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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAIME JENSEN, On Behalf of Herself and
All Others Similarly Situated,

Plaintiff,

v.

NATROL, LLC, a Delaware limited liability
company,

Defendant.

Case No.:

CLASS ACTION COMPLAINT FOR:

1. VIOLATION OF THE UNFAIR
COMPETITION LAW, Business and
Professions Code §17200 *et seq.*; and
2. VIOLATION OF THE CONSUMERS
LEGAL REMEDIES ACT, Civil Code
§1750 *et seq.*

DEMAND FOR JURY TRIAL

1 Plaintiff Jaime Jensen brings this action on behalf of herself and all others similarly
2 situated against Defendant Natrol, LLC (“Natrol” or “Defendant”) and states:

3 NATURE OF ACTION

4 1. Defendant manufactures, markets, sells, and distributes biotin supplements. The
5 products are: Biotin 5000 mcg Fast Dissolve, Biotin 10,000 mcg Maximum Strength, and Biotin
6 10,000 mcg Fast Dissolve (collectively, “Biotin Products”).¹ On the front of the Biotin Products,
7 Defendant represents that its Biotin Products “Promote[] Healthy Hair and Strong Nails.” On the
8 front of the Biotin Products, Defendant also represents the Products support energy or energy
9 production. These representations are collectively referred to as the “health benefit
10 representations.” Defendant’s health benefit representations are false, misleading and reasonably
11 likely to deceive the public.

12 2. The sole active ingredient in Defendant’s Biotin Products is biotin. Biotin is a
13 colorless, water soluble B vitamin found in many foods, including several fruits and vegetables,
14 liver, salmon, cereals, and other foods. Biotin serves as a biochemical co-factor (a helper of
15 sorts) for certain enzymatic reactions and is involved in the metabolism of fats, carbohydrates,
16 and amino acids.

17 3. The human body only requires a finite amount of biotin on a daily basis for it to
18 perform its enzymatic functions as there are a finite number of enzymes that use biotin. Once
19 there is sufficient biotin in the body, saturation occurs and the body just does not use this surplus
20 biotin. The Institute of Medicine has set an adequate intake (AI) for biotin at 30 micrograms
21 (mcg) per day for people 19 years and older and even less for younger people. Dietary Reference
22 Intakes for Thiamin, Riboflavin, Niacin, Vitamin B6, Folate, Vitamin B12, Pantothenic Acid,
23 Biotin, and Choline (“IOM Dietary Reference Intakes”), INSTITUTE OF MEDICINE, at pp. 374, 382,
24 *available at* [http://www.nap.edu/catalog/6015/dietary-reference-intakes-for-thiamin-riboflavin-](http://www.nap.edu/catalog/6015/dietary-reference-intakes-for-thiamin-riboflavin-niacin-vitamin-b6-folate-vitamin-b12-pantothenic-acid-biotin-and-choline)
25 [niacin-vitamin-b6-folate-vitamin-b12-pantothenic-acid-biotin-and-choline](http://www.nap.edu/catalog/6015/dietary-reference-intakes-for-thiamin-riboflavin-niacin-vitamin-b6-folate-vitamin-b12-pantothenic-acid-biotin-and-choline). More than sufficient
26

27

¹ Plaintiff reserves the right to add additional products upon completion of discovery.
28

1 biotin is derived from the daily diets of the general U.S. population as healthy persons ingest
2 anywhere from 30mcg-60mcg of biotin from their daily diets.

3 4. While persons (1) with exceedingly rare conditions that cause biotin deficiencies,
4 or (2) who chronically ingest inordinate amounts of raw egg whites, can require biotin
5 supplementation, other than these few rare exceptions, healthy people already have more than
6 adequate, if not excessive, amounts of biotin derived from their diet. In fact, average biotin
7 intake among North American adults is anywhere from 35-70 mcg per day. Yet, the 5000 mcg
8 product is 150 times more than the AI and the 10,000 mcg products are 300 times more than the
9 AI. Thus, even though the IOM has yet to set a DRI (daily recommended intake) for biotin, these
10 mega-dose amounts are far beyond any conceivable range that would ever be beneficial.

11 5. Biotin is a co-factor for five carboxylase enzymes. A co-factor is a molecule that
12 interacts with an enzyme to facilitate that enzyme's ability to carry out its biochemical functions.
13 Biotin attaches itself to these enzymes, thereby helping each of them perform their respective
14 functions. The body only needs a finite amount of biotin on a daily basis to perform these
15 functions. Thus, biotin is not a "more is better" substance, nor is more biotin needed from
16 supplementation to complete these daily enzymatic functions. In short, once one consumes a
17 sufficient amount of biotin, which is easily met by the general population in their everyday diets,
18 the remainder becomes functionally superfluous and does not convey any additional health
19 benefits.

20 6. Therefore, with the exception of the two exceedingly rare conditions discussed
21 above, for the general population the biotin supplements sold by Defendant are unneeded,
22 superfluous and will not provide any benefits, let alone support healthy hair and strong nails. That
23 is because the general population already consumes sufficient, if not excessive, amounts of biotin
24 from their daily diets.

25 7. The only apparent scientific support for biotin supplements affecting hair or nails
26 is from studies of people with what is called "frank" deficiency – e.g., those with rare biotin
27 deficiency conditions. Such persons, as a result of their conditions, experience a variety of
28

1 symptoms including hair loss and nail problems. Some studies have shown that in persons with
2 these very rare conditions, biotin supplementation can improve hair/nail health. But these are
3 persons who already have serious and rare conditions and, most important, the results of these
4 few studies cannot be extrapolated to healthy persons in the general population, as persons in the
5 general population are not biotin deficient and, as noted above, already consume sufficient biotin
6 in their daily diets. Defendant also cannot represent that its Biotin Products help treat or cure the
7 symptoms of these diseases, as FDA law precludes manufacturers of dietary supplements from
8 representing that their dietary supplements treat or cure diseases.

9 8. In this regard, the 2000 Institute of Medicine Report from the National Academy
10 of Sciences on *Dietary Reference Intakes for Thiamin, Riboflavin, Niacin, Vitamin B6, Folate,*
11 *Vitamin B12, Pantothenic Acid, Biotin, and Choline* states that, “No definitive studies
12 demonstrate evidence of biotin deficiency in normal individuals in any group resulting from
13 inadequate intakes.” IOM Dietary Reference Intakes p. 381. Thus, the IOM concluded in 2000,
14 and this conclusion remains true today, that while there was a limited amount of information
15 regarding biotin intakes this information indicates that “[T]here is little cause for concern about
16 the adequacy of biotin intake for healthy people...” *Id.* at pp. 385-86. Since there is little concern
17 for the adequacy of biotin intake for healthy people (e.g., people who do not have one of the rare
18 biotin deficiencies described above) and since the need for biotin is finite, Defendant’s Biotin
19 Products are superfluous, unneeded and certainly do not support the health of hair and nails as
20 represented. Furthermore, to the extent that Defendant contends that its Biotin Products provide
21 energy support, this too is false, for the same reasons – Defendant’s Biotin Products are
22 superfluous and not used. In short, Defendant’s Biotin Products are worthless and provide no
23 health benefits.

24 9. As a result of the foregoing, the mega-dose Biotin Products to be taken in daily
25 doses ranging from 5000 mcg to 10,000 mcg as sold by Defendant are superfluous and unneeded
26 and they will not and do not provide any benefits at all, let alone support healthy hair and strong
27 nails.

1 upon Defendant's health benefit representations by reading the Biotin 5,000 mcg Fast Dissolve
2 label. She purchased the Product at a Costco in San Francisco, California in reliance on
3 Defendant's health benefit representations and paid approximately \$15-20 for the Product. The
4 Biotin Product Plaintiff Jensen purchased did not and could not provide the represented health
5 benefits. Had Plaintiff Jensen known the truth about Defendant's misrepresentations, she would
6 not have purchased the Biotin Product. As a result, Plaintiff Jensen suffered injury in fact and
7 lost money at the time of purchase.

8 16. Defendant Natrol, LLC is a Delaware limited liability company, with its corporate
9 headquarters located at 21411 Prairie Street, Chatsworth, CA 91311. Defendant Natrol markets
10 and sells the Biotin Products to tens of thousands of consumers nationwide, including in
11 California.

12 **FACTUAL ALLEGATIONS**

13 ***The Biotin Products***

14 17. Defendant manufactures, distributes, markets, and sells over-the-counter biotin
15 products. This lawsuit concerns three of those products — Biotin 5000 mcg Fast Dissolve, Biotin
16 10,000 mcg Maximum Strength, and Biotin 10,000 mcg Fast Dissolve (collectively, "Biotin
17 Products"). The Biotin Products are marketed as supplements with the purpose of providing
18 certain health benefits. The Biotin Products are sold in major food, drug, and mass retail outlets
19 in the country including, but not limited to Costco and Walgreens. A single container of the
20 Biotin Products retails for approximately \$6.00-\$11.00.

21 ***The Uniform Health Benefits Message***

22 18. Throughout the relevant time period, Defendant has consistently conveyed the
23 health benefits message to consumers throughout California and the United States.

24 ***Consumer Exposure to the Health Benefits Message***

25 19. Each and every consumer who purchases the Biotin Products is exposed to the
26 deceptive health benefit representations, which appear prominently and conspicuously on the
27 front of each Biotin Product as shown below:



Copies of representative labels are attached hereto as Exhibit A.

The Impact of Defendant's Wrongful Conduct

20. Plaintiff and Class members have been and will continue to be deceived or misled by Defendant's deceptive health benefit representations. Plaintiff and the Class members have been damaged in their purchases of the Biotin Products and have been deceived into purchasing the Biotin Products that they believed, based on Defendant's representations, would provide them health benefits, when, in fact, they do not.

CLASS DEFINITION AND ALLEGATIONS

21. Plaintiff brings this action on behalf of herself and all other similarly situated

1 consumers pursuant to Rule 23(a), (b)(2), and (b)(3) of the Federal Rules of Civil Procedure and
2 seeks certification of the following Class:

3 **Nationwide Class Action**

4 All consumers who, within the applicable statute of limitations
5 period until the date notice is disseminated, purchased Biotin Products
6 in the United States.

7 Excluded from this Class are Defendant and its officers,
8 directors, employees and those who purchased Biotin Products
9 for the purpose of resale.

10 22. In the alternative, Plaintiff seeks certification of the following Class:

11 **Multi-State Class Action**

12 All consumers who, within the applicable statute of limitations
13 period until the date notice is disseminated, purchased Biotin Products
14 in California, Illinois, Massachusetts, Michigan, Minnesota, Missouri,
15 New Jersey, New York, and Washington.

16 Excluded from this Class are Defendant and its officers,
17 directors, employees and those who purchased Biotin Products
18 for the purpose of resale.

19 23. In the alternative, Plaintiff seeks certification of the following Class:

20 **California-Only Class Action**

21 All California consumers who within the applicable statute of
22 limitations period until the date notice is disseminated, purchased
23 Biotin Products.

24 Excluded from this Class are Defendant and its officers, directors
25 and employees, and those who purchased Biotin Products for the
26 purpose of resale.

27 24. **Numerosity.** The members of the Classes are so numerous that joinder of all
28 members of the Classes is impracticable. Plaintiff is informed and believes that the proposed
Classes contain thousands of purchasers of Biotin Products who have been damaged by
Defendant's conduct as alleged herein. The precise number of Class members is unknown to
Plaintiff.

25 25. **Existence and Predominance of Common Questions of Law and Fact.** This

1 action involves common questions of law and fact, which predominate over any questions
2 affecting individual Class members. These common legal and factual questions include, but
3 are not limited to, the following:

- 4 (a) whether Defendant's health benefit representations discussed above are
5 misleading, or objectively reasonably likely to deceive;
- 6 (b) whether Defendant's alleged conduct is unlawful;
- 7 (c) whether the alleged conduct constitutes violations of the laws asserted;
- 8 (d) whether Defendant engaged in false or misleading advertising; and
- 9 (e) whether Plaintiff and Class members are entitled to appropriate remedies,
10 including restitution, corrective advertising, and injunctive relief.

11 26. **Typicality.** Plaintiff's claims are typical of the claims of the members of the
12 Classes because, *inter alia*, all Class members were injured through the uniform misconduct
13 described above and were subject to Defendant's deceptive health benefit representations on the
14 front of each and every Biotin Product container. Plaintiff is also advancing the same claims and
15 legal theories on behalf of herself and all members of the Classes.

16 27. **Adequacy of Representation.** Plaintiff will fairly and adequately protect the
17 interests of the members of the Classes. Plaintiff has retained counsel experienced in complex
18 consumer class action litigation, and Plaintiff intends to prosecute this action vigorously. Plaintiff
19 has no adverse or antagonistic interests to those of the Classes.

20 28. **Superiority.** A class action is superior to all other available means for the fair and
21 efficient adjudication of this controversy. The damages or other financial detriment suffered by
22 individual Class members is relatively small compared to the burden and expense that would be
23 entailed by individual litigation of their claims against Defendant. It would thus be virtually
24 impossible for members of the Classes, on an individual basis, to obtain effective redress for the
25 wrongs done to them. Furthermore, even if Class members could afford such individualized
26 litigation, the court system could not. Individualized litigation would create the danger of
27 inconsistent or contradictory judgments arising from the same set of facts. Individualized
28

litigation would also increase the delay and expense to all parties and the court system from the issues raised by this action. By contrast, the class action device provides the benefits of adjudication of these issues in a single proceeding, economies of scale, and comprehensive supervision by a single court, and presents no unusual management difficulties under the circumstances here.

29. Plaintiff seeks preliminary and permanent injunctive and equitable relief on behalf of the entire Classes, on grounds generally applicable to the entire Classes, to enjoin and prevent Defendant from engaging in the acts described, and requiring Defendant to provide full restitution to Plaintiff and Class members.

30. Unless a Class is certified, Defendant will retain monies received as a result of its conduct that were taken from Plaintiff and Class members.

31. Unless an injunction is issued, Defendant will continue to commit the violations alleged, and the members of the Classes and the general public will continue to be deceived.

COUNT I

Violation of Business & Professions Code §17200, *et seq.*

Fraudulent Business Acts and Practices

(On Behalf of the Nationwide, Multi-State, or California-Only Class)

32. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above, as if fully set forth herein.

33. Plaintiff brings this claim individually and on behalf of the Classes.

34. As alleged herein, Plaintiff has suffered injury in fact and lost money or property as a result of Defendant's conduct because she purchased Defendant's Biotin Product in reliance on Defendant's claim that the Biotin Product would provide her with health benefits, but did not receive a Biotin Product that provided those benefits.

35. Plaintiff suffered that injury at the time of her purchase, when she bought a product that does not deliver the benefits Defendant promises.

36. The Unfair Competition Law, Business & Professions Code §17200, *et seq.* ("UCL") prohibits any "fraudulent" business act or practice and any false or misleading

advertising.

37. In the course of conducting business, Defendant committed “fraudulent business act[s] or practices” and false, deceptive or misleading advertising by, *inter alia*, making the health benefit representations (which also constitutes advertising within the meaning of §17200) regarding the Biotin Products on the Biotin Products’ labeling, as set forth more fully herein.

38. Defendant’s actions, claims and misleading statements, as more fully set forth above, are false, misleading and/or likely to deceive the consuming public within the meaning of Business & Professions Code §17200, *et seq.*

39. Plaintiff and other members of the Classes have in fact been deceived as a result of their reliance on Defendant’s material health benefit representations. Plaintiff and the other Class members have suffered injury in fact and lost money as a result of their purchase(s) of Defendant’s Biotin Products that do not provide health benefits.

40. Unless restrained and enjoined, Defendant will continue to engage in the above described conduct. Accordingly, injunctive relief is appropriate.

41. Plaintiff, on behalf of herself, all others similarly situated, and the general public, seeks restitution of all money obtained from Plaintiff and the members of the Classes collected as a result of unfair competition, an injunction prohibiting Defendant from continuing such practices, corrective advertising, and all other relief this Court deems appropriate, consistent with Business & Professions Code §17203.

COUNT II
Violations of the Consumers Legal Remedies Act – Civil Code §1750 *et seq.*
(On Behalf of the Nationwide and California-Only Classes)

42. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above, as if fully set forth herein.

43. Plaintiff brings this claim individually and on behalf of the Nationwide and California-Only Classes.

44. This cause of action is brought pursuant to the Consumers Legal Remedies Act,

1 California Civil Code §1750, *et seq.* (the “Act”).

2 45. Plaintiff is a consumer as defined by California Civil Code §1761(d). The Biotin
3 Products are “goods” within the meaning of the Act.

4 46. Defendant violated and continues to violate the Act by engaging in the following
5 practices proscribed by California Civil Code §1770(a) in transactions with Plaintiff and the
6 Classes which were intended to result in, and did result in, the sale of the Biotin Products:

7 (5) Representing that [the Biotin Products have] . . . characteristics, . . . uses [and]
8 benefits . . . which [they do] not have

9 * * *

10 47. Pursuant to California Civil Code §1782(d), Plaintiff and the Classes seek a Court
11 order enjoining the above described wrongful acts and practices of Defendant and for restitution
12 and disgorgement.

13 48. Pursuant to §1782 of the Act, Plaintiff notified Defendant in writing by certified
14 mail of the particular violations of §1770 of the Act and demanded that Defendant rectify the
15 problems associated with the actions detailed above and give notice to all affected consumers of
16 Defendant’s intent to so act. A copy of the letter is attached hereto as Exhibit B.

17 49. If Defendant fails to rectify or agree to rectify the problems associated with the
18 actions detailed above and give notice to all affected consumers within 30 days of the date of
19 written notice pursuant to §1782 of the Act, Plaintiff will amend this Complaint to add claims for
20 actual, punitive and statutory damages, as appropriate.

21 50. Defendant’s conduct is fraudulent, wanton and malicious.

22 51. Pursuant to §1780(d) of the Act, attached hereto as Exhibit C is the affidavit
23 showing that this action has been commenced in the proper forum.

24 **PRAYER FOR RELIEF**

25 Wherefore, Plaintiff prays for a judgment:

26 A. Certifying the Classes as requested herein;

27 B. Awarding restitution and disgorgement of Defendant’s revenues to Plaintiff and

the proposed Class members;

C. Awarding injunctive relief as permitted by law or equity, including: enjoining Defendant from continuing the unlawful practices as set forth herein;

D. Ordering Defendant to engage in a corrective advertising campaign;

E. Awarding attorneys' fees and costs; and

F. Providing such further relief as may be just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial of her claims by jury to the extent authorized by law.

Dated: June 5, 2017

BONNETT, FAIRBOURN, FRIEDMAN
& BALINT, P.C.

/s/Patricia N. Syverson

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mchang@siprut.com
Telephone: (312) 236-0000

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic mail notice list

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 5, 2017.

/s/Patricia N. Syverson

Patricia N. Syverson (203111)
BONNETT FAIRBOURN FRIEDMAN
& BALINT, P.C.
600 W. Broadway, Suite 900
San Diego, CA 92101
Telephone: (619) 798-4593

EXHIBIT A

NATROL

Biotin

5000 mcg

- Promotes Healthy Hair and Strong Nails[†]
- Supports Energy[†]



90 Tablets
Dietary Supplement

NATROL

10,000mcg

- Promotes Healthy Hair and Strong Nails[†]
- Supports Cellular Energy Production[†]

NATROL

Biotin

10,000 mcg

- Promotes Healthy Hair and Strong Nails[†]
- Supports Energy[†]



60 Tablets
Dietary Supplement

NATROL

Biotin

5000 mcg

• Promotes Healthy Hair
and Strong Nails[†]
• Supports Energy[†]



Strawberry
Flavor



60 Tablets

Dietary Supplement



Directions: Take 1 tablet a day. Allow tablet to dissolve in mouth. No water necessary.

Supplement Facts

Serving Size: 1 Fast Dissolve Tablet

Servings Per Container: 90

Amount Per Serving	%DV*
Biotin	5,000 mcg 1667%

*Percent Daily Values (DV) are based on a 2,000 calorie diet.

Other Ingredients: Xylitol, Cellulose Gum, PVP, Natural Strawberry Flavor, Beet Root Powder, Malic Acid, Silica, Stearic Acid, Magnesium Stearate, Citric Acid, Maltodextrin, Modified Food Starch.

Manufactured by NATROL LLC
Chatsworth, CA 91311 • USA
1-800-2-NATROL (800-262-8765)
www.natrol.com

No Milk, Egg, Fish, Crustacean Shellfish,
Tree Nuts, Peanuts, Soybeans, Yeast,
Artificial Colors or Flavors, or Preservatives
Contains Wheat
100% Vegetarian

Biotin is an important B-vitamin that provides dietary support for healthy hair and nails as well as energy production. By supporting the matrix of hair and nails, Biotin promotes shiny, lustrous hair and strong, resilient nails.†

Consult your healthcare professional prior to use if you have or suspect a medical condition, are taking prescription drugs, or are pregnant or lactating. People with allergies to wheat or corn should consult their healthcare professional before taking this product.

**Storage: Keep tightly closed in a dry place at room temperature (59-77 degrees F).
KEEP OUT OF REACH OF CHILDREN.**

† These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

ITEM: 6323.94 F: 3002902 L: 2007280-15104





NATROL

10,000mcg

Promotes Healthy Hair
and Strong Nails[†]
Supports Cellular
Energy Production[†]



Directions: Take one tablet one time daily with
a meal.

Supplement Facts

Serving Size: 1 Tablet

Amount Per Serving		%DV*
Biotin	10,000 mcg	3333%
Calcium (from Dibasic Calcium Phosphate)	66 mg	7%

*Daily Value (DV)

Other Ingredients: Cellulose, Stearic Acid,
Silica, Magnesium Stearate, Methylcellulose,
Cellulose Gum, Glycerin.

Manufactured by NATROL LLC
Chatsworth, CA 91311 • USA
1-800-2-NATROL (800-262-8765)

www.natrol.com

NO Milk, Egg, Fish, Crustacean Shellfish,
Tree Nuts, Wheat, Peanuts, Soybeans, Yeast,
Corn, Artificial Colors or Flavors, Added Sugar,
Starch or Preservatives

Biotin is an important B-vitamin that provides dietary support for healthy hair and nails as well as energy production. By supporting the matrix of hair and nails, Biotin promotes shiny, lustrous hair and strong, resilient nails.[†]

100% Vegetarian.

Consult your healthcare professional prior to use if you have or suspect a medical condition, are taking prescription drugs, or are pregnant or lactating.

**STORE IN A COOL, DRY PLACE.
KEEP OUT OF REACH OF CHILDREN.**


[†] These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

ITEM#: 5396 F: 3002371 L: 2007342-15050



NATROL
Biotin
10,000 mcg

- Promotes Healthy Hair and Strong Nails[†]
- Supports Energy[†]

 Natural
Strawberry Flavor

60 Tablets
Dietary Supplement

Directions: Take 1 tablet a day. Allow tablet to dissolve in mouth. No water necessary.

Supplement Facts

Serving Size: 1 Fast Dissolve Tablet
Servings Per Container: 60

Amount Per Serving	%DV*
Biotin	10,000 mcg 3,333%

* Percent Daily Values (DV) are based on a 2,000 calorie diet.

Other Ingredients: Xylitol, Cellulose Gum, PVP, Natural Strawberry Flavor, Beet Root Powder, Malic Acid, Silica, Stearic Acid, Magnesium Stearate, Citric Acid, Maltodextrin, Modified Food Starch.

Contains Wheat

Manufactured by NATROL LLC
Chatsworth, CA 91311 • USA
1-800-2-NATROL (800-262-8765)
www.natrol.com

No Milk, Egg, Fish, Crustacean Shellfish,
Tree Nuts, Peanuts, Soybeans, Yeast,
Artificial Colors or Flavors, or Preservatives
100% Vegetarian

Biotin is an important B-vitamin that provides dietary support for healthy hair and nails as well as energy production. By supporting the matrix of hair and nails, Biotin promotes shiny, lustrous hair and strong, resilient nails.[†]

Consult your healthcare professional prior to use if you have or suspect a medical condition, are taking prescription drugs, or are pregnant or lactating. People with allergies to wheat or corn should consult their healthcare professional before taking this product.

Storage: Keep tightly closed in a dry place at room temperature (59-77 degrees F).
KEEP OUT OF REACH OF CHILDREN.

[†] These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

Net Wt 6885.94 F: 3003082 L: 2007820-15077



EXHIBIT B



**BONNETT FAIRBOURN
FRIEDMAN & BALINT PC**

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VAN BUNCH⁷
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PATRICIA N. SYVERSON¹
MANFRED P. MUECKE³
T. BRENT JORDAN⁹
ERIC D. ZARD

MICHAEL N. WIDENER, Of Counsel

¹Admitted Also in California
²Admitted Also in Alabama and Georgia
³Admitted Only in California
⁴Admitted Only in California, Kansas, Missouri
and Oregon (located in Oregon)
⁵Admitted Only in Pennsylvania
⁶Admitted Also in Colorado, Idaho, Illinois,
Kansas, Missouri, Texas, Utah and
Washington
⁷Admitted Also in Tennessee and West Virginia
⁸Admitted Also in Massachusetts and Virginia

June 5, 2017

VIA CERTIFIED MAIL
(RECEIPT NO. 7014 1200 0001 5813 8942)

Natrol LLC
General Counsel
21411 Prairie Street
Chatsworth, CA 91311

Re: *Jaime Jensen v. Natrol, LLC*

Dear Sir or Madam:

Our law firm together with Siprut PC represent Jaime Jensen and all other consumers similarly situated in an action against Natrol, LLC (“Natrol” or “Defendant”), arising out of, *inter alia*, misrepresentations by Defendant to consumers that your Natrol Biotin products¹ “Promote[] Healthy Hair and Strong Nails” and support energy or energy production (the “health benefit representations”).

Ms. Jensen and others similarly situated purchased Biotin Products unaware that Defendant’s health benefit representations are false, misleading, and reasonably likely to deceive the public. The health benefit representations are false and misleading because for the general population, Defendant’s Biotin Products are unneeded, superfluous and will not provide any benefits, let alone promote healthy hair and strong nails and/or support energy or energy production. This is because the general population already consumes sufficient, if not excessive, amounts of biotin from their daily diets. The full claims, including the facts and circumstances surrounding these claims, are detailed in the Class Action Complaint, a copy of which is enclosed and incorporated by this reference.

Defendant’s health benefit representations are false and misleading and constitute unfair methods of competition and unlawful practices, undertaken by Defendant with the intent to induce the consuming public to purchase the Biotin Products. The health benefit representations do not assist consumers; they simply mislead them.

¹ The products include: (1) Biotin 5000 mcg Fast Dissolve; (2) Biotin 10,000 mcg Maximum Strength; and (3) Biotin 10,000 mcg Fast Dissolve (collectively, “Biotin Products”).

June 5, 2017

Page 2

Defendant's health benefit representations violate California Civil Code §1770(a) under, *inter alia*, the following subdivision:

- (5) Representing that [the Biotin Products have] . . . characteristics, . . . uses [or] benefits. . . which [they do] not have.

* * *

California Civil Code §1770(a)(5).

Defendant's health benefit representations also constitute violations of California Business and Professions Code §17200, *et seq.*

While the Complaint constitutes sufficient notice of the claims asserted, pursuant to California Civil Code §1782, we hereby demand on behalf of our client and all others similarly situated that Natrol immediately correct and rectify this violation of California Civil Code §1770 by ceasing the misleading marketing campaign and ceasing dissemination of false and misleading information as described in the enclosed Complaint. In addition, Natrol should offer to refund the purchase price to all consumer purchasers of the Biotin Products plus reimbursement for interest, costs, and fees.

Plaintiff will, after 30 days from the date of this letter, file a further amended Complaint as permitted by California Civil Code §1782, to include claims for actual and punitive damages (as may be appropriate) if a full and adequate response to this letter is not received. These damage claims also would include claims under the Consumers Legal Remedies Act. Thus, to avoid further litigation, it is in the interest of all parties concerned that Natrol address these violations immediately.

Natrol must undertake all of the following actions to satisfy the requirements of California Civil Code §1782(c):

1. Identify or make a reasonable attempt to identify purchasers of the Biotin Products;
2. Notify all such purchasers so identified that upon their request, Natrol will offer an appropriate remedy for its wrongful conduct, which can include a full refund of the purchase price paid for the Biotin Products, plus interest, costs and fees;
3. Undertake (or promise to undertake within a reasonable time if it cannot be done immediately) the actions described above for all Biotin Product purchasers who so request; and
4. Cease from representing to consumers that the Biotin Products provide the health benefits, when there is no reasonable basis for so claiming, as more fully described in the

June 5, 2017
Page 3

enclosed Complaint.

We await your response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patricia N. Syverson".

Patricia N. Syverson
For the Firm

PNS:td
Enclosures

EXHIBIT C

BONNETT, FAIRBOURN, FRIEDMAN
& BALINT, P.C.
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Jaime Jensen, On Behalf of Herself and All
Others Similarly Situated,

Plaintiff,

v.

NATROL, LLC, a Delaware limited liability
company,

Defendant.

Case No.:

CLASS ACTION

**DECLARATION OF PATRICIA N.
SYVERSON PURSUANT TO
CALIFORNIA CIVIL CODE §1780(d)**

1 I, Patricia N. Syverson, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of
3 California. I am a shareholder of the law firm of Bonnett, Fairbourn, Friedman & Balint, P.C.,
4 the counsel of record for plaintiff in the above-entitled action.

5 2. Defendant Natrol, LLC has done and is doing business in the Northern District
6 of California. Such business includes the distributing, marketing, labeling, packaging and sale
7 of Biotin 5000 mcg Fast Dissolve, Biotin 10,000 mcg Maximum Strength, and Biotin 10,000
8 mcg Fast Dissolve. Furthermore, Plaintiff Jensen purchased Biotin 5,000 mcg Fast Dissolve in
9 San Francisco, California.

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

12 Executed this 5th day of June 2017, at San Diego, California.

13 BONNETT, FAIRBOURN, FRIEDMAN
14 & BALINT, P.C.

15 /s/Patricia N. Syverson

16 Patricia N. Syverson (203111)
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18 600 W. Broadway, Suite 900
19 San Diego, CA 92101
20 psyverson@bffb.com
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SIPRUT PC

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34 mchang@siprut.com
35 Telephone: (312) 236-0000

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic mail notice list

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 5, 2017.

/s/Patricia N. Syverson

Patricia N. Syverson (203111)
BONNETT FAIRBOURN FRIEDMAN
& BALINT, P.C.
600 W. Broadway, Suite 900
San Diego, CA 92101
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CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

JAIME JENSEN, On Behalf of Herself and All Others Similarly Situated

(b) County of Residence of First Listed Plaintiff **San Francisco**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Bonnett Fairbourn Friedman & Balint, PC, 600 W. Broadway, Ste 900
San Diego, CA 92101, 619-798-4593

DEFENDANTS

NATROL, LLC, a Delaware limited liability company,

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

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

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC § 1332

Brief description of cause:

To recover damages sustained as a result of Defendant's sale of Biotin Products

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/05/2017

SIGNATURE OF ATTORNEY OF RECORD

s/Patricia N. Syverson

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)

(Place an "X" in One Box Only)



SAN FRANCISCO/OAKLAND



SAN JOSE



EUREKA

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.