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FILED
Superior Court of California
County of Los Angeles

MAR 03 2016

Sherril R. Carter, Executive Officer/Clerk
By Shayla Chambers, Deputy

7
8 Attorneys for Plaintiff, DOLLA ELSUMERI,
an individual and on behalf of all others similarly situated

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
COUNTY OF LOS ANGELES

11 Case No. BC 6 1 2 5 8 3

12 **DOLLA ELSUMERI**, an individual and on
behalf of all others similarly situated,

CLASS ACTION

13
14 Plaintiff,

COMPLAINT FOR:

15 vs.

**1. Violation of Business and Professions Code
Section 17533.7 (False "Made in USA"
Claim)**

16
17 **J BRAND, INC.**, A California Corporation;
and DOES 1 through 100 inclusive,

**2. Violations of Business and Professions
Code Section 17200, et seq. (California's
Unfair Competition Law)**

18
19 Defendants.

DEMAND FOR JURY TRIAL

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21
22
23 Plaintiff Dolla Elsumeri (**Plaintiff**) brings this Class Action Complaint ("**Complain**
24 against Defendant J Brand, Inc. (**J Brand** or **Defendant**) to obtain redress for and end
25 Defendant's violations of California's Business & Professions Code, including
26 claim that its jeans are "Made in California, USA". Plaintiff, for her Complaint, alleges a
27 follows upon personal knowledge as to herself and her own acts and experiences, and as to
28 other matters, upon information and belief, including investigation conducted by her attorneys

RECEIPT #: CCH539179053
DATE PAID: 03/04/16 2:50 PM
PAYMENT: \$1,435.00
RECEIVED BY:
CHECK #: \$0.00
CASH: \$0.00
CHARGE: \$0.00
CARD: \$1,435.00

CIT/CASE: BC612583
LEA/DEF#:

1 **NATURE OF THE ACTION**

2 1. More than 50 years ago, California made it “unlawful for any person, firm,
3 corporation or association to sell or offer for sale in this State any merchandise on which
4 merchandise or on its container there appears the words ‘Made in USA,’ ‘U.S.A.’ or similar
5 words when the merchandise or any article, unit, or part thereof, has been entirely or
6 substantially made, manufactured, or produced outside of the United States.”

7 2. 50 years later, the law still endures. In 2011, the California Supreme Court held in
8 *Kwikset v. Superior Court* (2011) 51 Cal. 4th 310, 328-29:

9 Simply stated: labels matter. The marketing industry is based on the premise that
10 labels matter, that consumers will choose one product over another similar
11 product based on its label and various tangible and intangible qualities they may
12 come to associate with a particular source. . . . In particular, to some consumers,
13 the “Made in U.S.A.” label matters. A range of motivations may fuel this
14 preference, from the desire to support domestic jobs, to beliefs about quality, to
15 concerns about overseas environmental or labor conditions, to simple patriotism.
16 The Legislature has recognized the materiality of this representation by
17 specifically outlawing deceptive and fraudulent “Made in America”
18 representations. (§17533.7; see also Civ. Code, §1770, sub. (a)(4) [prohibiting
19 deceptive representations of geographic origin].) The object of section 17533.7
20 “is to protect consumers from being misled when they purchase products in the
21 belief that they are advancing the interests of the United States and its industries
22 and workers”

23 3. In 2016, the California Legislature clarified the law, permitting merchandise with
24 the words “Made in USA” to be offered for sale if no more than five percent of the product is
25 foreign made, or no more than ten percent is foreign made if the content could not be produced
26 or obtained domestically, regardless of cost.

27 4. Here, Defendant has deceived consumers and violated California law by
28 prominently placing the phrase “Made in California, USA” on its jeans when, upon information
and belief, its jeans are comprised of more than five percent imported material that could have
been made or obtained domestically. Specifically, the imported material of the jeans include but
are not limited to the fabric, thread, buttons, subcomponents of the zipper assembly, and/or
rivets.

5. As a result of Defendant’s violations of California law, consumers, including
Plaintiff, have been injured by being misled into paying for something they believed was

1 genuinely "Made in California, USA" when in reality it was not. Plaintiff and the Class
2 members are thus entitled to relief in the form of actual damages, injunctive and declaratory
3 relief, and attorneys' fees.

4 **PARTIES**

5 6. Plaintiff, Dolla Elsumeri, is an individual residing in Los Angeles, California.

6 7. Defendant, J Brand, Inc., is a California-based company that is organized and
7 exists under the laws of the State of California.

8 8. Plaintiff is ignorant of the true names and capacities of the defendants sued herein
9 as DOES 1-100, inclusive; therefore, Plaintiff sues these defendants by such fictitious names.
10 Plaintiff is informed and believes that each of the fictitious named defendants are legally
11 responsible in some manner for the occurrences herein alleged, assisted in and about the wrongs
12 complained herein by providing financial support, advice, resources, or other assistance.
13 Plaintiff will amend the complaint to allege their true names and capacities when ascertained.

14 **JURISDICTION AND VENUE**

15 9. This Court has jurisdiction over this matter because Defendant is incorporated in
16 California.

17 10. Venue is proper pursuant to the Code of Civil Procedure Section 395 and 395.5,
18 Business & Professions Code Sections 17203 and 17204, and Civil Code Section 1780(c)
19 because Defendant does business in Los Angeles County and Plaintiff's transaction took place in
20 Los Angeles County.

21 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

22 11. Plaintiff incorporates by reference the foregoing allegations as if fully set forth
23 herein.

24 12. As an industry leader in the fashion world, J Brand is a designer and manufacturer
25 of jean products and other apparel. J Brand products are distributed in over 2,000 leading
26 department stores and specialty boutiques in over 20 countries, with a large presence in
27 California and the United States. One of the products J Brand manufactures and sells in
28 California (either directly or through California retailers) is the "Skinny Stretch" style of jeans

1 purchased by Plaintiff in Los Angeles in 2015.

2 13. J Brand manufactures, markets, and/or sells its "Skinny Stretch" style of jeans,
3 and on information and belief, its other apparel products that have printed on the product itself
4 and the product packaging the claim: "Made in California, USA".

5 14. Despite the "Made in California, USA" claim, upon information and belief, J
6 Brand's jeans and other apparel products are comprised of more than five percent imported
7 material that could have been made or obtained domestically. Specifically, the imported material
8 of the jeans include but are not limited to the fabric, thread, buttons, subcomponents of the zipper
9 assembly, and/or rivets.

10 15. By labeling its apparel products with the "Made in California, USA" claim, J
11 Brand misleadingly and deceptively conceals the material facts at issue herein by failing to
12 disclose on its apparel products the true facts regarding the country of origin of the product. The
13 disclosure of this information is necessary to make J Brand's representation not misleading. J
14 Brand possesses superior knowledge of the true facts, which were not disclosed to Plaintiff and
15 the other class members, thereby tolling the running of any applicable statute of limitations.

16 16. California consumers are particularly vulnerable to these deceptive practices.
17 Most consumers have little to no knowledge of the country of origin of product, including the
18 component parts therein, and must rely on labels. Consumers must be able to trust that products,
19 including the component parts, that are claimed to be "Made in California, USA" are not in fact
20 made or produced in foreign countries. This is a material fact in many consumers' buying
21 decisions, as they believe they are supporting American companies and jobs, or just generally
22 being patriotic by buying American. Either way, it materially impacts whether or not consumers
23 purchase the product.

24 17. Consumers generally believe that products "Made in the USA", especially "Made
25 in California, USA", are of higher quality than their foreign-manufactured counterparts. Due to
26 Defendant's scheme to deceive the market, consumers were deceived into purchasing
27 Defendant's products at inflated prices. On information and belief, and during the entirety of the
28 relevant four-year statutory time period, Defendant charged inflated prices for J Brand products,

1 in comparison to their competitors, based on the false "Made in California, USA" designation.
2 California law is designed to protect consumers from this type of false representation and
3 predatory conduct. Defendant's scheme to deceive consumers is ongoing and will victimize
4 consumers each and every day until altered by judicial intervention.

5 **PLAINTIFF'S TRANSACTION**

6 18. Plaintiff purchased the J Brand "Skinny Stretch" style jeans in Los Angeles in
7 2015. At the time of purchase, the product itself was marked with a "Made in California, USA"
8 state and country of origin designation label. At the time of the purchase, this label was unlawful
9 under California law because more than 5 percent of the J Brand jean was from imported
10 material that could have been produced or obtained domestically.

11 19. In each case, when Plaintiff, and Class Members, purchased the J Brand "Skinny
12 Stretch" style jean, they relied upon J Brand's "Made in California, USA" representation in their
13 purchasing decision, which is typical of most California consumers, and they were deceived as a
14 result of J Brand's actions.

15 20. These purchasing decisions were supported by the "Made in California, USA"
16 representation made by J Brand that is not made by most of J Brand's competitors. Absent the
17 "Made in California USA" designation, Plaintiff would not have purchased J Brand at all or
18 would have purchased it less frequently and would have paid less for it. In fact, Plaintiff
19 believed at the time she purchased the "Skinny Stretch" style jeans that she was supporting U.S.
20 jobs and the U.S. economy, particularly in her home state of California.

21 21. Plaintiff suffered an "injury in fact" because Defendant took Plaintiff's money as
22 a result of Defendant's false "Made in California, USA" labels set forth on the "Skinny Stretch"
23 style jeans. Furthermore, she was injured by paying for something she believed was genuinely
24 manufactured in the USA – specifically in California – when it was not.

25 22. U.S.-made products, especially those made in California, are subject to strict
26 regulatory requirements, such as environmental, labor, and safety standards. Foreign-made
27 products are not subject to the same California and U.S. manufacturing standards and are often
28 inherently of lower quality than their U.S.-made counterparts. Foreign-made products are also

1 routinely less reliable and durable than U.S.-made products. As such, the "Skinny Stretch" style
2 of jeans are of inferior quality due to J Brand's decision to include foreign made component parts
3 within.

4 23. Accordingly, and on information and belief, the offending J Brand apparel
5 products, made with foreign-made component parts, are of inferior quality, less reliable, and fail
6 more often than if the product was truly made from 100% American-made component parts.

7 24. Simply put, the "Skinny Stretch" style brand of jeans is not worth the purchase
8 price paid. The precise amount of damages will be proven at time of trial, in large part, by expert
9 testimony.

10 25. Plaintiff and Class Members were undoubtedly injured as a result of Defendant's
11 false "Made in California, USA" representations that are at issue in this litigation.

12 **CLASS ACTION ALLEGATIONS**

13 26. Plaintiff incorporates by reference the foregoing allegations as if fully set forth
14 herein.

15 27. **Class Definitions:** Plaintiff brings this class action on behalf of herself and a
16 Class of similarly situated individuals, defined as follows:

17 all persons in California who purchased one or more of Defendant J Brand's apparel
18 products during the relevant four-year statutory time period that bore a "Made in
19 California, USA" country of origin designation but that contained foreign-made
20 component parts (the "Class").

21 Excluded from the Class are the Court and its employees; Defendant, Defendant's agents,
22 subsidiaries, parents, successors, predecessors, and any entity in which Defendant or its parent
23 have a controlling interest, and those entities' current and former employees, officers, and
24 directors; persons who execute and file a timely request for exclusion; persons who have had
25 their claims in this matter finally adjudicated and/or otherwise released; and the legal
26 representatives, successors, and assigned of any such excluded person.

27 28. **Numerosity:** The exact number of Class members is unknown to Plaintiff at this
28 time, but it is clear that joinder of each individual member is impractical. Defendant sells

1 millions of dollars worth of jeans and apparel each year in California. Plaintiff believes that
2 there are hundreds of thousands of Class members located in the State of California.

3 29. **Commonality:** Common questions of fact and law exist as to all members of the
4 Class for which this proceeding will provide common answers in a single stroke, including, but
5 not limited to:

6 (a) Whether J Brand participated in, or committed the wrongful conduct
7 alleged herein;

8 (b) Whether J Brand's acts, transactions, or course of conduct constitute the
9 violations of law alleged herein;

10 (c) Whether the Class members sustained and/or continue to sustain damages
11 by reason of J Brand's conduct, and, if so, the proper measure and appropriate formula to be
12 applied in determining such damages; and

13 (d) Whether the Class members are entitled to injunctive or other equitable
14 relief.

15 30. **Typicality:** As a result of J Brand's uniform disclosures and conduct, Plaintiff
16 and the Class members suffered the same injury and similar damages. Thus, Plaintiff's claims
17 are typical of the claims and of the other Class members.

18 31. **Adequate Representation:** Plaintiff is a member of the Class and both she and
19 her counsel will fairly and adequately represent and protect the interests of the Class, as neither
20 has interests adverse to those of the Class members and J Brand has no defenses unique to
21 Plaintiff. In addition, Plaintiff has retained competent counsels that are experienced in complex
22 litigation. Further, Plaintiffs and their counsel are committed to vigorously prosecuting this
23 action on behalf of the Class members, and they have the financial resources to do so.

24 32. **Injunctive and Declaratory Relief:** In using uniform labeling that violated
25 California law, J Brand has acted or refused to act on grounds generally applicable to the Class
26 as a whole so as to render injunctive and declaratory relief appropriate. J Brand's uniform
27 conduct requires the Court's imposition of uniform relief to ensure compatible standards of
28 conduct toward the Class members, thus making final injunctive and/or declaratory relief

1 appropriate with respect to the Class as a whole. Further, because Defendant's uniform practices
2 result in similar, if not identical, injuries to all Class members, Plaintiff's challenge of those
3 practices hinges on J Brand's conduct with respect to the Class, not on facts or law applicable
4 only to Plaintiff.

5 33. **Predominance:** The common questions of law and fact set forth above go to the
6 very heart of the controversy and predominate over any supposed individualized questions.
7 Regardless of any given Class member's situation, the answer to whether J Brand's "Made in
8 California, USA" claim is unlawful is the same for each Class member and will be proven using
9 common evidence.

10 34. **Superiority and Manageability:** A class action is the superior method for the fair
11 and efficient adjudication of this controversy, because joinder of all Class members is
12 impracticable. Because the damages suffered by individual Class members may be relatively
13 small, the expense and burden of litigation would prevent class members from individually
14 redressing the wrongs done to them. Where, as here, the size and nature of individual Class
15 members' claims would allow few, if any, members of those Classes to seek legal redress against
16 Defendant for the wrongs complained of herein, a representative class action is both the
17 appropriate vehicle by which to adjudicate these claims and is essential to the interests of justice.
18 Furthermore, a class action regarding the issues in this action creates no significant problems of
19 manageability. Further, class-wide adjudication will also ensure a uniform decision for the Class
20 members whereas the alternative may result in inconsistent verdicts should there be several
21 successive and differing trials.

22 35. Plaintiff reserves the right to revise the definition of the Class as necessary based
23 upon information learned in discovery.

24 **FIRST CAUSE OF ACTION**

25 **VIOLATION OF BUSINESS & PROFESSIONS CODE §17533.7**

26 **(ON BEHALF OF PLAINTIFF AND THE CLASS)**

27 36. Plaintiff incorporates by reference the foregoing allegations as if fully set forth
28 herein.

1 37. California Business & Professions Code Section 17533.7 provides:

2 (a) It is unlawful for any person, firm, corporation or association to sell or offer
3 for sale in this State any merchandise on which merchandise or on its container
4 there appears the words "Made in U.S.A.," "Made in America," "U.S.A.," or
5 similar words when the merchandise or any article, unit, or part thereof, has been
entirely or substantially made, manufactured, or produced outside of the united
states.

6 (b) This section shall not apply to merchandise made, manufactured, or produced
7 in the United States that has one or more articles, units, or parts from outside of
8 the United States, if all of the articles, units, or parts of the merchandize obtained
9 from outside of the United States constitutes not more than 5 percent of the final
wholesale value of the manufactured product.

10 (c) (1) This section shall not apply to merchandise made, manufactured, or
11 produced in the United States that has one or more articles, units, or parts from
outside of the United States, if both of the following apply:

12 (A) The manufacturer of the merchandise shows that it can neither produce the
13 article, unit, or part within the United States nor obtain the article, unit, or part of
the merchandise from a domestic source.

14 (B) All of the articles, units, or parts of the merchandise obtained from outside the
15 United States constitute not more than 10 percent of the final wholesale value of
16 the manufactured product.

17 (2) The determination that the article, unit, or part of the merchandise cannot be
18 made, manufactured, produced, or obtained within the United States from a
domestic source shall not be based on the cost of the article, unit, or part.

19 (d) This section shall not apply to merchandise sold for resale to consumers
20 outside of California.

21 (e) For purposes of this section, merchandise sold or offered for sale outside of
22 California shall not be deemed mislabeled if the label conforms to the law of the
forum state or country within which they are sold or offered for sale.

23
24 38. J Brand violated California Business & Professions Code Section 17533.7 by
25 selling and offering to sell merchandise in California with the "Made in California, USA" label
26 when in fact more than 5 percent of J Brand merchandise was made of imported material that
27 could have been obtained or produced domestically.

28 39. On information and belief, J Brand labeled its merchandise with "Made in
California, USA" with the awareness of the fact that such labeling was flawed under California

1 law, and was motivated by increased profits.

2 40. As a direct and proximate result of J Brand's violations of Business & Professions
3 Code Section 17533.7, Plaintiff and Class members are entitled to restitution of excess monies
4 paid to J Brand by Plaintiff and Class members relating to the false "Made in California, USA"
5 claims on Defendant's J Brand apparel products.

6 41. Plaintiff and Class members suffered an "injury in fact" because their money was
7 taken by J Brand as a result of J Brand's false "Made in California, USA" claims set forth on the
8 J Brand apparel products.

9 42. Accordingly, Plaintiff and the Class members seek damages, reasonable costs and
10 attorneys' fees, an injunction against further violations, a declaration that Defendant's conduct is
11 unlawful, and a *cy pres* payment to a non-profit organization protecting California consumer
12 rights and/or truth in advertising.

13 **SECOND CAUSE OF ACTION**

14 **VIOLATION OF BUSINESS & PROFESSIONS CODE § 17200 *ET SEQ.***

15 **(ON BEHALF OF PLAINTIFF AND THE CLASS)**

16 43. Plaintiff incorporates by reference the foregoing allegations as if fully set forth
17 herein.

18 44. California's Business & Professions Code section 17200 *et seq.* ("UCL") protects
19 both consumers and competitors by promoting fair competition in commercial markets for goods
20 and services.

21 45. The UCL prohibits any unlawful and unfair business acts or practices. A business
22 practice need only satisfy one of these prongs to be considered a violation of Section 17200.

23 46. J Brand has violated the "unlawful" prong of the UCL. As set forth above, J
24 Brand's conduct violates California law, specifically the "Made in USA" law under Section
25 17533.7 of the Business & Professions Code. Plaintiff and the Class members have suffered
26 damages as a result of such unlawful conduct as described herein.

27 47. J Brand has also violated the "unfair" prong of the UCL by placing the statement
28 "Made in California, USA" on its jeans and apparel products when in fact not all components of

1 its jeans were made in California and more than 5 percent of the J Brand merchandise was made
2 of imported materials that could have been produced or obtained domestically. The injuries
3 caused by J Brand's unfair conduct are not outweighed by any countervailing benefits, and
4 consumers could not reasonably have avoided them.

5 48. J Brand's unlawful and unfair conduct occurred in the course of J Brand's
6 business practices.

7 49. Plaintiff and the Class members have suffered harm in the form of monetary
8 damages as a proximate result of J Brand's unlawful and unfair conduct.

9 50. Plaintiff seeks an order (i) enjoining J Brand from continuing to engage in the
10 unlawful and unfair conduct described herein, (ii) awarding Plaintiff and the Class members all
11 appropriate damages, and (ii) awarding them reasonable costs and attorneys' fees.

12 **PRAYER**

13 WHEREFORE, Plaintiff, on behalf of herself and the Class, respectfully requests the
14 following relief:

15 A. Certifying this case as a class action on behalf of the Class defined above,
16 appointing Plaintiff as class representative and appointing her counsel as class counsel;

17 B. Declaring that J Brand's actions, as set out above, constitute violations of
18 California law;

19 C. Awarding damages, and punitive damages where applicable, to Plaintiffs and the
20 Class in amounts to be determined at trial;

21 D. Awarding injunctive and other equitable relief as is necessary to protect the
22 interests of the Class, inter alia: (i) an order prohibiting J Brand from engaging in the wrongful
23 and unlawful acts described herein; and (ii) requiring J Brand to correct its false labeling and
24 implement a correct advertising campaign;

25 E. Awarding Plaintiff and the Class their reasonable litigation expenses and
26 attorneys' fees;

27 F. Awarding Plaintiff and the Class pre and post-judgment interest, to the extent
28 allowable;

1 G. Providing such other injunctive and/or declaratory relief as is necessary to protect
2 the interests of Plaintiff and the Class;

3 H. Requiring J Brand to make a *cy pres* payment to a consumer rights non-profit
4 organization dedicated to the education of consumers and truth in advertising; and

5 I. Awarding such other and further relief as equity and justice may require.
6

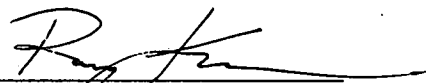
7 **DEMAND FOR JURY TRIAL**

8 Plaintiff hereby demands a trial by jury for all claims so triable.

9 ***

10 Respectfully submitted,

11 KERMANI LLP

12 
13 Ramin Kermani-Nejad
14 Attorneys for Plaintiff

15 DATED: March 4, 2016
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address):

FOR COURT USE ONLY

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FILED
Superior Court of California
County of Los Angeles

MAR 03 2016

Sherri R. Carter, Executive Officer/Clerk
By Ishayla Chambers, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill Street
MAILING ADDRESS: 111 N. Hill Street
CITY AND ZIP CODE: Los Angeles, 90012
BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:
Dolla Elsumeri v. J Brand, Inc., et al.

CIVIL CASE COVER SHEET

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

Complex Case Designation

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

CASE NUMBER:

BC 6 1 2 5 8 3

JUDGE:

DEPT:

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

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

Auto Tort

Auto (22)
Uninsured motorist (46)

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

Asbestos (04)
Product liability (24)
Medical malpractice (45)
Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07)
Civil rights (08)
Defamation (13)
Fraud (16)
Intellectual property (19)
Professional negligence (25)
Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36)
Other employment (15)

Contract

Breach of contract/warranty (06)
Rule 3.740 collections (09)
Other collections (09)
Insurance coverage (18)
Other contract (37)

Real Property

Eminent domain/Inverse condemnation (14)
Wrongful eviction (33)
Other real property (26)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38)

Judicial Review

Asset forfeiture (05)
Petition re: arbitration award (11)
Writ of mandate (02)
Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)
Construction defect (10)
Mass tort (40)
Securities litigation (28)
Environmental/Toxic tort (30)
Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)
Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)
Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. Substantial amount of documentary evidence
d. Large number of witnesses
e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify):

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 3/1/16

Ramin Kermani-Nejad

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

<p>Auto Tort</p> <ul style="list-style-type: none"> Auto (22)—Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) <i>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <ul style="list-style-type: none"> Asbestos (04) <ul style="list-style-type: none"> Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability <i>(not asbestos or toxic/environmental)</i> (24) Medical Malpractice (45) <ul style="list-style-type: none"> Medical Malpractice—Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) <ul style="list-style-type: none"> Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PI/PD/WD <p>Non-PI/PD/WD (Other) Tort</p> <ul style="list-style-type: none"> Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) <i>(not civil harassment)</i> (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) <ul style="list-style-type: none"> Legal Malpractice Other Professional Malpractice <i>(not medical or legal)</i> Other Non-PI/PD/WD Tort (35) <p>Employment</p> <ul style="list-style-type: none"> Wrongful Termination (36) Other Employment (15) 	<p>Contract</p> <ul style="list-style-type: none"> Breach of Contract/Warranty (06) <ul style="list-style-type: none"> Breach of Rental/Lease Contract <i>(not unlawful detainer or wrongful eviction)</i> Contract/Warranty Breach—Seller Plaintiff <i>(not fraud or negligence)</i> Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty <p>Collections (e.g., money owed, open book accounts) (09)</p> <ul style="list-style-type: none"> Collection Case—Seller Plaintiff Other Promissory Note/Collections Case <p>Insurance Coverage (not provisionally complex) (18)</p> <ul style="list-style-type: none"> Auto Subrogation Other Coverage <p>Other Contract (37)</p> <ul style="list-style-type: none"> Contractual Fraud Other Contract Dispute <p>Real Property</p> <ul style="list-style-type: none"> Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) <ul style="list-style-type: none"> Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property <i>(not eminent domain, landlord/tenant, or foreclosure)</i> <p>Unlawful Detainer</p> <ul style="list-style-type: none"> Commercial (31) Residential (32) Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</i> <p>Judicial Review</p> <ul style="list-style-type: none"> Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) <ul style="list-style-type: none"> Writ—Administrative Mandamus Writ—Mandamus on Limited Court Case Matter Writ—Other Limited Court Case Review Other Judicial Review (39) <ul style="list-style-type: none"> Review of Health Officer Order Notice of Appeal—Labor Commissioner Appeals 	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</p> <ul style="list-style-type: none"> Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims <i>(arising from provisionally complex case type listed above)</i> (41) <p>Enforcement of Judgment</p> <ul style="list-style-type: none"> Enforcement of Judgment (20) <ul style="list-style-type: none"> Abstract of Judgment (Out of County) Confession of Judgment <i>(non-domestic relations)</i> Sister State Judgment Administrative Agency Award <i>(not unpaid taxes)</i> Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case <p>Miscellaneous Civil Complaint</p> <ul style="list-style-type: none"> RICO (27) Other Complaint <i>(not specified above)</i> (42) Declaratory Relief Only Injunctive Relief Only <i>(non-harassment)</i> Mechanics Lien Other Commercial Complaint Case <i>(non-tort/non-complex)</i> Other Civil Complaint <i>(non-tort/non-complex)</i> <p>Miscellaneous Civil Petition</p> <ul style="list-style-type: none"> Partnership and Corporate Governance (21) Other Petition <i>(not specified above)</i> (43) <ul style="list-style-type: none"> Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition
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SHORT TITLE:

Elsumeri v. J Brand, Inc., et al.

CASE NUMBER

BC 612583

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

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

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

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 5 HOURS/ DAYS

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

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

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

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.3.

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

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. 2. May be filed in central (other county, or no bodily injury/property damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides. | <ol style="list-style-type: none"> 6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office 11. Mandatory Filing Location (Hub Case) |
|---|---|

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

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

SHORT TITLE:

Elsumeri v. J Brand, Inc., et al.

CASE NUMBER

Non-Personal Injury/Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property
Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	2., 5., 6, 11 2., 5, 11 5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE:

Elsumeri v. J Brand, Inc., et al.

CASE NUMBER

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

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

<p>REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.</p> <p><input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.</p>	<p>ADDRESS: Class Action to be filed at Stanley Mosk Courthouse, Central District 111 N. Hill Street.</p>			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 2px;">CITY: Los Angeles</td> <td style="width: 33%; padding: 2px;">STATE: CA</td> <td style="width: 33%; padding: 2px;">ZIP CODE: 90012</td> </tr> </table>	CITY: Los Angeles	STATE: CA	ZIP CODE: 90012	
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012		

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Central Civil West courthouse in the Central _____ District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.3, subd.(a).

Dated: 3/1/16



 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/15).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

03/04/2016