

1 PACIFIC TRIAL ATTORNEYS
A Professional Corporation
2 Scott J. Ferrell, Bar No. 202091
sferrell@pacifictrialattorneys.com
3 4100 Newport Place Drive, Ste. 800
Newport Beach, CA 92660
4 Tel: (949) 706-6464
Fax: (949) 706-6469
5

Attorneys for Plaintiff
6
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 RENEE YOUNG, individually and on
behalf of all others similarly situated,
12

Plaintiff,
13

v.
14

15 TRANSNATIONAL FOODS, INC., a
Florida corporation; and DOES 1 through
10, inclusive,
16

Defendants.
17

Case No. 3:18-cv-4651

CLASS ACTION

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

JURY TRIAL DEMAND

1 Plaintiff Renee Young (“Plaintiff”), individually and on behalf of all others
2 similarly situated, alleges the following on information and belief:

3 INTRODUCTION

4 1. Defendant Transnational Foods, Inc. (“Defendant”) manufactures, markets,
5 and sells olive oil labeled as “Pampa Extra Virgin Olive Oil” (“Pampa EVOO”).

6 2. In reality, extensive clinical testing conducted by a leading laboratory –
7 measuring the key variables of (1) Free Fatty Acid, (2) Peroxide Value (Acetic Acid-
8 Isooctane Method), (3) Specific Extinction, (4) Ultraviolet Absorption, (5) Sensory
9 analysis, (6) Insoluble Impurities, (7) Copper (ICP-AES), and (8) Moisture & Volatile
10 Content – conclusively establishes that Pampa EVOO is not Extra Virgin Olive Oil.

11 3. Defendant’s misrepresentations regarding Pampa EVOO are designed to,
12 and did, lead Plaintiff and others similarly situated (collectively the “Class”) to believe
13 that Pampa EVOO in fact is Extra Virgin Olive Oil. Plaintiff and members of the Class
14 relied on Defendant’s misrepresentations and would not have paid as much, if at all, for
15 Pampa EVOO but for Defendant’s misrepresentations.

16 4. Plaintiff brings this class action lawsuit to enjoin the ongoing deception of
17 consumers by Defendant, and to recover the money taken by this unlawful practice.

18 JURISDICTION AND VENUE

19 5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332,
20 because this is a class action, as defined by 28 U.S.C § 1332(d)(1)(B), in which a member
21 of the putative class is a citizen of a different state than Defendant, and the amount in
22 controversy exceeds the sum or value of \$5,000,000, excluding interest and costs. See 28
23 U.S.C. § 1332(d)(2).

24 6. The Court has jurisdiction over the state law claim because it forms part of
25 the same case or controversy under Article III of the United States Constitution.

26 7. The Court has personal jurisdiction over Defendant because its Pampa
27 EVOO product is advertised, marketed, distributed and sold throughout the State of
28 California; Defendant engaged in the wrongdoing alleged in this Complaint throughout

1 the United States, including in the State of California; Defendant is authorized to do
2 business in the State of California; and Defendant has sufficient minimum contacts with
3 the State of California, rendering the exercise of jurisdiction by the Court permissible
4 under traditional notions of fair play and substantial justice. Moreover, Defendant is
5 engaged in substantial activity within the State of California.

6 8. Venue is proper in the United States District Court for the Northern District
7 of California pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events
8 giving rise to the claims occurred within this judicial district, Defendant has marketed
9 and sold the Pampa EVOO product at issue in this action in this judicial district, and it
10 conducts business within this judicial district.

11 **PARTIES**

12 9. Plaintiff Renee Young is a citizen of the State of California and resides in
13 Windsor, California. Plaintiff purchased the Pampa EVOO product for personal
14 consumption during the last four years in Santa Rosa, California.

15 10. Plaintiff is informed and believes, and upon such information and belief
16 alleges, that Defendant Transnational Foods, Inc. is a Florida corporation with its
17 principal place of business located in Miami, Florida. Plaintiff is informed and believes,
18 and upon such information and belief alleges, that Defendant, at all times relevant,
19 conducted business in the State of California and within the Northern District of
20 California.

21 11. The true names and capacities of the Defendants sued herein as DOES 1
22 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such
23 Defendants by fictitious names. Each of the Defendants designated herein as a DOE is
24 legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of Court
25 to amend this Complaint to reflect the true names and capacities of the DOE Defendants
26 when such identities become known.

27 12. At all relevant times, each and every Defendant was acting as an agent
28 and/or employee of each of the other Defendants and was acting within the course and/or

1 scope of said agency and/or employment with the full knowledge and consent of each of
2 the Defendants. Each of the acts and/or omissions complained of herein were alleged
3 and made known to, and ratified by, each of the other Defendants (Transnational Foods,
4 Inc. and DOE Defendants will hereafter collectively be referred to as “Defendant”).

5 **FACTUAL ALLEGATIONS**

6 13. Defendant manufactures, markets, and sells Pampa EVOO as Extra Virgin
7 Olive Oil.

8 14. Plaintiff purchased and consumed the Pampa EVOO product in June 2018
9 in reliance on Defendant’s advertising and labeling of the “Pampa EVOO” product as
10 Extra Virgin Olive Oil. Specifically, Plaintiff and the Class purchased the “Pampa
11 “EVOO” product for the dual purpose of consuming it and determining its authenticity
12 as Extra Virgin Olive Oil.

13 15. As noted above, extensive clinical testing conducted by a leading laboratory
14 – measuring the key variables of (1) Free Fatty Acid, (2) Peroxide Value (Acetic Acid-
15 Isooctane Method), (3) Specific Extinction, (4) Ultraviolet Absorption, (5) Sensory
16 analysis, (6) Insoluble Impurities, (7) Copper (ICP-AES), and (8) Moisture & Volatile
17 Content – conclusively establishes that Pampa EVOO is not Extra Virgin Olive Oil.
18 Accordingly, Defendant’s statements that the “Pampa EVOO” product is Extra Virgin
19 Olive Oil are false and misleading.

20 16. As further noted above, Defendant’s misrepresentations regarding Pampa
21 EVOO are designed to, and did, lead Plaintiff and others similarly situated (collectively
22 the “Class”) to believe that Pampa EVOO in fact is Extra Virgin Olive Oil. Plaintiff and
23 members of the Class relied on Defendant’s misrepresentations and would not have paid
24 as much, if at all, for Pampa EVOO but for Defendant’s misrepresentations.

25 17. Plaintiff purchased the Pampa EVOO product based on the preceding false
26 advertising claims. As a result, Defendant has wrongfully taken hundreds of thousands
27 of dollars from consumers.

28

1 18. Accordingly, Plaintiff brings this lawsuit to enjoin the ongoing deception of
2 thousands of consumers by Defendant, and to recover the funds taken by this unlawful
3 practice.

4 **CLASS ACTION ALLEGATIONS**

5 19. Plaintiff brings this action as a class action pursuant to Rule 23 of the Federal
6 Rules of Civil Procedure on behalf of herself and the following class (collectively, the
7 “Class” or “Classes”), defined as:

8 **All California residents who made retail purchases of Defendant’s Pampa**
9 **EVOO product during the applicable limitations period up to and including**
10 **final judgment in this action.**

11 20. The proposed Class excludes current and former officers and directors of
12 Defendant, Members of the immediate families of the officers and directors of Defendant,
13 Defendant’s legal representatives, heirs, successors, assigns, and any entity in which it
14 has or has had a controlling interest, and the judicial officer to whom this lawsuit is
15 assigned.

16 21. Plaintiff reserves the right to revise the Class definition based on facts
17 learned in the course of litigating this matter.

18 22. The Pampa EVOO products sold by Defendant suffer from illegal product
19 labeling and advertising.

20 23. Numerosity: This action has been brought and may properly be maintained
21 as a class action against Defendant under Rules 23(b)(1)(B) and 23(b)(3) of the Federal
22 Rules of Civil Procedure. While the exact number and identities of other Class Members
23 are unknown to Plaintiff at this time, Plaintiff is informed and believes that there are
24 hundreds of thousands of Members in the Class. Based on sales of the Pampa EVOO
25 products it is estimated that the Class is composed of more than 10,000 persons.
26 Furthermore, even if subclasses need to be created for these consumers, it is estimated
27 that each subclass would have thousands of Members. The Members of the Class are so
28

1 numerous that joinder of all Members is impracticable and the disposition of their claims
2 in a class action rather than in individual actions will benefit the parties and the courts.

3 24. Typicality: Plaintiff's claims are typical of the claims of the Members of the
4 Class as all Members of the Class are similarly affected by Defendant's wrongful
5 conduct, as detailed herein.

6 25. Adequacy: Plaintiff will fairly and adequately protect the interests of the
7 Members of the Class in that she has no interests antagonistic to those of the other
8 Members of the Class. Plaintiff has retained experienced and competent counsel.

9 26. Superiority: A class action is superior to other available methods for the fair
10 and efficient adjudication of this controversy. Since the damages sustained by individual
11 Class Members may be relatively small, the expense and burden of individual litigation
12 makes it impracticable for the Members of the Class to individually seek redress for the
13 wrongful conduct alleged herein. Furthermore, the adjudication of this controversy
14 through a class action will avoid the potentially inconsistent and conflicting adjudications
15 of the claims asserted herein. There will be no difficulty in the management of this action
16 as a class action. If Class treatment of these claims were not available, Defendant would
17 likely unfairly receive thousands of dollars or more in improper revenue.

18 27. Common Questions Predominate: Common questions of law and fact exist
19 as to all Members of the Class and predominate over any questions solely affecting
20 individual Members of the Class. Among the common questions of law and fact
21 applicable to the Class are:

- 22 i. Whether Defendant's claim that the Pampa EVOO product is Extra
23 Virgin Olive Oil is accurate;
- 24 ii. Whether Defendant's product claims are properly substantiated;
- 25 iii. Whether Defendant has falsely represented that the Pampa EVOO
26 product has characteristics and benefits which it does not have;
- 27 iv. Whether Defendant knew that its product claims were false;

28

1 v. Whether Defendant's conduct constitutes a violation of the
2 Consumers Legal Remedies Act (Cal. Civ. Code §§ 1750, *et seq.*);

3 vi. Whether Defendant's conduct constitutes a violation of California's
4 false advertising law (Cal. Bus. & Prof. Code §§ 17500, *et seq.*);

5 vii. Whether Defendant's conduct constitutes an unfair, unlawful, and/or
6 fraudulent business practice in violation of California's unfair competition law
7 (Cal. Bus. & Prof. Code §§ 17200, *et seq.*);

8 viii. Whether Plaintiff and Class members are entitled to compensatory
9 damages, and if so, the nature of such damages;

10 ix. Whether Plaintiff and Class members are entitled to restitutionary
11 relief; and

12 x. Whether Plaintiff and Class members are entitled to injunctive relief.

13 28. The class is readily definable, and prosecution of this action as a Class action
14 will reduce the possibility of repetitious litigation. Plaintiff knows of no difficulty which
15 will be encountered in the management of this litigation which would preclude her
16 maintenance of this matter as a Class action.

17 29. The prerequisites to maintaining a class action for injunctive relief or
18 equitable relief pursuant to Rule 23(b)(2) are met, as Defendant has acted or refused to
19 act on grounds generally applicable to the Class, thereby making appropriate final
20 injunctive or equitable relief with respect to the Class as a whole.

21 30. The prerequisites to maintaining a class action for injunctive relief or
22 equitable relief pursuant to Rule 23(b)(3) are met, as questions of law or fact common to
23 the Class predominate over any questions affecting only individual Members; and a class
24 action is superior to other available methods for fairly and efficiently adjudicating the
25 controversy.

26 31. The prosecution of separate actions by Members of the Class would create
27 a risk of establishing inconsistent rulings and/or incompatible standards of conduct for
28

1 Defendant. Additionally, individual actions may be dispositive of the interest of all
2 Members of the Class, although certain Class Members are not parties to such actions.

3 32. Defendant's conduct is generally applicable to the Class as a whole and
4 Plaintiff seeks, inter alia, equitable remedies with respect to the Class as a whole. As
5 such, Defendant's systematic policies and practices make declaratory relief with respect
6 to the Class as a whole appropriate.

7 **CAUSES OF ACTION**

8 **FIRST CAUSE OF ACTION**

9 **VIOLATION OF CALIFORNIA'S CONSUMER LEGAL REMEDIES ACT,**

10 **(CAL. CIV. CODE § 1750, ET SEQ.)**

11 **(By Plaintiff and on Behalf of the Class Against Defendant)**

12 33. Plaintiff realleges and incorporates herein by reference the allegations
13 contained in all preceding paragraphs, and further alleges as follows:

14 34. Plaintiff brings this claim individually and on behalf of the Class for
15 Defendant's violations of California's Consumer Legal Remedies Act ("CLRA"), Cal.
16 Civ. Code 1761(d).

17 35. Plaintiff and the Class Members are consumers who purchased the Pampa
18 EVOO product for personal, family or household purposes. Plaintiff and the Class
19 Members are "consumers" as that term is defined by the CLRA in Cal. Civ. Code §
20 1761(d).

21 36. The Pampa EVOO products that Plaintiff and other Class Members
22 purchased from Defendant were "goods" within the meaning of Cal. Civ. Code § 1761(a).

23 37. Defendant's actions, representations, and conduct have violated, and
24 continue to violate the CLRA, because they extend to transactions that intended to result,
25 or which have resulted in, the sale of goods to consumers.

26 38. Defendant violated California law because the Pampa EVOO products are
27 marketed as Extra Virgin Olive Oil when they in fact are not Extra Virgin Olive Oil.
28

1 39. California’s Consumers Legal Remedies Act, Cal. Civ. Code § 1770(a)(5),
2 prohibits “Misrepresenting that goods or services have sponsorship, approval,
3 characteristics, ingredients, uses, benefits, or quantities which they do not have or that a
4 person has a sponsorship, approval, status, affiliation, or connection which he or she does
5 not have.” By engaging in the conduct set forth herein, Defendant violated and continues
6 to violate Section 1770(a)(5) of the CLRA, because Defendant’s conduct constitutes
7 illegal and unlawful competition.

8 40. Cal. Civ. Code § 1770(a)(9) further prohibits “[a]dvertising goods or
9 services with intent not to sell them as advertised.” By engaging in the conduct set forth
10 herein, Defendant violated and continues to violate Section 1770(a)(9), because
11 Defendant’s conduct constitutes illegal and unfair methods of competition.

12 41. Given the materiality of Defendant’s misrepresentations, absent Class
13 Members are entitled to a presumption of reliance.

14 42. Plaintiff and the Class suffered injuries caused by Defendant because the
15 Pampa EVOO products, which were advertised as Extra Virgin Olive Oil, in fact were
16 not Extra Virgin Oil.

17 43. On or about June 21, 2018, prior to filing this action, Plaintiff sent a CLRA
18 notice letter to Defendant which complies with California Civil Code 1782(a). Plaintiff
19 sent Transnational Foods, Inc., individually and on behalf of the proposed Class, a letter
20 via Certified Mail, advising Defendant that it is in violation of the CLRA and demanding
21 that it cease and desist from such violations and make full restitution by refunding the
22 monies received therefrom. A true and correct copy of the letter is attached hereto as
23 Exhibit 1.

24 44. Wherefore, Plaintiff seeks injunctive relief for these violations of the CLRA.

25 **SECOND CAUSE OF ACTION**

26 **VIOLATION OF CALIFORNIA’S FALSE ADVERTISING LAW**

27 **(CAL. BUS. & PROF. CODE §§ 17500, ET SEQ.)**

28 **(By Plaintiff and on Behalf of the Class Against Defendant)**

1 45. Plaintiff realleges and incorporates herein by reference the allegations
2 contained in all preceding paragraphs, and further alleges as follows:

3 46. Plaintiff has standing to pursue this cause of action because Plaintiff has
4 suffered injury in fact and has lost money as a result of Defendant's actions as set forth
5 herein. Specifically, Plaintiff purchased the Pampa EVOO product in reliance on
6 Defendant's marketing claims. Plaintiff later learned, on the basis of the testing described
7 herein, that the Pampa EVOO product was not in fact Extra Virgin Olive Oil.

8 47. Defendant has engaged in false advertising as it has disseminated false
9 and/or misleading representations about the Pampa EVOO product.

10 48. Defendant knew or should have known by exercising reasonable care that
11 its representations were false and/or misleading. During the Class Period, Defendant
12 engaged in false advertising in violation of Cal. Bus. & Prof. Code §§ 17500, *et seq.*, by
13 misrepresenting in its advertising and marketing of the Pampa EVOO product to Plaintiff,
14 Class members, and the consuming public that the Pampa EVOO product is Extra Virgin
15 Olive Oil.

16 49. Each of the aforementioned representations alleged in this Complaint was
17 false and misleading because the Pampa EVOO product is not of the standard, quality or
18 grade advertised, and is in reality, not Extra Virgin Olive Oil.

19 50. By disseminating and publishing these statements in connection with the
20 sale of Pampa EVOO, Defendant has engaged in and continues to engage in false
21 advertising in violation of Bus. & Prof. Code §§ 17500, *et seq.*

22 51. As a direct and proximate result of Defendant's conduct, as set forth herein,
23 Defendant has received ill-gotten gains and/or profits, including but not limited to,
24 money. Therefore, Defendant has been unjustly enriched. Pursuant to Cal. Bus. & Prof.
25 Code § 17535, Plaintiff requests restitution and restitutionary disgorgement for all sums
26 obtained in violation of Cal. Bus. & Prof. Code §§ 17500, *et seq.*

27
28

1 52. Plaintiff seeks injunctive relief, restitution, and restitutionary disgorgement
2 of Defendant's ill-gotten gains as specifically provided in Cal. Bus. & Prof. Code §
3 17535.

4 53. Plaintiff and Class members seek to enjoin Defendant from engaging in
5 these wrongful practices, as alleged herein, in the future. There is no other adequate
6 remedy at law and if an injunction is not ordered, Plaintiff and the Class will suffer
7 irreparable harm and/or injury.

8 **THIRD CAUSE OF ACTION**

9 **UNLAWFUL, FRAUDULENT & UNFAIR BUSINESS PRACTICES**

10 **(CAL. BUS. & PROF. CODE §§ 17200, ET SEQ.)**

11 **(By Plaintiff and on Behalf of the Class Against Defendant)**

12 54. Plaintiff realleges and incorporates herein by reference the allegations
13 contained in all preceding paragraphs, and further alleges as follows:

14 55. Plaintiff has standing to pursue this cause of action because Plaintiff has
15 suffered injury in fact and has lost money as a result of Defendant's actions as set forth
16 herein. Specifically, Plaintiff purchased the Pampa EVOO product in reliance on
17 Defendant's marketing claims. The product was not of the standard, quality and grade
18 advertised; specifically, it was not Extra Virgin Olive Oil.

19 56. Defendant's actions as alleged in this Complaint constitute an unfair or
20 deceptive business practice within the meaning of California Business and Professions
21 Code §§ 17200, *et seq.*, in that Defendant's actions are unfair, unlawful, and fraudulent,
22 and because Defendant has made unfair, deceptive, untrue, or misleading statements in
23 advertising media, including the Internet, within the meaning of California Business and
24 Professions Code §§ 17200, *et seq.*

25 57. Defendant knew or should have known by exercising reasonable care that
26 its representations were false and/or misleading. During the Class Period, Defendant
27 engaged in unfair, unlawful, and fraudulent business practices in violation of Cal. Bus.
28 & Prof. Code §§ 17200, *et seq.*, by misrepresenting in its advertising and marketing of

1 the Pampa EVOO product to Plaintiff, Class members, and the consuming public that the
2 Pampa EVOO product was Extra Virgin Olive Oil.

3 58. Each of the aforementioned representations alleged in this Complaint was
4 false and misleading because the Pampa EVOO product is not of the standard, quality or
5 grade advertised.

6 59. Defendant's business practices, as alleged herein, are unfair because they
7 offend established public policy and/or are immoral, unethical, oppressive, unscrupulous,
8 and/or substantially injurious to consumers in that consumers are misled by the claims
9 made with respect to the Pampa EVOO product as set forth herein.

10 60. Defendant's business practices, as alleged herein, are unlawful because they
11 violate the Consumers Legal Remedies Act and False Advertising Law.

12 61. Defendant's business practices, as alleged herein, are fraudulent because
13 they are likely to, and did, deceive customers—including Plaintiff and members of the
14 Class—into believing that the Pampa EVOO product has characteristics and benefits it
15 does not have.

16 62. Defendant's wrongful business practices constituted, and constitute, a
17 continuing course of conduct of unfair competition since Defendant is marketing and
18 selling the Pampa EVOO product in a manner likely to deceive the public.

19 63. As a direct and proximate result of Defendant's wrongful business practices
20 in violation of Business and Professions Code §§ 17200, *et seq.*, Plaintiff and members
21 of the Class have suffered economic injury by losing money as a result of purchasing the
22 Pampa EVOO product. Plaintiff and members of the Class would not have purchased or
23 would have paid less for the Pampa EVOO product had they known that it was not as
24 represented.

25 64. Pursuant to Business and Professions Code § 17203, Plaintiff and the Class
26 seek an order of this Court enjoining Defendant from continuing to engage in unlawful,
27 unfair, or deceptive business practices and any other act prohibited by law, including
28 those set forth in the Complaint. Plaintiff and the Class also seek an order requiring

1 Defendant to make full restitution of all moneys they wrongfully obtained from Plaintiff
2 and the Class.

3 **FOURTH CAUSE OF ACTION**

4 **NEGLIGENT MISREPRESENTATION**

5 **(By Plaintiff and on Behalf of the Class Against Defendant)**

6 65. Plaintiff realleges and incorporates herein by reference the allegations
7 contained in all preceding paragraphs, and further alleges as follows:

8 66. During the Class Period, Defendant misrepresented to consumers through
9 the advertising, marketing, and sale of the Pampa EVOO product that the Pampa EVOO
10 product was Extra Virgin Olive Oil.

11 67. Defendant's misrepresentations were false because the Pampa EVOO
12 product is not Extra Virgin Olive Oil.

13 68. Defendant's misrepresentations were material because a reasonable
14 consumer would attach importance to them in determining whether to purchase and
15 consume the Pampa EVOO product.

16 69. Defendant's material misrepresentations regarding the characteristics of the
17 Pampa EVOO product are false and made without reasonable grounds for believing them
18 to be true.

19 70. Defendant made material misrepresentations regarding the Pampa EVOO
20 product with the intent to induce Plaintiff and Class members to purchase and the Pampa
21 EVOO product.

22 71. Plaintiff and Class members reasonably relied on Defendant's material
23 misrepresentations in choosing to purchase and consume the Pampa EVOO product.

24 72. As a direct and proximate result of Defendant's conduct, Plaintiff and Class
25 members have incurred damages in an amount to be proven at trial. Plaintiff and Class
26 members are not seeking damages arising out of personal injuries.

27 ///

28 ///

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment against Defendant as follows:

(A) For an Order certifying the Class pursuant to Federal Rule of Civil Procedure 23, appointing Plaintiff as class representative, and designating Plaintiff’s counsel as counsel for the Class;

(B) For damages suffered by Plaintiff and Class members;

(C) For restitution to Plaintiff and Class members of all monies wrongfully obtained by Defendant;

(D) For an injunction ordering Defendant to cease and desist from engaging in the unfair, unlawful, and/or fraudulent practices alleged in the Complaint;

(E) For both pre-judgment and post-judgment interest at the maximum allowable rate on any amounts awarded;

(F) For Plaintiff’s costs of the proceedings herein;

(G) For an Order awarding Plaintiff and the Class their reasonable attorneys’ fees and expenses and costs of suit as pleaded pursuant to, *inter alia*, Cal. Civ. Code § 1780(e) and Cal. Civ. Proc. Code § 1021.5; and

(I) For such other and further relief as the Court deems just and proper.

Date: August 2, 2018

Respectfully submitted,

PACIFIC TRIAL ATTORNEYS
A Professional Corporation

By: /s/Scott J. Ferrell
Scott J. Ferrell
Attorneys for Plaintiff

DEMAND FOR TRIAL BY JURY

Plaintiff, individually and on behalf of all others similarly situated, hereby demands a jury trial on all claims so triable.

Date: August 2, 2018

Respectfully submitted,

PACIFIC TRIAL ATTORNEYS
A Professional Corporation

By: /s/Scott J. Ferrell
Scott J. Ferrell
Attorneys for Plaintiff

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

RENEE YOUNG, individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Scott J. Ferrell, Pacific Trial Attorneys, 4100 Newport Place Drive, Suite 800, Newport Beach, CA 92660

DEFENDANTS

TRANSNATIONAL FOODS, INC., a Florida corporation; and DOES 1 through 10, inclusive,

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

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

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

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

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C § 1332(d)(1)(B)

Brief description of cause: Class action for violation of California Civil Code §1750 et seq

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ JURY DEMAND: X Yes No

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

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) X SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 08/02/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ Scott J. Ferrell

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

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

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