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METHOD PRODUCTS, PBC

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11
12
13 CARLO LABRADO, an individual, on behalf
of himself and others similarly situated

14 Plaintiff,

15 v.

16 METHOD PRODUCTS, PBC

17 Defendant.
18

Case No.: _____

**DEFENDANT METHOD PRODUCTS,
PBC'S NOTICE OF REMOVAL TO
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

(San Francisco Superior Court
Case No. CGC-16-554143)

1 **TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR**
2 **THE NORTHERN DISTRICT OF CALIFORNIA:**

3 PLEASE TAKE NOTICE THAT Defendant Method Products, PBC (“Method”) hereby
4 removes the above-entitled action to this Court from the Superior Court of the State of California,
5 County of San Francisco, pursuant to the Class Action Fairness Act, 28 U.S.C. §§ 1332, 1441 and
6 1446, and in support thereof states as follows:

7 **I. REMOVAL IS TIMELY.**

8 1. Plaintiff Carlo Labrado (“Plaintiff”) filed a civil action captioned *Carlo Labrado, an*
9 *individual on behalf of himself and others similarly situated v. Method Products, PBC*, Superior
10 Court of the State of California, County of San Francisco, Case No. CGC-16-554143 (“*Labrado*”
11 or the “State Action”) on September 8, 2016.

12 2. Method was served with the Complaint in *Labrado* on September 16, 2016. *See*
13 Complaint, Civil Case Cover Sheet, and summons executed by the Clerk of the Superior Court of
14 California, San Francisco County, attached hereto at **Exhibit 1**; *see also* Proofs of Service of
15 Summons upon Method, attached hereto at **Exhibit 2**. On October 12, 2016 Method filed an
16 answer generally denying the allegations in *Labrado*. *See Exhibit 3*. These papers are the only
17 process, pleadings or orders that have been served on Method in *Labrado* as of the date of this
18 Notice of Removal.

19 3. This Notice of Removal is being filed within thirty (30) days after Plaintiff served
20 the Complaint upon Method; it is timely under 28 U.S.C. § 1446(b) and Fed. R. Civ. P. 6(a)(1)(C).

21 4. Promptly after filing this Notice of Removal with the United States District Court
22 for the Northern District Court of California, Method will file a copy of this Notice of Removal
23 with the Clerk of the Superior Court of San Francisco County, California, and serve notice on
24 Plaintiff, as required by 28 U.S.C. § 1446(d).

25 **II. GROUNDS FOR REMOVAL.**

26 5. As more fully explained below, this Court has jurisdiction over this Action pursuant
27 to the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d), because:
28

1 a. *Labrado* is a “class action” as defined by 28 U.S.C. § 1332(d)(1)(B), filed on behalf
2 of a putative class of consumers who purchased any of a number of Method products enumerated in
3 the Complaint during the four years prior to the filing of the Complaint;

4 b. The amount in controversy based on the aggregation of the proposed class
5 members’ alleged claims exceeds \$5,000,000.00, exclusive of interest and costs (28 U.S.C.
6 § 1332(d)(2) and (6)); and

7 c. There is minimal diversity. Specifically, at least one member of the proposed
8 class is a citizen of a different state than Method. 28 U.S.C. § 1332(d)(2)(A)-(B).

9 **III. SUBJECT MATTER JURISDICTION EXISTS IN THIS COURT.**

10 6. Plaintiff’s Complaint alleges that Method violated California’s Unfair Competition
11 Law (Cal. Bus. & Prof. Code § 17200 *et seq.*), False Advertising Law (Cal. Bus. & Prof. Code
12 § 17500, *et seq.*), and Consumers Legal Remedies Act (Cal. Civ. Code § 1750, *et seq.*) because
13 Method’s products are labeled as “natural,” “naturally derived,” “plant-based,” “non-toxic,” and
14 “hypoallergenic” but allegedly contain ingredients that are not “natural,” “naturally derived,”
15 “plant-based,” “non-toxic,” or “hypoallergenic.” *See* Complaint, Ex. 1 ¶ 1.

16 7. Plaintiff sued on behalf of himself as well as a putative class pursuant to Cal. Code
17 of Civ. Proc. § 382 and Cal. Civ. Code § 1781 and has defined the members of the class to consist
18 of “all persons in the State of California who, within four years prior to the filing of this Complaint,
19 purchased Defendant’s products.” *See* Complaint, Ex. 1 ¶ 33.

20 8. There are more than 100 members of the putative class.

21 9. Cal. Code of Civ. Proc. § 382 and Cal. Civ. Code § 1781, pursuant to which Plaintiff
22 proceeds in state court on a class-wide basis, are state statutes similar to Rule 23 of the Federal Rules of
23 Civil Procedure. Accordingly, Plaintiff’s State Action is a “class action” as defined in 28 U.S.C. § 1453
24 and 28 U.S.C. § 1332(d)(1)(B).¹

25
26 _____
27 ¹ Method does not agree that Plaintiff’s claims are appropriate for class treatment in any
28 form and reserves the right to make all available arguments in that regard in opposition to
any motion for class certification that Plaintiff may file.

1 **IV. MINIMAL DIVERSITY OF CITIZENSHIP EXISTS.**

2 10. District courts have subject matter jurisdiction over a “class action,” as defined in 28
3 U.S.C. § 1453 and 28 U.S.C. § 1332(d)(1)(B), where, *inter alia*, “any member of a class of plaintiffs is a
4 citizen of a State different from any defendant[.]” *See* 28 U.S.C. § 1332(d)(2)(A).

5 11. Method maintains its principal place of business in California, and accordingly, is a
6 citizen of California.

7 12. Plaintiff’s Complaint does not limit the putative class to citizens of California as of the
8 date the Complaint was filed, but rather defines the putative class to include, “all persons in the State of
9 California who, within four years prior to the filing of this Complaint, purchased Defendant’s
10 products.” *See* Complaint, Ex. 1 ¶ 33. Accordingly, the putative class includes, among other
11 persons, citizens of states other than California who were in California when they purchased
12 Method products; persons who are former citizens of California who were located in California at
13 the time they purchased Method products, but who as of the date the Complaint was filed were no
14 longer citizens of California; and persons who are not citizens of the United States who were in
15 California when they purchased Method products.

16 13. Accordingly, one or more members of the putative class are citizens of a State that is
17 different from that of the Defendant, Method.

18 **V. THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED.**

19 14. District courts have subject matter jurisdiction over a “class action,” as defined in 28
20 U.S.C. § 1453 and 28 U.S.C. § 1332(d)(1)(B), where, *inter alia*, “the matter in controversy exceeds
21 the sum or value of \$5,000,000, exclusive of interest and costs.” *See* 28 U.S.C. § 1332(d)(2).
22 Pursuant to 28 U.S.C. § 1332(d)(6), the claims of each putative class member can be aggregated to
23 determine whether the amount in controversy requirement is satisfied. Based on the allegations in
24 Plaintiff’s Complaint and the nature of the relief Plaintiff seeks, the amount in controversy
25 requirement is satisfied.

26 15. Plaintiff’s Complaint seeks relief on behalf of “all persons in the State of California
27 who, within four years prior to the filing of this Complaint, purchased Defendant’s products.” *See*
28 Complaint, Ex. 1, at ¶ 33.

1 16. Plaintiff alleges that he purchased Method products at a Target store in Lemon
2 Grove, California, ranging in price from \$2.99 to \$12.99. *See* Complaint, Ex. 1, at ¶ 26. Defendant
3 seeks to recover, *inter alia*, the “monies paid to Defendants for the products,” any order as may be
4 necessary to “disgorge Defendant’s ill-gotten gains and to restore to any person in interest any
5 monies paid for the products.” *See* Complaint, Ex. 1, at ¶¶ 57-58, 82 and prejudgment interest, *id.*
6 ¶ 59, plus attorneys’ fees, *id.* ¶ 59 and punitive damages. *Id.* ¶ 86.

7 17. Plaintiff also seeks injunctive relief, including, *inter alia*, an order enjoining Method
8 from “continuing to market, advertise, distribute and sell” its products in the “unlawful manner
9 described herein” and ordering Method to “engage in corrective action.” *Id.* at ¶ 86, Prayer (C). As
10 alleged, this would obligate Method to change its product formulas and/or its labeling, and to
11 remove all products within the scope of the Complaint from stores in California.

12 18. Plaintiff does not specifically allege the total amount of damages that he seeks for
13 himself or on behalf of the putative class. Defendant has no obligation to venture beyond the
14 pleadings to try to calculate the amount in controversy. *Kuxhausen v. BMW Fin. Servs. NA LLC*,
15 707 F.3d 1136, 1140 (9th Cir. 2013).

16 19. Nevertheless, Method has made a reasonable determination that more than
17 \$5,000,000 worth of Method products were sold in California stores during the putative class
18 period. Moreover, Plaintiff’s request for monetary relief based on actual sales of Method products
19 during the entire Class Period will exceed \$5,000,000. Accordingly, the matter in controversy
20 exceeds the sum or value of \$5,000,000, exclusive of interests and costs. *See* 28 U.S.C.
21 § 1332(d)(2).

22 20. Plaintiff also prays for attorneys’ fees as permitted by law. Complaint ¶ 86, Prayer
23 (D). Attorneys’ fees can be taken into account in determining the amount in controversy if a statute
24 authorizes fees to a successful litigant,” *see Goldberg v. CPC International Inc.*, 678 F.2d 1365,
25 1367 (9th Cir. 1982), and here, the CLRA permits prevailing plaintiffs to recover attorneys’ fees
26 under certain circumstances. *See* Civ. Code §§ 1780(e), 1794(d). Plaintiff’s request for attorneys’
27 fees and injunctive relief will increase the amount in controversy, and indeed, the requirement that
28 Method products in California be recalled and destroyed or relabeled is likely to increase the

1 amount in controversy substantially. *See e.g., Mora v. Harley-Davidson Credit Corp.*, 2009 WL
2 464465, *5 (E.D. Cal. Feb. 24, 2009) (denying motion to remand and including aggregate value of
3 injunctive relief as part of amount in controversy calculation). Method is informed and believes
4 that these additional claims for relief will independently, or in combination with the requested
5 monetary relief, exceed \$5,000,000.

6 **VI. VENUE**

7 21. Venue is proper in this district pursuant to 28 U.S.C. § 1441(a).

8 **VII. NOTICE**

9 22. Method will promptly serve this Notice of Removal on all parties and will promptly
10 file a copy of this Notice of Removal with the clerk of the state court in which this action has been
11 pending. *See* 28 U.S.C. § 1446(d).

12 **VIII. CONCLUSION**

13 23. Method respectfully removes this action to this Court. Should Plaintiff assert any
14 challenge to removal, Method requests the opportunity to present evidence in the form of a brief
15 supported by an affidavit or other admissible evidence in support of its Notice of Removal, and to
16 present brief oral argument in support of its argument that jurisdiction is proper in this Court. *See,*
17 *e.g., Altamirano v. Shaw Indus., Inc.*, 2013 U.S. Dist. LEXIS 84236, at *9-10 (N.D. Cal. 2013)
18 (recognizing that, “[a] court may properly consider evidence the removing party submits in its
19 opposition to remand, even if this evidence was not submitted with the original removal petition”)
20 (citing *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 840 n.1 (9th Cir. 2002)); *see also Willingham v.*
21 *Morgan*, 395 U.S. 402, 407 n.3 (1969) (“[I]t is proper to treat the removal petition as if it had been
22 amended to include the relevant information contained in the later-filed affidavits.”)

23 Dated: October 12, 2016

ARNOLD & PORTER LLP

24
25 By: /s/Trenton H. Norris
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28 *Attorneys for Defendant Method Products, PBC*

EXHIBIT 1

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

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

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**
METHOD PRODUCTS, PBC

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
CARLO LABRADO, an individual, on behalf of himself and others
similarly situated

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California, County of San Francisco, 400 McAllister Street, San Francisco, CA 94102-4514

CASE NUMBER:
(Número del Caso):

CGC-16-554143

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
KamberLaw, LLP, 401 Center Street, Suite 111, Healdsburg, CA 95448; (760) 795-8529

DATE:
(Fecha) SEP 08 2016

CLERK OF THE COURT

Clerk, by
(Secretario)

Arlene Ramos
ARLENE RAMOS

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

BY FAX

1 Deborah Kravitz (SBN 275661)
2 Email: dkravitz@kamberlaw.com
3 Naomi B. Spector (SBN 222573)
4 Email: nspector@kamberlaw.com
5 Christopher D. Moon (SBN 246622)
6 Email: cmoon@kamberlaw.com
7 **KAMBERLAW, LLP**
8 401 Center Street, Suite 111
9 Healdsburg, California 95448
10 Phone: 760.795.8529
11 Fax: 212.202.6364

12 *Attorneys for Carlo Labrado*
13 *and All Others Similarly Situated*

F I L E D
Superior Court of California
County of San Francisco

SEP 08 2016

CLERK OF THE COURT

BY: Adina Ramon
Deputy Clerk

14 **SUPERIOR COURT OF CALIFORNIA**
15 **COUNTY OF SAN FRANCISCO**

16 **CARLO LABRADO**, an individual,
17 on behalf of himself and others
18 similarly situated **Plaintiffs,**

19 vs.

20 **METHOD PRODUCTS, PBC,**
21 **Defendant.**

Case No.: **CGC -16-554143**

CLASS ACTION

CLASS ACTION COMPLAINT FOR

- 1. **UNFAIR AND UNLAWFUL BUSINESS ACTS AND PRACTICES (CAL. BUS & PROF. CODE §17200 ET SEQ.);**
- 2. **DECEPTIVE ADVERTISING PRACTICES CAL. BUS & PROF. CODE §§ 17500, ET SEQ.); AND**
- 3. **CONSUMER LEGAL REMEDIES ACT (CAL. CIV. CODE § 1750, ET SEQ.);**

DEMAND FOR JURY TRIAL

22 ///

23 ///

24 ///

25 ///

BY FAX

1 Plaintiff Carlo Labrado, individually and on behalf of all others similarly situated in the State
2 of California, by and through his undersigned counsel and pursuant to California Code of Civil
3 Procedure § 472, hereby files this Class Action Complaint, alleging against Defendant Method
4 Products, PBC (collectively, “Defendant” or “Method”), as follows:

5 **I. NATURE OF THE ACTION**

6 1. This case arises out of Defendant’s unlawful merchandising practices with respect to
7 its cleaning and personal care products, which Defendant falsely and deceptively labels and advertises
8 as being natural, naturally derived, plant-based, non-toxic and/or hypoallergenic (collectively, the
9 “Products”). Contrary to Defendant’s representations, the Products contain ingredients that are
10 synthetic, and are therefore not natural, nor naturally derived. In addition, the Products contain
11 ingredients that are not plant-based, not hypoallergenic and/or that are toxic. The Products include,
12 but are not limited to, the following Method-branded products: Foaming Hand Wash; Foaming Hand
13 Wash Refill; Hand Wash; Gel Hand Wash Refill; Dish + Hand Soap; Foaming Body Wash; All
14 Purpose Surface Cleaner; Wood for Good Daily Clean; Smarty Dish; Smarty Dish Plus; Daily
15 Shower; Laundry Detergent; Fabric Softener; Natural Tub + Tile Cleanser; Dish Soap; Dish Soap
16 Refill; and Daily Granite.

17 2. Defendant has capitalized on consumers’ desire for natural and non-toxic products.
18 Consumers are willing to pay and have paid a premium to purchase Defendant’s Products based on
19 the false material representations that the Products are natural, naturally derived, plant-based,
20 hypoallergenic, and non-toxic.

21 3. As a result of its unlawful and deceptive conduct, Defendant has obtained substantial
22 profits from its sales of the Products, and has retained these profits.

23 4. Plaintiff Carlo Labrado (“Mr. Labrado”) individually and on behalf of those similarly
24 situated, brings this class action against Defendant for violations of California’s consumer protection
25 laws. Plaintiff seeks damages, interest thereon, reasonable attorneys’ fees and costs, injunctive relief,
26 restitution, other equitable relief, and disgorgement of all benefits Defendant has enjoyed from its
27 unlawful and deceptive business practices, as detailed here. Plaintiff makes these allegations based
28 on his personal knowledge as to himself and his own acts and observations and, otherwise, on

1 information and belief based on investigation of his counsel.

2 **II. THE PARTIES**

3 5. Plaintiff Carlo Labrado is a resident of Lemon Grove, California, who purchased the
4 Products during the four (4) years prior to the filing of this Complaint (“the Class Period”).

5 6. Defendant Method Products, PBC, is a corporation organized and existing under the
6 laws of the State of California, with its principal place of business in San Francisco, California.
7 Defendant promoted, marketed and sold the Products at issue herein in this jurisdiction and in this
8 judicial district.

9 7. The unfair, unlawful, deceptive, and misleading advertising and labeling of the
10 Products was prepared and/or approved by Defendant and its agents, and was disseminated by
11 Defendant and its agents through labeling and advertising containing the misrepresentations alleged
12 herein.

13 **III. JURISDICTION AND VENUE**

14 8. Jurisdiction is proper in this Court because Defendant’s principal place of business is
15 located in this jurisdiction, and the acts complained of herein emanated from California. In addition,
16 at all relevant times, Defendant regularly and systematically transacted business in the State of
17 California, and derived and derives substantial revenue from transactions with California residents.

18 9. Pursuant to the California constitution, Article VI §10, this Court has jurisdiction over
19 all causes of action asserted herein.

20 10. Venue is proper in this Court pursuant to California Code of Civil Procedure § 395.5.
21 Defendant is headquartered in this district and Defendant committed the wrongful acts alleged herein
22 in this jurisdiction.

23 **IV. FACTUAL ALLEGATIONS**

24 **A. Defendant’s Representations about the Products Are False and Misleading**

25 11. Method manufactures, markets, promotes, advertises, and sells home cleaning and
26 personal care products, including hand and body lotions, household cleansers and laundry detergents.¹

27 _____
28 ¹ <http://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=20480799> (last visited Sept. 6, 2016).

1 12. Method claims to be “one of the fastest-growing private companies in America” and is
2 “single-handedly turning the consumer-packaged-goods industry on its head.”² The
3 methodhome.com website touts Defendant’s “green” story and creates a perception of a company that
4 invests in consumer and environmental health by eliminating the use of toxic chemicals and
5 ingredients from its products. Method states that it is a “b corporation,” which aims “to create a new
6 sector of the economy to solve social and environmental problems. b corps are unlike traditional
7 responsible businesses because they meet comprehensive, transparent standards and legally integrate
8 stakeholder interests into their corporate governance.” As of August 2013, Defendant reincorporated
9 as a public benefit corporation.³

10 13. Under the heading “what we do” on the methodhome.com website, Defendant states
11 “from ethical ingredient sourcing and cutting-edge green chemistry to recycled + recyclable
12 packaging – it’s all good.” Under the heading “who we are,” Defendant states “we are **people**
13 **against dirty**. Together, we’re committed to making the planet, and our homes, a cleaner place.”⁴

14 14. In describing the company’s story, Defendant states that the founders knew how to
15 make cleaning products “without any dirty ingredients” and that they “set out to save the world and
16 create an entire line of home care products that were more powerful than a bottle of sodium
17 hypochlorite. gentler than a thousand puppy licks. able to detox homes in a single afternoon.”⁵

18 15. Furthermore, on the “our promise” page of the methodhome.com website, Defendant
19 states that it creates “happy homes” that are “safe for people, pets + the planet” and that Method is a
20 “a global leader” of “change – for people, the environment and our communities.”⁶

21 16. In describing its philosophy, Defendant states, “We prefer ingredients that come from
22 plants, not chemical plants.”⁷ “happy, healthy homes are our mission. homes where potentially toxic
23 chemicals don’t lurk beneath your sinks or lay in wait on your surfaces. homes where clean doesn’t

24
25 ² <http://methodhome.com/about-us/our-story/> (last visited Sept. 6, 2016).

26 ³ <http://methodhome.com/beyond-the-bottle/our-business/> (last visited Sept. 7, 2016).

27 ⁴ <http://methodhome.com>

28 ⁵ <http://methodhome.com/about-us/our-story/>

⁶ <http://methodhome.com/about-us/our-promise/>

⁷ *Id.*

1 come with eye-watering, breath-holding side effects. happy, healthy homes are the result of
2 eliminating dirt with products formulated from naturally derived ingredients, safe for your family +
3 furry companions.”⁸

4 17. The methodhome.com website also has an “ingredients” page where Defendant
5 purports to tout the safety of the Method-brand products. Among other things, Defendant states “we
6 follow the precautionary principle: if there’s a chance an ingredient isn’t safe, we don’t use it.
7 period.” Defendant also claims that it doesn’t use “dirty ingredients” and that the preservatives that
8 are used are “effective, safe + biodegradable.”⁹

9 18. Defendant labels its Products consistent with its brand image, and prominently
10 displays terms such as “naturally derived” or “non-toxic” on the front of the Product packaging. Two
11 examples of the Product labeling are as follows:



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⁸ *Id.*

⁹ <http://methodhome.com/beyond-the-bottle/ingredients/>

1 19. Despite every attempt to brand itself as a “natural,” “safe,” and “healthy” company,
 2 the ingredients contained in Defendant’s Products are neither natural, nor safe.

3 20. While Method labels and advertises a majority of its cleaning and personal care
 4 products as natural, naturally derived, plant-based, non-toxic and/or hypoallergenic, these
 5 representations are materially false, misleading and deceptive because the Products contain
 6 ingredients which are synthetic, toxic, and/or known allergens, as described below:

PRODUCT	LABEL CLAIMS	SYNTHETIC AND/OR TOXIC INGREDIENTS
Foaming Hand Wash; Foaming Hand Wash Refill	Naturally derived	Sodium lauryl sulfate Sodium Citrate Glycerin Tocopheryl Acetate Methylisothiazolinone Methylchloroisothiazolinone Fragrance
Gel Hand Wash; Gel Hand Wash Refill	Naturally derived	Sodium lauryl sulfate Sodium Citrate Glycerin Tocopheryl Acetate Methylisothiazolinone Methylchloroisothiazolinone Fragrance Colorant
Foaming Body Wash	Naturally derived	Sodium lauryl sulfate Glycerin Tocopheryl Acetate Methylisothiazolinone Methylchloroisothiazolinone Fragrance Colorant
All Purpose Surface Cleaner	Naturally derived; natural; non-toxic plant-based powergreen technology	Fragrance Colorant
Wood for Good Daily Clean	Non-toxic, plant-based	Methylisothiazolinone Fragrance Colorant

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Smarty Dish Dishwasher Tabs; Smarty Dish Plus Dishwasher Tabs	Naturally derived; Non-toxic	TAED (tetra-acetyl ethylene diamine) Poloxamer 181 Sodium Citrate Fragrance Colorants (Smarty Dish Plus)
Daily Shower Cleaner	Natural; non-toxic plant-based powergreen technology	Benzisothiazolinone Fragrance Colorant
Laundry Detergent	Naturally derived; hypoallergenic	Sodium lauryl sulfate Glycerin Calcium Chloride Sodium Citrate Distyrylbiphenolsulfonate Phenoxyethanol Polyester Methylisothiazolinone Benzisothiazolinone Monoisopropylanolamine Fragrance
Bathroom Cleaner	Non-toxic plant-based powergreen technology	Methylisothiazolinone Methylchloroisothiazolinone Fragrance
Dish + Hand Soap	Non-toxic plant-based powergreen technology	Glycerin Sodium lauryl sulfate Methylisothiazolinone Methylchloroisothiazolinone Fragrance
Dish Soap; Dish Soap Refill	Non-toxic plant-based powergreen technology	Glycerin Sodium lauryl sulfate Methylisothiazolinone Methylchloroisothiazolinone Fragrance Colorant
Daily Granite	Non-toxic plant-based, no harsh chemicals	Benzisothiazolinone Fragrance
Fabric Softener	Naturally derived	Methylisothiazolinone Benzisothiazolinone Sodium Citrate Fragrance

The ingredients contained in the Products include:

- 1 A. Methylisothiazolinone: Is a preservative and EPA-registered pesticide.¹⁰ Methylisothiazolinone
 2 is used to control slime-forming bacteria, fungi, and algae.¹¹ It has been shown that
 3 Methylisothiazolinone is toxic and allergenic.¹² Defendant admits on its website that this
 4 ingredient is made from synthetic materials.¹³
- 5 B. Methylchloroisothiazolinone: Is a preservative and is a common cause of allergic contact
 6 dermatitis.¹⁴ Defendant admits on its website that this ingredient is made from synthetic
 7 materials.¹⁵
- 8 C. Benzisothiazolinone: Defendant admits on its website that this ingredient is made from synthetic
 9 materials.¹⁶
- 10 D. Sodium lauryl sulfate: Is a synthetic chemical surfactant and is used in certain pesticides.¹⁷
 11 Sodium lauryl sulfate is manufactured in a multi-step, non-natural process. First, the coconut oil
 12 fatty acids are reduced into lauryl alcohol.¹⁸ Sulfur trioxide or chlorosulfonic acid is added to the
 13 lauryl alcohol by a sulfation process.¹⁹ The mixture is then neutralized with a cation source, often
 14 using sodium hydroxide, sodium carbonate, or sodium bicarbonate to form SLS.²⁰ The SLS is
 15 then purified with one or more solvents.²¹ Because of this chemical processing, SLS is not
 16 considered to be created by naturally occurring biological processes.²²
- 17 E. Sodium Citrate: Is manufactured by the neutralization of citric acid with sodium hydroxide or
 18 sodium carbonate and subsequent crystallization²³ and is recognized in Federal Regulations as a
 19 synthetic.²⁴

20 ¹⁰ <https://archive.epa.gov/pesticides/reregistration/web/pdf/3092fact.pdf> (last visited Sept. 7, 2016);
 21 <https://archive.epa.gov/pesticides/reregistration/web/pdf/3092.pdf> (last visited Sept. 7, 2016).

22 ¹¹ *Id.*

23 ¹² *Id.*; <http://www.ncbi.nlm.nih.gov/pubmed/24420805/> (last visited Sept. 7, 2016);
 24 <https://www.ncbi.nlm.nih.gov/pubmed/11722483?dopt=Abstract> (last visited Sept. 7, 2016)..

25 ¹³ <http://methodhome.com/beyond-the-bottle/ingredients/> (last visited Sept. 6, 2016).

26 ¹⁴ <http://www.ncbi.nlm.nih.gov/pubmed/24420805> (last visited Sept. 7, 2016).

27 ¹⁵ <http://methodhome.com/beyond-the-bottle/ingredients/> (last visited Sept. 6, 2016).

28 ¹⁶ <http://methodhome.com/beyond-the-bottle/ingredients/> (last visited Sept. 6, 2016).

¹⁷ <https://www.ams.usda.gov/sites/default/files/media/S%20Lauryl%20report.pdf> (last visited Sept. 7, 2016); ;
<http://blogs.wsj.com/briefly/2016/03/10/honest5things/> (last visited Sept. 7, 2016).

¹⁸ <https://www.ams.usda.gov/sites/default/files/media/S%20Lauryl%20report.pdf> (last visited Sept. 7, 2016).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf> (last visited ASept. 7, 2016);
<http://www.cargillfoods.com/lat/en/products/acidulants-citrates/sodium-citrate/index.jsp> (last visited Sept. 6, 2016)

²⁴ 7 C.F.R. §205.605(b)

- 1 F. Glycerin: Is produced by hydrolysis of fats and oils, and is recognized in Federal Regulations as
a synthetic.²⁵
- 2 G. Tocopheryl Acetate: Is a chemical compound that consists of acetic acid and tocopherol and
3 tocopherols are recognized in Federal Regulations as a synthetic.²⁶
- 4 H. Distyrylbiphenolsulfonate: Defendant admits on its website that this ingredient is made from
5 synthetic materials.²⁷
- 6 I. Monoisopropylanolamine: Defendant admits on its website that this ingredient is made from
7 synthetic materials.²⁸
- 8 J. Phenoxyethanol: Is a preservative and can depress the central nervous system and may cause
vomiting and diarrhea in infants.²⁹ Defendant admits on its website that this ingredient is made
9 from synthetic materials.³⁰
- 10 K. Polyester: Defendant admits on its website that this ingredient is made from synthetic materials.³¹
- 11 L. Poloxamer 181: Is a surfactant or cleaning agent. Defendant admits on its website that this
12 ingredient is made from synthetic materials.³²
- 13 M. Tetra-acetyl ethylene diamine (TAED): Defendant admits on its website that this ingredient is
made from synthetic materials and is "not persistent in the environment."³³
- 14 N. Poloxamer 181: Defendant admits on its website that this ingredient is made from synthetic
15 materials and is "not persistent in the environment."³⁴
- 16 O. Fragrance: Defendant admits on its website that this ingredient is made from synthetic
17 materials.³⁵
- 18 P. Colorant: Defendant admits on its website that this ingredient is made from synthetic materials.³⁶

19 ²⁵See 7 C.F.R. §205.605(b);
20 <https://www.ams.usda.gov/sites/default/files/media/Glycerin%20Petition%20to%20remove%20TR%202013.pdf> (last
visited Sept. 7, 2016).

21 ²⁶ 7 C.F.R. §205.605(b)

22 ²⁷ <http://methodhome.com/beyond-the-bottle/ingredients/> (last visited Sept. 6, 2016).

23 ²⁸ *Id.*

24 ²⁹ <http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/2008/ucm116900.htm> (last visited Sept. 7, 2016).

25 ³⁰ *Id.*

26 ³¹ *Id.*

27 ³² *Id.*

28 ³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

1 21. 7 U.S.C. § 6502(21) defines the term “synthetic” as “a substance that is formulated or
2 manufactured by a chemical process or by a process that chemically changes a substance extracted
3 from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to
4 substances created by naturally occurring biological processes.”

5 22. Reasonable consumers, including Plaintiff, expect a product that is labeled or
6 advertised as being “natural” or “naturally derived” to be free from synthetic ingredients.

7 23. Likewise, reasonable consumers, including Plaintiff, expect a product that is labeled or
8 advertised as being non-toxic, plant-based or hypoallergenic to be free from toxins and allergens.

9 24. Contrary to Defendant’s material representations and omissions made on the labels
10 and in advertising, the Products contain ingredients which are synthetic, toxic, and/or known
11 allergens.

12 25. Based on Defendant’s material misrepresentations and omissions, consumers have
13 purchased the Products to their detriment.

14 **B. Plaintiff Purchased Defendant’s Misbranded Products**

15 26. During the last two years, Mr. Labrado purchased a number of Products at a Target
16 store in Lemon Grove, California. The Products purchased by Mr. Labrado include, but are not
17 limited to: Method Foaming Body Wash with Aloe + Vitamin E in sea mist for \$4.99; Method
18 Rebecca Atwood naturally derived hand wash in pumpkin clove for \$3.49; Method naturally derived
19 foaming hand wash in juicy pear for \$2.99; Method Dish Soap in clementine for \$2.99; and Method
20 4x concentrated Laundry Detergent in key lime & coconut for \$12.99.

21 27. At the time Plaintiff purchased the Products, Plaintiff did not know, and had no reason
22 to know, that the Product labels and advertising were misleading, deceptive and unlawful as set forth
23 herein. Plaintiff would not have purchased the Products, or would have purchased them on different
24 terms, if he had known the truth.

25 28. Defendant intended for consumers—such as Plaintiff—to be exposed to and rely on
26 the false material representations described herein.

27 29. Plaintiff relied on Defendant’s representations in making the decision to purchase the
28 Products described herein.

1 30. As a result of Defendant's unlawful and misleading representations and omissions,
2 Plaintiff and thousands of similarly situated consumers purchased the Products at issue, and paid
3 more for them than they would have if they had known the truth about the synthetic ingredients.

4 31. Defendant's labeling, advertising and marketing as alleged herein is false and
5 misleading and was designed to increase sales of the Products at issue. Defendant's material
6 misrepresentations and omissions are part of an extensive labeling, advertising and marketing
7 campaign, and a reasonable person would attach importance to Defendant's misrepresentations and
8 omissions in determining whether to purchase the Products at issue.

9 32. Defendant's representations that the Products are natural, naturally derived, plant-
10 based, non-toxic and/or hypoallergenic induced consumers—including Plaintiff and Class
11 members—to pay a premium for the Products.

12 **V. CLASS DEFINITION AND CLASS ALLEGATIONS**

13 33. Plaintiff brings this action as a class action pursuant to California Civil Code § 1781
14 and California Code of Civil Procedure § 382 on behalf of himself, on behalf of all others similarly
15 situated and as members of the Class, defined as follows:

16 All persons in the State of California who, within four years prior to the
17 filing of this Complaint, purchased Defendant's Products ("the Class")

18 34. Excluded from the Class are: (i) Defendant, its assigns, successors, and legal
19 representatives; (ii) any entities in which Defendant has controlling interests; (iii) federal, state,
20 and/or local governments, including, but not limited to, their departments, agencies, divisions,
21 bureaus, boards, sections, groups, counsels, and/or subdivisions; (iv) all persons presently in
22 bankruptcy proceedings or who obtained a bankruptcy discharge in the last three years; and (v) any
23 judicial officer presiding over this matter and person within the third degree of consanguinity to such
24 judicial officer.

25 35. Pursuant to California Rule of Court 3.760 *et seq.*, Plaintiff reserves the right to amend
26 or otherwise alter the class definition presented to the Court at the appropriate time, or to propose or
27 eliminate sub-classes, in response to facts learned through discovery, legal arguments advanced by
28 Defendant, or otherwise.

1 36. This action is properly maintainable as a class action for the reasons set forth below.

2 37. **Numerosity**: Members of the Class are so numerous that joinder of all members is
3 impracticable. While the exact number of Class members is presently unknown, and can only be
4 ascertained through appropriate discovery, Plaintiff believes the number of Class members are in the
5 thousands of persons, if not more.

6 38. **Common Questions Predominate**: Common questions of law and fact exist as to all
7 members of the Class. These questions predominate over any questions affecting only individual
8 class members. Thus, proof of a common set of facts will establish the right of each Class member to
9 recover. Questions of law and fact common to each Class member include, among others:

- 10 • Whether, contrary to Defendant's uniform, material representations and omissions, the
11 Products are not natural and/or not naturally derived, and/or not plant-based and/or are
12 toxic;
- 13 • Whether Defendant engaged in unlawful, unfair or deceptive business practices by
14 advertising and selling its Products;
- 15 • Whether Defendant violated California Bus. & Prof. Code § 17200, *et seq.*; Cal. Bus.
16 & Prof. Code § 17500, *et seq.*; and the Consumers Legal Remedies Act, Cal. Civ.
17 Code § 1750, *et seq.*; and
- 18 • Whether Plaintiff and the Class are entitled to equitable and/or injunctive relief.

19 39. **Typicality**: Plaintiff's claims are typical of the claims of the members of the Class he
20 seeks to represent because Plaintiff, like the Class members, purchased Defendant's misbranded
21 Products. Defendant's unlawful, unfair and/or fraudulent actions concern the same business practices
22 described herein, uniformly directed to all consumers, irrespective of where they occurred or were
23 experienced. Plaintiff and the Class sustained similar injuries arising out of Defendant's conduct in
24 violation of California law. Plaintiff and the members of the Class he represents sustained the same
25 types of damages and losses. Plaintiff's claims arise from the same practices and course of conduct
26 that give rise to the claims of the Class members and are based on the same legal theories.

27 ///

28 ///

1 40. **Adequacy:** Plaintiff is an adequate representative of the Class he seeks to represent
2 because his interests do not conflict with the interests of the Class members Plaintiff seeks to
3 represent. Plaintiff has retained highly competent counsel experienced in complex class action
4 litigation, and Plaintiff intends to prosecute this action vigorously. Plaintiff and Plaintiff's counsel
5 have the necessary financial resources to adequately and vigorously litigate this class action, and the
6 interests of members of the Class will be fairly and adequately protected by Plaintiff and his counsel.

7 41. **Superiority and Substantial Benefit:** The class action is superior to other available
8 means for the fair and efficient adjudication of Plaintiff's and the Class members' claims. The
9 damages suffered by each individual Class member may be limited. Damages of such magnitude are
10 small given the burden and expense of individual prosecution of the complex and extensive litigation
11 necessitated by Defendant's conduct. Further, it would be virtually impossible for the Class members
12 to redress the wrongs done to them on an individual basis. Even if members of the Class themselves
13 could afford such individual litigation, the court system could not. Individualized litigation increases
14 the delay and expense to all parties and the court system, due to the complex legal and factual issues
15 of the case. By contrast, the class-action device presents far fewer management difficulties, and
16 provides the benefit of single adjudication, economy of scale, and comprehensive supervision by a
17 single court.

18 42. Certification of this class action is appropriate under California Civil code § 1781 and
19 California Code of Civil Procedure § 382 because the questions of law or fact common to the
20 respective members of the Class predominate over questions of law or fact affecting only individual
21 members. Certification is also appropriate because Defendant has acted or refused to act on grounds
22 generally applicable to the Class, thereby making appropriate final injunctive or equitable relief with
23 respect to the Class as a whole.

24 43. Certification of Plaintiff's claims for class-wide treatment is also appropriate because
25 Plaintiff can prove the elements of his claims on a class-wide basis using the same evidence as would
26 be used to prove those elements in individual actions alleging the same claims.

27 44. Plaintiff and Plaintiff's counsel are unaware of any difficulties that are likely to be
28 encountered in the management of this action that would preclude its maintenance as a class action.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

**Unfair and Unlawful Business Acts and Practices
(Business and Professions Code § 17200, *et seq.*)**

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2
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4 45. Plaintiff re-alleges and incorporates by reference the allegations contained in the
5 preceding paragraphs of this complaint, as though fully set forth herein.

6 46. Defendant's conduct constitutes an unfair business act and practice pursuant to
7 California Business & Professions Code §§ 17200, *et seq.* (the "UCL"). The UCL provides, in
8 pertinent part: "Unfair competition shall mean and include unlawful, unfair or fraudulent business
9 practices and unfair, deceptive, untrue or misleading advertising"

10 47. Plaintiff brings this claim seeking equitable and injunctive relief to stop Defendant's
11 misconduct, as complained of herein, and to seek restitution of the amounts Defendant acquired
12 through the unfair, unlawful, and fraudulent business practices described herein.

13 48. Defendant's conduct, as alleged herein, constitutes an "unfair" and/or "fraudulent"
14 business practice, as set forth in California Business & Professions Code §§ 17200-17208.

15 49. Defendant's conduct was and continues to be unfair and fraudulent because, directly or
16 through its agents and employees, Defendant made false material representations and omissions to
17 Plaintiff and members of the Class that were likely to deceive and did deceive Plaintiff and members
18 of the Class into purchasing the Products. Defendant misrepresented and made materially false
19 statements and omissions about the Products being natural, naturally derived, plant-based and/or non-
20 toxic, when in fact they do not have these characteristics.

21 50. Defendant is aware that the claims and omissions it has made about the Products were
22 and continue to be false and misleading.

23 51. Defendant had an improper motive—to derive financial gain at the expense of
24 accuracy or truthfulness—in its practices related to the labeling and marketing of the Products.

25 52. There were reasonable alternatives available to Defendant to further Defendant's
26 legitimate business interests, other than the conduct described herein.

27 53. Defendant's misrepresentations and omissions of material facts, as set forth herein,
28 also constitute an "unlawful" practice because they violate California Civil Code §§ 1572, 1573,

1 1709, 1710, 1711, and 1770, as well as the common law.

2 54. Defendant's conduct in making the representations described herein constitutes a
3 knowing failure to adopt policies in accordance with and/or adherence to applicable laws, as set forth
4 herein, all of which are binding upon and burdensome to its competitors. This conduct engenders an
5 unfair competitive advantage for Defendant, thereby constituting an unfair business practice under
6 California Business & Professions Code §§ 17200-17208.

7 55. In addition, Defendant's conduct was, and continues to be, unfair, in that the injury to
8 countless purchasers of the Products is substantial, and is not outweighed by any countervailing
9 benefits to consumers or to competitors.

10 56. Moreover, Plaintiff and members of the Class could not have reasonably avoided such
11 injury. Defendant's material representations and omissions regarding the Products were likely to
12 deceive, and Defendant knew or should have known that its uniform representations and omissions
13 were untrue and misleading. Plaintiff purchased the Products in reliance on the representations made
14 by Defendant, as alleged herein.

15 57. Plaintiff and members of the Class have been directly and proximately injured by
16 Defendant's conduct in ways including, but not limited to, the monies paid to Defendant for the
17 Products that lacked the characteristics advertised, interest lost on those monies, and consumers'
18 unwitting support of a business enterprise that promotes deception and undue greed to the detriment
19 of consumers, such as Plaintiff and members of the Class.

20 58. As a result of the business acts and practices described above, Plaintiff and members
21 of the Class, pursuant to § 17203, are entitled to an Order enjoining such future wrongful conduct on
22 the part of Defendant and such other Orders and judgments that may be necessary to disgorge
23 Defendant's ill-gotten gains and to restore to any person in interest any money paid for the Products
24 as a result of the wrongful conduct of Defendant.

25 59. Pursuant to Civil Code § 3287(a), Plaintiff and the Class are further entitled to pre-
26 judgment interest as a direct and proximate result of Defendant's unfair and fraudulent business
27 conduct. The amount on which interest is to be calculated is a sum certain and capable of calculation,
28 and Plaintiff and the Class are entitled to interest in an amount according to proof.

SECOND CAUSE OF ACTION
Deceptive Advertising Practices
(California Business & Professions Code §§ 17500, *et seq.*)

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2
3 60. Plaintiff re-alleges and incorporates by reference the allegations contained in the
4 preceding paragraphs of this complaint, as though fully set forth herein.

5 61. California Business & Professions Code § 17500 prohibits “unfair, deceptive, untrue
6 or misleading advertising”

7 62. Defendant violated § 17500 when it represented, through its false and misleading
8 advertising, and other express representations, that Defendant’s Products possessed characteristics
9 and value that they did not actually have.

10 63. Defendant’s deceptive practices were specifically designed to induce reasonable
11 consumers like Plaintiff and members of the Class to purchase the Products. Defendant engaged in
12 marketing efforts to reach Plaintiff and the members of the Class to induce them to purchase the
13 Products. Defendant’s material representations and omissions regarding the Products were likely to
14 deceive, and Defendant knew or should have known that its uniform representations and omissions
15 were untrue and misleading. Plaintiff purchased the Products in reliance on the representations made
16 by Defendant, as alleged herein.

17 64. Plaintiff and members of the Class would not have purchased the Products at a
18 premium had it not been for Defendant’s misrepresentations of material facts. Plaintiff and members
19 of the Class were denied the benefit of the bargain when they decided to purchase the Products over
20 competitor products. Had Plaintiff and members of the Class been aware of the false and misleading
21 advertising tactics, they would have paid less than what they paid for the Products, or they would not
22 have purchased them at all.

23 65. The above acts of Defendant, in disseminating material misleading and deceptive
24 representations and statements throughout California to consumers, including Plaintiff and members
25 of the Class, were and are likely to deceive reasonable consumers in violation of § 17500.

26 66. In making and disseminating the statements alleged herein, Defendant knew or should
27 have known that the statements were untrue or misleading, and acted in violation of § 17500.

28 67. Defendant continues to engage in unlawful, unfair and deceptive practices in violation

1 of §17500 to induce consumers to purchase the Products.

2 68. As a direct and proximate result of Defendant's unlawful conduct in violation of §
3 17500, Plaintiff and members of the Class, pursuant to § 17535, are entitled to an Order of this Court
4 enjoining such future wrongful conduct on the part of Defendant, and requiring Defendant to disclose
5 the true nature of its misrepresentations.

6 69. Plaintiff and members of the Class also request an Order requiring Defendant to
7 disgorge its ill-gotten gains and/or award full restitution of all monies wrongfully acquired by
8 Defendant by means of such acts of false advertising, plus interests and attorneys' fees.

9 **THIRD CAUSE OF ACTION**
10 **Violation of Consumer Legal Remedies Act**
11 **(Cal. Civ. Code § 1750, *et seq.*)**

12 70. Plaintiff re-alleges and incorporates by reference the allegations contained in the
13 preceding paragraphs of this complaint, as though fully set forth herein.

14 71. Plaintiff brings this action pursuant to California's Consumer Legal Remedies Act
15 ("CLRA"), Cal. Civ. Code § 1750, *et seq.*

16 72. The CLRA provides that "unfair methods of competition and unfair or deceptive acts
17 or practices undertaken by any person in a transaction intended to result or which results in the sale or
18 lease of goods or services to any consumer are unlawful."

19 73. The Products are "goods," as defined by the CLRA in California Civil Code §1761(a).

20 74. Defendant is a "person," as defined by the CLRA in California Civil Code §1761(c).

21 75. Plaintiff and members of the Class are "consumers," as defined by the CLRA in
22 California Civil Code §1761(d).

23 76. Purchase of the Products by Plaintiff and members of the Class are "transactions," as
24 defined by the CLRA in California Civil Code §1761(e).

25 77. Defendant violated Section 1770(a)(5) by representing that its Products have
26 "characteristics . . . uses [or] benefits" which they do not have. Specifically, as described herein,
27 Defendant falsely represents that its Products are, for example, "natural," "naturally derived," made
28 from "non-toxic plant based technology" and "non-toxic." Defendant knows that consumers will
often pay more for products that are natural and non-toxic, and Defendant has unfairly profited from

1 its false and misleading claims.

2 78. Likewise, Defendant violated section 1770(a)(7) by representing that the Products are
3 “of a particular standard, quality, or grade . . . if [they are] of another.”

4 79. Defendant also violated section 1770(a)(9) by advertising the Products “with intent not
5 to sell them as advertised” due to the deceptive and false claims that the Products are, for example,
6 natural and non-toxic, when they are not.

7 80. Had the Products been honestly advertised and labeled, Plaintiff and members of the
8 Class would not have purchased them and/or would have paid less for the Products. Plaintiff and
9 members of the Class could not have reasonably avoided such injury. Defendant’s uniform, material,
10 representations and omissions regarding the Products were likely to deceive, and Defendant knew or
11 should have known that its representations and omissions were untrue and misleading.

12 81. Plaintiff and members of the Class were unaware of the existence of facts that
13 Defendant suppressed and failed to disclose; and, Plaintiff and members of the Class would not have
14 purchased the Products and/or would have paid less than what they did pay had they known the truth.

15 82. Plaintiff and members of the Class have been directly and proximately injured by
16 Defendant’s conduct. Such injury includes, but is not limited to, the purchase price of the Products
17 and/or the price of the Products at the prices at which they were offered.

18 83. On August 22, 2016, Plaintiff sent a demand letter via certified mail, return receipt
19 requested, to Defendant’s CEO at its corporate headquarters in San Francisco, California and its agent
20 for service of process in Los Angeles, California asserting violations of California law, and providing
21 notice of Plaintiff’s intent to file a lawsuit. In addition, Plaintiff is aware of a letter alleging
22 violations of California laws that was sent to Defendant on behalf of another California consumer.
23 To date, Defendant has not substantively responded to the demands made in these notice letters.

24 84. Given that Defendant’s conduct violated § 1770(a)(5), Plaintiff and members of the
25 Class are entitled to and seek injunctive relief to put an end to Defendant’s violations of the CLRA.

26 85. Moreover, Defendant’s conduct is malicious, fraudulent, and wanton in that Defendant
27 intentionally misled and withheld material information from consumers to increase the sale of the
28 Products.

1 86. Plaintiff also requests that the Court enjoin Defendant from continuing to employ the
2 unlawful methods, acts and practices alleged herein pursuant to § 1780(a)(2).

3 PRAYER

4 WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated, prays for
5 judgment against Defendant as follows:

- 6 A. For an order certifying this case as a class action and appointing Plaintiff and his counsel to
- 7 represent the Class;
- 8 B. For an order awarding, as appropriate, compensatory and monetary damages, restitution or
- 9 disgorgement to Plaintiff and the Class for all causes of action;
- 10 C. For an order requiring Defendant to immediately cease and desist from advertising and
- 11 selling its misbranded Products in violation of law; enjoining Defendant from continuing to
- 12 market, advertise, distribute, and sell the Products in the unlawful manner described herein;
- 13 and ordering Defendant to engage in corrective action;
- 14 D. For an order awarding attorneys' fees and costs;
- 15 E. For an order awarding punitive damages;
- 16 F. For an order awarding pre-and post-judgment interest; and
- 17 G. For such other and further relief as the Court deems just and proper.

18
19 DATED: September 8, 2016

KAMBERLAW, LLP

20

21 By: 

22 Deborah Kravitz

 Attorney for Plaintiff

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JURY DEMAND

Plaintiff, Individually and on behalf of All Others Similarly Situated, hereby demands that this matter be tried by jury.

DATED: September 8, 2016

KAMBERLAW, LLP

By: 
Deborah Kravitz
Attorney for Plaintiff

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Deborah Kravitz-275661, Naomi B. Spector-222573, Christopher D. Moon-246622
KamberLaw, LLP
401 Center Street, Suite 111
Healdsburg, CA 95448
TELEPHONE NO.: (760) 795-8529 FAX NO.: (212) 202-636
ATTORNEY FOR (Name): Carlo Labrado

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FILED
Superior Court of California
County of San Francisco
SEP 08 2016
CLERK OF THE COURT
BY: *Adrian Ramon*
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS:
CITY AND ZIP CODE: San Francisco 94102-4514
BRANCH NAME:

CASE NAME:
Labrado v Method Products, PBC

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:
CGC-16-554143
JUDGE:
DEPT:

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

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

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input checked="" type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify):
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 8, 2016
Deborah Kravitz
(TYPE OR PRINT NAME)

[Signature]
(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.

BY FAX

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

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

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
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

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

EXHIBIT 2

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Deborah Kravitz (SBN:275661) Naomi B. Spector (SBN:222573) Christopher D. Moon (SBN:246622) KAMBERLAW, LLP 401 Center Street, Suite 111, Healdsburg, CA 95448 TELEPHONE NO.: (760)795-8529 FAX NO. (Optional): (212)202-6364 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): CARLO LABRADO & All Others Similarly Situated	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Francisco 09/19/2016 Clerk of the Court BY:VANESSA WU Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:	
PLAINTIFF/PETITIONER: CARLO LABRADO, an individual, et al. DEFENDANT/RESPONDENT: METHOD PRODUCTS, PBC	CASE NUMBER: CGC-16-554143
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents): CMC Conference; CMC Statement; Expedited Jury Trial Information Sheet
3. a. Party served (specify name of party as shown on documents served):
 METHOD PRODUCTS, PBC
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 CT Corporation System, Agent for Service of Process c/o Amanda Garcia, Clerk
4. Address where the party was served:
 818 West 7th Street, Suite 930, Los Angeles, CA 90017 LOS ANGELES COUNTY
5. I served the party (check proper box)
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 9/16/2016 (2) at (time): 2:17 PM
 - b. **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: CARLO LABRADO, an individual, et al.	CASE NUMBER: CGC-16-554143
DEFENDANT/RESPONDENT: METHOD PRODUCTS, PBC	

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. **by other means** (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify): _____
- c. as occupant.
- d. On behalf of (specify): **METHOD PRODUCTS, PBC**
 under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: _____ |

7. **Person who served papers**

- a. Name: Chris Dicka - South Bay Attorney Service
- b. Address: 9806 South 11th Avenue, Inglewood, CA 90305
- c. Telephone number: 310-355-8300
- d. The fee for service was: \$ 125.00
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) a registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: 6211
- (iii) County: Los Angeles

8. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

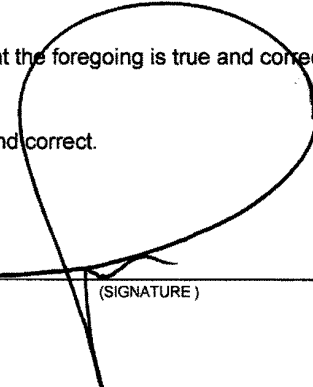
or

9. **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date: 9/16/2016

Chris Dicka

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



 (SIGNATURE)

PLAINTIFF/PETITIONER: CARLO LABRADO, an individual, et al.	CASE NUMBER: CGC-16-554143
DEFENDANT/RESPONDENT: METHOD PRODUCTS, PBC	

5. c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. by other means (*specify means of service and authorizing code section*):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (*specify*):
- c. as occupant.
- d. On behalf of (*specify*): **METHOD PRODUCTS, PBC**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Gerry Ysip - South Bay Attorney Service
- b. Address: 55 Santa Clara Avenue, Oakland, CA 94610
- c. Telephone number: (805)336-1796
- d. The fee for service was: \$
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) a registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: 1390
- (iii) County: Alameda

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 9/15/2016

Gerry Ysip

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

EXHIBIT 3

1 ARNOLD & PORTER LLP
TRENTON H. NORRIS (164781)
2 Trent.Norris@aporter.com
GEORGE LANGENDORF (255563)
3 George.Langendorf@aporter.com
GINAMARIE CAYA (279070)
4 Ginamarie.Caya@aporter.com
Three Embarcadero Center, 10th Floor
5 San Francisco, California 94111-4024
Telephone: 415.471.3100
6 Facsimile: 415.471.3400

7 Attorneys for Defendant
METHOD PRODUCTS, PBC
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11

12 CARLO LABRADO, an individual on behalf
of himself and others similarly situated,

13 Plaintiff,
14

15 v.
16

METHOD PRODUCTS, PBC,
17

Defendant.
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Case No.: CGC-16-554143

**ANSWER OF DEFENDANT
METHOD PRODUCTS, PBC**

1 Defendant METHOD PRODUCTS, PBC (“Method” or “Defendant”), hereby answers and
2 responds to the averments contained in the Complaint for (1) Violations of California’s Unfair
3 Competition Law; (2) Violations of California’s False Advertising Law; and (3) Violations of
4 California’s Consumers Legal Remedies Act (“Complaint”) filed by plaintiff Carlo Labrado,
5 individually and on behalf of others similarly situated (“Plaintiff”), as follows:

6 **GENERAL DENIAL**

7 Pursuant to Cal. Code Civil Proc. § 431.30, Method denies the allegations of the Complaint,
8 and each cause of action, and each paragraph in each cause of action, and each and every part
9 thereof.

10 **AFFIRMATIVE DEFENSES**

11 **FIRST AFFIRMATIVE DEFENSE**

12 **(Failure to State a Claim for Relief)**

13 Plaintiff’s claims are barred in whole or in part to the extent that Plaintiff has failed to state
14 facts sufficient to constitute a cause of action against Defendant.

15 **SECOND AFFIRMATIVE DEFENSE**

16 **(Equitable Defenses)**

17 Plaintiff’s claims are barred in whole or in part by the doctrines of acquiescence, estoppel,
18 laches, unclean hands, promissory estoppel, and/or waiver.

19 **THIRD AFFIRMATIVE DEFENSE**

20 **(Abstention / Primary Jurisdiction)**

21 Plaintiff’s claims are barred in whole or in part pursuant to the primary jurisdiction doctrine
22 and/or the doctrine of abstention.

23 **FOURTH AFFIRMATIVE DEFENSE**

24 **(No Injury)**

25 Plaintiff’s claims are barred in whole or in part because Plaintiff and the putative class
26 members have not sustained any injury, harm, and/or damage as a result of any actions allegedly
27
28

1 taken by Defendant and are thus barred from asserting any claims against, and/or obtaining
2 monetary and/or injunctive relief from Defendant.

3 **FIFTH AFFIRMATIVE DEFENSE**

4 **(Speculative Damages)**

5 Plaintiff's claims are barred in whole or in part because the damages sought by Plaintiff and
6 the putative class members are speculative.

7 **SIXTH AFFIRMATIVE DEFENSE**

8 **(Good Faith)**

9 Plaintiff's claims are barred in whole or in part because Defendant acted in an honest and
10 reasonable manner, in good faith, with reasonable diligence, and without scienter or negligence with
11 regard to the matters alleged in the Complaint.

12 **SEVENTH AFFIRMATIVE DEFENSE**

13 **(Lack of Standing)**

14 Plaintiff's claims are barred in whole or in part because Plaintiff and the putative class
15 members lack authority or constitutional and prudential standing, under both Article III of the
16 Constitution and any state Constitutions and laws and statutes thereof, to bring some or all of the
17 claims raised in the Complaint.

18 **EIGHTH AFFIRMATIVE DEFENSE**

19 **(Failure to Meet Requirements for Class Action)**

20 The Complaint fails to allege a proper class action because, among other things, Plaintiff is
21 not an adequate representative of the putative class described in the Complaint, Plaintiff's claims
22 are not typical of the claims of other members of the class described in the Complaint, common
23 issues of law and fact do not predominate over individual issues, the putative class described in the
24 Complaint is not manageable or ascertainable, and/or a class action is not superior to the other
25 available methods for the fair and efficient adjudication of the purported claims for relief alleged in
26 the Complaint.

1 **NINTH AFFIRMATIVE DEFENSE**

2 **(No Punitive Damages)**

3 Plaintiff's claims for punitive damages are barred to the extent that they are not available
4 and/or because any alleged unlawful conduct was not knowing, willful or malicious.

5 **TENTH AFFIRMATIVE DEFENSE**

6 **(Disclosure)**

7 Plaintiff's claims are barred in whole or in part because all material facts relating to
8 Method's conduct, as embraced by the allegations in the Complaint, were disclosed and available to
9 Plaintiff and all putative class members at all relevant times.

10 **ELEVENTH AFFIRMATIVE DEFENSE**

11 **(Absence of Causation)**

12 Plaintiff's claims are barred in whole or in part because Plaintiff and the putative class
13 cannot demonstrate that any of the injuries they purport to have suffered were caused by Method's
14 acts, practices, or failures to act. Plaintiff's alleged injuries were instead caused, in whole or in part,
15 by Plaintiff's own voluntary actions.

16 **TWELFTH AFFIRMATIVE DEFENSE**

17 **(No Basis for Injunctive Relief)**

18 No threat of immediate harm exists sufficient to support a grant of injunctive relief.

19 **THIRTEENTH AFFIRMATIVE DEFENSE**

20 **(Defenses to Claims of Absent Putative Class Members)**

21 The claims of absent putative class members are barred by some or all of the defenses
22 asserted above that bar Plaintiff's claims. In the event that any attempt is made to certify a class in
23 this action, Method reserves the right to identify and advance any further affirmative defenses that
24 may apply to persons other than the named Plaintiff.

FOURTEENTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

Plaintiff's claims are barred in whole or in part by the applicable statutes of limitations.

FIFTEENTH AFFIRMATIVE DEFENSE

(Prior Settlement)

Plaintiff's claims are or will be barred by a prior class settlement that is pending approval in the U.S. District Court for the Southern District of New York.

SIXTEENTH AFFIRMATIVE DEFENSE

(Reservation of Rights)

Method reserves the right to rely on all defenses lawfully available to it, including, but not limited to, those defenses asserted herein. Method also reserves the right to amend, supplement, alter, augment, or change this Answer and to rely upon any other additional defenses at law or in equity that may be, or become, available to it as the discovery in this case progresses and/or in the event that Plaintiff attempts to certify this case as a class action.

WHEREFORE, Method prays for judgment as follows:

- A. That Plaintiff and members of the putative class take nothing by reason of the Complaint or any claims stated therein and be awarded no relief from Method;
- B. That the Complaint and each cause of action contained therein be dismissed with prejudice and judgment entered in favor of Method;
- C. That Method recover its costs, disbursements, expenses and attorneys' fees herein;
- D. That the Court grant such other and further relief as it may deem just and proper.

Dated: October 12, 2016

ARNOLD & PORTER LLP

By: /s/ Trenton H. Norris
Trenton H. Norris
Attorney for Defendant
METHOD PRODUCTS, PBC

PROOF OF SERVICE

1
2 I am over eighteen years of age and not a party to this action. I am employed in the County
3 of San Francisco, State of California. My business address is Three Embarcadero Center,
4 10th Floor, San Francisco, California 94111.

5 On October 12, 2016, I served the following document(s):

6 **ANSWER OF DEFENDANT METHOD PRODUCTS, PBC**

7 I served the document(s) on the following person(s):

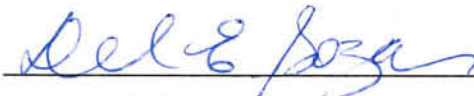
8 Deborah Kravitz
9 Naomi B. Spector
10 Christopher D. Moon
11 KAMBERLAW LLP
12 401 Center Street, Suite 111
13 Healdsburg, CA 95448

14 The documents were served by the following means:

15 **By U.S. Mail.** I enclosed the documents in a sealed envelope or package addressed to the
16 person at the address listed above and placed the envelopes for collection and mailing, following
17 our ordinary business practices. I am readily familiar with this business' practice for collecting and
18 processing correspondence for mailing. On the same day the correspondence is placed for
19 collection and mailing, it is deposited in the ordinary course of business with the United States
20 Postal Service, in a sealed envelope with postage fully prepaid. I am employed in the county where
21 the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing
23 is true and correct.

24 Dated: October 12, 2016

Signature: 

Delicia E. Soza

File & ServeXpress Transaction Receipt

File & ServeXpress Transaction ID: 59688566
Submitted by: Trenton Norris, Arnold & Porter LLP-San Francisco
Authorized by: Trenton H Norris, Arnold & Porter LLP-San Francisco
Authorize and file on: Oct 12 2016 11:16AM PDT ⓘ
Time received by San Francisco County: Pending ⓘ

Court: CA Superior Court County of San Francisco-Civil
Division/Courtroom: N/A
Case Class: Civil-General Civil-Unlimited - \$25,001+
Case Type: Business Tort (Civil 1)
Case Number: CGC-16-554143
Case Name: Labrado, Carlo vs Method Products PBC

Transaction Option: File Only
Billing Reference: 23385.00006
Read Status for e-service: N/A

Documents List

1 Document(s)

Attached Document, 6 Pages

Document Type: Answer (Original)	Access: Public	Statutory Fee: \$450.00	Linked:
--	--------------------------	-----------------------------------	----------------

Document title:
Answer of Defendant Method Products, PBC

[Expand All](#)

Sending Parties (1)

Party	Party Type	Attorney	Firm	Attorney Type
Method Products PBC	Defendant	No Answer on File	Firm TBD	Attorney in Charge

Recipients (0)

Service List (0)

Delivery Option Party Party Type Attorney Firm Attorney Type Method
 No selections made.

Additional Recipients (0)

Case Parties

Close



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CIVIL COVER SHEET

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

I. (a) PLAINTIFFS
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)
(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS
County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Table with columns: CITIZENSHIP, PTF, DEF

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

Table with 5 main categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation-Transfer, 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Brief description of cause:

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions): JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)
(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE: SIGNATURE OF ATTORNEY OF RECORD:

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

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

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

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7 Attorneys for Defendant
METHOD PRODUCTS, PBC
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 CARLO LABRADO, an individual on behalf
of himself and others similarly situated,

13 Plaintiff,

14 v.
15

METHOD PRODUCTS, PBC,

16 Defendant.
17

Case No.

CERTIFICATE OF SERVICE

**(San Francisco Superior Court
Case No. CGC-16-554143)**

18 I am employed by the law office of Arnold & Porter LLP in the San Francisco, State of
19 California. I am over the age of 18 and not a party to the within action. My business address is
20 Three Embarcadero Center, 10th Floor, San Francisco, California 94111-4024.
21
22
23
24
25

26 ///

27 ///

28 ///

1 On October 12, 2016, I served the following documents:

2 **CIVIL COVER SHEET; DEFENDANT METHOD PRODUCTS, PBC'S NOTICE OF**
3 **REMOVAL TO UNITED STATES DISTRICT COURT FOR THE NORTHERN**
4 **DISTRICT OF CALIFORNIA**

5 I served the document(s) on the following person(s):

6 Deborah Kravitz
7 Naomi B. Spector
8 Christopher D. Moon
9 KAMBERLAW LLP
401 Center Street, Suite 111
Healdsburg, CA 95448

10
11 The documents were served by the following means:

12 (BY MAIL) by placing a true copy thereof in sealed envelope(s) addressed as shown above.

13 In the course of my employment with Arnold & Porter LLP, I have, through first-hand
14 personal observation, become readily familiar with Arnold & Porter LLP's practice of collection
15 and processing correspondence for mailing with the United States Postal Service. Under that
16 practice, I deposited such envelope(s) in an out-box for collection by other personnel of Arnold &
17 Porter LLP, and for ultimate posting and placement with the U.S. Postal Service on that same day in
18 the ordinary course of business. If the customary business practices of Arnold & Porter LLP with
19 regard to collection and processing of correspondence and mailing were followed, and I am
20 confident that they were, such envelope(s) were posted and placed in the United States mail at San
21 Francisco, California, that same date. I am aware that on motion of party served, service is
22 presumed invalid if postal cancellation date or postage meter date is more than one day after date of
23 deposit for mailing in affidavit.

24 I certify that I am employed in the office of a member of the bar of this Court at whose
25 direction the service was made.

26 Executed on October 12, 2016 at San Francisco, California.

27 Dated: October 12, 2016

28 Signature: _____

Delicia E. Soza