
27 Nevertheless, she has suffered hair loss and damage and scalp irritation.

28 408. Plaintiff Patriciann Schvabenitz purchased the Products in the

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1 Sweet Almond Mint, Tea Tree, Fig and Pumpkin and other Fall seasonal scent
2 varieties between 2007-2011 through QVC relying on representations made in
3 multiple infomercials with hair testimonials from Dean's "WEN girls," "WEN
4 guys" and about Dean's dogs. These representations included that the models
5 using WEN had used only the Products for years and, as a result, do not need to
6 use color on anything but the roots of their hair, the Products tamed frizzy,
7 unruly hair, should be used in large quantities for best results and should be
8 applied twice per usage. She also relied on representations that the Tea Tree
9 variety of the Products will stimulate the scalp and help with hair loss. She used
10 the Products as directed but suffered hair loss, breakage, scalp irritation and cyst
11 on scalp.

12 409. Plaintiff Elizabeth Seals purchased the Products in the Fig variety
13 between March 2012-October 2014 relying on representations made by Dean in
14 infomercials, particularly that it would transform dry, dull, frizzy, tangled and
15 bad hair into luxurious, shiny, smooth, strong, straight and well moisturized
16 hair. She also relied on Dean's claim that the Products are safe and effective for
17 all types of hair, that they will not strip hair of vital nutrients and moisture like
18 regular shampoos and that they are gentle on hair, that the Products should be
19 used in great quantities and that you cannot use too much of the Products. She
20 also relied on depictions of hair transformations and Dean's claim that
21 celebrities like Alyssa Milano used the Products. She used the Products as
22 directed but suffered hair loss and damage.

23 410. Plaintiff Denise Seremeta purchased the Products in the Fig, Tea
24 Tree, Pomegranate, Sweet Almond Mint and SixThirteen varieties between
25 approximately Summer 2012-July 2015 from QVC based on Dean's
26 representations on QVC that the Products are natural, made from plant-based
27 extracts and botanicals, contain no sulfates, are designed not to strip hair of
28 natural oils or color, but to strengthen hair. She also relied on Dean's

1 depictions of purported hair transformations that included before and after
2 pictures indicating use of the Products drastically improves the overall health,
3 thickness and color retention of hair after only a short time period. The
4 transformations also indicated hair will hold a curl or remain smooth and
5 straight without the use of hot irons or straighteners. She used the Products as
6 directed but suffered hair loss and damage.

7 411. Plaintiff Cynthia Shuster purchased the Products in the Sweet
8 Almond Mint, SixThirteen and Honey Lilac varieties between February-June
9 2015 online through QVC and the WEN website based on representations made
10 by Dean in infomercials that the Products would make her hair thicker, stronger
11 and longer; that you cannot use too much of the Products; that it is gentle
12 enough to use daily; does not contain any harsh or harmful ingredients like
13 other hair products; is appropriate for every hair type; does not strip color or
14 natural oils. She also relied on Dean's representations that celebrities like
15 Alyssa Milano use the Products and that Dean uses the Products on his dogs.
16 She used the Products as directed but suffered hair loss, breakage, poor hair
17 condition, hair discoloration, scalp irritation and rash.

18 412. Plaintiff Tara Simko purchased the Products in the Lavender
19 variety in March 2015 based on representations made by Dean in infomercials
20 she saw repeatedly that the Products are all natural, free of harsh and harmful
21 ingredients and would greatly improve the appearance, strength and health of
22 hair. She used the Products as directed but suffered hair breakage nevertheless.

23 413. Plaintiff Jennifer Six purchased the Products in the Sweet Almond
24 Mint variety between Summer 2012-Spring 2015 based on representations
25 made by Dean in infomercials that the Products would make her hair thicker,
26 stronger and longer; that you cannot use too much of the Products; that it is
27 gentle enough to use daily; and, do not contain any harsh ingredients like other
28 hair products. She also relied on Dean's representations that celebrities like

1 Alyssa Milano use the Products. She used the Products as directed but suffered
2 hair loss, breakage, poor hair condition, hair discoloration, scalp irritation and
3 rash.

4 414. Plaintiff Karen Smaha purchased the Products in the Pomegranate
5 variety between July 2014-April 2014 from QVC after seeing multiple
6 infomercials featuring Dean. She also visited the WEN website prior to
7 purchasing the Products. She relied on representations by Dean that her hair
8 would be transformed like the women depicted in the hair transformations
9 included in the infomercials. She used the Products as directed but suffered
10 extreme hair loss.

11 415. Plaintiff Pamela Smallwood purchased the Products in the Fig
12 variety through QVC based on representations made by Dean on the WEN
13 website, as previously described, as well as in a QVC infomercial in which he
14 claimed the Products are a 5-in-1 formula the more of which you use, the better,
15 are gentle enough to use every day, should be used in large quantities,
16 depending on the length and volume of your hair, are free of harsh and harmful
17 ingredients, including sulfates, should be massaged through the hair early in the
18 shower and left on the remainder of the shower, cleanse hair thoroughly without
19 lathering or harsh ingredients, are designed not to strip your hair and scalp of
20 natural oils, leaving your hair with more strength, moisture, manageability and
21 better color retention and can be used on ethnic hair. She used the Products as
22 directed but suffered extreme hair loss with bald spots.

23 416. Plaintiff Dena Smith purchased the Products in the Sweet Almond
24 Mind and Lavender varieties between June-July 2015 through the WEN website
25 based on representations made by Dean on the WEN website as previously
26 described and in an infomercial. The representations on which Plaintiff Dena
27 Smith relied from the infomercial include that the Products are a 5-in-1 formula
28 that replace many other products, are gentle enough to use every day, bring out

1 the beauty in hair, are free of harsh and harmful ingredients and should be used
2 in large quantities, 24 pumps for hair the length of Plaintiff Dena Smith's hair,
3 the more, the better. She used the Products as directed but suffered hair loss and
4 damage.

5 417. Plaintiff Jennifer Smith purchased the Products in the Sweet
6 Almond Mint variety between February-April 2015 having seen an infomercial
7 in February 2015 with Alyssa Milano and Dean. She relied on statements by
8 Dean that the Products will make hair soft and frizz free, that they will not strip
9 hair of natural oils and will strengthen hair with more moisture to keep in color.
10 The infomercial included a purported hair transformation demonstration. She
11 also recalls representations made by Dean about the results of a three week
12 study that purportedly indicated the Products moisturized, created shine and
13 helped with manageability more than other products. She used the Products as
14 directed but suffered hair loss and damage.

15 418. Plaintiff Casey Stanton purchased the Products in the Sweet
16 Almond Mint and Spring Orange Blossom varieties through QVC between
17 2011-June 25, 2015 based on representations made by Dean on multiple
18 infomercials on representations made by Dean on QVC using depictions of hair
19 transformations with so-called "WEN girls" and celebrity testimonials from Lisa
20 Robertson, indicating and/or expressly stating all of the representations made on
21 the WEN website as previously described and that the Products are safe enough
22 to use as a face mask, body wash, or to shave and that the Products will stop hair
23 loss and balding. Stanton recalls Dean repeating the statement, "Friends don't
24 let friends shampoo." She relied on that representation as well. She used the
25 Products as directed but suffered hair loss and scalp irritation and rash.

26 419. Plaintiff Vanessa Stevens purchased the Products in the Sweet
27 Almond Mint variety between September 2013-mid-2015 by phone based on
28 representations made by Dean in infomercials that the Products are natural and

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1 free of harsh and harmful ingredients, work better and are healthier for hair than
2 ordinary shampoos and make hair soft, silky, shiny, smooth and healthy. She
3 also relied on Dean's representations that celebrities use the Products and
4 depictions of so-called "hair transformations." She used the Products as
5 instructed but suffered hair loss and damage and scalp irritation and rash.

6 420. Plaintiff Shirley Story purchased the Products in the Sweet Almond
7 Mint variety between 2009 or 2010-March 2014 by phone after repeatedly
8 watching infomercials featuring Dean. In them, Dean depicted hair
9 transformations that indicated the Products will not strip the hair of color and
10 will make hair shiny, beautiful and manageable. He also represented the
11 Products are gentle and safe, will not strip the hair of natural oils, work better
12 the longer you leave them in or on your hair and are used by celebrities. Story
13 also relied on representations made on the WEN website, particularly so-called
14 testimonials. When Story made her first order, the customer representative told
15 her the Products would change her life. She used the Products as directed but
16 suffered hair loss and damage.

17 421. Plaintiff Anne Marie Sweeney purchased the Products in the Sweet
18 Almond Mint variety between 2013-2014 online based on representations made
19 by Dean in infomercials and on QVC that the Products are a 5-in-1 formula,
20 make hair more manageable, smooth and healthy, moisturize the hair and scalp
21 and are safe to use every day. She also relied on Dean's depictions of so-called
22 "hair transformations." She used the Products as instructed but suffered hair
23 loss and damage.

24 422. Plaintiff Amanda Tapscott learned of the Products through
25 Defendants' infomercials. She purchased the Products in the Sweet Almond
26 Mint variety by phone between approximately January and November 2014
27 based on representations by the Defendants that the Products would produce
28 smoother, shinier, stronger, more manageable hair with no frizz and were

1 particularly helpful to consumers who sought to limit or repair damage or
2 potential damage to the hair caused by other hair treatments, such as coloring or
3 bleaching, or regular heat-based styling. Ms. Tapscott used the Products as
4 instructed. Nevertheless, she has suffered extreme hair loss and damage.

5 423. Plaintiff Ravyn Therrell purchased the Products in the Sweet
6 Almond Mint, Pomegranate and SixThirteen varieties between July-August
7 2015 by phone based on representations made by Dean in an infomercial similar
8 or the same to those previously described from the WEN website. She used the
9 Products as instructed but suffered hair loss and damage and scalp irritation and
10 rash.

11 424. Plaintiff Crystal Telles purchased the Products in the Sweet
12 Almond Mint, Cucumber Aloe, Lavender, SixThirteen and seasonal varieties
13 between October 2013-April 2015 through QVC based on representations made
14 by Dean in infomercials and on QVC that her hair would be shiny, full of
15 volume, thick and manageable like the models used to depict hair
16 transformations. She also relied on Dean's statements that the Products do not
17 strip color from the hair and, therefore, users need only touch up the roots of
18 their hair for color treatments. She used the Products as directed but suffered
19 hair loss.

20 425. Plaintiff Sally Tesoro purchased the Products in the Sweet Almond
21 Mint variety between September 2012-April 2015 relying on representations
22 made by Dean in infomercials in approximately August 2012, in which he stated
23 the Products are gentle enough to use every day, are safe, do not strip color or
24 cause color to fade, keep hair healthy and soft and contain no harsh ingredients.
25 Dean also demonstrated so-called "hair transformations" which indicated use of
26 the Products will make hair shiny, manageable, thick, strong and lustrous. Dean
27 also claimed that many celebrities use the Products. He instructed consumers
28 like Tesoro to use the Products exclusively and in large amounts-- the more the

1 better, 16-24 pumps for Tesoro's hair length and thickness, using two times
2 every shower. She used the Products as directed but suffered hair loss.

3 426. Plaintiff Connie Theiss purchased the Products in the Pomegranate
4 variety between September 2012-April 2015 based on representations by Dean
5 that the Products are superior to any shampoo on the market, should be used in
6 large amounts, the more, the better, can be used every day, will improve the
7 appearance of hair after the first use, leave hair more manageable, strong,
8 smooth and healthy and that the Products were made with natural ingredients
9 such as tea tree oil. Dean also used depictions of hair transformations and
10 claimed celebrities use and endorsed the Products. She used the Products as
11 directed but suffered hair loss and damage.

12 427. Plaintiff Venita Vance purchased the Products in the Sweet
13 Almond Mint variety between 2013-2015 online based on representations made
14 by Dean in infomercials such as apply 10-15 pumps or more for longer hair and
15 thicker hair; WEN has no detergents or Sodium Laurel Sulfate so it won't lather;
16 should massage scalp and leave in for 3-5 minutes for maximum conditioning,
17 comb through, rinse; and, a small amount can be applied as a leave-in
18 conditioner. She used the Products as directed but suffered hair loss and
19 damage.

20 428. Plaintiff Ronda Vencil purchased the Products in the Sweet
21 Almond Mint variety between April-July 2015 based on representations made
22 by Dean in infomercials and by Defendants in print ads, particularly that many
23 celebrities use the Products, such as Alyssa Milano and Brooke Shields, and that
24 the Products make hair silkier, smoother, stronger and more healthy after just
25 one use. She also relied on Defendants' promise of a money back guarantee as
26 well as Dean's depictions of so-called "hair transformations." She used the
27 Products as instructed but suffered hair loss and damage and scalp irritation and
28 rash.

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1 429. Plaintiff Lisa Vides purchased the Products in the Sweet Almond
2 Mint variety between July-August 2012 after seeing multiple advertisements in
3 various mediums, particularly print ads in magazines, infomercials on television
4 as well as advertising on QVC. Vides relied on depictions of hair
5 transformations and representations that her hair would become shinier, fuller,
6 healthier, more manageable, smoother and otherwise model-perfect if she used
7 the Products. She also relied on Dean's claim that Alyssa Milano, Brooke
8 Shields, Christina Applegate and Jenny Garth use the Products. Finally, she
9 relied on claims made by Dean or, on information and belief, at Dean's
10 instruction or suggestion by celebrity endorsers, models or
11 advertisement/infomercial hosts, that the Products can be used on all hair types;
12 that whatever the hair type, WEN will work for the consumer; will cause your
13 hair to come alive; will change your life as soon as you begin using it; will be
14 unbelievably helpful to hair even after one use; use natural botanicals, herbs and
15 extracts; are the number 1 cleansing conditioners; are used by the stars of your
16 favorite shows; provide strength and manageability after just one use, should be
17 used in large amounts and cannot be used too much; are gentle enough to use
18 every day; replace your shampoo, conditioner, detangler, deep conditioner and
19 leave-in conditioner; clean without lathering, harsh chemicals or ingredients;
20 should replace all other hair products; and will not strip your hair of natural oils.
21 She used the Products on her daughter, R.V., as directed but R. V. suffered hair
22 loss at the crown and scalp irritation.

23 430. Plaintiff Kim Wallace purchased the Products in the Sweet Almond
24 Mint variety between October 2008-January 2009 based on representations
25 made by Dean in his infomercial the same or similar to those previously
26 identified as on the WEN website. She used the Products as directed but
27 suffered hair loss, damage and discoloration.

28 431. Plaintiff Katy Walker purchased the Products in the Pomegranate

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1 and Tea Tree varieties between June 2013-November 2013 online based on
2 representations by the Defendants in their various advertisements that the
3 Products would produce smoother, shinier, stronger, more manageable hair with
4 no frizz and were particularly helpful to consumers who sought to limit or repair
5 damage or potential damage to the hair caused by other hair treatments, such as
6 coloring or bleaching, or regular heat-based styling. More particularly, she
7 relied on representations made by Dean in infomercials that the Products are
8 free of harsh and harmful ingredients, that other shampoos and hair products
9 cause hair loss and damage, that because the Products do not contain these
10 ingredients, do not damage hair and, in fact, reverse hair loss and damage and
11 will make hair stronger and significantly improve the appearance and health of
12 hair after just a few uses. She also relied on depictions by Dean in the
13 infomercial of regrowth of thinning and damaged hair after just a short period of
14 time using the Products. She further relied on Dean's claim that celebrities use
15 the Products. Finally, Ms. Walker relied on representations by WEN customer
16 service representatives who, in calls she made to complain of hair loss, that the
17 Products would not cause such issues and that she must be using too little of the
18 Products and, later, that she was not properly rinsing the Products from her hair.
19 Contrary to their insinuations, she used the Products as instructed but suffered
20 hair loss and damage and scalp irritation and rash.

21 432. Plaintiff Summer Warren purchased the Products in the Sweet
22 Almond Mint variety between August 2014-October 2014 by phone based on
23 representations by Dean in an infomercial that the Products are 5-in-1 products,
24 cannot be used in excess and that using more is better, are all natural and free of
25 harsh chemicals, safe to use every day and will make your hair healthier and
26 more moisturized. She also relied on depictions of hair transformations. She
27 used the Products as directed but suffered hair loss, damage and discoloration as
28 well as a change in the texture of her hair.

1 433. Plaintiff Joanne Welch purchased the Products in the Sweet
2 Almond Mint variety between 2009-2015 online after seeing infomercials,
3 receiving an advertisement by mail and reading a pamphlet that came with an
4 introductory kit. She purchased and used the Products based on representations
5 the will strengthen hair, provide shine and vitality, and will not strip hair. She
6 used the Products as directed but suffered hair loss and damage and scalp
7 irritation and rash.

8 434. Plaintiff Shannon Wilkins purchased the Products in the Sweet
9 Almond Mint variety online, by phone and in the store between 2007-mid-2015
10 based on representations made by Dean in infomercials, particularly that the
11 Products do not strip hair like ordinary shampoos and leave hair soft, shiny and
12 manageable. She used the Products as directed but suffered hair loss and
13 damage and scalp irritation, damage and rash.

14 435. Plaintiff Natasha Whitney purchased the Products in the
15 Pomegranate variety between October 2014-March 2015 by phone after seeing
16 paid television programming in approximately August 2014 featuring Dean.
17 She relied on his representations that consumers should use more of the
18 Products for best results and that they are gentle enough for everyday use. She
19 also relied on depictions of hair transformations. She used the Products as
20 directed but suffered hair loss and scalp irritation and rash.

21 436. Plaintiff Pamela Wynn purchased the Products in the Fig,
22 SixThirteen and Pomegranate varieties between 2007-2013 online based on
23 representations, as described above in reference to the WEN website, by Dean
24 made on QVC and the WEN website. In addition, she relied on Dean's claims
25 that SixThirteen is "Wen on STEROIDS!! If you like the base formulas of
26 WEN, you'll LOVE SixThirteen!!" Dean also stated that SixThirteen contains
27 amino acids and is a stronger version of the other varieties of the Products. She
28 also relied on Dean's claims that consumers should mix varieties, which are

1 universal and for all hair types and that the Products should be left on
2 overnight, the longer they are left on hair, the more benefits. She used the
3 Products as directed but suffered hair loss and damage along with scalp irritation
4 and rash.

5 437. Plaintiff Alice Yell purchased the Products in the Sweet Almond
6 Mint variety between June 2014-January 2015 through the WEN website,
7 relying on representations made on the WEN website that the Products made
8 hair fuller, healthier, thicker and cleaner. She used the Products as directed but
9 suffered hair loss, breakage, poor hair condition, hair discoloration and scalp
10 irritation and rash.

11 438. Plaintiff Elizabeth Yoder purchased the Products in the
12 Pomegranate, Cucumber Aloe, Giger Pumpkin, Lavender, Sweet Almond Mint,
13 Tea Tree and Fig varieties between 2013-2015 through eBay and Amazon based
14 on representations made on the WEN website as previously described. She also
15 relied on representations made in flyers to the effect of the statements made on
16 the WEN website as well as promises that the Products make “locks look and
17 feel soft, beautiful, healthy with rejuvenated and moisturizing properties,” are
18 “[a]n instant pick me up” and provide a “gorgeous, beautiful, shiny, healthy
19 head of hair.” She used the Products as directed but suffered extreme hair loss,
20 scalp/facial irritation or rash.

21 439. Plaintiff Joelle Zurilgen purchased the Products in the Sweet
22 Almond Mint, Summer Peach, Gardenia, Winter Vanilla varieties between
23 December 2011-Present based on representations made by Dean in infomercials,
24 including claims that many celebrities use the Products, primarily Alyssa
25 Milano, Candice Accola and Ming-Na, that the Products create healthy,
26 revitalized hair and stimulate new growth. She also relied on depictions of hair
27 transformations which indicated her hair would be improved with just one use
28 and that the Products do not strip color and work well on ethnic hair. She

1 further relied on claims made by one or all of the defendants in an email from
2 Proactive about the Products in which it was claimed the Products are free of
3 harsh ingredients such as sulfates and that the Products do to strip hair's natural
4 oils. She used the Products as directed but suffered hair loss and damage.

5 440. With regard to the WEN-Only Plaintiffs, the following causes of
6 action are asserted only against WEN. All other Plaintiffs assert all claims
7 against all Defendants.

8 **FIRST CAUSE OF ACTION**

9 **(Breach of Express Warranty)**

10 441. Plaintiffs hereby incorporate the above allegations by reference as
11 though fully set forth herein.

12 442. Plaintiffs formed a contract with Defendants at the time they
13 purchased the Products. The terms of that contract include the promises and
14 affirmations of fact made by Defendants on the Products' packaging and
15 through marketing and advertising. This marketing and advertising constitute
16 express warranties and became part of the basis of the bargain, and are part of
17 the standardized contract between Plaintiffs and Defendants.

18 443. Defendants, through their advertising and packaging, create express
19 warranties that the Products were safe, effective, more effective than other
20 products on the market, sulfate-free hair cleansing and/or conditioning
21 treatments that limit or repair damage caused by other hair treatments.

22 444. All conditions precedent to Defendants' liability under this contract
23 were performed by Plaintiffs when they purchased and used the Products.

24 445. Defendants breached express warranties about the Products and
25 their qualities because their statements about the Products were false and the
26 Products do not conform to their affirmations and promises. Plaintiffs would not
27 have purchased the Products had they known the true nature of the Products and
28 the misstatements regarding what the Products are and what they contained.

1 commerce, are addressed to the market generally and otherwise implicate
2 consumer protection concerns.

3 454. As detailed above, Defendants, through its advertisements and
4 packaging, used unconscionable commercial practices, deception, fraud, false
5 promise and misrepresentation in connection with the marketing of the Products,
6 as alleged.

7 455. Defendants also knowingly concealed, suppressed, and consciously
8 omitted material facts to Plaintiffs and other consumers knowing that consumers
9 would rely on the advertisements and packaging and Defendants' uniform
10 representations to purchase the Products.

11 456. Once the defects in the Products and their tendency to cause hair
12 loss and other injuries despite proper application (or based upon foreseeable
13 misapplication) became apparent to Defendants, consumers (Plaintiffs) were
14 entitled to disclosure of that fact because a significant risk of hair loss and
15 damage would be a material fact in a consumer's decision-making process, and,
16 without Defendants' disclosure consumers would not necessarily know that
17 there is such a risk.

18 457. Defendants intended that Plaintiffs and other consumers would rely
19 on the continued deception by purchasing the Products, unaware of these
20 material facts and omissions. They knew that consumers would continue to rely
21 on the representations and their silence as to any known risk of hair loss and
22 other injuries as evidence that the Products were safe and would perform as
23 represented. This conduct, and Defendants' breaches of express and implied
24 warranties, constitutes consumer fraud within the meaning of the CUCS.

25 458. Defendants' material non-disclosure constitutes an unconscionable
26 commercial practice, deception, fraud, false promise, misrepresentation and/or
27 omission of material facts as to the nature of the goods in violation of the
28 CUCS.

1 459. In addition, upon information and belief, Defendants removed from
2 the Internet and social media sites unfavorable reviews of the Products that
3 would have warned consumers that the Products are dangerous. Similarly, also
4 upon information and belief, Defendants paid for false and misleading blogging
5 about the Products on the Internet and social media sites but failed to attribute
6 the false and misleading statements to Defendants or as advertising. These acts
7 also constitute a violation of the CUCS.

8 460. Defendants are the producing and proximate cause of Plaintiffs'
9 injuries.

10 **FOURTH CAUSE OF ACTION**

11 **(Violation of California False Advertising Law ("CFAL"))**

12 **Bus. & Prof. Code § 17500 et seq.)**

13 461. Plaintiffs hereby incorporate the above allegations by reference as
14 though fully set forth herein.

15 462. Plaintiffs, as purchasers of the Products, are consumers within the
16 meaning of the CFAL given that Defendants' business activities involve trade or
17 commerce, are addressed to the market generally and otherwise implicate
18 consumer protection concerns.

19 463. As detailed above, Defendants, through its advertisements and
20 packaging, used deception, fraud, false promise and misrepresentation in
21 connection with the marketing of the Products, as alleged.

22 464. Defendants also knowingly concealed, suppressed, and consciously
23 omitted material facts to Plaintiffs and other consumers knowing that consumers
24 would rely on the advertisements and packaging and Defendants' uniform
25 representations to purchase the Products.

26 465. Once the defects in the Products and their tendency to cause hair
27 loss and other injuries despite proper application (or based upon foreseeable
28 misapplication) became apparent to Defendants, consumers (Plaintiffs) were

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1 entitled to disclosure of that fact because a significant risk of hair loss and
2 damage would be a material fact in a consumer's decision-making process, and,
3 without Defendants' disclosure consumers would not necessarily know that
4 there is such a risk.

5 466. Defendants intended that Plaintiffs and other consumers would rely
6 on the continued deception by purchasing the Products, unaware of these
7 material facts and omissions. They knew that consumers would continue to rely
8 on the representations and their silence as to any known risk of hair loss and
9 other injuries as evidence that the Products were safe and would perform as
10 represented. This conduct constitutes false advertising within the meaning of the
11 CFAL.

12 467. Defendants' material non-disclosure constitutes deception, fraud,
13 false promise, misrepresentation and/or omission of material facts as to the
14 nature of the goods in violation of the CFAL.

15 468. In addition, upon information and belief, Defendants removed from
16 the Internet and social media sites unfavorable reviews of the Products that
17 would have warned consumers that the Products are dangerous. Similarly, also
18 upon information and belief, Defendants paid for false and misleading blogging
19 about the Products on the Internet and social media sites but failed to attribute
20 the false and misleading statements to Defendants or as advertising. These acts
21 also constitute a violation of the CFAL.

22 469. Defendants are the producing and proximate cause of Plaintiffs'
23 injuries.

24 **FIFTH CAUSE OF ACTION**

25 **(Negligence and/or Gross Negligence)**

26 470. Plaintiffs hereby incorporate the above allegations by reference as
27 though fully set forth herein.

28 471. Defendants owed Plaintiffs a duty to use due care in their

1 development, testing, planning, design, marketing and sale of the Products
2 offered for use by consumers.

3 472. Through their failure to exercise due care, Defendants breached
4 this duty by producing, processing, manufacturing, distributing and/or offering
5 for sale the Products in a defective condition that was unsafe for unsupervised
6 use at home by consumers.

7 473. Defendants breached their duty of care to Plaintiffs by failing to
8 use sufficient quality control, perform adequate research or testing, proper
9 manufacturing, production or processing, and failing to take sufficient
10 measures to prevent the Products from being offered for sale in an unsafe and
11 hazardous form.

12 474. Defendants further breached their duty of due care by failing to
13 properly and adequately inform consumers once safety concerns, including hair
14 loss and other injuries, were brought to the Defendants' attention, and further
15 breached their duty of care by failing to fully and appropriately discontinue the
16 sale of and recall the Products.

17 475. Defendants knew, or in the exercise of reasonable care should have
18 known, that the Products present an unacceptable risk to consumers, and would
19 result in damages that were foreseeable and reasonably avoidable.

20 476. As a direct and proximate result of Defendants' above-referenced
21 negligence and/or gross negligence, Plaintiffs have suffered and are entitled to
22 recover damages, both compensatory and punitive.

23 **SIXTH CAUSE OF ACTION**

24 **(Strict Liability)**

25 477. Plaintiffs hereby incorporate the above allegations by reference as
26 though fully set forth herein.

27 478. Defendants are producers, manufacturers, marketers, distributors
28 and/or sellers of the Products.

1 479. Defendants produced, manufactured, designed, marketed,
2 distributed and/or sold the Products that were defective in design or formulation
3 in that the Products are unreasonably dangerous and the foreseeable risks of
4 harm exceed the benefits associated with the design or formulation.

5 480. Defendants researched, produced, manufactured, designed,
6 marketed, distributed and/or sold the Products that were defective due to
7 inadequate warning, testing, study and/or reporting regarding the results of such
8 efforts.

9 481. Defendants produced, manufactured, designed, marketed,
10 distributed and/or sold the Products that are defective due to inadequate post-
11 market warning or instruction because, after Defendants knew or should have
12 known of the risk of injury from the Products, Defendants failed to immediately
13 provide adequate warnings to Plaintiffs and the public.

14 482. As the direct and legal result of the defective condition of the
15 Products as produced, manufactured, designed, marketed, distributed and/or
16 sold by Defendants, and of the negligence, carelessness, other wrongdoing and
17 actions of Defendants described herein, Plaintiffs suffered damages.

18 **ATTORNEYS' FEES, EXPENSES AND COSTS**

19 483. The foregoing paragraphs are incorporated by reference.

20 484. Plaintiffs have been forced to secure the assistance of counsel to
21 protect their legal rights and mitigate their damages as a result of the
22 Defendants' wrongful conduct.

23 485. Having made proper presentment and provided actual and sufficient
24 notice of their claims to Defendants, Plaintiffs seek recovery of their reasonable
25 attorneys' fees, expenses and costs pursuant to all applicable statutes, regulations
26 and agreements.

27 **PRAYER**

28 WHEREFORE Plaintiffs pray for Judgment against Defendants as

1 follows:

- 2 1. For an award of actual and consequential damages according to proof;
- 3 2. For an award of punitive damages according to proof;
- 4 3. For an award of reasonable attorneys' fees and costs incurred herein;
- 5 and;
- 6 4. For all other relief to which they may be justly entitled.

7 Dated: September 3, 2015

8 Respectfully submitted,

9 CHRISTIANSEN DAVIS, LLC
10 MURPHY ROSEN LLP

11 By: /s/ Amy E. Davis
12 Amy E. Davis
13 David E. Rosen
14 Attorneys for Plaintiffs

15 **DEMAND FOR JURY TRIAL**

16 Plaintiffs hereby demand trial by jury.

18 Respectfully submitted,

19 CHRISTIANSEN DAVIS, LLC
20 MURPHY ROSEN LLP

21 By: /s/ Amy E. Davis
22 Amy E. Davis
23 David E. Rosen
24 Attorneys for Plaintiffs

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