

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

-----X

MARCIA SORIN, individually and on
behalf of all others similarly situated,

Case No.: 9:20-cv-80897-WPD

Plaintiff,

JURY TRIAL DEMANDED

vs.

THE FOLGER COFFEE COMPANY, a
subsidiary of the J. M. SMUCKER
COMPANY,

Defendant.

-----X

AMENDED CLASS ACTION COMPLAINT

Marcia Sorin (“Plaintiff” or “Sorin”), on behalf of herself and all others similarly situated (the “Class Members”), brings this amended consumer class action complaint against Defendant The Folger Coffee Company (“Defendant” or “Folgers”), for unlawful, unfair, and deceptive business practices in violation of Florida Deceptive and Unfair Trade Practices Act (the “FDUTPA”). Plaintiff’s allegations are based on the investigation of counsel, and the findings of Plaintiff’s expert chemist, and are based on information and belief, except as to the allegations pertaining to Plaintiff individually, which are based on personal knowledge.

NATURE OF THE ACTION

1. Folgers coffee is a household name with sales comprising a significant portion of the \$7.8 billion in net revenues reported by corporate parent, The J.M. Smucker Company, during its last fiscal year. It is estimated that Folgers has nationwide sales of approximately \$1 billion. The coffee giant engages in false and deceptive package labeling on its brewed coffee containers with respect to the promised number of coffee servings contained in the package. Folgers

misrepresents about the number of servings its containers can provide in order to spur sales, and disadvantage competitors who do not make similar claims. As a result, Florida consumers overpay, as they do not receive the amount of coffee servings Folgers represents to be present in the container, to the detriment of the consumer. These types of consumers deceptions hit senior citizens and others on a limited budget hardest as they are led to believe they are getting a bargain when they are not. Short fill deception is meant to make comparison shopping difficult, if not impossible. Moreover, honest vendors—who do not resort to similar tactics—find themselves driven out of the market, or seriously disadvantaged.

2. In a practice that offends reasonable consumer expectations, Defendant affirmatively represents on the coffee can label the expected number of cups of coffee that the container can produce when the coffee is brewed according to instructions, but this information is false because the can does not contain enough coffee to produce anywhere near the number of cups represented. Thus, the labeling on the relevant Folgers coffee product canisters (the “Folgers Coffee Products”) prominently states that each canister will produce up to a certain amount of six fluid ounce cups when, in fact, the coffee canisters at issue do not contain enough coffee to produce the volume of coffee cups represented (the “Folgers Label Claims”). Plaintiff’s expert has produced a chart that shows the true number of servings contained within each coffee canister.

See infra, ¶ 25.

3. Thus, the stated coffee cup yield information on the Folgers Coffee Products is deceptive and untrue. Plaintiff and the Class Members overpaid for the Folgers Coffee Products, as they did not receive (and could not receive) the represented amounts of servings and did not receive the “benefit of the bargain” when purchasing Folgers Coffee Products. For example, one of the canisters Plaintiff purchased, Folgers Classic Roast, was advertised on Walmart.com on

September 13, 2020 at \$9.96 for 380 servings (\$9.79 if two canisters are purchased), which is roughly 2.6 cents per serving. But those who buy this product, which yields only about 267 suggested strength servings, are paying roughly 3.7 cents per serving. Adjusted, the price should be only about \$6.94, \$3.02 less, or roughly 30% less. By overpaying in this manner and failing to receive the benefit of the bargain, Plaintiff and the Class Members suffered monetary injury.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d) in that: (1) this is a class action involving more than 100 Class Members; (2) Plaintiff is a citizen of Florida; Defendant is a citizen of the State of Ohio; and (3) the amount in controversy exceeds the sum of \$5,000,000.00, exclusive of interests and costs.

5. The Court has personal jurisdiction over Defendant because it conducts substantial business in Florida. Defendant has and continues to actively market, promote, and sell the Folgers Coffee Products in Florida through numerous retailers and online channels, and Defendant has sufficient minimum contacts with this State and/or has sufficiently availed itself of the market in this State through its marketing, promotion and sales within this State, including sales in the Winn-Dixie and Publix grocery chains, to render the exercise of jurisdiction by this Court permissible.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred while Plaintiff resided in this judicial district.

PARTIES

7. Plaintiff Marcia Sorin resides in Palm Beach County, Florida. During the past four years, Plaintiff purchased three Folgers product varieties: Folgers Classic Roast, Folgers Black Silk and Folgers Classic Decaf in local markets, including Publix, containing the

misrepresentations that are the subject of this suit. Plaintiff has used the coffee but has retained canisters of each type that have not been completely consumed. Plaintiff was injured in that she overpaid for the Folgers products purchased, in that she did not receive the amount of coffee represented to be made on the label. Indeed, Class Members continue to purchase these products, reasonably but incorrectly believing that they contain enough coffee to make the advertised number of servings.

8. The Folgers Label Claims made on the products Plaintiff purchased would deceive an objectively reasonable consumer.

9. Defendant is a corporation organized and existing under the laws of the State of Ohio, with its headquarters and principal place of business at One Strawberry Lane, Orrville, OH 44667. Folgers is arguably the most well-known coffee maker in the United States. The coffee giant excels in offering a wide range of products to customers, including varying flavors, roasts and strength of coffee. Since the early 1990s, it has been the largest-selling ground coffee in the United States. In the 1980s, Folgers' slogan "The best part of waking up is Folgers in your cup!" and the well-associated jingle became recognizable in households across the country, along with the Folgers name. Folgers generates an estimated \$1 billion or more in sales each year, a significant portion of which is derived from sales of the Folgers Coffee Products in Florida. In 2008, Folgers was acquired by J.M. Smucker from Procter & Gamble for a reported \$3 billion.

FACTUAL ALLEGATIONS

10. Defendant sells the Folgers Coffee Products to consumers based on the representation on the front label that the product contains enough ground coffee to make a specific number of servings. However, when following Defendant's own instructions, the Folgers Coffee Products do not contain enough ground coffee to make the number of servings represented by

Defendant, whether by number of tablespoons or by weight. Defendant places a materially identical representation on the front label of most, if not all, of the Folger Coffee Products, although the number of represented servings varies based on the size of the container.

FOLGERS CLASSIC ROAST

11. According to Plaintiff's expert, Folgers is short-changing its customers by a significant amount (*See infra*, ¶ 25). In Plaintiff's case, for example, a coffee canister she purchased, Folgers Classic Roast, prominently states on the front label that it "MAKES UP TO 380 6 FL OZ CUPS." According to this canister, it contains 1360 grams. Instructions on the back panel of the canister direct consumers to use the following measurements: "Cold Water: 1 Serving (6 fl. oz)" with "Folgers Coffee: 1 Tablespoon" which yields "1 Serving (6 fl. oz)". This would lead the reasonable consumer to believe that this recipe produces coffee of "suggested strength", and therefore the same consumer would then expect to be able to produce 380 cups of equally strong coffee, obtained using the same recipe. *i.e.* the canister should contain 380 tablespoons of ground coffee.

12. However, if the back-panel instructions are followed, the canister only produces approximately 267 six fluid-ounce-servings, 113 cups short of what Folgers represents on its front panel.

13. As an alternative, the back label states that to brew 10 servings, add 10 servings of cold water (6 oz. each) and ½ measuring cup of Folgers coffee. However, ½ measuring cup is actually 8 tablespoons, a fact not commonly known to the general public. This alternative method in a canister that holds 1360 grams, produces only 334 standard servings of *diluted* coffee, not the 380 cups prominently advertised on the front of the canister. Thus, even if one were to assume that every pot of coffee made from the canister was based on a 10 servings recipe, the amount of

coffee in the Classic Roast still falls short of the representation as to the number of cups which could be made from the canister, and the cups that would be made would be weak and diluted.

FOLGERS BLACK SILK

14. Folgers Black Silk prominently states on the front label that it “MAKES UP TO 210 6 FL OZ CUPS.” According to this canister, it contains 24.2 ounces of ground coffee or 686 grams. Instructions on the back panel of the canister direct consumers to use the following measurements: “Cold Water: 1 Serving (6 fl. oz)” with “Folgers Coffee: 1 Tablespoon” which yields “1 Serving (6 fl. oz.)”. This means that each Black Silk canister should contain 210 tablespoons of coffee to satisfy the representation on the front label. A reasonable consumer would follow the measurements supplied by the manufacturer to obtain the best results—*i.e.*, the “suggested strength.”

15. However, if the back-panel instructions are followed, the canister only produces approximately 149 six fluid-ounce-servings, 51 cups short of what Folgers represents on its front panel.

16. The alternative 10 servings recipe for coffee, in a canister that holds 865 grams, produces only 186 cups of *diluted* coffee, not the 210 cups advertised on the front of the canister. Thus, even if one were to assume that every pot of coffee made from the canister was based on a 10 servings pot, the amount of coffee in the Black Silk canister still falls short of the representation as to the number of cups which could be made from the canister, and the cups that would be made would be weak and diluted.

FOLGERS CLASSIC DECAF

17. Folgers Classic Decaf prominently states on the front label that it “MAKES UP TO 240 6 FL OZ CUPS.” According to this canister, it contains 865 grams. Instructions on the back

panel of the canister direct consumers to use the following measurements: “Cold Water: 1 Serving (6 fl. oz)” with “Folgers Coffee: 1 Tablespoon” which yields “1 Serving (6 fl. oz.)”. This means that each Classic Decaf canister should contain 240 tablespoons of coffee to satisfy the representation on the front label. A reasonable consumer would follow the measurements supplied by the manufacturer to obtain the best results—*i.e.*, the “suggested strength.”

18. However, if the back-panel instructions are followed, the canister only produces approximately 181 six fluid-ounce-servings, 59 cups short of what Folgers represents on its front panel.

19. The alternative 10 servings recipe for coffee, in a canister that holds 865 grams, produces only 227 cups of *diluted* coffee, not the 240 cups advertised on the front of the canister. Thus, even if one were to assume that every pot of coffee made from the canister was based on a 10 servings pot, the amount of coffee in the Classic Decaf canister still falls short of the representation as to the number of cups which could be made from the canister, and the cups that would be made would be weak and diluted.

MEASUREMENT BY WEIGHT

20. Moreover, even if one were to follow the instructions based on weight, the Folger Coffee Products still fall short of what is represented. The weight of 1 tablespoon of coffee varies by variety.¹ Plaintiff’s expert examined each relevant variety and discerned the following gram weights per tablespoon illustrated below. Based on these gram weights, the canisters simply do not contain enough coffee to produce the promised number of cups at the

¹ <https://espressocoffeeguide.com/how-much-coffee-per-cup/> (noting that 2 tablespoons is 10.6 grams); <https://www.backyardbeans.com/blog/2017/11/1/how-much-coffee-should-i-use> (“1 level tablespoon of beans or grounds is about 5 grams.”).

suggested strength. (See Chart, *infra* ¶ 25):



21. In each of the Folgers Coffee Products that is the subject of this action, the front panel prominently and conspicuously states the number of cups the canister will produce, as shown above and in the Classic Decaf and Classic Roast canisters illustrated below and taken from commercial websites to ensure the quality of the photograph but an accurate replica of one which Plaintiff purchased:



22. The back panel of each relevant Folgers product contains the information with respect to a “serving” as illustrated:



23. Folgers continues to represent to consumers that 1 tablespoon of coffee is necessary to achieve one suggested strength cup of coffee on its own website. There, one finds a calculator which advises customers how much coffee to use per cup. If one asks how to make 10 cups, the calculator advises you to use **10 tablespoons** of Folgers Coffee:²

² Screenshot taken Sept. 9, 2020 from <https://www.folgerscoffee.com/coffee-how-to/how-to-measure-coffee>.

Home / Coffee Basics / How to Measure Coffee

HOW TO MEASURE COFFEE

CUPS CALCULATOR

Whether you're brewing coffee for a family reunion or just a small gathering, use our coffee calculator to figure out how much water and Folgers® Coffee you need.* Just enter how many cups you want to brew, and we'll tell you the rest.

* Results based on household coffee makers. Not for use with foodservice machines.

How many cups of coffee would you like to brew?

10

10 servings of coffee = 10 tablespoons of ground coffee + 7 cups 4 ounces of water

EXPERT ANALYSIS

24. As noted, Plaintiff retained an expert to test Folgers' claims. The expert is a Ph.D chemist with experience in the coffee industry, and with appropriate training in mathematical measurements and testing. The expert personally brewed the varieties of coffee purchased by Plaintiff. In making his assessment, he took into account standard scientific measurements applied to brewing coffee, such as extraction yield ("EY") and total dissolved solids ("TDS"), measured using an industry standard refractive index measurement. He calculated the exact gram weight per tablespoon for each variety. The expert also considered Folgers' assertion that: "The general rule is to add 1 level tablespoon of ground coffee per cup. For example, 6 tablespoons of ground coffee would be recommended for making 6 cups."³

³ [https://www.folgerscoffee.com/frequently-asked-questions, Question 3: "What Is The Best Way to Brew Ground and Whole Bean Coffee?"](https://www.folgerscoffee.com/frequently-asked-questions, Question 3:) (last accessed Sept. 9, 2020).

25. The expert's conclusion is that the Folgers canister claims are false. Having personally brewed the coffee according to Folgers' instructions, verified the results and made scientific calculations, his findings are as follows as to the three varieties Plaintiff purchased:

Product	Canister mass (g)	Advertised cup limit (6 fl oz cups)	Mass of level tablespoon (g +/- 0.1 g)	Number of 6 fl oz cups attainable brewed using single serving recipe	Number of 6 fl oz cups attainable brewed using ten serving recipe	% Underfill for single serving recipe	% Underfill for ten serving recipe
Classic Roast	1360	380	5.09	267	334	29.7	12.1
Classic Decaf	865	240	4.77	181	227	24.4	5.6
Black Silk	686	210	4.61	149	186	29.1	11.4

26. Folgers has previously acknowledged that its coffee yield per canister is not accurate. In a website, *Truthinadvertising.com*, the editors doubted the ability of a Folger's canister to produce the number of cups as advertised. Folgers responded, noting that it suggests using *1-2 tablespoons* of ground coffee for every 6 fl. ounces of water based on personal preference, which would have an impact on the number of cups a canister will yield. Folgers then indicated that a 30.5 oz. container, without reference to the type of coffee, "should yield about 215-240 cups per canister." (<https://www.truthinadvertising.org/folgers/>). However, this information is not widely known or disseminated, and is contrary to the representations that Folger continues to make on the front of the canisters.

CONSUMER CONFIRMATION

27. Recent publicity concerning this issue has brought forth thousands of comments on websites from dissatisfied Folgers consumers. For example:

- Karen A. stated: "Please add me [to a consumer action]...the last container I bought said up to 270 cups and that was not true."
- Erika D. reported: "I also had this problem [of underfill] but I would just shrug it off because it's my favorite brand of coffee."

- Theresa said: “Please add me. I buy Folgers all the time and I never realized why my coffee never lasted as long as it should have.”
- Victoria S. complained: “I drink Folgers coffee every day. I knew I was getting short changed.”
- Celeste F. observed: “I have purchased 5 of these containers and they go too fast for the [amount] stated in them.”⁴

FDUTPA VIOLATIONS

28. Under the controlling law, Plaintiff is not required to plead her FDUTPA claim with particularity, or plead the elements of fraud, as held in *Guerrero v. Target Corp.*, 889 F. Supp. 2d 1348, 1354-55 (S.D. Fla. 2012):

Generally “[t]he requirements of Rule 9(b) do not apply to claims under the FDUTPA.” *Galstaldi v. Sunvest Cmtys. USA, LLC*, 637 F. Supp. 2d 1045, 1056 (S.D. Fla. 2009). Because FDUTPA was enacted to provide remedies for conduct outside the reach of traditional common law torts like fraud, “the plaintiff need not prove the elements of fraud to sustain an action under the statute.” *Id.* (quotations omitted). Accordingly, the heightened pleading requirements of Rule 9(b) cannot serve as a basis to dismiss FDUTPA claims. *Id.*; see also *State, Office of Atty. Gen., Dep’t of Legal Affairs v. Wyndham Int’l, Inc.*, 869 So. 2d 592, 598 (Fla. Dist. Ct. App. 2004) (“A deceptive or unfair trade practice constitutes a somewhat unique tortious act because, although it is similar to a claim of fraud, it is different in that, unlike fraud, a party asserting a deceptive trade practice claim need not show actual reliance on the representation or omission at issue.”). Accordingly, the Court finds that Rule 9(b) is inapplicable to Plaintiff’s FDUTPA claims.

⁴ All quotes from <https://topclassactions.com/lawsuit-settlements/consumer-products/beverages/folgers-class-action-says-coffee-servings-are-inflated/> (last accessed Sept. 9, 2020).

29. The Folgers Label Claims are objectively deceptive and, as alleged herein, violate FDUTPA.

30. Throughout the Class Period defined below, Defendant has engaged in, and continues to engage in, the Folgers Label Claims. As a result, Defendant has sold thousands, if not millions, of Folgers Coffee Products to unsuspecting consumers across Florida through its retailers and online sales channels during the Class Period.

31. Defendant's Folgers Label Claims are false as discussed above, based on the fact that the Folgers Coffee Products are represented as having characteristics that they, in fact, do not have.

32. Defendant's Folgers Label Claims are material since this practice was likely to deceive Plaintiff and the Class Members acting reasonably in the same circumstances.

33. Plaintiff and the Class Members were injured in that they: (1) paid more for a Coffee Product that was not as represented; (2) were deprived of the benefit of the bargain because the Folgers Coffee Products they purchased were materially different than what Defendant had stated on the label; and (3) were deprived of the benefit of the bargain because the Folgers Coffee Products they purchased had less value than what Defendant represented.

CLASS ALLEGATIONS

34. Plaintiff repeats and re-alleges the allegations contained in every preceding paragraph as if fully set forth herein.

35. Plaintiff brings this action on behalf of herself and all other similarly situated Class Members pursuant to Rule 23 of the Federal Rules of Civil Procedure and seeks certification of the following Class against Defendant for violations of FDUTPA:

All consumers within the State of Florida who purchased the three Folgers Coffee Products which Plaintiff purchased, as detailed

herein, and which contained the Folgers Label Claims within the statute of limitations period, including any tolling period (the “Class Period”). Excluded from the Class are Defendant’s current or former officers, directors, and employees; counsel for Plaintiff and Defendant; and the judicial officer to whom this lawsuit is assigned.

36. Numerosity: The members of the Class are so numerous that joinder of all members is impracticable. Plaintiff is informed and believes that the proposed Class contains hundreds or even thousands of individuals who have been damaged by Defendant’s conduct as alleged herein. The precise number of Class Members is unknown to Plaintiff, but may be determined with reasonable accuracy through class discovery.

37. Existence and Predominance of Common Questions of Law and Fact: This action involves common questions of law and fact, which predominate over any questions affecting individual Class Members. These common legal and factual questions include, but are not limited to, the following:

- a. Whether Defendant made false and/or misleading statements to the Class and the public concerning the cup yield in the Folgers Coffee Products;
- b. Whether Defendant omitted material information to the public concerning the actual cup yield of the Folgers Coffee Products;
- c. Whether Defendant’s packaging for the Folgers Coffee Products is misleading and deceptive within the meaning of the FDUTPA;
- d. Whether the container label on the Folgers Coffee Products is misleading and deceptive;
- e. Whether Defendant’s conduct violates FDUTPA; and
- f. Whether Plaintiff and the Class Members have been damaged and if so the proper calculation of damages.

38. Typicality: Plaintiff's claims are typical of the claims of the Class Members because, *inter alia*, all Class Member have been impacted in the same way by Defendant's false and misleading label claims about the serving yield of its Folgers Coffee Products. Plaintiff is advancing the same claims and legal theories on behalf of herself and all Class Members.

39. Adequacy: Plaintiff will fairly and adequately protect the interests of the Class Members. Plaintiff has retained counsel experienced in complex consumer class action litigation, and Plaintiff intends to prosecute this action vigorously. Plaintiff has no antagonistic or adverse interest to those of the Class.

40. Superiority: The nature of this action and the nature of the laws available to Plaintiff and the Class make the use of the class action format a particularly efficient and appropriate procedure to afford relief to her and the Class for the wrongs alleged. The damages or other financial detriment suffered by individual Class Members is miniscule compared to the burden and expense that would be entailed by individual litigation of their claims against Defendant. It would thus be virtually impossible for Plaintiff and Class Members, on an individual basis, to obtain effective redress for the wrongs done to them. Absent the class action, Class Members would not likely recover, or would not likely have the chance to recover, damages and/or restitution from Defendant, which would continue to retain the proceeds of its wrongful conduct.

CLAIM FOR RELIEF

(Violation of Florida Deceptive and Unfair Trade Practices Act (FDUTPA--Equitable Relief and Damages Against Defendant Folgers)

41. Plaintiff realleges and incorporates by reference the allegations previously asserted above.

42. Defendant has engaged in deceptive acts and unfair practices that have caused actual damages to Plaintiff and the Class Members.

43. Section 501.204(1), Fla. Stat., makes unlawful “unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce.”

44. Selling, distributing, and introducing the Folgers Coffee Products in interstate commerce are “consumer transaction[s]” within the meaning and scope of FDUTPA.

45. Plaintiff is a “consumer” as defined by § 501.203, Fla. Stat.

46. The Folgers Coffee Products are goods within the meaning and scope of FDUTPA and Defendant is engaged in trade or commerce within the meaning and scope of FDUTPA in connection with the sale and distribution of the Folgers Coffee Products.

47. An objectively reasonable consumer would have been deceived by the Folgers Label Claims, as they are inaccurate and misleading. Defendant’s practices are unfair and deceptive.

48. Plaintiff has sustained actual damages as a result of Defendant’s deceptive acts and unfair practices, which violate FDUTPA.

49. Pursuant to §§501.211(2) and 501.2105, Fla. Stat., Plaintiff demands her damages, attorneys’ fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of herself and the Class, demands judgment against Defendant and requests the entry of:

- a. An order certifying the Class as requested herein, appointing Plaintiff as Class Representative, and appointing her counsel as Class Counsel;
- b. An order declaring that the conduct complained of herein violates FDUTPA, and awarding damages;

- c. An order requiring Defendant to adopt proper label statements;
- d. An award of attorneys' fees and the reimbursement of litigation costs pursuant to, FDUTPA; and
- e. Such other and further relief as this Court may deem just, equitable, or proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all claims presented herein so triable.

Dated: September 14, 2020

KOMLOSSY LAW P.A.
/s/ Emily C. Komlossy
Emily Komlossy (FBN 7714)
eck@komlossylaw.com
4700 Sheridan St., Suite J
Hollywood, FL 33021
Phone: (954) 842-2021
Fax: (954) 416-6223

Attorneys for Plaintiff and the Class

OF COUNSEL:

Laurence D. Paskowitz
THE PASKOWITZ LAW FIRM P.C.
208 East 51st Street, Suite 380
New York, NY 10022
212-685-0969
lpaskowitz@pasklaw.com

Roy L. Jacobs
ROY JACOBS & ASSOCIATES
420 Lexington Avenue, Suite 2440
New York, NY 10170
212-867-1156
rjacobs@jacobsclasslaw.com

Beth A. Keller
LAW OFFICES OF BETH A. KELLER, P.C.
118 North Bedford Road
Suite 100
Mount Kisco, NY 10549
914-752-3040
bkeller@keller-lawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of September, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will deliver the document to all counsel of record as follows:

Ronald Y. Rothstein
Sean Suber
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601
Telephone: (312) 558-5600
Facsimile: (312) 558-5700
rrothste@winston.com
ssuber@winston.com

Megan L. Whipp
WINSTON & STRAWN LLP
333 S. Grand Avenue
Los Angeles, CA 90071-1543
Telephone: (213) 615-1700
Facsimile: (213) 615-1750
mwhipp@winston.com

Christina Calvar (FL Bar No. 114201)
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166-4193
Telephone: (212) 294-5331
Facsimile: (212) 294-4700
ccalvar@winston.com

Attorneys for Defendant
THE FOLGERS COFFEE COMPANY

KOMLOSSY LAW P.A.

/s/ Emily C. Komlossy

Emily Komlossy (FBN 7714)

eck@komlossylaw.com

4700 Sheridan St., Suite J

Hollywood, FL 33021

Phone: (954) 842-2021

Fax: (954) 416-6223

Attorneys for Plaintiff and the Class