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10
11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13

14 STEPHEN WILSON, individually, and
on behalf of a class of similarly situated
15 individuals,

16 Plaintiff,

17 v.

18 ODWALLA, INC., a California
corporation; THE COCA-COLA
19 COMPANY, a Delaware corporation;
and DOES 1-10, inclusive,

20 Defendants.
21

CASE NO.

**DEFENDANTS ODWALLA, INC.
AND THE COCA-COLA
COMPANY, INC.'S NOTICE OF
REMOVAL OF CLASS ACTION (28
U.S.C. §§ 1332, 1446, & 1453).**

*[Filed Concurrently with Declaration of
Sara Litton in Support of Notice of
Removal]*

Complaint Filed: March 9, 2017

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that Defendants Odwalla, Inc. (“Odwalla”) and The Coca-Cola Company, Inc. (“TCCC”) (sometimes Odwalla and TCCC are referred to collectively herein as the “Defendants”) hereby remove to this Court, pursuant to 28 U.S.C. §§ 1332, 1446, and 1453, as amended in relevant part by the Class Action Fairness Act of 2005 (“CAFA”), the action entitled *Wilson v. Odwalla, Inc., et al.*, originally filed in the Superior Court of California in the County of Los Angeles and assigned Case No. BC653235 (the “State Court Action”). The grounds for removal are set forth herein.

I. INTRODUCTION

On or about March 9, 2017, Plaintiff Stephen Wilson (“Plaintiff”) commenced the State Court Action, alleging causes of action on a representative basis for (1) violations of the Unfair Competition Law, California Business & Professions Code § 17200 *et seq.*; (2) violations of the False Advertising Law, California Business & Professions Code § 17500; and (3) violations of the Consumers Legal Remedies Act, California Civil Code § 1750. Plaintiff alleges that he and members of a nationwide putative class purchased Odwalla 100% Juices with a “No Sugar Added” claim that were mislabeled in violation of Federal Drug Administration (“FDA”) and state regulations. A copy of the Complaint is attached hereto as Exhibit “A.” On March 13, 2017, Plaintiff effectuated service of the Complaint on both Defendants. (Exhibits B & C.)

II. THIS COURT HAS JURISDICTION UNDER CAFA

Defendants remove the State Court Action pursuant to CAFA, codified under 28 U.S.C. § 1332(d). CAFA provides the Court with original jurisdiction of this action and permits TCCC to remove the State Court Action from the California state court to this Court.

CAFA vests district courts with original jurisdiction over class actions when

1 the aggregate amount in controversy for all putative class members exceeds \$5
 2 million (exclusive of interest and costs), and when any member of the putative class
 3 of plaintiffs is a citizen of a state different from any defendant. 28 U.S.C.
 4 § 1332(d)(2).

5 These requirements are satisfied here, as set forth below.

6 **A. Class Action.**

7 The State Court Action is a class action as defined by CAFA. CAFA
 8 provides:

9 [T]he term “class action” means any civil action filed
 10 under rule 23 of the Federal Rules of Civil Procedure or
 11 similar State statute or rule of judicial procedure
 12 authorizing an action to be brought by 1 or more
 13 representative persons as a class action.

14 28 U.S.C. § 1332(d)(1)(B).

15 Plaintiff’s Complaint alleges a putative class action on behalf of himself and
 16 a proposed nationwide class and two California sub-classes under California Code
 17 of Civil Procedure section 382. (*See* Exhibit A, ¶¶ 29-38.) The California rule
 18 governing maintenance of class actions, California Code of Civil Procedure section
 19 382, is analogous to Federal Rule of Civil Procedure 23. *In re Tobacco II Cases*,
 20 46 Cal. 4th 298, 318 (2009) (noting that the “requirements [of Federal Rule of Civil
 21 Procedure 23(a)] are analogous to the requirements for class certification under
 22 Code of Civil Procedure section 382.”). The State Court Action therefore falls
 23 within the definition of a “class action” under CAFA.

24 **B. Removal Under CAFA.**

25 CAFA provides that a class action against a non-governmental entity may be
 26 removed if: (1) the number of proposed class members is not less than 100; (2) any
 27 member of the proposed plaintiff class is a citizen of a state different from any
 28 defendant; and (3) the aggregate amount in controversy exceeds \$5 million,

1 excluding interests and costs. 28 U.S.C. § 1332(d), (d)(5), and § 1453(b).

2 **1. Plaintiff's Proposed Class and Sub-Classes.**

3 Plaintiff purports to represent a nationwide class of "All individuals in the
4 United States who purchased one or more containers of Odwalla Juice containing a
5 "No Sugar Added" claim on the label or other packaging at any time between four
6 years prior to the filing of this complaint until the date of certification (the
7 "Nationwide Class"). (Exhibit A, ¶ 31.) The Complaint defines "Odwalla Juice" as
8 "Odwalla 100% Juices, including Berry Greens, Groovin' Greens, and 100%
9 Orange Juice, with the phrase 'No Sugar Added' on their label or outer packaging."
10 (Exhibit A, ¶ 1.) Additionally, Plaintiff purports to represent the following two
11 subclasses: (1) "All members of the Nationwide Class who reside in the State of
12 California (the "California Subclass") and (2) "All members of the California Sub-
13 class who are 'consumers' within the meaning of California Civil Code § 1761(d)
14 (the "CLRA subclass"). (Exhibit A, ¶ 31.) Furthermore, while Plaintiff does not
15 allege a specific number of potential putative class members in the Complaint, he
16 does allege that "the number is great enough such that joinder is impracticable."
17 (Exhibit A, ¶ 34.)

18 As set forth in the concurrently filed Declaration of Sara Litton, more than
19 100 containers of Odwalla Juice, as defined by Plaintiff, were sold nationwide
20 within the four-year period prior to the filing of the Complaint. (Litton Decl., ¶ 4.)
21 Indeed, just for the one year period between March 2016 and March 2017, the total
22 dollar volume of Odwalla 100% Juices sold nationwide exceeds \$10 million.
23 (Litton Decl., ¶ 4.) Thus, it is certain that the number of putative class members
24 who purchased Odwalla 100% Juices in the Complaint exceeds 100.

25 **1. Diversity of Citizenship Under CAFA.**

26 "[U]nder CAFA, complete diversity is not required; 'minimal diversity'
27 suffices." *Serrano v. 1800 Connect, Inc.*, 478 F.3d 1018, 1021 (9th Cir. 2007).
28 Furthermore, under CAFA's minimal diversity, the diversity of unnamed putative

1 class members is also considered. 28 U.S.C. § 1332(d)(1)(D)-(d)(2)(A).

2 Accordingly, “minimal diversity” is met when “any member of a class of plaintiffs
3 is a citizen of a State different from any defendant.” 28 U.S.C. § 1332(d)(2)(A).

4 That requirement is met here because Plaintiff is a citizen of California and
5 defendant TCCC is a citizen of states other than California. Additionally,
6 defendant Odwalla has dual citizenship outside of California.

7 An individual is a citizen of the state where he resides. 28 U.S.C.
8 § 1332(a)(1). Plaintiff Stephen Wilson is an individual and resides in California, as
9 such, is a citizen of the State of California. (*See* Exhibit A, ¶ 10). Additionally,
10 Plaintiff brings this action on behalf of a putative nationwide class, therefore
11 members of the putative class likely reside in every state where Odwalla Juice is
12 sold. 28 U.S.C. § 1332(d)(1)(D)-(d)(2)(A); Exhibit A, ¶ 31.

13 A corporation is a “citizen of every state . . . by which it has been
14 incorporated and of the State . . . where it has its principal place of business.” 18
15 U.S.C. § 1332(c)(1); *Nike, Inc. v. Comercial Iberica de Exclusivas Deportivas*,
16 *S.A.*, 20 F.3d 987, 990 (9th Cir. 1994) (“[T]he corporation is deemed a citizen of its
17 place of incorporation and the location of its principal place of business.”)

18 TCCC is a Delaware corporation with its principal place of business in
19 Atlanta, Georgia. (Exhibit A, ¶ 15; Litton Decl., ¶ 2.) TCCC is therefore a citizen
20 of both Delaware and Georgia. *See Nike, Inc.*, 20 F.3d at 990. Similarly, Odwalla
21 is a California corporation with a principal place of business in Texas. *Id.*; Exhibit
22 A, ¶ 14; Litton Decl., ¶ 3. Therefore, Odwalla is a citizen of both California and
23 Texas. *See Nike, Inc.*, 20 F.3d at 990.

24 Because at least one member of the proposed class of plaintiffs is a citizen of
25 a state different from TCCC, within the meaning of 28 U.S.C. § 1332(d)(2)(A),
26 CAFA’s diversity of citizenship requirement is satisfied. Additionally, minimal
27 diversity is also established because Plaintiff seeks to represent a nationwide class.
28 28 U.S.C. § 1332(d)(1)(D)-(d)(2)(A).

1 The diversity that exists in this action not only satisfies the minimal diversity
 2 of citizenship requirement under CAFA, but also precludes the applicability of
 3 exceptions in 28 U.S.C. § 1332(d)(4)(A)-(B) because while Odwalla may be
 4 considered a California citizen (in addition to being a citizen of Texas) and Plaintiff
 5 a California citizen, the amount of Odwalla Juice sold in California for the last
 6 calendar year (2016) is approximately 38% of the total Odwalla Juice sold in the
 7 United States. (Litton Decl., ¶ 5.) Furthermore, the amount of Odwalla Juice sold
 8 in California for calendar years 2013, 2014, and 2015 never exceeded 40% of total
 9 sales. (*Id.*) Additionally, TCCC is a citizen of two states *other than* California
 10 (Delaware and Georgia), which does not permit the Court to decline jurisdiction
 11 under 28 U.S.C. § 1332(d)(4)(B). *See, e.g., Dean v. Draughtons Junior College*,
 12 No. 3:12-cv-0157, 2012 WL 2357492, at *3 (M.D. Tenn. June 20, 2012).

13 Moreover, the Court should not exercise its discretion to decline jurisdiction
 14 under 28 U.S.C. § 1332(d)(3) because not only is TCCC is a citizen of two states
 15 *other than* California, Plaintiff here purports to represent a putative class of
 16 *nationwide* class members and Plaintiff alleges *nationwide* wrongful conduct.
 17 (Exhibit A, ¶ 31.) Accordingly, § 1332(d)(3) does not apply here. *See, e.g.,*
 18 *Marino v. Countrywide Financial Corp.*, 26 F.Supp.3d 949, 954-955 (C.D. Cal.
 19 2014) (rejecting application of exceptions to CAFA when conduct and injuries are
 20 alleged to be nationwide, even if the proposed class is limited to citizens of a single
 21 state); *see also Adams v. Macon Cnty. Greyhound Park, Inc.*, 829 F. Supp. 2d 1127,
 22 1138 n. 13 (M.D. Ala. 2011) (collecting federal circuit court and district court cases
 23 reflecting the “consensus among the courts . . . that the plural use of ‘defendants’
 24 [in § 1332(d)(3)] means that all primary defendants must be citizens of the state in
 25 which the action was originally filed. . . .”)

26 **2. Amount in Controversy.**

27 CAFA’s third requirement – that the aggregate amount in controversy,
 28

1 exclusive of interest and costs, exceed \$5 million – is also satisfied. 28 U.S.C. §
 2 1332(d)(2). Here, Plaintiff’s lawsuit seeks restitution and declaratory and
 3 injunctive relief, in the aggregate, which are worth more than CAFA’s \$5 million
 4 threshold.

5 When removal is sought under CAFA, the amount in controversy
 6 requirements should be “interpreted expansively.” *Yeroushalmi v. Blockbuster,*
 7 *Inc.*, No. 05-225, 2005 WL 2083008, at *3 (C.D. Cal. July 11, 2005) citing S. Rep.
 8 No. 109-14, at 42 (2005). “In measuring the amount in controversy, a court must
 9 assume that the allegations of the complaint are true and that a jury will return a
 10 verdict for plaintiff on all claims made in the complaint.” *Korn v. Polo Ralph*
 11 *Lauren Corp.*, 536 F. Supp. 2d 1199, 1205 (E.D. Cal. 2008). If the court is
 12 uncertain whether the amount in controversy exceeds \$5 million, the “court should
 13 err in favor of exercising jurisdiction over the case.” *Yeroushalmi*, 2005 WL
 14 2083008, at *3 citing S. Rep. No. 109-14, at 42 (2005). If a plaintiff fails to plead
 15 an amount in controversy in a class action complaint, as is the case here, a
 16 defendant seeking removal “must prove by only a preponderance of the evidence
 17 that the damages claimed exceed \$5,000,000.” *Lowdermilk v. U.S. Bank Nat’l*
 18 *Assoc.*, 479 F.3d 994, 998 (9th Cir. 2007).

19 In this case, as set forth in the attached Litton Declaration, Plaintiff requests
 20 restitution and damages that, if granted, would cost Defendants in excess of \$5
 21 million. Indeed, just for the one-year period between March 2016 and March 2017,
 22 the total dollar volume of Odwalla 100% Juices sold nationwide exceeds \$10
 23 million. Litton Decl., ¶ 4; *see Watkins v. Vital Pharms., Inc.* v. No. 13-55755, 2013
 24 WL 3306322, at *2 (9th Cir. July 2, 2013) (per curium) (holding that a declaration
 25 stating that the total sales of the product at issue exceeded \$5 million during the
 26 class period was sufficient to meet CAFA’s amount in controversy requirement.)

27 Accordingly, CAFA’s requirement that the aggregate amount in controversy
 28 exceeds \$5 million is met here.

1 **III. DEFENDANTS HAVE TIMELY FILED THEIR NOTICE OF**
 2 **REMOVAL AND SATISFIED ALL PROCEDURAL**
 3 **REQUIREMENTS**

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

5 This notice of removal is timely pursuant to 28 U.S.C. §§ 1446(b) and
 6 1453(b), because it is filed within thirty (30) days after service of the Complaint on
 7 Defendants. Here, both Defendants were served with the Summons and Complaint
 8 on March 13, 2017. (Exhibits B & C.) Therefore, notice is timely pursuant to 28
 9 U.S.C. § 1446(b).

10 **B. Defendants have Satisfied all Procedural Requirements.**

11 Section 1446(a) requires a removing party to provide this Court with a copy
 12 of all “process, pleadings and orders” served on it in the State Court Action. True
 13 and correct copies of these documents are listed below:

- 14 • Complaint (Exhibit A)
- 15 • Service of Process Transmittal on Odwalla (Exhibit B)
- 16 • Service of Process Transmittal on TCCC (Exhibit C)
- 17 • Summons to Odwalla (Exhibit D)
- 18 • Summons to TCCC (Exhibit E)
- 19 • Guidelines for Motions for Preliminary and Final Approval of
- 20 Class Settlement (Exhibit F)
- 21 • Civil Case Cover Sheet & Addendum (Exhibit G)
- 22 • Superior Court of California, County of Los Angeles Notice of
- 23 Case Assignment – Class Action Cases (Exhibit H)
- 24 • Voluntary Efficient Litigation Stipulations (Exhibit I)
- 25 • Initial Status Conference Order (Exhibit J)
- 26 • Court Order Regarding Newly Filed Class Action (Exhibit K)

27 Pursuant to 28 U.S.C. section 1446(d), Defendants are filing a copy of the
 28 Notice of Removal with the Clerk of the Los Angeles County Superior Court and

1 serving Plaintiff with the same. A copy of the Notice to the Superior Court (which
2 is being served on Plaintiff), without exhibits, is attached hereto as Exhibit "L."

3 **IV. CONCLUSION**

4 WHEREFORE, Defendants respectfully submit that (1) CAFA applies to this
5 action because the proposed class contains at least 100 members, (2) at least one
6 member of the proposed class is a citizen of a state different than one of the
7 Defendants' state of citizenship and no other CAFA exceptions apply, (3) the
8 aggregate amount in controversy exceeds \$5 million, and (4) the procedural
9 requirements under 28 U.S.C. § 1446 are met. For these reasons, this action is
10 properly removed to this Court.

11
12 Dated: April 11, 2017

13
14 DLA PIPER LLP (US)

15 By: /s/ Jeffrey A. Rosenfeld
16 JEFFREY A. ROSENFELD
17 RACHEL E.K. LOWE
18 MONICA D. SCOTT
19 SEAN R. CRAIN
20 Attorneys for Defendants
21 ODWALLA, INC. and THE COCA-
22 COLA COMPANY
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EXHIBIT A

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 13 Stephen Wilson

14 STEPHEN WILSON, individually, and on
 15 behalf of a class of similarly situated
 16 individuals,

17 Plaintiff,

18 v.

19 ODWALLA, INC., a California
 20 corporation; THE COCA-COLA
 21 COMPANY, a Delaware corporation; and
 22 DOES 1-10, inclusive,

23 Defendants.

FILED
 Superior Court of California
 County of Los Angeles

MAR 09 2017

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

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BY FAX
 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES

Case No.:

BC 6 53 235

CLASS ACTION COMPLAINT FOR:

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

DEMAND FOR JURY TRIAL

CIT/CASE: BC653235
 LEAD/DEF#:
 RECEIPT #: CCH520872132
 DATE PAID: 03/09/17 03:53 PM
 PAYMENT: \$1,435.00
 RECEIVED: 310
 CHECK: \$1,435.00
 CASH: \$0.00
 CHANGE: \$0.00
 CARD: \$0.00

INTRODUCTION

1. Plaintiff Stephen Wilson ("Plaintiff") brings this action for himself and on behalf of all persons in the United States who purchased one or more containers of Odwalla 100% Juices, including Berry Greens, Groovin' Greens, and 100% Orange Juice, with the phrase "No Added Sugar" on their label or outer packaging (collectively "Odwalla Juice") created, manufactured, distributed, marketed, and/or sold by Defendants Odwalla, Inc., The Coca-Cola Company, and DOES 1-10 ("Defendants").

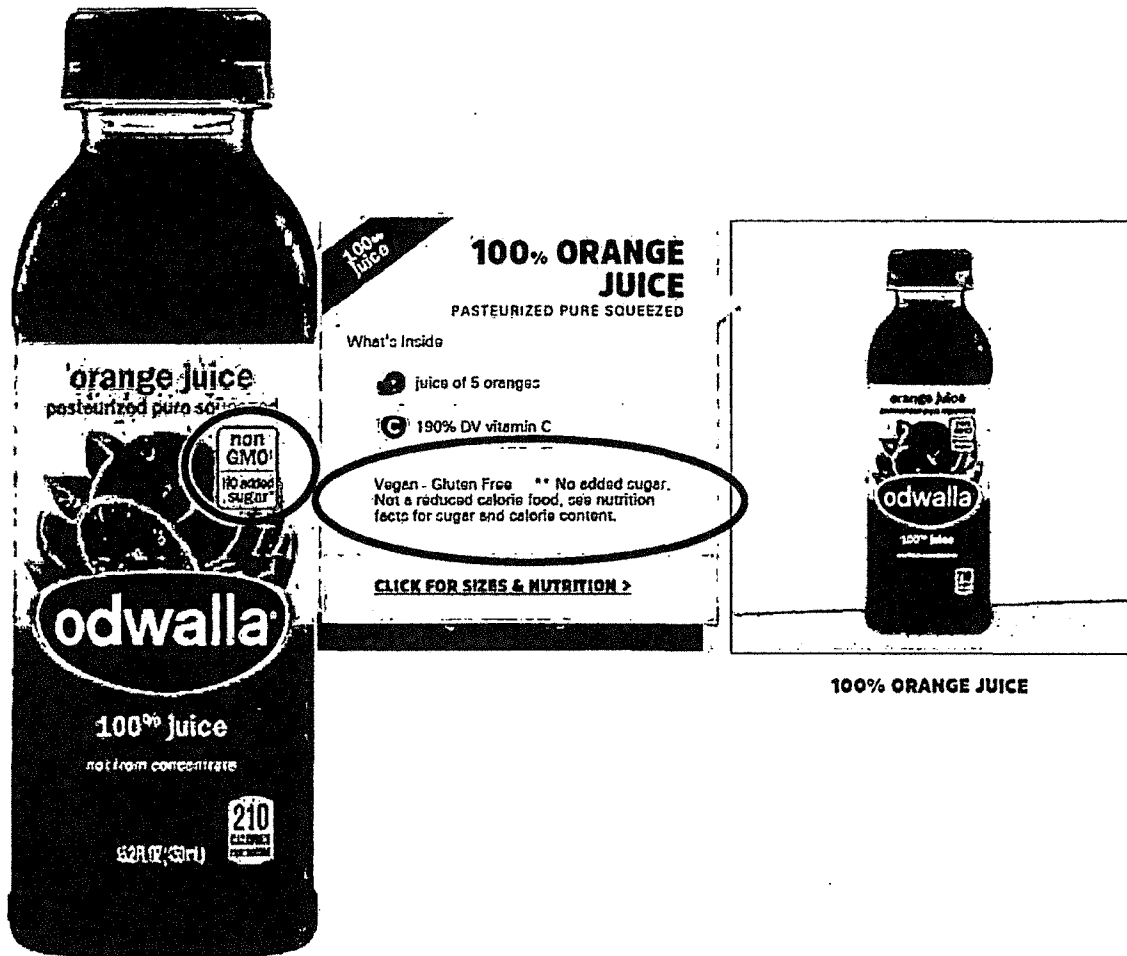
2. Plaintiff's action arises out of the unlawful "No Added Sugar" statements placed by Defendants on the labels and outer packaging of Odwalla Juice containers. The Food and Drug Administration ("FDA") regulations promulgated pursuant to the Food, Drug, and Cosmetics Act of 1938 ("FDCA") specify the precise nutrient content claims concerning sugar that may be made on a food label. *See* 21 C.F.R. § 101, Subpart D. Defendants' "No Added Sugar" claims on its Odwalla Juice containers fail to comply with these requirements, as set forth below. As a result, Defendants have violated California's Sherman Law and consumer protection statutes, which wholly adopt the federal requirements.

3. In the United States more than one-third of adults are obese, and approximately seventeen percent of children and adolescents are obese. The obesity epidemic has been fueled, in part, by increased consumption of foods high in sugar. Obesity and excess sugar consumption, in turn, have been linked to a variety of health problems, including, but not limited to, heart disease, tooth decay and diabetes. As a result, consumers are increasingly aware of their sugar consumption and attach importance to the statement "No Added Sugar" on the labels of food products.

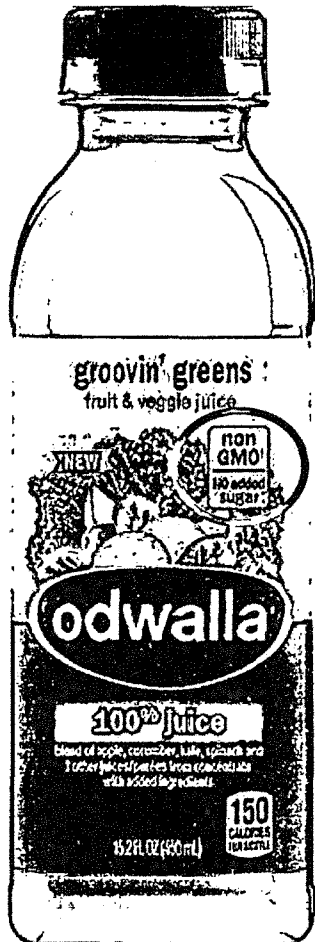
4. On information and belief, Defendants' Odwalla Juice is among the country's most widely-distributed juice food products.

5. To profit from consumers' well-placed and increased focus on minimizing sugar consumption, Defendants have prominently featured a "No Added Sugar" statement on the front labels of its Odwalla Juice containers. The images below depict the "No Added

Sugar” statement as featured on the labels (“No Added Sugar Label”):



03/09/2017



GROOVIN' GREENS

GROOVIN' GREENS

FRUIT & VEGGIE JUICE

What's Inside

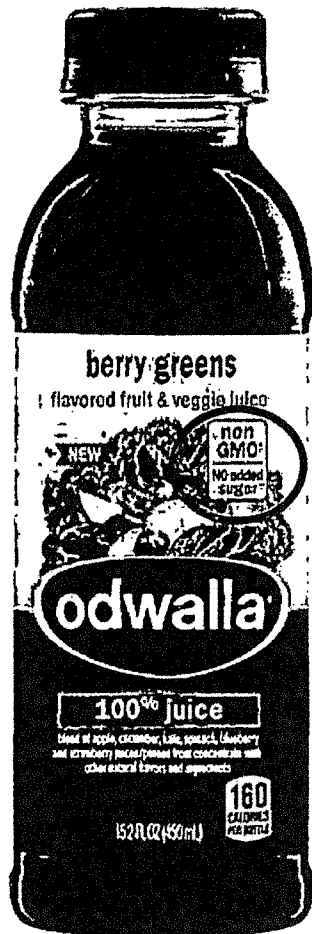
- juice of 2 1/3 apples
- juice of 1 3/4 cups of cucumber
- juice of 1 cup of kale
- juice of 1 cup of spinach
- plus 3 other juices

Vegan Gluten Free ** No added sugar.
Not a reduced calorie food, see nutrition facts for sugar and calorie content.

[CLICK FOR SIZES & NUTRITION >](#)

100% Juice

03/09/2017



BERRY GREENS

BERRY GREENS

FLAVORED FRUIT & VEGGIE JUICE

What's Inside

- juice of 2 1/3 apples
- juice of 1 1/2 cups of cucumber
- juice of 3/4 cup of kale
- juice of 1 cup of spinach
- juice of 12 blueberries
- 1 strawberry

Vegan Gluten Free ** No added sugar.
Not a reduced calorie food, see nutrition
facts for sugar and calorie content.

[CLICK FOR SIZES & NUTRITION >](#)

100%
juice

03/09/2017

1 6. The FDA forbids the use of “No Added Sugar” claims unless the product
2 making such claim meets the following criteria:

3 (i) **No amount of sugars**, as defined in 101.9(c)(6)(ii), or any other ingredient
4 that contains sugars that functionally substitute for added sugars **is added during**
5 **processing or packaging**; and

6 (ii) The **product does not contain an ingredient containing added sugars**
7 such as jam, jelly, or concentrated fruit juice; and

8 (iii) The **sugars content has not been increased above the amount present in**
9 **the ingredients by some means** such as the use of enzymes, except where the
10 intended functional effect of the process is not to increase the sugars content of a food,
11 and a functionally insignificant increase in sugars results; and

12 (iv) **The food that it resembles and for which it substitutes normally**
13 **contains added sugars**; and

14 (v) The **product bears a statement that the food is not “low calorie” or**
15 **“calorie reduced”** (unless the food meets the requirements for a “low” or “reduced
16 calorie” food) **and that directs consumers’ attention to the nutrition panel for**
17 **further information on sugar and calorie content.**¹

18 7. The FDA has stated that, “[i]n implementing the guidelines, the purpose of the
19 ‘no added sugar’ claim is to present consumers with information that allows them to
20 differentiate between similar foods that would normally be expected to contain added sugars,
21 with respect to the presence or absence of added sugars. Therefore, the ‘no added sugar’
22 claim is not appropriate to describe foods that do not normally contain added sugars.”²

23 8. Defendants’ “No Added Sugar” claims on Odwalla Juice are in violation of
24 FDA and state regulations because Odwalla Juice does not resemble and substitute for a food
25 that normally contains added sugars (21 C.F.R. § 101.60(c)(iv)).

26
27 ¹ See 21 C.F.R. § 101.60(c)(2)(emphasis added).

28 ² 58 Fed. Reg. 2302, 2327 (Jan. 6, 1993).

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PLAINTIFF STEPHEN WILSON

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1 related entities to which these allegations pertain.

2 17. Plaintiff is informed and believes, and thereon alleges, that each and all of the
3 acts and omissions alleged herein was performed by, or is attributable to ODWALLA, INC.,
4 THE COCA-COLA COMPANY, and DOES 1-10, each acting as the agent for the other, with
5 legal authority to act on the other's behalf. The acts of any and all Defendants were in
6 accordance with, and represent, the official policy of Defendants.

7 18. Plaintiff is informed and believes, and thereon alleges, that each of said
8 Defendants is in some manner intentionally, negligently, or otherwise responsible for the acts,
9 omissions, occurrences, and transactions of each and all of the other Defendants in
10 proximately causing the damages herein alleged.

11 19. At all relevant times, Defendants, and each of them, ratified each and every act
12 or omission complained of herein.

13 JURISDICTION

14 20. This Court has jurisdiction over this action pursuant to California Code of Civil
15 Procedure § 410.10. Personal jurisdiction over ODWALLA, INC. is proper because
16 ODWALLA, INC. is incorporated in California and has purposefully availed itself of the
17 privilege of conducting business activities in California, including, but not limited to, testing,
18 manufacturing, marketing, distributing, and/or selling Odwalla Juice to Plaintiff and
19 prospective class members. Personal jurisdiction over THE COCA-COLA COMPANY is
20 proper because THE COCA-COLA COMPANY has purposefully availed itself of the
21 privilege of conducting business activities in California, including, but not limited to, testing,
22 manufacturing, marketing, distributing, and/or selling Odwalla Juice to Plaintiff and
23 prospective class members.

24 21. This class action is brought pursuant to California Code of Civil Procedure §
25 382. Plaintiff is a California resident. The monetary damages and restitution sought by
26 Plaintiff and the prospective class members exceed the minimal jurisdiction limits of the
27 Superior Court and will be established according to proof at trial.

28

VENUE

22. Venue is proper in this Court pursuant to California Code of Civil Procedure §§ 395, 395.5 and California Civil Code § 1780 because Plaintiff resides in the County of Los Angeles, California, and the acts, omissions, and contractual performance alleged herein took place in the County of Los Angeles, California. Plaintiff's Declaration, as required under Cal. Civ. Code section 1780(d), which reflects that Defendant is doing business in Los Angeles County, California, is filed concurrently as **Exhibit 1**.

FACTUAL ALLEGATIONS

23. Due to health concerns, U.S. consumers are increasingly more aware of their sugar consumption and, as such, attach great importance to "No Added Sugar" and other sugar-content claims on food and beverage product labeling.

24. To profit from consumers' well-placed and increased focus on minimizing sugar consumption, Defendants have prominently featured a "No Added Sugar" claim on the front label of its Odwalla Juice packaging as well as throughout its website and other marketing materials, as depicted above.

25. However, the FDA forbids the use of "No Added Sugar" claims unless the product making such claim meets the following criteria:

(i) **No amount of sugars**, as defined in 101.9(c)(6)(ii), or any other ingredient that contains sugars that functionally substitute for added sugars **is added during processing or packaging**; and

(ii) **The product does not contain an ingredient containing added sugars** such as jam, jelly, or concentrated fruit juice; and

(iii) **The sugars content has not been increased above the amount present in the ingredients by some means** such as the use of enzymes, except where the intended functional effect of the process is not to increase the sugars content of a food, and a functionally insignificant increase in sugars results; and

(iv) **The food that it resembles and for which it substitutes normally**

1 contains added sugars; and

2 (v) The product bears a statement that the food is not "low calorie" or
3 "calorie reduced" (unless the food meets the requirements for a "low" or "reduced
4 calorie" food) and that directs consumers' attention to the nutrition panel for
5 further information on sugar and calorie content.

6 26. The FDA has stated that, "[i]n implementing the guidelines, the purpose of the
7 'no added sugar' claim is to present consumers with information that allows them to
8 differentiate between similar foods that would normally be expected to contain added sugars,
9 with respect to the presence or absence of added sugars. Therefore, the 'no added sugar'
10 claim is not appropriate to describe foods that do not normally contain added sugars."

11 27. Defendants' "No Added Sugar" claims on Odwalla Juice are in violation of
12 FDA and state regulations because the Odwalla Juice does not resemble and substitute for a
13 food that normally contains added sugars (21 C.F.R. § 101.60(c)(iv)).

14 28. As a result of their reliance on Defendant's unlawful sugar-content labeling
15 claims, consumers have suffered an ascertainable loss of money, including, but not limited to,
16 out of pocket costs incurred in purchasing the Odwalla Juice. Further, as a result of its
17 deceptive marketing and unfair competition with other similar manufacturers and brands,
18 Naked Juice Co. realized sizable profits.

19 CLASS ACTION ALLEGATIONS

20 29. Plaintiff brings this lawsuit as a class action on behalf of himself and all others
21 similarly situated as members of the proposed Class pursuant to California Code of Civil
22 Procedure §.382.

23 30. All claims alleged herein arise under California law for which Plaintiffs seek
24 relief authorized by California law.

25 31. The class and sub-classes Plaintiff seeks to represent (the "Class Members") is
26 defined as:

27 **Nationwide Class:** All individuals in the United States who
28 purchased one or more containers of Odwalla Juice containing a

1 “No Added Sugar” claim on the label or other packaging at any
2 time between four years prior to the filing of this complaint until
the date of certification (the “Nationwide Class”).

3 **California Sub-Class:** All members of the Nationwide Class
4 who reside in the State of California (the “California Sub-
Class”).

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

8 32. Excluded from the Class are: (1) Defendants, any entity or division in which
9 Defendants have a controlling interest, and their legal representatives, officers, directors,
10 assigns, and successors; (2) the Judge to whom this case is assigned and the Judge’s staff; (3)
11 any Judge sitting in the presiding state and/or federal court system who may hear an appeal of
12 any judgment entered; and (4) those persons who have suffered personal injuries as a result of
13 the facts alleged herein. Plaintiff reserves the right to amend the Class and Sub-Class
14 definitions if discovery and further investigation reveal that the Class or Sub-Class should be
15 expanded or otherwise modified.

16 33. There is a well-defined community of interest in the litigation and the Class is
17 readily ascertainable.

18 34. Numerosity: Although the exact number of prospective Class Members is
19 uncertain and can only be ascertained through appropriate discovery, the number is great
20 enough such that joinder is impracticable. The disposition of the claims of these Class
21 Members in a single action will provide substantial benefits to all parties and to the Court.
22 The Class Members are readily identifiable from information and records in Defendant’s
possession, custody, or control.

23 35. Typicality: Plaintiff’s claims are typical of the claims of the Class in that
24 Plaintiff, like all Class Members, has purchased one or more Odwalla Juice beverages
25 containing a “No Added Sugar” claim on its label or other packaging within the applicable
26 class period. The representative Plaintiff, like all Class Members, has been damaged by
27 Defendant’s misconduct in that they have incurred expenses due to their reliance on
28

1 Defendant's labeling of its Odwalla Juice beverage, as described throughout this complaint.
 2 Furthermore, the factual bases of Defendants' misconduct are common to all Class Members
 3 and represent a common thread resulting in injury to all Class Members.

4 36. Commonality: There are numerous questions of law and fact common to
 5 Plaintiff and the Class that predominate over any question affecting only individual Class
 6 Members. These common legal and factual issues include the following:

- 7 (a) Whether Defendants engaged in unlawful, unfair or deceptive business
 8 practices by failing to properly package and label food products sold to
 9 consumers;
- 10 (b) Whether the food products at issue were misbranded as a matter of law;
- 11 (c) Whether Defendants unlawfully labeled certain food and beverage
 12 products with "No Added Sugar" claims;
- 13 (d) Whether Defendants made false, misleading and/or untrue statements
 14 via its labeling;
- 15 (e) Whether Defendants violated California's Consumers Legal Remedies
 16 Act (Cal. Civil Code §§ 1750 *et seq.*);
- 17 (f) Whether Defendants violated California Business & Professions Code
 18 §§ 17200 *et seq.*;
- 19 (g) Whether Defendants violated California Business & Professions Code
 20 §§ 17500 *et seq.*;
- 21 (h) Whether Defendants violated the Sherman Food, Drug, and Cosmetic
 22 Law (Health & Saf. Code, §§ 109875 *et seq.*);
- 23 (i) Whether Plaintiff and the Class are entitled to equitable and/or
 24 injunctive relief;
- 25 (j) Whether Plaintiff and other Class Members are entitled to damages;
- 26 (k) Whether Defendants' unlawful, unfair and/or deceptive practices
 27 harmed Plaintiff and the Class;
- 28

- 1 (l) Whether Defendants knew or reasonably should have known of the
2 deceptive labeling claims relating to its Odwalla Juice beverage; and
3 (m) Whether Defendants are obligated to inform Class Members of their
4 right to seek reimbursement for having paid for Odwalla Juice in
5 reliance on Defendants' misrepresentations.

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

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

22 FIRST CAUSE OF ACTION

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

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

27 40. As a result of their reliance on Defendant's misrepresentations and omissions,
28

1 Class Members suffered an ascertainable loss of money, property, and/or value of their
2 Odwalla Juice beverages.

3 41. California Business & Professions Code § 17200 prohibits acts of “unfair
4 competition,” including any “unlawful, unfair or fraudulent business act or practice” and
5 “unfair, deceptive, untrue or misleading advertising.”

6 42. Plaintiff and Class Members are reasonable consumers who expect
7 manufacturers, like Defendants, to provide accurate and truthful representations regarding the
8 sugar content contained in their products, especially as compared to those in competitors’
9 similar products. Further, reasonable consumers, like Plaintiff, rely on the representations
10 made by manufacturers regarding products’ sugar content in determining whether to purchase
11 the particular products and consider that information important to their purchase decision.

12 43. In failing to properly label its Odwalla Juice beverages, Defendants have
13 knowingly and intentionally misrepresented material facts and breached their duty not to do
14 so. In addition, Defendants’ use of “No Added Sugar” claims constitutes a “fraudulent”
15 business practice or act within the meaning of Business and Professions Code Sections 17200
16 *et seq.* The applicable food labeling regulations are carefully crafted to require that nutritional
17 content claims be presented in a qualified and contextualized manner to protect the consuming
18 public from being deceived. Defendants’ non-compliant sugar content labeling, as described
19 above, is an unqualified nutritional content claim that poses the very risk of deception the
20 regulations were promulgated to protect against.

21 44. If the Odwalla Juice had not included the illegal and deceptive “No Added
22 Sugar” claim on the label, Plaintiff and Class Members would not have purchased the Odwalla
23 Juice or would have paid less for it..

24 45. Defendants’ conduct was and is likely to deceive consumers.

25 46. Defendants’ acts, conduct and practices were unlawful, in that they constituted:

26 (a) Violations of California’s Consumers Legal Remedies Act;

27 (b) Violations of California’s False Advertising Law;
28

1 (c) Violations of California's Sherman Law; and

2 (d) Violations of the Federal Food Drug & Cosmetic Act;

3 47. By their conduct, Defendants have engaged in unfair competition and unlawful,
4 unfair, and fraudulent business practices.

5 48. Defendants' unfair or deceptive acts or practices occurred repeatedly in
6 Defendants' trade or business, and were capable of deceiving a substantial portion of the
7 purchasing public.

8 49. As a direct and proximate result of Defendants' unfair and deceptive practices,
9 Plaintiff and the Class have suffered and will continue to suffer actual damages.

10 50. Defendants have been unjustly enriched and should be required to make
11 restitution to Plaintiff and the Class pursuant to §§ 17203 and 17204 of the Business &
12 Professions Code.

13 **SECOND CAUSE OF ACTION**

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

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

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

19 53. California Business & Professions Code § 17500 prohibits unfair, deceptive,
20 untrue, and misleading advertising in connection with the disposal of personal property
21 (among other things), including, without limitation, false statements as to the use, worth,
22 benefits, or characteristics of the property.

23 54. Defendants have committed acts of misleading and unlawful advertising by
24 utilizing "No Added Sugar" claims on the labels of its Odwalla Juice beverages. In addition,
25 Defendant made such unlawful or misleading labeling claims with the intent to dispose of said
26 merchandise.

27 55. Defendants knew, or in the exercise of reasonable care should have known, that
28

1 the "No Added Sugar" representations were misleading and deceptive.

2 56. The falsely advertised Odwalla Juice was, and continues to be, likely to deceive
3 members of the public.

4 57. As a result of their reliance on Defendants' misrepresentations and omissions,
5 Class Members suffered an ascertainable loss of money, property, and/or value of their
6 Odwalla Juice.

7 58. As a direct and proximate result of Defendants' unfair and deceptive practices,
8 Plaintiff and the Class have suffered and will continue to suffer actual damages.

9 59. Defendants have been unjustly enriched and should be required to make
10 restitution to Plaintiff and the Class. Pursuant to § 17535 of the Business & Professions Code,
11 Plaintiff and Class Members are entitled to an order of this Court enjoining such future
12 conduct on the part of Defendants, and such other orders and judgments which may be
13 necessary to disgorge Defendants' ill-gotten gains and restore to any person in interest any
14 money paid for its Odwalla Juice as a result of the wrongful conduct of Defendants.

15 **THIRD CAUSE OF ACTION**

16 **(Violation of California's Consumers Legal Remedies Act, California Civil Code § 1750,**

17 *et seq.*)

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

20 61. Plaintiff brings this cause of action on behalf of himself and on behalf of the
21 members of the CLRA Sub-Class.

22 62. Defendants are "person(s)" as defined by California Civil Code § 1761(c).

23 63. Plaintiff and CLRA Sub-Class Members are "consumers" within the meaning
24 of California Civil Code § 1761(d) because they bought the Odwalla Juice for personal,
25 family, or household purposes.

26 64. By failing to disclose and concealing the true and actual nature of the Naked
27 O-J from Plaintiff and prospective Class Members, Defendants violated California Civil Code
28

1 § 1770(a), as it represented that the Odwalla Juice had characteristics and benefits that it does
2 not have, represented that the Odwalla Juice was of a particular standard, quality, or grade
3 when it was of another, and advertised the Odwalla Juice with the intent not to sell it as
4 advertised. *See* Cal. Civ. Code §§ 1770(a)(5)(7) & (9).

5 65. Defendants' unfair and deceptive acts or practices occurred repeatedly in
6 Defendants' trade or business and were capable of deceiving a substantial portion of the
7 purchasing public.

8 66. Defendants knew the Odwalla Juice did not possess the characteristics and
9 benefits as represented and were not of the particular standard, quality or grade as represented.

10 67. As a result of their reliance on Defendants' representations and omissions,
11 Class Members suffered an ascertainable loss of money, property, and/or value of their
12 Odwalla Juice.

13 68. In failing to disclose and misrepresenting the true nature and contents of the
14 Odwalla Juice, Defendants knowingly and intentionally concealed material facts and breached
15 their duty not to do so.

16 69. The facts Defendants concealed from or misrepresented to Plaintiff and Class
17 Members are material in that a reasonable consumer would have considered them to be
18 important in deciding whether to purchase the Odwalla Juice or pay less. If the Odwalla Juice
19 had not included the illegal and deceptive "No Added Sugar" claim on the label, Plaintiff and
20 Class Members would not have purchased the Odwalla Juice or would have paid less for it.

21 70. Plaintiff and Class Members are reasonable consumers who expect
22 manufacturers, like Defendants, to provide accurate and truthful representations regarding the
23 sugar content contained in their products, especially as compared to those in competitors'
24 similar products. Further, reasonable consumers, like Plaintiff, rely on the representations
25 made by manufacturers regarding products' sugar content in determining whether to purchase
26 the particular products and consider that information important to their purchase decision.

27 71. As a direct and proximate result of Defendants' unfair methods of competition
28

1 and/or unfair and deceptive practices, Plaintiff and the Class have suffered and will continue
2 to suffer actual damages.

3 72. Plaintiff and the Class are entitled to equitable relief.

4 73. Plaintiff provided Defendant with notice of its violations of the CLRA pursuant
5 to California Civil Code § 1782(a). If Defendant fails to provide the appropriate and
6 requested relief for its violations of the CLRA within 30 days, Plaintiff will seek monetary,
7 compensatory, and punitive damages, in addition to injunctive and equitable relief.

8 RELIEF REQUESTED

9 74. Plaintiff, on behalf of himself, and all others similarly situated, requests the
10 Court to enter judgment against Defendant, as follows:

- 11 (a) An order certifying the proposed Class and Sub-Classes, designating
12 Plaintiff as named representative of the Class, and designating the
13 undersigned as Class Counsel;
- 14 (b) An order enjoining Defendants from further unfair and deceptive
15 business practices regarding the deceptive advertising, sales, and other
16 business practices relating to the Odwalla Juice beverages;
- 17 (c) A declaration requiring Defendants to comply with the various
18 provisions of the Federal Food Drug & Cosmetic Act, California's
19 Sherman Law, California's False Advertising Law and CLRA alleged
20 herein and to make all the required representations;
- 21 (d) A declaration that Defendant must disgorge, for the benefit of the Class,
22 all or part of the ill-gotten profits it received from the sale of its Odwalla
23 Juice beverages, or make full restitution to Plaintiff and Class Members;
- 24 (e) An award of attorneys' fees and costs, as allowed by law;
- 25 (f) An award of attorneys' fees and costs pursuant to California Code of
26 Civil Procedure § 1021.5;
- 27 (g) An award of pre-judgment and post-judgment interest, as provided by
28

1 law;

2 (h) Leave to amend the Complaint to conform to the evidence produced at
3 trial; and

4 (i) Such other relief as may be appropriate under the circumstances.

5 **DEMAND FOR JURY TRIAL**

6 75. Plaintiff demands a trial by jury of any and all issues in this action so triable.

7
8 Dated: March 9, 2017

Respectfully submitted,

9 Capstone Law APC

10
11 By: /s/ Lee A. Cirsch

12 Lee A. Cirsch

Robert K. Friedl

Trisha K. Monesi

13 Attorneys for Plaintiff Stephen Wilson
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03/09/2017

EXHIBIT 1

03/09/2017

DECLARATION OF STEPHEN WILSON

I, STEPHEN WILSON, declare as follows:

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

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

3. I reside in Los Angeles, California, which is in the County of Los Angeles. I purchased the Odwalla 100% orange juice products that are the subject of this lawsuit in the County of Los Angeles.

4. I am informed and believe that Defendant Odwalla, Inc. is a California corporation, organized and existing under the laws of the State of California and registered to conduct business in California. I am informed and believe that Defendant The Coca-Cola Company is a Delaware corporation, organized and existing under the laws of the State of Delaware and registered to conduct business in California. I am informed and believe that both Defendants' corporate headquarters are located at One Coca-Cola Plaza, N.W., Atlanta, GA 30313.

5. Based on the facts set forth herein, I am informed and believe that this Court is a proper venue for the prosecution of Plaintiff's Cause of Action alleging violation of California's Consumers Legal Remedies Act because Defendants conduct business in Los Angeles County and because Los Angeles County is where the transactions at issue occurred.

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

Executed on March 7th, 2017 in Los Angeles, California.

DocuSigned by:
Stephen Wilson
701937510041404000
Stephen Wilson

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Lee A. Cirsch (SBN: 227668) Lee.Cirsch@capstonelawyers.com CAPSTONE LAW APC 1875 Century Park East, Los Angeles, California 90067 TELEPHONE NO.: 310.556.4800 FAX NO.: 310.943.0396 ATTORNEY FOR (Name): Plaintiff STEPHEN WILSON		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles MAR 09 2017 Sherri R. Carter, Executive Officer/Clerk By <u>Judi Lara</u> , Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME:		
CASE NAME: STEPHEN WILSON v. ODWALLA, INC., et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: BC 6 58 285 JUDGE: DEPT:

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

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

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input 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) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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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 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): 3

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: March 9, 2017

Lee A. Cirsch

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

Page 1 of 2

BY FAX

CM-010

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

BY FAX

SHORT TITLE: Wilson v. Odwalla, Inc., et al.	CASE NUMBER BC 6 5 3 2 3 5
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

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

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

Auto
TortOther Personal Injury/Property
Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11

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SHORT TITLE: Wilson v. Odwalla, et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	✓ 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2, 6
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

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

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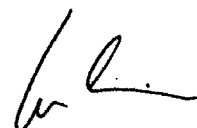
SHORT TITLE: Wilson v. Odwalla, Inc., et al.	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.			ADDRESS:
CITY: Los Angeles	STATE: CA	ZIP CODE: 90007	

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: March 9, 2017


 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

03/09/2017

EXHIBIT B



**Service of Process
Transmittal**

03/13/2017

CT Log Number 530853120

TO: Nancy Quattrocchi, Sr. Executive Adm Asst.
The Coca-Cola Company
1 Coca Cola Plz NW
Atlanta, GA 30313-2499

RE: Process Served in California

FOR: Odwalla, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: STEPHEN WILSON, individually, and on behalf of a class of similarly situated individuals, Pltf. vs. ODWALLA, INC., etc., et al., Dfts.

DOCUMENT(S) SERVED: Summons, Complaint, Exhibit(s), Cover Sheet and Addendum, Stipulations

COURT/AGENCY: Los Angeles County - Superior Court - Hill Street, CA
Case # BC653235

NATURE OF ACTION: Violations of California's False Advertising Law

ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE: By Process Server on 03/13/2017 at 11:23

JURISDICTION SERVED : California

APPEARANCE OR ANSWER DUE: Within 30 days after service

ATTORNEY(S) / SENDER(S): Lee A. Cirsch
Capstone Law APC
1875 Century Park East, Suite 1000
Los Angeles, CA 90067
310-556-4811

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1Z0399EX0112012519
Image SOP
Email Notification, Nancy Quattrocchi nquattrocchi@na.ko.com
Email Notification, Russell S. Bonds rbonds@coca-cola.com

SIGNED: C T Corporation System
ADDRESS: 818 West Seventh Street
Los Angeles, CA 90017
TELEPHONE: 213-337-4615

EXHIBIT C



**Service of Process
Transmittal**

03/13/2017
CT Log Number 530852947

TO: Russell S. Bonds
The Coca-Cola Company
1 Coca Cola Plz NW
Atlanta, GA 30313-2499

RE: Process Served in California

FOR: The Coca-Cola Company (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: STEPHEN WILSON, individually, and on behalf of a class of similarly situated individuals, Pltf. vs. ODWALLA, INC., etc., et al., Dfts. // To: The Coca-Cola Company, etc.

DOCUMENT(S) SERVED: Summons, Complaint, Exhibit(s), Addendum and Statement, Cover Sheet, Stipulation

COURT/AGENCY: Los Angeles County - Superior Court - Grand Ave., CA
Case # BC653235

NATURE OF ACTION: Violations of California's False Advertising Law

ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE: By Process Server on 03/13/2017 at 11:23

JURISDICTION SERVED : California

APPEARANCE OR ANSWER DUE: Within 30 days after service

ATTORNEY(S) / SENDER(S): Lee A. Cirsch
Capstone Law APC
1875 Century Park East, Suite 1000
Los Angeles, CA 90067
310-556-4811

ACTION ITEMS: CT has retained the current log, Retain Date: 03/14/2017, Expected Purge Date: 03/19/2017

Image SOP

Email Notification, Nancy Quattrocchi nquattrocchi@na.ko.com

Email Notification, Russell S. Bonds rbonds@coca-cola.com

SIGNED: C T Corporation System
ADDRESS: 818 West Seventh Street
Los Angeles, CA 90017
TELEPHONE: 213-337-4615

EXHIBIT D

11:23 am 3/13/17

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO): ODWALLA, INC., a California corporation;
THE COCA-COLA COMPANY, a Delaware corporation; and DOES 1-
10, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

STEPHEN WILSON, individually and on behalf of a class of
similarly situated individuals.

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

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

MAR 09 2017

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

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

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

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

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

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o 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: Los Angeles County Superior Court
(El nombre y dirección de la corte es): 111 N. Hill Street
Los Angeles, California 90012

CASE NUMBER:
(Número del Caso):

BC 6 53 235

BY FAX

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):

Lee A. Cirsch (SBN 227668), CAPSTONE LAW, APC, 1875 Century Park East, Suite 1000, Los Angeles, CA

Telephone: 310.556.4811

DATE:
(Fecha)

MAR 09 2017

SHERRI R. CARTER

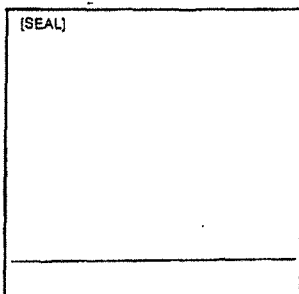
Clerk, by
(Secretario)

Judi Lara

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED:** You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): ODWALLA, INC., a California corporation

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):

Page 1 of 1

EXHIBIT E

11:23am 3/13/17

SUM-100

**SUMMONS
(CITACION JUDICIAL)****NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):** ODWALLA, INC., a California corporation;
THE COCA-COLA COMPANY, a Delaware corporation; and DOES 1-

10, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**STEPHEN WILSON, individually and on behalf of a class of
similarly situated individuals.FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

MAR 09 2017

Sherri R. Carter, Executive Officer/Clerk
By: Judi Lara, Deputy**NOTICE:** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

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

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO:** Lo hañ 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: Los Angeles County Superior Court
(El nombre y dirección de la corte es): 111 N. Hill Street
Los Angeles, California 90012

CASE NUMBER:
(Número del Caso): BC 6 53 235

BY FAX

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):

Lee A. Cirsch (SBN 227668), CAPSTONE LAW, APC, 1875 Century Park East, Suite 1000, Los Angeles, CA

Telephone: 310.556.4811

DATE:
(Fecha)

MAR 09 2017

SHERRI R. CARTER

Clerk, by
(Secretario)

Judi Lara

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): THE COCA-COLA COMPANY, a Delaware Corporation
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):

- ☐ by personal delivery on (date):

Page 1 of 1

EXHIBIT F

GUIDELINES FOR MOTIONS FOR PRELIMINARY AND FINAL APPROVAL OF CLASS SETTLEMENT (with comments referencing authorities)

Motions for Preliminary Approval of Class Settlement

(a) Class definition

A motion for preliminary approval of a class wide settlement should set forth the ~~proposed class definition or the definition of the class that already has been certified.~~ It should provide an estimate of the number of persons included in the class.

(b) Case summary

The motion should list the causes of action alleged in the operative complaint and describe the legal and factual basis for the claims. The motion should summarize the investigation and discovery conducted by proposed class counsel and should include a reasonable estimate of the nature and amount of recovery that could be obtained on behalf of the class if plaintiffs' claims prevailed. The motion should explain why a court should find that the proposed settlement was negotiated at arms-length and is not collusive.

(c) Settlement terms and evaluation

The motion should set forth the reasons why the court should find that the proposed settlement compromise is fair, adequate and reasonable, and treats class members equitably relative to each other, given the costs, risks and probability of success if the litigation continued. The motion should describe the proposed terms of the settlement including the following, with citation to the paragraph of the settlement agreement governing each item:

- (1) The nature of any injunctive relief;
- (2) The amount and manner of distribution of the compensation to be provided to class members, including the amount, or an estimate, of what each class member will receive;
- (3) Whether, and under what circumstances, amounts available for payment in settlement might not be paid to class members or might revert to the defendant;
- (4) The scope of the release of class members' claims;
- (5) Any provision for tax treatment of settlement amounts; and
- (6) A statement of any affirmative obligations to be undertaken by class members or class counsel and the reasons for any such obligations.

(d) Settlements requiring submission of claims

If the proposed settlement requires class members to submit a claim in order to receive compensation, the motion should set forth the reasons why information is

required to be furnished by class members in order to obtain recovery and an estimate of the anticipated claims rate. The motion should describe actions to be undertaken by class counsel to encourage submission of claims.

(e) “Coupon” settlements

If compensation to class members includes a coupon or voucher, the motion should describe the terms and conditions of use of the coupon or voucher and whether or not it is transferrable.

(f) Cy pres distributions

If the proposed settlement includes a cy pres distribution, the motion should set forth the reasons why such distribution fulfills the purposes of the lawsuit or is otherwise ~~appropriate under Code of Civil Procedure section 384(b). The motion should be~~ accompanied by (1) a declaration describing the proposed cy pres recipient, the proposed uses of the cy pres distribution, information sufficient to conclude that the recipient will be financially accountable for the funds, and (2) a declaration disclosing any interests or involvement by counsel or any party in the governance or work of the cy pres recipient. The motion should identify the provisions of the settlement ensuring that amounts agreed to be paid in settlement that are not in fact paid are distributed to an appropriate cy pres recipient.

(g) Notice to class members

The motion should include a “Statement regarding class notice” in conformance with California Rule of Court 3.766(b) and should state why the manner of giving notice complies with CRC 3.776(e)-(f). The content of the notice should comply with CRC 3.766(d) and in addition should set forth: (1) the material terms of the settlement, (2) the proposed fees and costs of administration, (3) details about the court hearing on settlement approval and submission of objections, and (4) how the class member can obtain additional information. Class action settlement notice formats illustrated on the website of the Federal Judicial Center (www.fjc.gov) are preferred.

(h) Typicality and adequacy of representation

The motion should set forth (1) the reasons why the named class representative has claims typical of the class and is an adequate class representative; and (2) the reasons why the proposed class counsel adequately represents the class and a description of counsel’s experience.

(i) Costs and fees

The motion should set forth the following:

- (1) The proposed fees to be paid to class counsel, the manner of payment and a preliminary justification under existing case law for such fees. Any agreement, express or implied, that has been entered into with respect to the payment of attorneys’ fees or the submission of an application for the approval of attorneys’ fees must be set forth in full. All fees proposed to be paid to any counsel must be disclosed.

- (2) Any proposed incentive payment to a named class representative and the justification for such payment.
- (3) An estimate of costs of administration, why such costs are reasonable and the proposed means for payment of administrative costs.

(j) Exhibits to the motion

A motion for preliminary approval of a class wide settlement should include the following exhibits:

- (1) A complete copy of the proposed settlement agreement.
- (2) A proof copy version of the proposed notice to the class, prepared in compliance with CRC 3.766, and any envelope to be used to send the notice.
- (3) A proof copy version of any proposed claim form.
- ~~(4) A proof copy version of any form a class member may use to request~~
exclusion from the class.
- (5) A proposed schedule for class notice, objection, opt-out, claim submission, motion for final approval and motion for attorneys' fees.

(k) Additional information

The moving parties should include any additional information that may be relevant to review of the fairness, adequacy and reasonableness of the proposed settlement. The court may require submission of additional information as appropriate to ensure an adequate review of the fairness of the proposed settlement.

COMMENTS AND AUTHORITIES

The purpose of these guidelines is to assist counsel in placing before the court information that ordinarily is required for appropriate review of proposed settlements. Following these guidelines should avoid delay and provide a thorough record for appropriate court review of proposed class settlements.

Settlement of a class action requires court approval to prevent fraud, collusion or unfairness to the class. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1800-1801.) The court acts as a fiduciary of absent class members by inquiring into the fairness of a proposed class action settlement. (*See, id.*; *Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 129; *7-Eleven Owners for Fair Franchising v. Southland Corp.* (2000) 85 Cal.App.4th 1135, 1151.)

Ordinarily the adversary system incentivizes parties to present the facts and law that favor their respective interests. Courts rely on this process to identify the principles that should guide their decisions. However, once a class representative, proposed class counsel and a defendant have agreed to settle on a class wide basis, the presentation to the court requesting settlement approval generally is unilateral rather than adversarial. At that point, both class counsel and defense counsel have an incentive to highlight the strengths of the settlement and to downplay any weaknesses. (*See generally, Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 555; *Principles of the Law of Aggregate Litigation* (American Law Institute 2010) section 3.02, comment a; section 3.05, comment b.)

Preliminary approval of a proposed class settlement does not bind the court to grant final approval of the settlement. However, because the settlement approval process often involves relatively substantial administrative costs (*e.g.*, costs of notice), a court should be given as much information as possible at the preliminary approval phase, and the court should endeavor to express any reservations that are apparent based on the information provided.

Subdivisions (b)-(c)

In order to determine whether a class settlement is fair, adequate and reasonable, a court must be provided with “basic information about the nature and magnitude of the claims in question and the basis for concluding that the consideration being paid for the release of those claims represents a reasonable compromise.” (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 133; *Clark v. American Residential Services LLC* (2009) 175 Cal App 4th 785, 790, 802-803.) ~~It is important to consider the scope of the~~ release in order to understand what the class is giving up in exchange for the settlement.

Regarding subsection (c)(3), when unclaimed funds are retained by or revert to the defendant, there can be substantial difficulties in valuing the settlement. Moreover, the settlement structure may provide an incentive for defendant to insist on provisions that deter class participation. (*See generally*, Rothstein & Willging, *Managing Class Action Litigation: A Pocket Guide for Judges* (Federal Judicial Center 2005) at p. 13.) An influential monograph on class actions suggests that “prorating the total settlement amount among the class members who file claims . . . is a straightforward way to avoid the possibility of unclaimed funds and has become a standard practice in class settlements.” (*Id.*)

Subdivisions (d)-(e)

The court must be able to assess accurately the compensation proposed to be paid to the class and to evaluate whether there are any barriers to class participation in the settlement. See comments regarding subsection (c)(3), *supra*.

Subdivision (f)

A cy pres distribution must fulfill the purposes of the underlying cause of action. (*In re Microsoft I-V Cases* (2006) 135 Cal.App.4th 706, 722.) It is important to the public’s confidence in the administration of justice that any cy pres recipient be a responsible entity that will use the cy pres award for designated purposes. Moreover, cy pres distributions to entities in which the parties, counsel or the court have an interest or affiliation may raise questions as to whether the recipient was chosen on the merits. (*See Principles of the Law of Aggregate Litigation* (American Law Institute 2010) section 3.07, comment b.)

If a proposed settlement does not expressly provide that funds not claimed by the class are retained by, or revert to, the defendant, Code of Civil Procedure section 384 requires payment of the residue to a cy pres recipient. (*Cundiff v. Verizon California, Inc.* (2008) 167 Cal.App.4th 718, 728-729.)

Subdivision (i)

California Rule of Court 3.769(b) sets forth requirements for disclosure of agreements concerning proposed attorneys’ fees.

Subdivision (j)

Review of the notice and claim form is required to ensure that the due process requirements of notice and opportunity to be heard are met and that barriers to class member participation are eliminated or minimized.

Motions for Final Approval of Class Settlement

(a) Information considered at the time of preliminary approval

A motion for final approval of a class settlement should attach as exhibits (1) a copy of the motion for preliminary approval, and (2) a copy of the court's order granting preliminary approval.

(b) Class notice and class response to the proposed settlement

The motion should include the following information concerning settlement administration, supported by declarations:

(1) How notice in fact was given, including, (i) information concerning any undeliverable notices and efforts undertaken to locate class members' contact information, and (ii) and an explanation of any variance from the notice process ordered by the court.

(2) The number of class members who have opted out, with an exhibit listing the names of class members who opted out.

(3) The number of class members who have objected and a summary of the objections. Copies of all objections should be filed as an exhibit to the motion.

(4) If class members were required to submit claims to receive compensation, a statement of the number of claims submitted and an estimate of the amount to be paid to class members pursuant to such claims.

(c) Evaluation of the settlement

The motion should discuss why the settlement is fair, adequate and reasonable and treats class members equitable relative to each other. The motion should respond to any class members' objections to the settlement.

(d) Costs and fees

(1) With respect to attorneys' fees, the motion should include a lodestar calculation and supporting evidence, and a justification under existing case law for the fees sought by proposed class counsel, including a justification for any multiplier sought. All fees proposed to be paid to any counsel must be disclosed.

(2) With respect to costs, the motion should include a declaration supporting the reasonableness of amounts sought in accordance with Code of Civil Procedure section 1033.5(c).

(3) If the settlement includes any proposed incentive payment to a named class representative, the motion should include a declaration of the named representative, explaining the effort expended by that representative on behalf of the class, or other facts justifying the proposed incentive payment.

(4) The motion should include a declaration of the settlement administrator justifying the proposed payment of administrative costs.

(e) Final report on settlement administration

The Court may order class counsel to file a final report summarizing all distributions made pursuant to the approved settlement, supported by declaration.

COMMENTS AND AUTHORITIES

Subdivision (b)

The extent of class participation in a claims-made settlement may bear on whether the approved notice plan was adequate and whether there were barriers to class participation. Moreover, a court may consider the degree to which the settlement benefits were in fact of interest to class members as one factor in awarding fees. (*Chavez v. Netflix, Inc.* (2008) 162 Cal.App.4th 43, 61.)

Subdivision (d)(1)

The lodestar is the primary method for establishing the amount of reasonable attorneys' fees, although it may be appropriate in some cases to "cross-check" the lodestar in comparison to a percentage of a common fund recovery. (*Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 556-558.)

Subdivision (d)(2)

An incentive fee award to a named class representative must be supported by evidence that quantifies time and effort expended by the individual and a reasoned explanation of financial or other risks undertaken by the class representative. (*Clark v. American Residential Services LLC* (2009) 175 Cal.App.4th 785, 806-807.)

EXHIBIT G

BY FAX

SHORT TITLE: Wilson v. Odwalla, Inc., et al.	CASE NUMBER: BC 6 53 235
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

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

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

Civil Case Cover Sheet Category No.	Type of Action (Check only one)	Applicable Reasons (See Step 3 Above)
Auto Tort	Auto (22) <input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46) <input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04) <input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
	Product Liability (24) <input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45) <input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
	Other Personal Injury Property Damage Wrongful Death (23) <input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11
		1, 4, 11
		1, 4, 11
		1, 4, 11

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	<input checked="" type="checkbox"/> 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
Employment	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

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

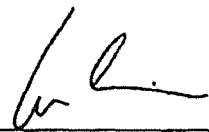
SHORT TITLE: Wilson v. Odwalla, Inc., et al.	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.	ADDRESS:
CITY: Los Angeles	STATE: CA
ZIP CODE: 90007	

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: March 9, 2017


 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Lee A. Cirsch (SBN: 227668) Lee.Cirsch@capstonelawyers.com CAPSTONE LAW APC 1875 Century Park East, Los Angeles, California 90067 TELEPHONE NO.: 310.556.4800 FAX NO.: 310.943.0396 ATTORNEY FOR (Name): Plaintiff STEPHEN WILSON		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles MAR 09 2017 Sherri R. Carter, Executive Officer/Clerk By: Judi Lara, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME:		
CASE NAME: STEPHEN WILSON v. ODWALLA, INC., et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: BC 6 5 3 2 3 5 JUDGE: DEPT:

BY FAX

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

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input 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)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input 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): 3
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: March 9, 2017

Lee A. Cirsch

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

Page 1 of 2

EXHIBIT H

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT – CLASS ACTION CASES**

Case Number _____

BC 6 53 235

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 3.3 (c)).

	ASSIGNED JUDGE	DEPT.	ROOM
	Judge Elihu M. Berle	323	1707
	Judge William F. Highberger	322	1702
	Judge John Shepard Wiley, Jr.	311	1408
	Judge Kenneth Freeman	310	1412
	Judge Ann Jones	308	1415
	Judge Maren E. Nelson	307	1402
	Judge Carolyn B. Kuhl	309	1409

Instructions for handling Class Action Civil Cases

The following critical provisions of the Chapter Three Rules, as applicable in the Central District, are summarized for your assistance.

APPLICATION

The Chapter Three Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Three Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

Given to the Plaintiff/Cross Complainant/Attorney of Record on MAR 09 2017 SHERRI R. CARTER, Executive Officer/Clerk

BY  _____, Deputy Clerk

EXHIBIT I

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

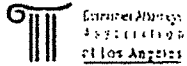


Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			CASE NUMBER:
DEFENDANT:			
STIPULATION – EARLY ORGANIZATIONAL MEETING			

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, *to discuss and consider whether there can be agreement on the following:*
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
 3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:

_____	>	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR PLAINTIFF)
Date:		
_____	>	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:		
_____	>	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:		
_____	>	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date:		
_____	>	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date:		
_____	>	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date:		
_____	>	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION – DISCOVERY RESOLUTION			CASE NUMBER:

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR PLAINTIFF)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			CASE NUMBER:

1. This document relates to:

- ☐ Request for Informal Discovery Conference
☐ Answer to Request for Informal Discovery Conference

2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).
3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).
4. For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION AND ORDER – MOTIONS IN LIMINE			CASE NUMBER:

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR PLAINTIFF)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date:

JUDICIAL OFFICER

EXHIBIT J

FILED 87
Superior Court of California
County of Los Angeles.

APR 06 2017

Sherril R. Carter, Executive Officer/Clerk

By Britny Smith, Deputy
Britny Smith

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

STEPHEN WILSON,

Plaintiff,

vs.

ODWALLA INC ET AL,

Defendant.

) Case No. BC653235

) INITIAL STATUS CONFERENCE ORDER
) (COMPLEX LITIGATION PROGRAM)

) Case Assigned for All Purposes to
) Judge Carolyn B. Kuhl

) Department: 309
) Date: 06/08/17
) Time: 1:45 P.M.

This case has been assigned for all purposes to Judge Carolyn B. Kuhl in the Complex Litigation Program. An Initial Status Conference is set for 06/08/17 at 1:45 P.M. in Department 309 located in the Central Civil West Courthouse at 600 South Commonwealth Avenue, Los Angeles, California 90005. Counsel for all parties are ordered to attend in **PERSON**.

The court orders counsel to prepare for the Initial Status Conference by identifying and discussing the central legal and factual issues in the case. Counsel for plaintiff is ordered to initiate contact with counsel for defense to begin this process. Counsel then must negotiate and agree, as much as possible, on a case management plan. To this end, counsel must file a Joint Initial Status Conference

1 Class Action Response Statement five court days before the Initial Status Conference. The Joint
2 Response Statement must be filed on line-numbered pleading paper and must specifically answer each
3 of the below-numbered questions. Do not use the Judicial Council Form CM-110 (Case Management
4 Statement).

- 5 **1. PARTIES AND COUNSEL:** Please list all presently-named class representatives and presently-
6 named defendants, together with all counsel of record, including counsel's contact and email
7 information.
8
- 9 **2. STATUS OF PLEADINGS:** Please indicate whether defendant has filed a Notice of Appearance
10 or an Answer to the Complaint, and, if so, indicate the filing date(s).
- 11 **3. POTENTIAL ADDITIONAL PARTIES:** Indicate whether any plaintiff presently intends to add
12 additional class representatives, and, if so, the name(s) and date by which these class representatives
13 will be added. Indicate whether any plaintiff presently intends to name additional defendants, and, if
14 so, the name(s) and date by which the defendant(s) will be added. Indicate whether any appearing
15 defendant presently intends to file a cross-complaint and, if so, the names of cross-defendants and
16 the date by which the cross-complaint will be filed.
17
- 18 **4. IMPROPERLY NAMED DEFENDANT(S):** If the complaint names the wrong person or entity,
19 please explain why the named defendant is improperly named and the proposed procedure to correct
20 this error.
21
- 22 **5. ADEQUACY OF PROPOSED CLASS REPRESENTATIVE(S):** If any party believes one or
23 more named plaintiffs might not be an adequate class representative, including reasons of conflict of
24 interest as described in *Apple Computer v. The Superior Court of Los Angeles County* (2005) 126
25 Cal.App.4th 1253, please explain. No prejudice will attach to these responses.
- 26 **6. ESTIMATED CLASS SIZE:** Please discuss and indicate the estimated class size.
- 27 **7. OTHER ACTIONS WITH OVERLAPPING CLASS DEFINITIONS:** Please list other cases
28 with overlapping class definitions. Please identify the court, the short caption title, the docket

number, and the case status.

8. POTENTIALLY RELEVANT ARBITRATION AND/OR CLASS ACTION WAIVER

CLAUSES: Please state whether arbitration is an issue in this case and attach a sample of any relevant clause of this sort. Opposing parties must summarize their views on this issue.

9. POTENTIAL EARLY CRUCIAL MOTIONS: Opposing counsel should identify and describe the significant core issues in the case, and then identify efficient ways to resolve those issues, including one or more of the following:

- Motion to Compel Arbitration,
- Early motions in limine,
- Early motions about particular jury instructions and verdict forms,
- Demurrers,
- Motions to strike,
- Motions for judgment on the pleadings, and
- Motions for summary judgment and summary adjudication.

10. CLASS CONTACT INFORMATION: Counsel should discuss whether obtaining class contact information from defendant's records is necessary in this case and, if so, whether the parties consent to an "opt-out" notice process (as approved in *Belaire-West Landscape, Inc. v. Superior Court* (2007) 149 Cal.App.4th 554, 561). Counsel should address timing and procedure, including allocation of cost and the necessity of a third party administrator.

11. PROTECTIVE ORDERS: Parties considering an order to protect confidential information from general disclosure should begin with the model protective orders found on the Los Angeles Superior Court Website under "Civil Tools for Litigators."

12. DISCOVERY: Please discuss a discovery plan. If the parties cannot agree on a plan, summarize each side's views on discovery. The court generally allows discovery on matters relevant to class certification, which (depending on circumstances) may include factual issues also touching the

04072017

merits. The court generally does not permit extensive or expensive discovery relevant only to the merits (for example, detailed damages discovery) at the initial stage unless a persuasive showing establishes early need. If any party seeks discovery from absent class members, please estimate how many, and also state the kind of discovery you propose¹.

13. INSURANCE COVERAGE: Please state if (1) there is insurance for indemnity or reimbursement, and (2) whether there are any insurance coverage issues which might affect settlement.

14. ALTERNATIVE DISPUTE RESOLUTION: Please discuss ADR and state each party's position about it. If pertinent, how can the court help identify the correct neutral and prepare the case for a successful settlement negotiation?

15. TIMELINE FOR CASE MANAGEMENT: Please recommend dates and times for the following:

- The next status conference,
- A schedule for alternative dispute resolution, if it is relevant,
- A filing deadline for the motion for class certification, and
- Filing deadlines and descriptions for other anticipated non-discovery motions.

16. ELECTRONIC SERVICE OF PAPERS: For efficiency the complex program requires the parties in every new case to use a third-party cloud service. Please agree on one and submit the parties' choice when filing the Joint Initial Status Conference Class Action Response Statement. If there is agreement, please identify the vendor and submit a proposed order. (The Court suggests contacting the vendor for a draft form of order.) If parties cannot agree, the court will select the vendor at the Initial Status Conference. Electronic service is not the same as electronic filing. Only traditional methods of filing by physical delivery of original papers or by fax filing are presently acceptable.

Reminder When Seeking To Dismiss Or To Obtain Settlement Approval:

"A dismissal of an entire class action, or of any party or cause of action in a class action, requires

¹ See California Rule of Court, Rule 3.768.

1 court approval. . . . Requests for dismissal must be accompanied by a declaration setting forth the facts
 2 on which the party relies. The declaration must clearly state whether consideration, direct or indirect, is
 3 being given for the dismissal and must describe the consideration in detail."² If the parties have settled
 4 the class action, that too will require judicial approval based on a noticed motion (although it may be
 5 possible to shorten time by consent for good cause shown).

6 **Reminder When Seeking Approval of a Settlement:**

7 Plaintiff(s) must address the issue of any fee splitting agreement in their motion for preliminary
 8 approval and demonstrate compliance with California Rule of Court 3.769, and the Rules of Professional
 9 Conduct 2-200(a) as required by *Mark v. Spencer* (2008) 166 Cal.App. 4th 219.

10 Pending further order of this Court, and except as otherwise provided in this Initial Status
 11 Conference Order, these proceedings are stayed in their entirety. This stay precludes the filing of any
 12 answer, demurrer, motion to strike, or motions challenging the jurisdiction of the Court; however, any
 13 defendant may file a Notice of Appearance for purposes of identification of counsel and preparation of a
 14 service list. The filing of such a Notice of Appearance is without prejudice to any challenge to the
 15 jurisdiction of the Court, substantive or procedural challenges to the Complaint, without prejudice to any
 16 affirmative defense, and without prejudice to the filing of any cross-complaint in this action. This stay is
 17 issued to assist the Court and the parties in managing this complex case through the development of an
 18 orderly schedule for briefing and hearings on procedural and substantive challenges to the complaint and
 19 other issues that may assist in the orderly management of these cases. This stay does not preclude the
 20 parties from informally exchanging documents that may assist in their initial evaluation of the issues
 21 presented in this case; however it stays all outstanding discovery requests.

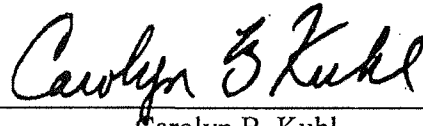
22 Plaintiff's counsel is directed to serve a copy of this Initial Status Conference Order along with a
 23 copy of the attached Guidelines for Motions for Preliminary and Final Approval of Class Settlement on
 24

25
 26
 27
 28
² California Rule of Court, Rule 3.770(a)

1 counsel for all parties, or if counsel has not been identified, on all parties, within five (5) days of service
2 of this order. If any defendant has not been served in this action, service is to be completed within
3 twenty (20) days of the date of this Order.

4 If all parties have been served, have conducted the required meet and confer, and are ready to
5 fully participate in the status conference prior to the assigned date, counsel may contact the clerk of
6 Department 309 and request an earlier date for the Initial Status Conference.

7
8
9 Dated: 04/06/17



Carolyn B. Kuhl
Judge of the Los Angeles Superior Court

04072017

EXHIBIT K

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/04/17

DEPT. 309

HONORABLE CAROLYN B. KUHL

JUDGE

J. MANRIQUE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

NOT REPORTED

Reporter

BC653235

Plaintiff

Counsel

STEPHEN WILSON

VS

Defendant

ODWALLA INC ET AL

Counsel

NATURE OF PROCEEDINGS:

COURT ORDER REGARDING NEWLY FILED CLASS ACTION
[DRAFT]

By this order, the Court determines this case to be Complex according to Rule 3.400 of the California Rules of Court. The Clerk's Office has randomly assigned this case to this department for all purposes.

By this order, the Court stays the case, except for service of the Summons and Complaint. The stay continues at least until the Initial Status Conference. Initial Status Conference is set for June 8, 2017, at 1:45 p.m. in this department. At least 10 days prior to the Initial Status Conference, counsel for all parties must discuss the issues set forth in the Initial Status Conference Order issued this date. The Initial Status Conference Order is intended to help the Court and the parties manage this complex case in order to reduce litigation costs by developing an orderly schedule for briefing, discovery, and court hearings. The parties are encouraged to informally exchange discovery prior to the Initial Status Conference.

Responsive pleadings shall not be filed until further Order of the Court. Parties must file a Notice of Appearance in lieu of an Answer or other

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/04/17

DEPT. 309

HONORABLE CAROLYN B. KUHL

JUDGE

J. MANRIQUE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

NOT REPORTED

Reporter

BC653235

Plaintiff

Counsel

STEPHEN WILSON

VS

Defendant

ODWALLA INC ET AL

Counsel

NATURE OF PROCEEDINGS:

responsive pleading. The filing of a Notice of Appearance shall not constitute a waiver of any substantive or procedural challenge to the Complaint. Nothing in this order stays the time for filing an Affidavit of Prejudice pursuant to Code of Civil Procedure Section 170.6.

Counsel are directed to access information on procedures in the Complex Litigation Program courtrooms on the Court's website at www.lacourt.org.

Pursuant to Government Code Section 70616 subdivisions (a) and (b), each party shall pay a fee of \$1,000.00 to the Los Angeles Superior Court within 10 calendar days from this date.

The plaintiff must serve a copy of this minute order and the attached Initial Status Conference Order on all parties forthwith and file a Proof of Service in this department within seven days of service.

CLERK'S CERTIFICATE OF MAILING

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the 4/6/17 Minute Order and Initial Status Conference Order (Complex Litigation Program)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/04/17

DEPT. 309

HONORABLE CAROLYN B. KUHL

JUDGE

J. MANRIQUE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

NOT REPORTED

Reporter

BC653235

Plaintiff

Counsel

STEPHEN WILSON

VS

Defendant

ODWALLA INC ET AL

Counsel

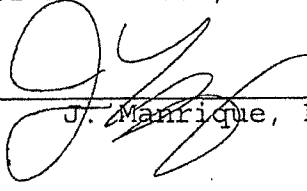
NATURE OF PROCEEDINGS:

upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: April 6, 2017

Sherri R. Carter, Executive Officer/Clerk

By:


 J. Manrique, Deputy Clerk

Cirsch, Lee A., Esq.
 Attorney for Plaintiff/Petitioner
 CAPSTONE LAW APC
 1875 Century Park East, Ste 1000
 Los Angeles, CA 90067

EXHIBIT L

DLA PIPER LLP (US)

JEFFREY A. ROSENFELD (SBN 136896)

RACHEL E. K. LOWE (SBN 246361)

MONICA D. SCOTT (SBN 268109)

SEAN R. CRAIN (SBN 291515)

2000 Avenue of the Stars

Suite 400 North Tower

Los Angeles, California 90067-4704

Tel: 310.595.3000

Fax: 310.595.3300

Attorneys for Defendants

ODWALLA, INC. and THE COCA-COLA COMPANY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

STEPHEN WILSON, individually, and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

ODWALLA, INC., a California corporation;
THE COCA-COLA COMPANY, a Delaware
corporation; and DOES 1-10, inclusive,

Defendants.

CASE NO. BC653235

*[Assigned for All Purposes to the Honorable
Carolyn B. Kuhl, Dept. 309]*

**DEFENDANTS ODWALLA, INC. AND
THE COCA-COLA COMPANY'S
NOTICE TO THE CLERK OF THE
SUPERIOR COURT OF REMOVAL OF
ACTION TO FEDERAL COURT**

Complaint Filed: March 9, 2017

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

2 **PLEASE TAKE NOTICE** that Defendants Odwalla, Inc. and The Coca-Cola Company
3 filed a Notice of Removal in the United States District Court for the Central District of California
4 on April 11, 2017. A true and correct copy of the Notice of Removal (without exhibits) is
5 attached hereto as Exhibit "A."

6 **PLEASE TAKE FURTHER NOTICE** that pursuant to 28 U.S.C. § 1446, the filing of
7 the Notice of Removal in the United States District Court effectuates the removal of this action.
8 Accordingly, no further proceedings should take place in this Court unless and until the case has
9 been remanded.

10 Dated: April 11, 2017

11 DLA PIPER LLP (US)

12 By: 

13 ~~JEFFREY A. ROSENFELD~~

14 RACHEL E. K. LOWE

15 MONICA D. SCOTT

16 SEAN R. CRAIN

17 Attorneys for Defendants

18 ODWALLA, INC. and THE COCA-COLA
19 COMPANY
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EXHIBIT A

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10
11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13

14 STEPHEN WILSON, individually, and
15 on behalf of a class of similarly situated
individuals,

16 Plaintiff,

17 v.

18 ODWALLA, INC., a California
corporation; THE COCA-COLA
19 COMPANY, a Delaware corporation;
and DOES 1-10, inclusive,

20 Defendants.
21

CASE NO.

**DEFENDANTS ODWALLA, INC.
AND THE COCA-COLA
COMPANY, INC.'S NOTICE OF
REMOVAL OF CLASS ACTION (28
U.S.C. §§ 1332, 1446, & 1453).**

*[Filed Concurrently with Declaration of
Sara Litton in Support of Notice of
Removal]*

Complaint Filed: March 9, 2017

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL**
 2 **INTERESTED PARTIES:**

3 **PLEASE TAKE NOTICE** that Defendants Odwalla, Inc. (“Odwalla”) and
 4 The Coca-Cola Company, Inc. (“TCCC”) (sometimes Odwalla and TCCC are
 5 referred to collectively herein as the “Defendants”) hereby remove to this Court,
 6 pursuant to 28 U.S.C. §§ 1332, 1446, and 1453, as amended in relevant part by the
 7 Class Action Fairness Act of 2005 (“CAFA”), the action entitled *Wilson v.*
 8 *Odwalla, Inc., et al.*, originally filed in the Superior Court of California in the
 9 County of Los Angeles and assigned Case No. BC653235 (the “State Court
 10 Action”). The grounds for removal are set forth herein.

11 **I. INTRODUCTION**

12 On or about March 9, 2017, Plaintiff Stephen Wilson (“Plaintiff”)
 13 commenced the State Court Action, alleging causes of action on a representative
 14 basis for (1) violations of the Unfair Competition Law, California Business &
 15 Professions Code § 17200 *et seq.*; (2) violations of the False Advertising Law,
 16 California Business & Professions Code § 17500; and (3) violations of the
 17 Consumers Legal Remedies Act, California Civil Code § 1750. Plaintiff alleges
 18 that he and members of a nationwide putative class purchased Odwalla 100% Juices
 19 with a “No Sugar Added” claim that were mislabeled in violation of Federal Drug
 20 Administration (“FDA”) and state regulations. A copy of the Complaint is attached
 21 hereto as Exhibit “A.” On March 13, 2017, Plaintiff effectuated service of the
 22 Complaint on both Defendants. (Exhibits B & C.)

23 **II. THIS COURT HAS JURISDICTION UNDER CAFA**

24 Defendants remove the State Court Action pursuant to CAFA, codified under
 25 28 U.S.C. § 1332(d). CAFA provides the Court with original jurisdiction of this
 26 action and permits TCCC to remove the State Court Action from the California
 27 state court to this Court.

28 CAFA vests district courts with original jurisdiction over class actions when

1 the aggregate amount in controversy for all putative class members exceeds \$5
 2 million (exclusive of interest and costs), and when any member of the putative class
 3 of plaintiffs is a citizen of a state different from any defendant. 28 U.S.C.
 4 § 1332(d)(2).

5 These requirements are satisfied here, as set forth below.

6 **A. Class Action.**

7 The State Court Action is a class action as defined by CAFA. CAFA
 8 provides:

9 [T]he term “class action” means any civil action filed
 10 under rule 23 of the Federal Rules of Civil Procedure or
 11 similar State statute or rule of judicial procedure
 12 authorizing an action to be brought by 1 or more
 13 representative persons as a class action.

13 28 U.S.C. § 1332(d)(1)(B).

14 Plaintiff’s Complaint alleges a putative class action on behalf of himself and
 15 a proposed nationwide class and two California sub-classes under California Code
 16 of Civil Procedure section 382. (*See* Exhibit A, ¶¶ 29-38.) The California rule
 17 governing maintenance of class actions, California Code of Civil Procedure section
 18 382, is analogous to Federal Rule of Civil Procedure 23. *In re Tobacco II Cases*,
 19 46 Cal. 4th 298, 318 (2009) (noting that the “requirements [of Federal Rule of Civil
 20 Procedure 23(a)] are analogous to the requirements for class certification under
 21 Code of Civil Procedure section 382.”). The State Court Action therefore falls
 22 within the definition of a “class action” under CAFA.

23 **B. Removal Under CAFA.**

24 CAFA provides that a class action against a non-governmental entity may be
 25 removed if: (1) the number of proposed class members is not less than 100; (2) any
 26 member of the proposed plaintiff class is a citizen of a state different from any
 27 defendant; and (3) the aggregate amount in controversy exceeds \$5 million,
 28

1 excluding interests and costs. 28 U.S.C. § 1332(d), (d)(5), and § 1453(b).

2 **1. Plaintiff's Proposed Class and Sub-Classes.**

3 Plaintiff purports to represent a nationwide class of "All individuals in the
4 United States who purchased one or more containers of Odwalla Juice containing a
5 "No Sugar Added" claim on the label or other packaging at any time between four
6 years prior to the filing of this complaint until the date of certification (the
7 "Nationwide Class"). (Exhibit A, ¶ 31.) The Complaint defines "Odwalla Juice" as
8 "Odwalla 100% Juices, including Berry Greens, Groovin' Greens, and 100%
9 Orange Juice, with the phrase 'No Sugar Added' on their label or outer packaging."
10 (Exhibit A, ¶ 1.) Additionally, Plaintiff purports to represent the following two
11 subclasses: (1) "All members of the Nationwide Class who reside in the State of
12 California (the "California Subclass") and (2) "All members of the California Sub-
13 class who are 'consumers' within the meaning of California Civil Code § 1761(d)
14 (the "CLRA subclass"). (Exhibit A, ¶ 31.) Furthermore, while Plaintiff does not
15 allege a specific number of potential putative class members in the Complaint, he
16 does allege that "the number is great enough such that joinder is impracticable."
17 (Exhibit A, ¶ 34.)

18 As set forth in the concurrently filed Declaration of Sara Litton, more than
19 100 containers of Odwalla Juice, as defined by Plaintiff, were sold nationwide
20 within the four-year period prior to the filing of the Complaint. (Litton Decl., ¶ 4.)
21 Indeed, just for the one year period between March 2016 and March 2017, the total
22 dollar volume of Odwalla 100% Juices sold nationwide exceeds \$10 million.
23 (Litton Decl., ¶ 4.) Thus, it is certain that the number of putative class members
24 who purchased Odwalla 100% Juices in the Complaint exceeds 100.

25 **1. Diversity of Citizenship Under CAFA.**

26 "[U]nder CAFA, complete diversity is not required; 'minimal diversity'
27 suffices." *Serrano v. 1800 Connect, Inc.*, 478 F.3d 1018, 1021 (9th Cir. 2007).
28 Furthermore, under CAFA's minimal diversity, the diversity of unnamed putative

1 class members is also considered. 28 U.S.C. § 1332(d)(1)(D)-(d)(2)(A).

2 Accordingly, “minimal diversity” is met when “any member of a class of plaintiffs
3 is a citizen of a State different from any defendant.” 28 U.S.C. § 1332(d)(2)(A).

4 That requirement is met here because Plaintiff is a citizen of California and
5 defendant TCCC is a citizen of states other than California. Additionally,
6 defendant Odwalla has dual citizenship outside of California.

7 An individual is a citizen of the state where he resides. 28 U.S.C.
8 § 1332(a)(1). Plaintiff Stephen Wilson is an individual and resides in California, as
9 such, is a citizen of the State of California. (*See* Exhibit A, ¶ 10). Additionally,
10 Plaintiff brings this action on behalf of a putative nationwide class, therefore
11 members of the putative class likely reside in every state where Odwalla Juice is
12 sold. 28 U.S.C. § 1332(d)(1)(D)-(d)(2)(A); Exhibit A, ¶ 31.

13 A corporation is a “citizen of every state . . . by which it has been
14 incorporated and of the State . . . where it has its principal place of business.” 18
15 U.S.C. § 1332(c)(1); *Nike, Inc. v. Comercial Iberica de Exclusivas Deportivas,*
16 *S.A.*, 20 F.3d 987, 990 (9th Cir. 1994) (“[T]he corporation is deemed a citizen of its
17 place of incorporation and the location of its principal place of business.”)

18 TCCC is a Delaware corporation with its principal place of business in
19 Atlanta, Georgia. (Exhibit A, ¶ 15; Litton Decl., ¶ 2.) TCCC is therefore a citizen
20 of both Delaware and Georgia. *See Nike, Inc.*, 20 F.3d at 990. Similarly, Odwalla
21 is a California corporation with a principal place of business in Texas. *Id.*; Exhibit
22 A, ¶ 14; Litton Decl., ¶ 3. Therefore, Odwalla is a citizen of both California and
23 Texas. *See Nike, Inc.*, 20 F.3d at 990.

24 Because at least one member of the proposed class of plaintiffs is a citizen of
25 a state different from TCCC, within the meaning of 28 U.S.C. § 1332(d)(2)(A),
26 CAFA’s diversity of citizenship requirement is satisfied. Additionally, minimal
27 diversity is also established because Plaintiff seeks to represent a nationwide class.
28 28 U.S.C. § 1332(d)(1)(D)-(d)(2)(A).

1 The diversity that exists in this action not only satisfies the minimal diversity
 2 of citizenship requirement under CAFA, but also precludes the applicability of
 3 exceptions in 28 U.S.C. § 1332(d)(4)(A)-(B) because while Odwalla may be
 4 considered a California citizen (in addition to being a citizen of Texas) and Plaintiff
 5 a California citizen, the amount of Odwalla Juice sold in California for the last
 6 calendar year (2016) is approximately 38% of the total Odwalla Juice sold in the
 7 United States. (Litton Decl., ¶ 5.) Furthermore, the amount of Odwalla Juice sold
 8 in California for calendar years 2013, 2014, and 2015 never exceeded 40% of total
 9 sales. (*Id.*) Additionally, TCCC is a citizen of two states *other than* California
 10 (Delaware and Georgia), which does not permit the Court to decline jurisdiction
 11 under 28 U.S.C. § 1332(d)(4)(B). *See, e.g., Dean v. Draughtons Junior College*,
 12 No. 3:12-cv-0157, 2012 WL 2357492, at *3 (M.D. Tenn. June 20, 2012).

13 Moreover, the Court should not exercise its discretion to decline jurisdiction
 14 under 28 U.S.C. § 1332(d)(3) because not only is TCCC is a citizen of two states
 15 *other than* California, Plaintiff here purports to represent a putative class of
 16 *nationwide* class members and Plaintiff alleges *nationwide* wrongful conduct.
 17 (Exhibit A, ¶ 31.) Accordingly, § 1332(d)(3) does not apply here. *See, e.g.,*
 18 *Marino v. Countrywide Financial Corp.*, 26 F.Supp.3d 949, 954-955 (C.D. Cal.
 19 2014) (rejecting application of exceptions to CAFA when conduct and injuries are
 20 alleged to be nationwide, even if the proposed class is limited to citizens of a single
 21 state); *see also Adams v. Macon Cnty. Greyhound Park, Inc.*, 829 F. Supp. 2d 1127,
 22 1138 n. 13 (M.D. Ala. 2011) (collecting federal circuit court and district court cases
 23 reflecting the “consensus among the courts . . . that the plural use of ‘defendants’
 24 [in § 1332(d)(3)] means that all primary defendants must be citizens of the state in
 25 which the action was originally filed. . . .”)

26 2. Amount in Controversy.

27 CAFA’s third requirement – that the aggregate amount in controversy,
 28

1 exclusive of interest and costs, exceed \$5 million – is also satisfied. 28 U.S.C. §
 2 1332(d)(2). Here, Plaintiff’s lawsuit seeks restitution and declaratory and
 3 injunctive relief, in the aggregate, which are worth more than CAFA’s \$5 million
 4 threshold.

5 When removal is sought under CAFA, the amount in controversy
 6 requirements should be “interpreted expansively.” *Yeroushalmi v. Blockbuster,*
 7 *Inc.*, No. 05-225, 2005 WL 2083008, at *3 (C.D. Cal. July 11, 2005) citing S. Rep.
 8 No. 109-14, at 42 (2005). “In measuring the amount in controversy, a court must
 9 assume that the allegations of the complaint are true and that a jury will return a
 10 verdict for plaintiff on all claims made in the complaint.” *Korn v. Polo Ralph*
 11 *Lauren Corp.*, 536 F. Supp. 2d 1199, 1205 (E.D. Cal. 2008). If the court is
 12 uncertain whether the amount in controversy exceeds \$5 million, the “court should
 13 err in favor of exercising jurisdiction over the case.” *Yeroushalmi*, 2005 WL
 14 2083008, at *3 citing S. Rep. No. 109-14, at 42 (2005). If a plaintiff fails to plead
 15 an amount in controversy in a class action complaint, as is the case here, a
 16 defendant seeking removal “must prove by only a preponderance of the evidence
 17 that the damages claimed exceed \$5,000,000.” *Lowdermilk v. U.S. Bank Nat’l*
 18 *Assoc.*, 479 F.3d 994, 998 (9th Cir. 2007).

19 In this case, as set forth in the attached Litton Declaration, Plaintiff requests
 20 restitution and damages that, if granted, would cost Defendants in excess of \$5
 21 million. Indeed, just for the one-year period between March 2016 and March 2017,
 22 the total dollar volume of Odwalla 100% Juices sold nationwide exceeds \$10
 23 million. Litton Decl., ¶ 4; *see Watkins v. Vital Pharms., Inc.* v. No. 13-55755, 2013
 24 WL 3306322, at *2 (9th Cir. July 2, 2013) (per curium) (holding that a declaration
 25 stating that the total sales of the product at issue exceeded \$5 million during the
 26 class period was sufficient to meet CAFA’s amount in controversy requirement.)

27 Accordingly, CAFA’s requirement that the aggregate amount in controversy
 28 exceeds \$5 million is met here.

1 **III. DEFENDANTS HAVE TIMELY FILED THEIR NOTICE OF**
 2 **REMOVAL AND SATISFIED ALL PROCEDURAL**
 3 **REQUIREMENTS**

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

5 This notice of removal is timely pursuant to 28 U.S.C. §§ 1446(b) and
 6 1453(b), because it is filed within thirty (30) days after service of the Complaint on
 7 Defendants. Here, both Defendants were served with the Summons and Complaint
 8 on March 13, 2017. (Exhibits B & C.) Therefore, notice is timely pursuant to 28
 9 U.S.C. § 1446(b).

10 **B. Defendants have Satisfied all Procedural Requirements.**

11 Section 1446(a) requires a removing party to provide this Court with a copy
 12 of all “process, pleadings and orders” served on it in the State Court Action. True
 13 and correct copies of these documents are listed below:

- 14 • Complaint (Exhibit A)
- 15 • Service of Process Transmittal on Odwalla (Exhibit B)
- 16 • Service of Process Transmittal on TCCC (Exhibit C)
- 17 • Summons to Odwalla (Exhibit D)
- 18 • Summons to TCCC (Exhibit E)
- 19 • Guidelines for Motions for Preliminary and Final Approval of
- 20 Class Settlement (Exhibit F)
- 21 • Civil Case Cover Sheet & Addendum (Exhibit G)
- 22 • Superior Court of California, County of Los Angeles Notice of
- 23 Case Assignment – Class Action Cases (Exhibit H)
- 24 • Voluntary Efficient Litigation Stipulations (Exhibit I)
- 25 • Initial Status Conference Order (Exhibit J)
- 26 • Court Order Regarding Newly Filed Class Action (Exhibit K)

27 Pursuant to 28 U.S.C. section 1446(d), Defendants are filing a copy of the
 28 Notice of Removal with the Clerk of the Los Angeles County Superior Court and

1 serving Plaintiff with the same. A copy of the Notice to the Superior Court (which
2 is being served on Plaintiff), without exhibits, is attached hereto as Exhibit "L."

3 **IV. CONCLUSION**

4 WHEREFORE, Defendants respectfully submit that (1) CAFA applies to this
5 action because the proposed class contains at least 100 members, (2) at least one
6 member of the proposed class is a citizen of a state different than one of the
7 Defendants' state of citizenship and no other CAFA exceptions apply, (3) the
8 aggregate amount in controversy exceeds \$5 million, and (4) the procedural
9 requirements under 28 U.S.C. § 1446 are met. For these reasons, this action is
10 properly removed to this Court.

11
12 Dated: April 11, 2017

13
14 DLA PIPER LLP (US)

15 By: /s/ Jeffrey A. Rosenfeld
16 JEFFREY A. ROSENFELD
17 RACHEL E.K. LOWE
18 MONICA D. SCOTT
19 SEAN R. CRAIN
20 Attorneys for Defendants
21 ODWALLA, INC. and THE COCA-
22 COLA COMPANY
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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2000 Avenue of the Stars, Suite 400, North Tower, Los Angeles, California 90067-4704.

On April 11, 2017, I served the foregoing document described as: **DEFENDANTS ODWALLA, INC. AND THE COCA-COLA COMPANY'S NOTICE TO THE CLERK OF THE SUPERIOR COURT OF REMOVAL OF ACTION TO FEDERAL COURT** on the interested parties in this action by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes ☒ as follows ☐ as stated on the mailing list below:

Lee A. Cirsch
Robert K. Friedl
Trisha K. Monesi
CAPSTONE LAW APC
1875 Century East, Suite 1000
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Attorneys for Plaintiff Stephen Wilson

☐ **(BY MAIL)** By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **(BY OVERNIGHT MAIL)** By causing each such envelope to be given to an overnight mail service at Los Angeles, California, for mailing to the office of the addressee following ordinary business practices.

☐ **(BY HAND DELIVERY)** By causing the above document to be delivered to County Legal Attorney Service for delivery to the above address with instructions that such envelope be delivered personally on April 11, 2017, to the individual(s) listed below.

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

Executed on April 11, 2017, at Los Angeles, California.

Toyia Ellis

[Print Name Of Person Executing Proof]

[Signature]