

United States District Court  
Eastern District of New York

-----X 2:17-cv-05192  
Houman Khallili, individually and on behalf of  
all others similarly situated,

Plaintiff,

- against -

Complaint

True Me Brands, LLC, Big Prickly, LLC, Big Prickly  
Real Estate Holdings, LLC, True Nopal Ventures, LLC  
and True Nopal Holdings, LLC,

Defendants.

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Houman Khallili (“plaintiff”), individually and on behalf of all others similarly situated,  
by attorneys, alleges upon information and belief, except for those allegations pertaining to  
plaintiff, which are based on personal knowledge:

1. True Me Brands, LLC (“defendant Brands”), Big Prickly, LLC (“defendant Prickly”), Big Prickly Real Estate Holdings, LLC (“defendant Prickly RE”), True Nopal Ventures, LLC (“defendant Ventures”) and True Nopal Holdings, LLC (“defendant Holdings”) (collectively, “defendants”) manufacture, distribute and sell beverage products under the “True Nopal” brand name, including “True Nopal Cactus Water” (the “Product”).

2. The past decade has seen a public backlash against carbonated soft drinks, based largely on the harmful effects of added sugar, resulting in attempts at taxing such products and limiting their consumption by children. The anti-sugar efforts have also targeted traditional fruit juices, which have high naturally occurring levels of sugar.

3. Public health officials regularly advise against consumption of calorie- and sugar-laden beverages and tout water as the hydration alternative of choice.

4. A new category of beverage products has emerged to capitalize on declining

soda and fruit juice sales. These products are generally derived from aqueous liquid expressed from a novel fruit or vegetable, emphasize their hydration properties with claims of health benefits, have lower calories compared with standard apple and orange juices, sport a “clean label” reflecting relatively few ingredients and minimal processing and are self-identified by the inclusion of the word “water” in the product’s name following the name of the characterizing fruit or vegetable.

5. The Products are sold in various sizes, including 16.9 ounces (500 ml) and are sold by third-parties in brick-and-mortar stores and online.

6. The Products’ advertising and labeling represents that it contains aqueous liquid expressed or extracted<sup>1</sup> from the prickly pear cactus because the principal display panel contains vignettes of said cactus, a circular icon stating “Made With Fruit Of The Prickly Pear Cactus,” and the descriptive term or common or usual name attributed to the Product of “Cactus Water.”

7. When a reasonable consumer observes a label for a product which contains aqueous liquid expressed or extracted from fruits or vegetable unaccompanied by a term such as “from concentrate” or “reconstituted,” the reasonable expectation is that the product is not from concentrate.

8. Because “Cactus Water” on the front label is not accompanied by such a term, the reasonable expectation is that it is not from concentrate.

9. However, since the ingredient statement indicates aqueous liquid of the subject fruit or vegetable from concentrate, the Product’s name is false and misleading.

10. Defendants’ representations include unsubstantiated and unauthorized claims

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<sup>1</sup> “juice”

relating to the nutrient content and salutary health effects of consuming the Products, which plaintiff and class members relied upon in purchasing the Products.

11. The Product costs approximately between \$2.99 to \$5.99 per 16.9 ounces, excluding tax, a premium compared to other products.

#### Jurisdiction and Venue

12. Jurisdiction is proper pursuant to 28 USC § 1332(d)(2).

13. Upon information and belief, the aggregate amount in controversy is in excess of \$5,000,000.00, exclusive of interests and costs.

14. This Court has personal jurisdiction over defendants because they conduct and transact business, contract to supply and supply goods within New York.

15. Venue is proper because plaintiff and many class members reside in this District and defendants have been doing business in this District and in New York.

16. A substantial part of events/omissions giving rise to the claims occurred in this District.

#### Parties

17. Plaintiff is a citizen of Nassau County, New York.

18. Defendants are limited liability companies organized under the laws of Delaware, with their principal places of business in Scottsdale, Arizona, with membership comprised of Arizona citizens.

19. Defendants are jointly and severally liable because they operate in a common enterprise of producing and selling the Products, share assets, resources, officers, executives, principals and members in common, operate from the same physical locations and are controlled jointly and in unison.

20. In 2017, plaintiff purchased True Nopal Cactus Water for no less than \$4.59, excluding tax, at a store within this District.

21. Plaintiff paid a premium for the Product because prior to purchase, he saw and relied upon the representations that the Product was not from concentrate and possessed ancillary benefits, intended to consume a product which had attributes and features so represented, and opted against buying less expensive juice products not so represented.

Class Allegations

22. Defendants' representations uniformly impacted consumers.

23. The class is all consumers in all states who purchased any of the Products during the period within the applicable statutes of limitations.

24. A class action is superior to other available methods for the fair and efficient adjudication of this controversy.

25. The class is so numerous that joinder of all members is impracticable, as plaintiff believes there are hundreds of thousands of class members.

26. Common questions of law or fact predominate and include whether the representations were likely to deceive reasonable consumers and if plaintiff and class members are entitled to damages.

27. Plaintiff's claims are typical to other members' because all were subjected to the same representations and the basis for relief is common to all members.

28. Plaintiff is an adequate representative because his interests do not conflict with other members and he seeks to vindicate his rights.

29. Plaintiff's counsel is competent and experienced in complex class action litigation of consumer issues and intends to prosecute this action to adequately and fairly

protect class members' interests.

30. No inquiry into individual conduct is necessary since the focus is only on defendants' practices and the class is definable and ascertainable. Individual actions risk inconsistent adjudications, would be repetitive and burdensome and are impractical to justify, as the individual claims are modest.

31. Plaintiff seeks injunctive relief because the practices continue, with the injunctive class maintained as a class action, as it meets the non-injunctive class criteria.

Violation of New York General Business Law § 349

32. Plaintiff repeats and realleges each and every allegation contained in all foregoing paragraphs as if fully set forth herein.

33. Defendants' acts or practices are not unique to the parties and have a broader impact on the public.

34. Defendants' labeling and naming of the Products as "Cactus Water" omitted any terms indicating the aqueous liquid obtained from the subject fruit or vegetable was from concentrate, as a part of or adjacent to the Product's name.

35. Plaintiff and class members intended to purchase the Products because they believed it was not from concentrate and relied upon defendants' omissions of material facts, thereby paying more than they would have paid and not receiving all they bargained for.

36. As a result, plaintiff and class members are entitled to damages.

Violation of New York General Business Law § 350

37. Plaintiff repeats and realleges each and every allegation in all foregoing paragraphs as if fully set forth herein.

38. Defendants' advertising, labeling, packaging and representations of the

Products are not unique to the parties and have a broader impact on the public.

39. Defendants' representations are misleading because consumers are accustomed to being informed of whether an aqueous liquid expressed or extracted from a fruit or vegetable is from concentrate on the front label, such that when a product's name, lacks any qualification that it is made from concentrate, it is reasonable to believe it is not from concentrate.

40. Plaintiff and class members relied upon defendants' advertising, paying more for the Products than they would have and not receiving all that they bargained for.

41. As a result, plaintiff and class members are entitled to damages.

#### Fraudulent Misrepresentation

42. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

43. Defendants knowingly represented the Products as "Cactus Water" which was intended to be understood by consumers as liquid expressed or extracted from the subject fruit or vegetable.

44. Defendants were aware the Products consisted of aqueous liquid from the subject fruit or vegetable, which was from concentrate or reconstituted, yet did not state as much next to or as a part of the Product's name.

45. Defendants' representations were reasonably relied upon by plaintiff and class members, who paid a premium for the Products greater than what they would have paid and did not receive all they bargained for, thereby suffering damages.

#### Fraud

46. Plaintiff repeats and realleges each and every allegation contained in the

foregoing paragraphs as if fully set forth herein.

47. Defendants' representations of the Product's name omitted required information indicating that the aqueous liquid obtained from the subject fruit or vegetable was from concentrate or reconstituted, rendering such representations false and misleading because the ingredient statement declares the subject liquid is from concentrate.

48. Defendants were required to affirmatively indicate, as a part of the Product name or adjacent to it, that the aqueous liquid derived from the subject fruit or vegetable and present in the Product was made from concentrate or reconstituted.

49. Defendants intended to induce consumer reliance on these representations because they knew that a Product name such as "Cactus Water From Concentrate" or "Reconstituted Cactus Water" would be redundant and confusing to consumers.

50. The benefits to defendants of not indicating the true nature of the Product in the required places outweighed the negative effects of a Product's confusing name.

51. This omission and representation was material because the reasonable consumer will not look beyond the place on the product where the qualifying statement is supposed to be, and when they observe the absence of such statement, will conclude the aqueous liquid obtained from the subject fruit or vegetable is not from concentrate.

52. Defendants' actions give rise to and support a strong inference of fraudulent intent, which entitle plaintiff and class members to damages.

#### Implied Warranty of Merchantability

53. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

54. Defendants manufacture, distribute and sell aqueous liquid derived from the

subject fruit or vegetable and warranted to plaintiff and class members that the Products were not from concentrate nor reconstituted, by not including required qualifying information that the Products were from concentrate or reconstituted.

55. The Products do not conform to the affirmations of fact and promises on the Products and the accompanying literature, wholly due to defendants' actions.

56. As a result of breaching the implied warranty of merchantability, plaintiff and class members were damaged in the amount paid for the Products.

#### Unjust Enrichment

57. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

58. Defendants obtained benefits and monies because the Products were not as represented, to the detriment and impoverishment of plaintiff and class members, who seek restitution and disgorgement of such inequitably obtained profits.

#### Jury Demand and Prayer for Relief

Plaintiff demands a jury trial on all issues.

**WHEREFORE**, plaintiff, on behalf of himself and all others similarly situated, prays for judgment:

1. Declaring this a proper class action and certifying plaintiff as class representative;
2. Entering preliminary and permanent injunctive relief and directing defendants to correct their practices to comply with the law;
3. Awarding monetary damages and interest, including treble and punitive damages, pursuant to the common law claims and GBL §§ 349, 350;



4. Awarding plaintiff and class members costs and expenses incurred, including reasonable allowance of fees for plaintiff's attorneys and experts; and

5. Such other and further relief as the Court deems just and proper.

Dated: September 3, 2017

Respectfully submitted,

Levin-Epstein & Associates, P.C.

By: /s/ Joshua Levin-Epstein  
Joshua Levin-Epstein  
1 Penn Plaza, Suite 2527  
New York, NY 10119  
Tel: (212) 792-0046  
Fax: (212) 563-7108  
joshua@levinepstein.com

Sheehan & Associates, P.C.

By: /s/ Spencer Sheehan  
Spencer Sheehan  
891 Northern Blvd., Suite 201  
Great Neck, NY 11021  
Tel: (516) 303-0552  
Fax: (516) 234-7800  
spencer@spencersheehan.com

2:17-cv-05192  
United States District Court  
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Houman Khallili, individually and on behalf of all others similarly situated,

Plaintiff,

- against -

True Me Brands, LLC, Big Prickly, LLC, Big Prickly Real Estate  
Holdings, LLC, True Nopal Ventures, LLC and True Nopal Holdings, LLC,

Defendants.

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## Complaint

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Levin-Epstein & Associates, P.C.  
1 Penn Plaza  
Suite 2527  
New York, NY 10119  
Tel: (212) 792-0046  
Fax: (212) 563-7108  
joshua@levinepstein.com

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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information, and belief, formed after an inquiry reasonable under the circumstances, the contentions contained in the annexed documents are not frivolous.

Dated: September 3, 2017  
New York, New York

/s/ Joshua Levin-Epstein  
Joshua Levin-Epstein

## 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**

Houmon Khallili, individually and on behalf of all others similarly situated

(b) County of Residence of First Listed Plaintiff Nassau

(EXCEPT IN U.S. PLAINTIFF CASES)

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

Joshua Levin-Epstein, Levin Epstein & Associates, P.C., 1 Penn Plaza  
Suite 2527, New York, NY 10119  
Tel: (212) 792-0046**DEFENDANTS**

True Me Brands, LLC, Big Prickly, LLC, Big Prickly Real Estate Holdings, LLC, True Nopal Ventures, LLC and True Nopal Holdings, LLC

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 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 checked="" 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	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input checked="" type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input 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 <b>LABOR</b> <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 <b>IMMIGRATION</b> <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <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"/> 376 Qui Tam (31 USC 3729(a)) <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
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <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 <b>Other:</b> <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 - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC § 1332(d)(2)Brief description of cause:  
False advertising**VII. REQUESTED IN COMPLAINT:**☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
5,000,000.00CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

09/03/2017

SIGNATURE OF ATTORNEY OF RECORD

/s/ Joshua Levin-Epstein

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, Joshua Levin-Epstein, counsel for plaintiff, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☒ monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- ☒ the complaint seeks injunctive relief,
- ☐ the matter is otherwise ineligible for the following reason

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? No
- 2.) If you answered "no" above:
- a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? Yes
- b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? \_\_\_\_\_

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☒ Yes ☐ No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐ Yes (If yes, please explain) ☒ No

I certify the accuracy of all information provided above.

Signature: /s/ Joshua Levin-Epstein

Eastern District of New York

Civil Action No. 2:17-cv-05192

Signature of Clerk or Deputy Clerk

Eastern District of New York

Houman Khallili, individually and on behalf of all  
others similarly situated

Plaintiff(s)

V.

True Me Brands, LLC, Big Prickly, LLC, Big Prickly  
Real Estate Holdings, LLC, True Nopal Ventures,  
LLC and True Nopal Holdings, LLC

Defendant(s)

Civil Action No. 2:17-cv-05192

# SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Big Prickly, LLC  
c/o Corporation Service Company  
251 Little Falls Drive  
Wilmington, DE 19808

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joshua Levin-Epstein

Joshua Levin-Epstein  
Levin Epstein & Associates, P.C.  
1 Penn Plaza, Suite 2527  
New York, NY 10119

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER  
CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

Eastern District of New York

Houman Khallili, individually and on behalf of all  
others similarly situated

Plaintiff(s)

V.

True Me Brands, LLC, Big Prickly, LLC, Big Prickly  
Real Estate Holdings, LLC, True Nopal Ventures,  
LLC and True Nopal Holdings, LLC

Defendant(s)

Civil Action No. 2:17-cv-05192

# SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Big Prickly Real Estate Holdings, LLC  
c/o Corporation Service Company  
251 Little Falls Drive  
Wilmington, DE 19808

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joshua Levin-Epstein

Joshua Levin-Epstein  
Levin Epstein & Associates, P.C.  
1 Penn Plaza, Suite 2527  
New York, NY 10119

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER  
CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

Signature of Clerk or Deputy Clerk



Signature of Clerk or Deputy Clerk