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Garret Shank

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GARRET SHANK, individually, and on  
behalf of other members of the general  
public similarly situated,

Plaintiffs,

v.

PRESIDIO BRANDS, INC., a Delaware  
corporation,

Defendant.

Case No.:

**CLASS ACTION COMPLAINT FOR:**

- (1) Violations of California's Consumers  
Legal Remedies Act
- (2) Violation of Unfair Competition Law,  
California Business & Professions Code  
§ 17200 *et seq.*
- (3) Violation of False Advertising Law,  
California Business & Professions Code  
§ 17500
- (4) Negligent Misrepresentation

**DEMAND FOR JURY TRIAL**

## INTRODUCTION

1. Plaintiff Garret Shank (“Plaintiff”) brings this action for himself and on behalf of all persons in the United States who, at any time since four years prior to the filing of this complaint, purchased any Every Man Jack brand product containing artificially-processed and synthetic ingredients and labeled or marketed as “naturally derived” (“EMJ Products”)<sup>1</sup> designed, manufactured, marketed, distributed, and sold by Presidio Brands, Inc. (“Presidio” or “Defendant”). .

2. This case arises out of the false, misleading, and deceptive marketing practices of Defendant’s Every Man Jack products. Defendant’s advertising and labeling strategy focuses on claims that its Every Man Jack products are all-natural, naturally-derived, non-toxic, and exceptionally safe for consumers. However, EMJ Products, in fact, contain several synthetic ingredients that are not natural or naturally derived, as portrayed by Defendant. Further, as described in detail below, many of the synthetic<sup>2</sup> ingredients used in EMJ Products are hazardous or toxic and can cause adverse reactions.

3. Presidio has so labeled its products in order to capture the growing market of health conscious consumers, including Plaintiff and other Class Members. By deceiving consumers about the nature, quality, and/or ingredients of its products, Presidio is able to command a premium price, increasing consumers’ willingness to pay and reduce the market share of competing products, thereby increasing its own sales and profits.

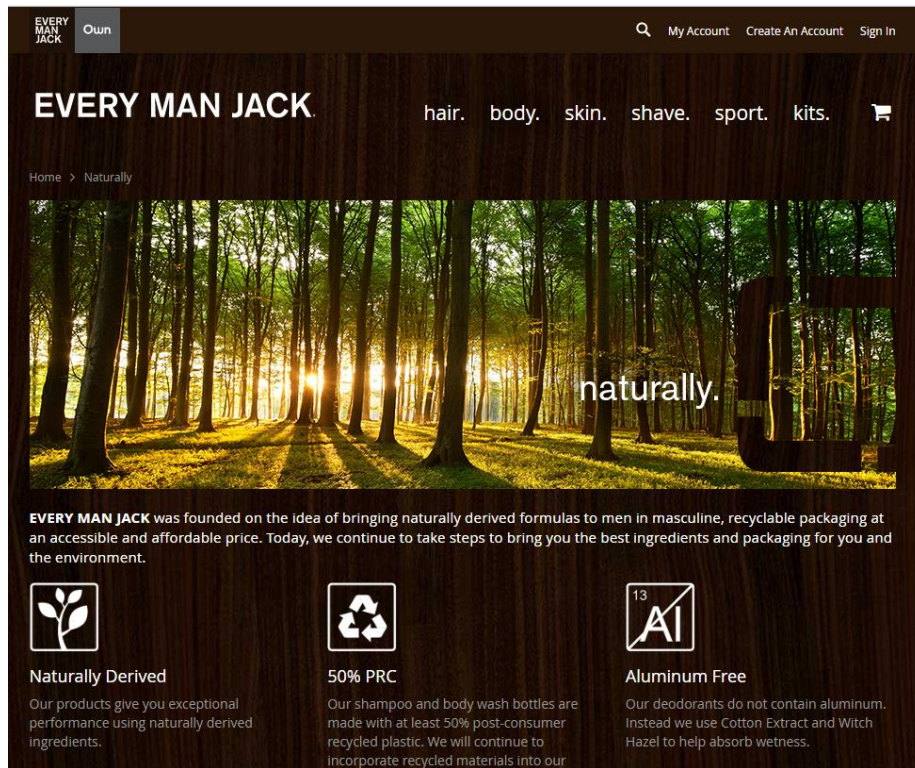
4. Reasonable consumers must, and do, rely on Presidio’s overall marketing, including, without limitation, product advertisements, labels, displays, and packaging, in

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<sup>1</sup> On information and belief, the following EMJ products contain synthetic ingredients: 2-in-1 body + face wash; 2-in-1 body wash; 2-in-1 shampoo + conditioner; 2-in-1 thickening shampoo; body bar; body wash; daily conditioner; deodorant; eye cream; face lotion with failly sun protection; face lotion; face moisturizer; face shield; fiber cream; pomade; shave cream premium; shave cream; shave gel; styling gel; and thickening grooming cream.

<sup>2</sup> “The term ‘synthetic’ means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes. 7 U.S.C. § 6502(21).

determining whether to purchase EMJ Products. For example, as shown below, the Every Man Jack website features a wood-grain background and wholly focuses on a large image of a forest and the word “naturally”:



The Every Man Jack products themselves further portray the same earthy, non-toxic, and natural marketing claims and implications as its website. Below are examples of the front packaging and labeling of the Every Man Jack 2-in-1 Sandalwood Body Wash:



4                   6.       If Plaintiff and Class Members knew that the EMJ Products were not natural or  
5       contained synthetic, artificially-processed ingredients, Plaintiff and Class Members would not  
6       have purchased the EMJ Products or would have paid less for them.

7           7. By employing the labeling and marketing tactics illustrated above, Presidio  
8 intends for consumers to rely on its visual and actual representations, and hundreds of  
9 thousands of reasonable consumers did in fact so rely. Because Presidio will not notify Class  
10 Members that the EMJ Products in fact contain synthetic, artificial ingredients, Plaintiff and  
11 Class Members (as well as members of the general public) remain subject to Presidio's  
12 deceptive advertising.

8. As a result of their reliance on Defendant's representations, consumers have suffered an ascertainable loss of money, including, but not limited to, out of pocket costs incurred in purchasing over-valued EMJ Products. Further, as a result of its deceptive marketing and unfair competition with other similar manufacturers and brands, Presidio realized sizable profits.

19 **PLAINTIFF GARRET SHANK**

9. Plaintiff Garret Shank is a California citizen who resides in Los Angeles, California. During the class period alleged herein, Plaintiff purchased several EMJ Products on numerous occasions from various Target stores in Los Angeles County. Plaintiff's purchases include, without limitation, Every Man Jack Face Lotion, Every Man Jack Face Lotion with SPF, Every Man Jack Face Scrub, and Every Man Jack Face Wash.

10. Plaintiff purchased EMJ products in reliance on Presidio's marketing of the products including the claims and product information on the Every Man Jack website, in Men's Health magazine, and on the products' packaging and labeling. In deciding to purchase EMJ Products, Plaintiff saw, relied upon, and reasonably believed that the EMJ Products only

1 contained ingredients that are natural because of Presidio's representations including, without  
 2 limitation, the repeated and highlighted use of the phrase "naturally derived", depictions of  
 3 plants and trees, listing of other earth-friendly and health-conscious features of the product  
 4 (e.g. product bottles made with at least 50% post-consumer recycled plastic and certain  
 5 products being gluten free), and the wood-grain packaging. Purchasing natural, non-toxic,  
 6 non-synthetic and environmentally-friendly products is important to Plaintiff and Defendant's  
 7 representations were material to Plaintiff in his decision to purchase EMJ Products.

8 11. If Plaintiff had known at the time of purchase that these products contained  
 9 synthetic and hazardous ingredients, he would not have purchased the EMJ Products or would  
 10 have paid less for them.

#### 11 **DEFENDANT**

12 12. Defendant Presidio Brands, Inc. is a corporation organized and in existence  
 13 under the laws of the State of Delaware and is registered to do business in the State of  
 14 California. Presidio Brands, Inc.'s corporate headquarters and principal place of business are  
 15 located at 500 Tamal Plaza, Suite 505, Corte Madera, California 94925. Presidio Brands, Inc.  
 16 designs, tests, manufactures, markets, distributes, and sells Every Man Jack products  
 17 nationwide and in California. Every Man Jack is Presidio Brands, Inc.'s men's personal  
 18 care/hygiene brand.

19 13. At all relevant times, Defendant was and is engaged in the business of  
 20 designing, testing, manufacturing, marketing, distributing, and selling personal care/hygiene  
 21 products in Los Angeles County and throughout the United States of America.

#### 22 **JURISDICTION**

23 14. This is a class action.

24 15. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C.  
 25 § 1331 because this action arises under the Constitution or laws of the United States and the  
 26 Class Action Fairness Act, 28 U.S.C. § 1332(d)(2) and (6), in that, as to each Class defined  
 27 herein:

28 a. the matter in controversy exceeds \$5,000,000.00, exclusive of interest

1 and costs;

2 b. this is a class action involving 100 or more class members; and

3 c. this is a class action in which at least one member of the Plaintiff class  
4 is a citizen of a State different from at least one Defendant.

5 16. The Court has personal jurisdiction over Defendant, which have at least  
6 minimum contacts with the State of California because they have conducted business there  
7 and have availed themselves of California's markets through the advertising, manufacturing,  
8 distribution, and sales of its EMJ Products.

### 9 VENUE

10 17. Presidio Brands, Inc. Uber, through its advertising, manufacturing, distribution,  
11 and sales of their EMJ Products has established sufficient contacts in this district such that  
12 personal jurisdiction is appropriate. Defendant is deemed to reside in this district pursuant to  
13 28 U.S.C. § 1391(a).

14 18. Further, Defendant is headquartered here and/or has conducted business here  
15 and has availed itself of California's markets through its advertising, manufacturing,  
16 distribution, and sales of its EMJ Products. marketing, sale, and administration of ride-sharing  
17 services. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a).

18 19. Additionally, Plaintiff Garret Shank's Declaration, as required under California  
19 Civil Code section 1780(d), but not pursuant to *Erie* and federal procedural rules, reflects that  
20 a substantial part of the events or omissions giving rise to the claims alleged herein occurred,  
21 or a substantial part of property that is the subject of this action, is situated in Marin County,  
22 California. It is attached as **Exhibit 1**.

### 23 FACTUAL ALLEGATIONS

24 20. A rapidly-growing segment of consumers value natural and plant-based  
25 products for many reasons, including to address health concerns (*e.g.*, avoiding skin irritation  
26 and diseases such as cancer) and to help the environment. To capture this growing market,  
27 and to gain an advantage over competitors, Presidio designs, markets, distributes, and sells its  
28 Every Man Jack brand products claiming that the products contain only "naturally derived"



ingredients. These claims are coupled with images of plants and forests intended to give the impression that its products' ingredients are all-natural and plant-based, and do not contain synthetic, artificial, or toxic ingredients.

21. Presidio further cultivates the Every Man Jack image as a natural, plant-based, non-synthetic, healthy and eco-friendly brand through its wood-grain packaging, plant imagery, and simplistic labeling as well as Presidio's "naturally", "natural", and "naturally-derived" statements regarding its ingredients that are found repeatedly throughout the Every Man Jack website, in magazine advertisements and articles, and on the EMJ Product labels.

22. Defendant's representations that its EMJ Products contain only natural and naturally derived ingredients are false, misleading, and deceptive because the EMJ Products contain multiple ingredients that are synthetic and artificial. Specifically, EMJ Products contain the following, non-exhaustive, list of synthetic and artificial ingredients:

<b><u>Synthetic and Artificial Ingredient(s)</u></b>	<b><u>EMJ Product(s)</u></b>
ALUMINUM HYDROXIDE (synthetic polymer)	Face Shield
AMODIMETHICONE (synthetic polymer)	2-in-1 Body Wash; Daily Conditioner; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner; Daily Shampoo
CETYL DIMETHICONE (synthetic polymer)	Face Lotion SPF 15
COCAMIDOPROPYL BETAINE (synthetic surfactant)	2-in-1 Body Wash; 2-in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; Daily Shampoo; Face Scrub Signature Mint; Face Wash Signature Mint; Daily Shampoo Sandalwood; Face Wash Skin Clearing
COCAMIDOPROPYLAMINE OXIDE (synthetic surfactant)	Body Wash Eucalyptus Mint; Body Wash Cedarwood; Body Wash Sandalwood; Body Wash Signature Mint; Body Wash Citrus Scrub
DIMETHICONE (synthetic polymer)	Face Lotion; Face Moisturizer Age Defying;

	Eye Cream Age Defying; Daily Conditioner
DIMETHICONE PEG/PPG-20/23 BENZOATE (synthetic polymer)	Shave Gel Signature Mint; Shave Gel Fragrance Free
DIMETHICONE PEG-8 BENZOATE (synthetic polymer)	Shave Gel Signature Mint; Shave Gel Fragrance Free; Face Scrub Signature Mint
ETHYLHEXYLGLYCERIN (synthetic glyceryl)	Face Lotion SPF 15; Body Wash Eucalyptus Mint; 2-in-1 Body Wash; Body Wash Cedarwood; Shave Gel Sandalwood; Shave Cream Fragrance Free; Face Lotion Sandalwood; Face Lotion Signature Mint; Face Shield; Body Defense Spray; Body Wash Sandalwood; Body Wash Signature Mint; Face Moisturizer Age Defying; Face Lotion; Daily Shampoo Sandalwood; Shave Cream Signature Mint; Body Wash Citrus Scrub
FRAGRANCE/PARFUM (synthetic compound)	Deodorant Fresh Scent; Body Wash Eucalyptus Mint; Shave Gel Signature Mint; 2-in-1 Body Wash; Body Wash Cedarwood; Shave Gel Sandalwood; Face Lotion Sandalwood; Face Lotion Signature Mint; Deodorant Eucalyptus Mint; 2- in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; Body Wash Sandalwood; Body Wash Signature Mint; Deodorant Cedarwood; Daily Shampoo; Daily Conditioner; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner; Face Scrub Signature Mint; Face Wash Signature Mint; Deodorant Sandalwood; Deodorant Citrus; Deodorant Signature Mint; Daily Shampoo Sandalwood; Thickening Grooming Cream; Shave Cream Premium Shave; Pomade; Shave Cream Signature Mint; Body Wash Citrus Scrub
GLYCERYL ESTERS (synthetic surfactant)	Face Lotion SPF 15; Shave Cream Fragrance Free;



	Face Lotion Sandalwood; Face Moisturizer Age Defying; Eye Cream Age Defying; Face Scrub Signature Mint; Face Scrub Skin Clearing
HYDROGEN DIMETHICONE (synthetic polymer)	Face Shield
HYDROGENATED POLYDECENE (synthetic polymer)	Shave Cream Fragrance Free; Shave Cream Signature Mint
HYDROXYETHYLCELLULOSE (synthetic polymer)	Shave Gel Signature Mint; Shave Gel Fragrance Free; Daily Conditioner
AMIDOPROPYL BETAINES (synthetic surfactant)	Body Wash Eucalyptus Mint; Body Wash Cedarwood
PEG/PPG-4/12 DIMETHICONE (synthetic polymer)	2-in-1 Body + Face Wash; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner
PEG-12 DIMETHICONE (synthetic polymer)	Daily Shampoo
PEG-100 STEARATE (synthetic polymer)	Shave Cream Fragrance Free; Shave Cream Signature Mint
PEG-150 DISTEARATE (synthetic polymer)	2-in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner
PHENOXYETHANOL (synthetic preservative)	Face Lotion SPF 15; Body Wash Eucalyptus Mint; Shave Gel Signature Mint; Body Wash Cedarwood; Shave Gel Sandalwood; Shave Gel Fragrance Free; Shave Cream Fragrance Free; Face Lotion Sandalwood; Face Lotion Signature Mint; Face Shield; 2-in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; Body Wash Sandalwood; Body Wash Signature Mint; Face Moisturizer Age Defying; Face Lotion; Daily Shampoo; Daily Conditioner; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner; Face Scrub Signature Mint; Face Scrub Skin Clearing; Shave Cream Premium Shave; Shave Cream Signature Mint;

	Body Wash Citrus Scrub
POLYBUTENE (synthetic polymer)	Shave Cream Fragrance Free; Shave Cream Signature Mint
POLYCATIONIC POLYMERS (synthetic polymers)	Body Wash Eucalyptus Mint; Body Wash Cedarwood; 2-in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; Body Wash Sandalwood; Body Wash Signature Mint; Daily Shampoo; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo; Daily Shampoo Sandalwood; Thickening Grooming Cream; Body Wash Citrus Scrub
POLYSORBATES (synthetic surfactant)	Shave Cream Fragrance Free; Face Lotion Signature Mint; Face Lotion; Face Scrub Signature Mint; Shave Cream Signature Mint
POTASSIUM SORBATE (synthetic preservative)	Body Wash Eucalyptus Mint; 2-in-1 Body Wash; Body Wash Cedarwood; Face Lotion Signature Mint; Body Wash Sandalwood; Body Wash Signature Mint; Face Lotion; Face Wash Signature Mint; Face Wash Skin Clearing; Body Wash Citrus Scrub
SODIUM BENZOATE (synthetic preservative)	Body Wash Eucalyptus Mint; 2-in-1 Body Wash; Body Wash Cedarwood; Face Lotion Signature Mint; Body Wash Sandalwood; Body Wash Signature Mint; Face Lotion; Face Wash Signature Mint; Face Wash Skin Clearing; Body Wash Citrus Scrub
SODIUM LAURYLGLUCOSIDES HYDROXYPROPYLSULFONATE (synthetic surfactant)	2-in1 Body Wash; Daily Shampoo Sandalwood
SORBITAN ESTERS (synthetic surfactant)	Face Lotion SPF 15; Shave Gel Signature Mint; Shave Gel Fragrance Free; Face Lotion Signature Mint; Face Lotion

1 2 3 4 5 6	TOCOPHERYL ACETATE (synthetic Vitamin E)	Shave Gel Signature Mint; Shave Gel Fragrance Free; Face Lotion Signature Mint; 2-in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; Face Lotion; Eye Cream Age Defying; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner; Face Scrub Signature Mint;
7 8 9	TRIETHANOLAMINE	Shave Gel Signature Mint; Shave Gel Fragrance Free; Shave Cream Fragrance Free; Fiber Cream; Shave Cream Signature Mint
10 11	ZINC OXIDE	Body Defense Lotion; Face Lotion SPF 15; Face Shield

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23. Presidio knows, or should know, that consumers, like Plaintiff and other Class Members, reasonably rely on such representations in forming the belief that the EMJ Products do not contain synthetic, artificial or toxic ingredients. However, these representations are false, misleading and deceptive because the EMJ Products do contain synthetic, artificial, and toxic ingredients, as identified above. Consumers lack the meaningful ability to test or independently ascertain or verify whether a product is natural or naturally derived, especially at the point of sale. Consumer would not, and could not, know the true nature of products' ingredients merely by reading the ingredients label.

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24. The EMJ Products are thus not natural, naturally derived, or plant-based, and labeling them as such is misleading and deceptive. Defendants did not disclose that any of the ingredients listed above are synthetic ingredients.

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25. Presidio has concealed the nature, identity, source, and/or method of preparation of additional ingredients, which may also be synthetic ingredients. Thus, discovery is necessary to uncover the true nature of other ingredients in the EMJ Products.

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26. Presidio deceptively and misleadingly concealed, and continues to conceal, other material facts about the EMJ Products, including:

- a. The true nature of the EMJ Products' ingredients;
- b. The artificial and synthetic substances and ingredients contained in the EMJ products; and
- c. The artificial and synthetic processes used to create the ingredients in the EMJ Products.

27. The production process Presidio uses for many of its ingredients is known only to Defendant and Defendant has not disclosed such information to Plaintiff and the Class Members. Further, these facts are not ascertainable and are still not known to Plaintiff, the Class members, and reasonable consumers. Presidio's concealment tolls any applicable statute of limitations.

28. To this day, Presidio continues to conceal and suppress the true nature, identity, source, and method of production of the ingredients in the EMJ Products.

29. If Plaintiff and Class Members knew that the EMJ Products were not natural or contained synthetic, artificially-processed ingredients, Plaintiff and Class Members would not have purchased the EMJ Products or would have paid less for them.

30. By employing the labeling and marketing tactics illustrated above, Presidio intends for consumers to rely on its visual and actual representations, and hundreds of thousands of reasonable consumers did in fact so rely. Because Presidio will not notify Class Members that the EMJ Products in fact contain synthetic, artificial ingredients, Plaintiff and Class Members (as well as members of the general public) remain subject to Presidio's deceptive advertising.

31. Presidio knows, or should reasonably know, that consumers prefer natural, "naturally derived", and plant-based products. Presidio knows that consumers will pay a premium for these products or would not purchase these products at all unless they were natural, "naturally derived", and/or plant-based, as advertised. Similarly, independent surveys confirm that consumers will purchase more natural products than conventional products, and will pay a premium for natural products.

32. As a result of their reliance on Defendant's representations, consumers have

suffered an ascertainable loss of money, including, but not limited to, out of pocket costs incurred in purchasing over-valued EMJ Products. Further, as a result of its deceptive marketing and unfair competition with other similar manufacturers and brands, Presidio realized sizable profits.

33. As the intended, direct, and proximate result of Presidio's false, misleading, and deceptive representations and omissions, Presidio has been unjustly enriched through more sales of Falsely Labeled Products and higher profits at the expense of Plaintiff and the Class members.

### **CLASS ALLEGATIONS**

34. Plaintiff brings this lawsuit as a class action on behalf of himself and all others similarly situated as members of the proposed Class pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(2), 23(b)(3), and 23(c)(4). This action satisfies the numerosity, commonality, typicality, adequacy, predominance, and superiority requirements of those provisions.

35. The Class and Sub Class(es) are defined as:

**Nationwide Class:** All individuals in the United States who purchased any Every Man Jack brand product containing artificially-processed and synthetic ingredients and labeled or marketed as "naturally derived"

**California Sub-Class:** All members of the Nationwide Class who reside in the State of California.

**CLRA Sub-Class:** All members of the California Sub-Class who are "consumers" within the meaning of California Civil Code § 1761(d).

36. Excluded from the Class and Sub-Classes are: (1) Defendant, any entity or division in which Defendant has a controlling interest, and their legal representatives, officers, directors, assigns, and successors; (2) the Judge to whom this case is assigned and the Judge's staff; (3) any Judge sitting in the presiding state and/or federal court system who may hear an appeal of any judgment entered; and (4) those persons who have suffered personal injuries as a result of the facts alleged herein. Plaintiff reserves the right to amend the Class and Sub-Class definitions if discovery and further investigation reveal that the Class and Sub-Class

1 should be expanded or otherwise modified.

2 37. Numerosity: Although the exact number of Class Members is uncertain and  
3 can only be ascertained through appropriate discovery, the number is great enough such that  
4 joinder is impracticable. The disposition of the claims of these Class Members in a single  
5 action will provide substantial benefits to all parties and to the Court. The Class Members are  
6 readily identifiable from information and records in Defendant's possession, custody, or  
7 control.

8 38. Typicality: Plaintiff's claims are typical of the claims of the Class in that  
9 Plaintiffs, like all Class Members, purchased an EMJ Product containing artificially-processed  
10 and synthetic ingredients and labeled or marketed as "naturally derived". The representative  
11 Plaintiff, like all Class Members, has been damaged by Defendant's misconduct in that they  
12 incurred expenses due to their reliance on Defendant's deceptive representations and  
13 omissions regarding its EMJ Products, as described throughout this complaint. Furthermore,  
14 the factual bases of Defendant's misconduct are common to all Class Members and represent a  
15 common thread resulting in injury to all Class Members.

16 39. Commonality: There are numerous questions of law and fact common to  
17 Plaintiff and the Class that predominate over any question affecting only individual Class  
18 Members. These common legal and factual issues include the following:

- 19 a. Whether Presidio misrepresented and/or failed to disclose material facts  
20 concerning the EMJ Products;
- 21 b. Whether Presidio's conduct was unfair and/or deceptive;
- 22 c. Whether Presidio has a duty to disclose the true nature of its EMJ  
23 Products' ingredients;
- 24 d. Whether Plaintiff and other Class Members are entitled to equitable  
25 relief, including but not limited to a preliminary and/or permanent  
26 injunction;
- 27 e. Whether Defendant knew or reasonably should have known of its  
28 deceptive representations and omissions relating to its EMJ Products'



1 ingredients; and

2 f. Whether Defendant is obligated to inform Class Members of their right  
3 to seek reimbursement for having paid for EMJ Products in reliance on  
4 Defendant's misrepresentations.

5 40. Adequate Representation: Plaintiff will fairly and adequately protect the  
6 interests of the Class Members. Plaintiff has retained attorneys experienced in the prosecution  
7 of class actions, including consumer and product defect class actions, and Plaintiff intends to  
8 prosecute this action vigorously.

9 41. Predominance and Superiority: Plaintiff and Class Members have all suffered  
10 and will continue to suffer harm and damages as a result of Defendant's unlawful and  
11 wrongful conduct. A class action is superior to other available methods for the fair and  
12 efficient adjudication of the controversy. Absent a class action, most Class Members would  
13 likely find the cost of litigating their claims prohibitively high and would therefore have no  
14 effective remedy at law. Because of the relatively small size of the individual Class  
15 Members' claims, it is likely that only a few Class Members could afford to seek legal redress  
16 for Defendant's misconduct. Absent a class action, Class Members will continue to incur  
17 damages, and Defendant's misconduct will continue without remedy. Class treatment of  
18 common questions of law and fact would also be a superior method to multiple individual  
19 actions or piecemeal litigation in that class treatment will conserve the resources of the courts  
20 and the litigants, and will promote consistency and efficiency of adjudication.

## 21 **FIRST CAUSE OF ACTION**

22 **(Violation of California's Consumers Legal Remedies Act, California Civil Code §**  
23 **1750, *et seq.*)**

24 42. Plaintiff re-alleges and incorporates by reference each and every allegation  
25 contained in the preceding paragraphs of this Complaint as though fully set forth herein.

26 43. Plaintiff brings this cause of action on behalf of himself and on behalf of the  
27 members of the CLRA Sub-Class.

28 44. Defendant is a "person" as defined by California Civil Code § 1761(c).

1           45. Plaintiff and CLRA Sub-Class Members are “consumers” within the meaning  
2 of California Civil Code § 1761(d) because they bought the EMJ Products for personal,  
3 family, or household purposes.

4           46. By failing to disclose and concealing the true and actual nature of the EMJ  
5 Products from Plaintiff and prospective Class Members, Defendant violated California Civil  
6 Code § 1770(a), as it represented that the EMJ Products had characteristics and benefits that  
7 they do not have, represented that the EMJ Products were of a particular standard, quality, or  
8 grade when they were of another, and advertised the EMJ Products with the intent not to sell  
9 them as advertised. *See* Cal. Civ. Code §§ 1770(a)(5)(7) & (9).

10           47. Defendant’s unfair and deceptive acts or practices occurred repeatedly in  
11 Defendant’s trade or business and were capable of deceiving a substantial portion of the  
12 purchasing public.

13           48. Defendant knew the EMJ Products did not possess the characteristics and  
14 benefits as represented and were not of the particular standard, quality or grade as represented.

15           49. As a result of their reliance on Defendant’s representations and omissions,  
16 Class Members suffered an ascertainable loss of money, property, and/or value of their EMJ  
17 Products.

18           50. Defendant was under a duty to Plaintiff and Class Members to disclose the true  
19 and actual nature of the EMJ Products’ ingredients because:

- 20           a. Defendant was in a superior position to know the true state of facts  
21 about the ingredients in the EMJ Products;
- 22           b. Plaintiff and Class Members could not reasonably have been expected to  
23 learn or discover the true nature of the ingredients in the EMJ Products  
24 at the time of purchase and thereafter; and
- 25           c. Defendant knew that Plaintiff and Class Members could not reasonably  
26 have been expected to learn of or discover the true nature of the EMJ  
27 Products’ ingredients.

28           51. In failing to disclose and misrepresenting the true nature and source of the EMJ

Products' ingredients, Defendant knowingly and intentionally concealed material facts and breached its duty not to do so.

52. The facts Defendant concealed from or misrepresented to Plaintiff and Class Members are material in that a reasonable consumer would have considered them to be important in deciding whether to purchase the EMJ Products or pay less. If Plaintiff and Class Members had known that the EMJ Products' ingredients were synthetic, artificial, and toxic, they would not have purchased the EMJ Products or would have paid less for them.

53. Plaintiff and Class Members are reasonable consumers who expect manufacturers, like Presidio, to provide accurate and truthful representations regarding the synthetic and artificial ingredients used in their products. Further, reasonable consumers, like Plaintiff, rely on the representations made by manufacturers regarding products' ingredients in determining whether to purchase the particular products and consider that information important to their purchase decision.

54. As a direct and proximate result of Defendant's unfair methods of competition and/or unfair and deceptive practices, Plaintiff and the Class have suffered and will continue to suffer actual damages.

55. Plaintiff and the Class are entitled to equitable relief.

56. Plaintiff provided Defendant with notice of its violations of the CLRA pursuant to California Civil Code § 1782(a). Defendant failed to provide appropriate relief for its violations of the CLRA within 30 days. Therefore, Plaintiff seeks monetary, compensatory, and punitive damages, in addition to injunctive and equitable relief.

## **SECOND CAUSE OF ACTION**

### **(Violation of California Business & Professions Code § 17500 *et seq.*)**

57. Plaintiff incorporates by reference the allegations contained in each and every paragraph of this Complaint.

58. Plaintiff brings this cause of action on behalf of himself and on behalf of the Nationwide Class, or in the alternative, on behalf of the California Sub-Class.

59. California Business & Professions Code § 17500 prohibits unfair, deceptive,

1 untrue, and misleading advertising in connection with the disposal of personal property  
2 (among other things), including, without limitation, false statements as to the use, worth,  
3 benefits, or characteristics of the property.

4 60. Defendant has committed acts of untrue and misleading advertising by  
5 engaging in false representations as to the synthetic and artificial ingredients used in its EMJ  
6 Products. In addition, Defendant made such untrue or misleading advertisements with the  
7 intent to dispose of said merchandise.

8 61. Presidio knew, or in the exercise of reasonable care should have known, that  
9 these representations were misleading and deceptive.

10 62. The falsely advertised synthetic and artificial ingredients of the EMJ Products  
11 Seats was, and continues to be, likely to deceive members of the public.

12 63. As a result of their reliance on Defendant's misrepresentations and omissions,  
13 Class Members suffered an ascertainable loss of money, property, and/or value of their EMJ  
14 Products.

15 64. As a direct and proximate result of Defendant's unfair and deceptive practices,  
16 Plaintiff and the Class have suffered and will continue to suffer actual damages.

17 65. Presidio has been unjustly enriched and should be required to make restitution  
18 to Plaintiff and the Class. Pursuant to § 17535 of the Business & Professions Code, Plaintiff  
19 and Class Members are entitled to an order of this Court enjoining such future conduct on the  
20 part of Presidio, and such other orders and judgments which may be necessary to disgorge  
21 Presidio's ill-gotten gains and restore to any person in interest any money paid for its EMJ  
22 Products as a result of the wrongful conduct of Presidio.

### 23 **THIRD CAUSE OF ACTION**

#### 24 **(Violation of California Business & Professions Code § 17200 *et seq.*)**

25 66. Plaintiff incorporates by reference the allegations contained in each and every  
26 paragraph of this Complaint.

27 67. Plaintiff brings this cause of action on behalf of himself and on behalf of the  
28 Nationwide Class, or in the alternative, on behalf of himself and on behalf of the California

Sub-Class.

68. As a result of their reliance on Defendant's misrepresentations and omissions, Class Members suffered an ascertainable loss of money, property, and/or value of their EMJ Products.

69. California Business & Professions Code § 17200 prohibits acts of "unfair competition," including any "unlawful, unfair or fraudulent business act or practice" and "unfair, deceptive, untrue or misleading advertising."

70. Plaintiff and Class Members are reasonable consumers who expect manufacturers, like Presidio, to provide accurate and truthful representations regarding the synthetic and artificial ingredients used in their products. Further, reasonable consumers, like Plaintiff, rely on the representations made by manufacturers regarding products' ingredients in determining whether to purchase the particular products and consider that information important to their purchase decision.

71. In failing to disclose and actively misrepresenting the actual nature and source of the ingredients used in the EMJ Products, Defendant has knowingly and intentionally concealed material facts and breached its duty not to do so.

72. Defendant was under a duty to Plaintiff and Class Members to disclose the actual nature and source of the ingredients used in the EMJ Products, and other omitted or misrepresented facts alleged herein, because:

- a. Defendant was in a superior position to know the true nature and sources of the EMJ Products' ingredients;
- b. Defendant made partial representations about the nature and sources of the EMJ Products' ingredients without revealing the material information needed to determine whether to purchase; and
- c. Defendant actively concealed the actual nature and sources of the EMJ Products' ingredients from Plaintiff and the Class.

73. The facts Defendant concealed from or misrepresented to Plaintiff and Class Members are material in that a reasonable consumer would have considered them to be

important in deciding whether to purchase the EMJ Products or pay less. If Plaintiff and Class Members had known that the EMJ Products' ingredients were synthetic, artificial, and toxic, they would not have purchased the EMJ Products or would have paid less for them.

74. Defendant's conduct was and is likely to deceive consumers.

75. Defendant's acts, conduct and practices were unlawful, in that they constituted:

a. Violations of California's Consumers Legal Remedies Act; and

b. Violations of California's False Advertising Law.

76. By its conduct, Defendant has engaged in unfair competition and unlawful, unfair, and fraudulent business practices.

77. Defendant's unfair or deceptive acts or practices occurred repeatedly in Defendant's trade or business, and were capable of deceiving a substantial portion of the purchasing public.

78. As a direct and proximate result of Defendant's unfair and deceptive practices, Plaintiff and the Class have suffered and will continue to suffer actual damages.

79. Defendant has been unjustly enriched and should be required to make restitution to Plaintiff and the Class pursuant to §§ 17203 and 17204 of the Business & Professions Code.

#### **FOURTH CAUSE OF ACTION**

##### **(Negligent Misrepresentation)**

80. Plaintiff re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

81. Presidio represented to Plaintiff and members of the Class that those important facts set above were true.

82. These representations were not true.

83. Presidio had no reasonable grounds for believing the representations were true when it made them.

84. Presidio intended that Plaintiff and members of the Class rely on these representations.



3                   86. Defendant's representations were material to Plaintiff's decision to purchase  
4 the EMJ Products and Plaintiff and members of the Class were harmed by Defendant's  
5 misrepresentations.

6 PRAYER FOR RELIEF

7            87. Plaintiff, on behalf of himself, and all others similarly situated, requests the  
8 Court to enter judgment against Defendant, as follows:

- 9 a. An order certifying the proposed Class and Sub-Classes, designating  
10 Plaintiff as named representative of the Class, and designating the  
11 undersigned as Class Counsel;
- 12 b. An order enjoining Defendant from further deceptive advertising, sales,  
13 and other business practices with respect to its representations regarding  
14 the EMJ Products;
- 15 c. A declaration requiring Defendant to comply with the various  
16 provisions of California's False Advertising Law and CLRA alleged  
17 herein and to make all the required representations;
- 18 d. An award to Plaintiff and the Class for compensatory, exemplary, and  
19 statutory damages, including interest, in an amount to be proven at trial;
- 20 e. A declaration that Defendant must disgorge, for the benefit of the Class,  
21 all or part of the ill-gotten profits it received from the sale of its EMJ  
22 Products, or make full restitution to Plaintiff and Class Members;
- 23 f. An award of attorneys' fees and costs, as allowed by law;
- 24 g. An award of attorneys' fees and costs pursuant to California Code of  
25 Civil Procedure § 1021.5;
- 26 h. An award of pre-judgment and post-judgment interest, as provided by  
27 law;
- 28 i. Leave to amend the Complaint to conform to the evidence produced at

trial; and

j. Such other relief as may be appropriate under the circumstances.

**DEMAND FOR JURY TRIAL**

88. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of any and all issues in this action so triable.

Dated: January 17, 2017

Respectfully submitted,

Capstone Law APC

By: /s/ Lee A. Cirsch

Lee A. Cirsch

Robert K. Friedl

Trisha K. Monesi

Attorneys for Plaintiff Garrett Shank

# EXHIBIT 1

1 Lee A. Cirsch (SBN 227668)  
Lee.Cirsch@capstonelawyers.com  
2 Robert K. Friedl (SBN 134947)  
Robert.Friedl@capstonelawyers.com  
3 Trisha K. Monesi (SBN 303512)  
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5 Los Angeles, California 90067  
Telephone: (310) 556-4811  
6 Facsimile: (310) 943-0396

7 Attorneys for Plaintiff  
8 Garret Shank

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 GARRET SHANK, individually, and on  
12 behalf of other members of the general  
13 public similarly situated,

14 Plaintiff,

15 v.

16 PRESIDIO BRANDS, INC., a Delaware  
corporation,

17 Defendant.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No.:

**DECLARATION OF GARRET SHANK IN  
SUPPORT OF VENUE FOR CLASS  
ACTION COMPLAINT PURSUANT TO  
CIVIL CODE SECTION 1780(d)**

1                                   **DECLARATION OF GARRET SHANK**

2           I, GARRET SHANK, declare under penalty of perjury as follows:

3           1.       I make this declaration based upon my personal knowledge except as to those  
4 matters stated herein that are based upon information and belief, and as to those matters I  
5 believe them to be true. I am over the age of eighteen, a citizen of the State of California, and  
6 a Plaintiff in this action.

7           2.       Pursuant to California Civil Code section 1780(d), this Declaration is submitted  
8 in support of Plaintiff's Selection of Venue for the Trial of Plaintiff's Cause of Action  
9 alleging violation of California's Consumers Legal Remedies Act.

10          3.       I reside in Los Angeles, California, which is in the County of Los Angeles. I  
11 purchased the Every Man Jack products that are the subject of this lawsuit in the County of  
12 Los Angeles.

13          4.       I am informed and believe that Defendant PRESIDIO BRANDS, INC.  
14 ("Defendant") is a Delaware corporation, organized and existing under the laws of the State of  
15 Massachusetts, and registered to conduct business in California. Defendant Presidio Brands,  
16 Inc.'s Corporate Headquarters are located at 500 Tamal Plaza, Suite 505, Corte Madera,  
17 California, which is in Marin County.

18       //

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28       //

Executed on January 12, 2017 in Los Angeles, California.

Garret Shank



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.)

<b>I. (a) PLAINTIFFS</b>	<b>DEFENDANTS</b>
<b>(b)</b> County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)
<b>(c)</b> Attorneys (Firm Name, Address, and Telephone Number)	NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)																												
<table><tr><td>1 U.S. Government Plaintiff</td><td>3 Federal Question (U.S. Government Not a Party)</td></tr><tr><td>2 U.S. Government Defendant</td><td>4 Diversity (Indicate Citizenship of Parties in Item III)</td></tr></table>	1 U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a Party)	2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)	<table><tr><td></td><td>PTF</td><td>DEF</td><td></td><td>PTF</td><td>DEF</td></tr><tr><td>Citizen of This State</td><td>1</td><td>1</td><td>Incorporated or Principal Place of Business In This State</td><td>4</td><td>4</td></tr><tr><td>Citizen of Another State</td><td>2</td><td>2</td><td>Incorporated and Principal Place of Business In Another State</td><td>5</td><td>5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td>3</td><td>3</td><td>Foreign Nation</td><td>6</td><td>6</td></tr></table>		PTF	DEF		PTF	DEF	Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	4	Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5	Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6
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Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5																								
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6																								

<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)					
<b>CONTRACT</b>	<b>TORTS</b>		<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment Of Veteran's Benefits 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	<b>PERSONAL INJURY</b> 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> 365 Personal Injury - Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	625 Drug Related Seizure of Property 21 USC § 881 690 Other  <b>LABOR</b> 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> 462 Naturalization Application 465 Other Immigration Actions	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157  <b>PROPERTY RIGHTS</b> 820 Copyrights 830 Patent 840 Trademark  <b>SOCIAL SECURITY</b> 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS-Third Party 26 USC § 7609	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	<b>CIVIL RIGHTS</b> 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/Accommodations 445 Amer. w/Disabilities-Employment 446 Amer. w/Disabilities-Other 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty <b>Other:</b> 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee-Conditions of Confinement			

<b>V. ORIGIN</b> (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

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

<b>VII. REQUESTED IN COMPLAINT:</b>	CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.	DEMAND \$	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> Yes    No
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<b>VIII. RELATED CASE(S), IF ANY</b> (See instructions):	JUDGE	DOCKET NUMBER
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<b>IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)</b> (Place an "X" in One Box Only)	SAN FRANCISCO/OAKLAND	SAN JOSE	EUREKA-MCKINLEYVILLE
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DATE:	SIGNATURE OF ATTORNEY OF RECORD:
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**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.