

1 Peter B. Fredman, Esq. (SBN 189097)
2 LAW OFFICE OF PETER FREDMAN PC
3 2930 Domingo Ave, Suite 227
4 Berkeley, CA 94705
5 Tel: (510) 868-2626
6 peter@peterfredmanlaw.com

7 *Attorney for* TRUTH IN ADVERTISING, INC.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 JANE DOE,

12 Plaintiff,

13 v.

14 ROBLOX CORPORATION

15 Defendant.

Case No. 21-CV-03943-WHO

**ADMINISTRATIVE MOTION BY
TRUTH IN ADVERTISING, INC.
FOR LEAVE TO FILE BRIEF AS
AMICUS CURIAE IN OPPOSITION
TO PROPOSED CLASS ACTION
SETTLEMENT**

Honorable William H. Orrick

16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION

Pursuant to Local Rule 7-11, Truth In Advertising, Inc. (“TINA.org”) hereby seeks leave to file a brief as *amicus curiae* in opposition to the proposed class action settlement of this action, which is set for a final fairness hearing on September 27, 2023 at 2 p.m. A copy of the proposed amicus brief is attached as **Exhibit A** to the Declaration of Laura Smith, Esq. (Legal Director TINA.org) in Support of Administrative Motion (the “Smith Dec.”) filed herewith.

II. BACKGROUND

TINA.org is a nonpartisan, nonprofit consumer advocacy organization whose mission is to combat systemic and individual harm caused by deceptive marketing. *See* Smith Dec., ¶ 4. One focus of TINA.org’s work is ensuring that laws protecting consumers from deceptive advertising are effectively enforced. To that end, TINA.org monitors the activities (and inactions) of government regulators and litigation brought by consumers acting as private attorneys general and, when necessary, voices its opposition. *See id.*, ¶ 5. Drawing on its accumulated experience, TINA.org regularly participates as *amicus curiae* in cases involving deceptive marketing, both at the district court level—typically to alert courts of proposed settlements that are not “fair, reasonable, and adequate” in its view—as well as the appellate level. *See id.*, ¶ 6 (e.g., *Quinn v. Walgreen Co.* No. 12-cv-8187 (S.D.N.Y.) (responding to TINA.org’s concerns, the parties renegotiated their settlement agreement to make injunctive relief broader and perpetual); *Lerma v. Schiff Nutrition Int’l*, No. 3:11-CV-01056 (S.D. Cal.), Dkt. 120, 141 (plaintiffs, prompted by TINA.org’s amicus submission, sought to withdraw settlement, which plaintiffs ultimately renegotiated); *Fed. Trade Comm’n v. Quincy Bioscience Holding Co., Inc.*, 753 Fed. App. 87 (2d Cir. 2019) (Second Circuit, after granting TINA.org’s Motion for Leave, vacated district court’s dismissal of lawsuit against Quincy and remanded the case for further proceedings); *Torres v. S.G.E. Mgmt., L.L.C.*, 838 F.3d 629 (5th Cir. 2016) (en banc) (Fifth Circuit, after granting TINA.org’s Motion for Leave, affirmed certification of a RICO class action challenging the multilevel marketing scheme) (*cert. denied S.G.E. Mgmt., L.L.C. v. Torres*, 138 S. Ct. 76 (Oct. 2, 2017); Brief Amicus Curiae for Truth in Advertising, Inc. Supporting Petitioner, *Frank v. Poertner*, No. 15-765 (S. Ct. Jan. 14, 2016) (*cert. denied* 136 S. Ct.

1 1453 (2016)); In Chambers Order Re: Plaintiffs' Motion for Final Approval of Class Action
2 Settlement, *Bostick v. Herbalife Int'l of Am., Inc.*, No. 13-cv-02488 (C.D. Cal. May 14, 2015), ECF
3 No. 145 (TINA.org granted permission to file brief opposing proposed settlement agreement over
4 parties' objection); Unopposed Motion of Truth in Advertising, Inc. for Leave to File Brief as
5 Amicus Curiae in Opposition to Proposed Settlement, *Collins v. Quincy Bioscience, LLC*, No. 19-cv-
6 22864 (S.D. Fla. Oct. 27, 2020), ECF No. 166 (TINA.org's Motion for Leave to File Amicus Curiae
7 Brief in Opposition to Proposed Settlement granted); Brief of Amicus Curiae Truth In Advertising,
8 Inc. In Support of Respondent, *AMG Capital Mgmt., LLC v. Fed. Trade Comm'n*, No. 19-508 (U.S.
9 Dec. 7, 2020), [https://www.supremecourt.gov/DocketPDF/19/19-
10 508/162934/20201207192719389_19-508%20brief.pdf](https://www.supremecourt.gov/DocketPDF/19/19-508/162934/20201207192719389_19-508%20brief.pdf).

11 Through its collaborative approach and attention to emerging issues and complexities,
12 TINA.org has become a trusted source of expertise on matters relating to consumer fraud, and has
13 testified before Congress on issues related to consumer protection, deceptive marketing and
14 economic justice. *See* Smith Dec., ¶ 7 (e.g., *Safeguarding American Consumers: Fighting Fraud and*
15 *Scams During the Pandemic Before the Subcomm. on Consumer Prot. and Com. of the Comm. on*
16 *Energy and Com.*, 117th Cong. (Feb. 4, 2021) (testimony of Bonnie Patten, Exec. Dir., Truth In
17 Advertising), <https://truthinadvertising.org/action/house-testimony-2021-summary-action/>; *Curbing*
18 *COVID Cons: Warning Consumers about Pandemic Frauds, Scams, and Swindles Before the*
19 *Subcomm. on Consumer Prot., Prod. Safety, and Data Sec. of the Comm. on Com., Sci., & Transp.*,
20 117th Cong. (Apr. 27, 2021), (testimony of Bonnie Patten, Exec. Dir., Truth In Advertising),
21 <https://truthinadvertising.org/action/senate-testimony-2021-summary-action/>).

22 Since its inception, TINA.org has filed legal actions against hundreds of companies and
23 entities, published more than 1,400 ad alerts, written over 1,000 news articles, and tracked more than
24 4,000 federal class actions alleging deceptive marketing. *See* Smith Dec., ¶ 8. Notably, since 2015,
25 state and federal agencies have obtained more than \$250 million from wrongdoers based on
26 TINA.org legal actions and evidence, and returned millions in ill-gotten gains to consumers. *See id.*
27 TINA.org also regularly draws on its expertise to advocate for consumer interests before the FTC
28 and other governmental bodies. *See id.*, ¶ 9.

1 With respect to Roblox Corporation, TINA.org has been investigating the company since
2 2022, filed a regulatory complaint last April with the FTC regarding deceptive marketing tactics on
3 the platform and the impact on consumers, millions of whom are children, and worked with other
4 consumer advocates including Fairplay, Center for Digital Democracy, National Association of
5 Consumer Advocates, and Common Sense Media to effectuate the removal of a Walmart advergame
6 deceptively targeting children from the platform earlier this year. *See id.*, ¶ 10 (examples given).
7 TINA.org has also presented to several audiences regarding issues on the platform, including at the
8 World Federation of Advertisers' Responsible Advertising and Children Meeting, and the
9 International Council for Ad Self-Regulation Webinar. *See id.*, ¶ 11 (examples given). TINA.org's
10 work on Roblox has also frequently been cited by the press, including by the Wall Street Journal,
11 Bloomberg, and AdAge. *See id.*, ¶ 12 (examples given).

12 III. ARGUMENT

13 This Court should grant TINA.org leave to file an amicus brief in this case because
14 TINA.org's proposed participation in this proceeding may be "useful or otherwise desirable to the
15 court." *Scholl v. Mnuchin*, No. 20-cv-05309, 2020 U.S. Dist. LEXIS 164657, at *2 (N.D. Cal. 2020)
16 (quoting prior cases). "Whether to allow Amici to file a brief is solely within the Court's discretion,
17 and generally courts have 'exercised great liberality'" in allowing them. *See Woodfin Suite Hotels,*
18 *LLC v. City of Emeryville*, No. C 06-1254 SBA, 2007 U.S. Dist. LEXIS 4467, at *8 (N.D. Cal. 2007)
19 (quoting *In re Roxford Foods Litigation*, 790 F. Supp. 987, 997 (E.D. Cal. 1991) (quoting *United*
20 *States v. Louisiana*, 751 F. Supp. 608, 620 (E.D. La. 1990))).

21 "There are no strict prerequisites that must be established prior to
22 qualifying for amicus status; an individual or entity seeking to appear as
23 amicus must merely make a showing that his/its participation is useful
24 to or otherwise desirable to the court." *In re Dynamic Random Access*
25 *Memory (DRAM) Antitrust Litig.*, No. 02-md-01486-PJH, 2007 U.S.
26 Dist. LEXIS 101249, 2007 WL 2022026, at *1 (N.D. Cal. July 9, 2007).
27 "District courts frequently welcome amicus briefs from non-parties
concerning legal issues that have potential ramifications beyond the
parties directly involved or if the amicus has 'unique information or
perspective that can help the court beyond the help that the lawyers for
the parties are able to provide.'" *NGV Gaming, Ltd. v. Upstream Point*
Molate, LLC, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (quoting
Cobell v. Norton, 246 F. Supp. 2d 59, 62 (D.D.C. 2003)).

1 *Scholl*, 2020 U.S. Dist. LEXIS 164657, at *2.

2 TINA.org’s sole motivation for its filing is to provide the Court with its unique expertise and
3 perspective as to the impact that the proposed settlement will have on the consumers that will be
4 affected by it – a settlement that it believes will not provide any meaningful recovery to class
5 members while inevitably leaving Roblox better off than if it had never been sued. *See* Smith Dec., ¶
6 13; *see also* *Managing Class Action Litigation: A Pocket Guide for Judges*, 3d ed., Federal Judicial
7 Ctr. 2010, at 17 (“Generally, ... nonprofit entities [] have the class-oriented goal of ensuring that
8 class members receive fair, reasonable, and adequate compensation for any injuries suffered. They
9 tend to pursue that objective by policing abuses in class action litigation. Consider allowing such
10 entities to participate actively in the fairness hearing.”).

11 Now that the parties to this lawsuit have reached an agreement, they themselves no longer
12 have an adversarial relationship, and thus this Court can look only to objectors or amicus curiae like
13 TINA.org to illuminate any potential issues with the settlement. *See In re HP Inkjet Printer Litig.*,
14 2011 U.S. Dist. LEXIS 65199, at *2-3 (N.D. Cal. June 20, 2011). However, the odds of class
15 members filing their own objections are quite low (and that is even assuming class members are
16 aware of the pending settlement and understand what is at stake). *See* Christopher R. Leslie, *The*
17 *Significance of Silence: Collective Action Problems and Class Action Settlements*, 59 Fla. L Rev. 71,
18 73 (2010) (Class member “[s]ilence may be a function of ignorance about the settlement terms or
19 may reflect an insufficient amount of time to object. But most likely, silence is a rational response to
20 any proposed settlement even if that settlement is inadequate. For individual class members,
21 objecting does not appear to be cost-beneficial. Objecting entails costs, and the stakes for individual
22 class members are often low.”)

23 IV. CONCLUSION

24 For these reasons, TINA.org moves for leave to appear as amicus curiae and file the amicus
25 brief in opposition to the proposed settlement, attached as Exhibit A to the Declaration of Laura
26 Smith (Legal Director TINA.org) filed herewith.

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: August 9, 2023

Respectfully submitted,

LAW OFFICE OF PETER FREDMAN PC

By /s/ Peter Fredman

Peter Fredman

Attorney for TRUTH IN ADVERTISING INC.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorneys of record for each party through the Court’s electronic filing service on August 9, 2023, which will send notification of such filing to the e-mail addresses registered.

/s/ Peter Fredman
Peter Fredman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Peter B. Fredman, Esq. (SBN 189097)
2 LAW OFFICE OF PETER FREDMAN PC
3 2930 Domingo Ave, Suite 227
4 Berkeley, CA 94705
5 Tel: (510) 868-2626
6 peter@peterfredmanlaw.com

7 *Attorney for* TRUTH IN ADVERTISING, INC.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 JANE DOE,

12 Plaintiff,

13 v.

14 ROBLOX CORPORATION

15 Defendant.

Case No. 21-CV-03943-WHO

**DECLARATION OF LAURA SMITH,
ESQ. IN SUPPORT OF
ADMINISTRATIVE MOTION BY
TRUTH IN ADVERTISING, INC.
FOR LEAVE TO FILE BRIEF AS
AMICUS CURIAE IN OPPOSITION
TO PROPOSED CLASS ACTION
SETTLEMENT**

Honorable William H. Orrick

16
17
18
19
20
21
22
23
24
25
26
27
28

1 I, Laura Smith, declare as follows:

2 1. I am the Legal Director of Truth In Advertising, Inc. (“TINA.org”). The following is
3 based on my personal knowledge unless otherwise indicated.

4 2. I submit this declaration in support of TINA.org’s administrative motion for leave to
5 file a brief as amicus curiae in opposition to proposed class action settlement in the above-entitled
6 action, which is set for a final fairness hearing on September 27, 2023 at 2 p.m.

7 3. A copy of TINA.org’s proposed amicus brief is attached hereto as **Exhibit A**.

8 4. TINA.org is a 501(c)(3) nonpartisan, nonprofit consumer advocacy organization
9 whose mission is to combat systemic and individual harm caused by deceptive marketing. To further
10 its mission, TINA.org performs in-depth investigations and files complaints with federal and state
11 government agencies, among others, urging them to take action to put an end to various companies’
12 deceptive marketing practices. Additional information about TINA.org’s work and mission is
13 available on its website (www.truthinadvertising.org).

14 5. One focus of TINA.org’s work is ensuring that laws protecting consumers from
15 deceptive advertising are effectively enforced. To that end, TINA.org monitors the activities (and
16 inactions) of government regulators and litigation brought by consumers acting as private attorneys
17 general and, when necessary, voices its opposition.

18 6. Drawing on its accumulated experience, TINA.org regularly participates as amicus
19 curiae in cases involving deceptive marketing, both at the district court level—typically to alert
20 courts of proposed settlements that are not “fair, reasonable, and adequate” in its view—as well as
21 the appellate level. *E.g.*, *Quinn v. Walgreen Co.* No. 12-cv-8187 (S.D.N.Y.) (responding to
22 TINA.org’s concerns, the parties renegotiated their settlement agreement to make injunctive relief
23 broader and perpetual); *Lerma v. Schiff Nutrition Int’l*, No. 3:11-CV-01056 (S.D. Cal.), Dkt. 120,
24 141 (plaintiffs, prompted by TINA.org’s amicus submission, sought to withdraw settlement, which
25 plaintiffs ultimately renegotiated); *Fed. Trade Comm’n v. Quincy Bioscience Holding Co., Inc.*, 753
26 Fed. App. 87 (2d Cir. 2019) (Second Circuit, after granting TINA.org’s Motion for Leave, vacated
27 district court’s dismissal of lawsuit against Quincy and remanded the case for further proceedings);
28 *Torres v. S.G.E. Mgmt., L.L.C.*, 838 F.3d 629 (5th Cir. 2016) (en banc) (Fifth Circuit, after granting
DECLARATION OF LAURA SMITH ISO ADMN. MTN. FOR LEAVE TO FILE AMICUS BRIEF - 1

1 TINA.org's Motion for Leave, affirmed certification of a RICO class action challenging the
2 multilevel marketing scheme) (*cert. denied S.G.E. Mgmt., L.L.C. v. Torres*, 138 S. Ct. 76 (Oct. 2,
3 2017); Brief Amicus Curiae for Truth in Advertising, Inc. Supporting Petitioner, *Frank v. Poertner*,
4 No. 15-765 (S. Ct. Jan. 14, 2016) (*cert. denied* 136 S. Ct. 1453 (2016)); In Chambers Order Re:
5 Plaintiffs' Motion for Final Approval of Class Action Settlement, *Bostick v. Herbalife Int'l of Am.,*
6 *Inc.*, No. 13-cv-02488 (C.D. Cal. May 14, 2015), ECF No. 145 (TINA.org granted permission to file
7 brief opposing proposed settlement agreement over parties' objection); Unopposed Motion of Truth
8 in Advertising, Inc. for Leave to File Brief as Amicus Curiae in Opposition to Proposed Settlement,
9 *Collins v. Quincy Bioscience, LLC*, No. 19-cv-22864 (S.D. Fla. Oct. 27, 2020), ECF No. 166
10 (TINA.org's Motion for Leave to File Amicus Curiae Brief in Opposition to Proposed Settlement
11 granted); Brief of Amicus Curiae Truth In Advertising, Inc. In Support of Respondent, *AMG Capital*
12 *Mgmt., LLC v. Fed. Trade Comm'n*, No. 19-508 (U.S. Dec. 7, 2020),
13 [https://www.supremecourt.gov/DocketPDF/19/19-508/162934/20201207192719389_19-](https://www.supremecourt.gov/DocketPDF/19/19-508/162934/20201207192719389_19-508%20brief.pdf)
14 [508%20brief.pdf](https://www.supremecourt.gov/DocketPDF/19/19-508/162934/20201207192719389_19-508%20brief.pdf).

15 7. Through its collaborative approach and attention to emerging issues and complexities,
16 TINA.org has become a trusted source of expertise on matters relating to consumer fraud, and has
17 testified before Congress on issues related to consumer protection, deceptive marketing, and
18 economic justice. *E.g.*, *Safeguarding American Consumers: Fighting Fraud and Scams During the*
19 *Pandemic Before the Subcomm. on Consumer Prot. and Com. of the Comm. on Energy and Com.*,
20 117th Cong. (Feb. 4, 2021) (testimony of Bonnie Patten, Exec. Dir., Truth In Advertising),
21 <https://truthinadvertising.org/action/house-testimony-2021-summary-action/>; *Curbing COVID Cons:*
22 *Warning Consumers about Pandemic Frauds, Scams, and Swindles Before the Subcomm. on*
23 *Consumer Prot., Prod. Safety, and Data Sec. of the Comm. on Com., Sci., & Transp.*, 117th Cong.
24 (Apr. 27, 2021), (testimony of Bonnie Patten, Exec. Dir., Truth In Advertising),
25 <https://truthinadvertising.org/action/senate-testimony-2021-summary-action/>.

26 8. Since its inception, TINA.org has filed legal actions against hundreds of companies
27 and entities, published more than 1,400 ad alerts, written over 1,000 news articles, and tracked more
28 than 4,000 federal class actions alleging deceptive marketing. Notably, since 2015, state and federal
DECLARATION OF LAURA SMITH ISO ADMN. MTN. FOR LEAVE TO FILE AMICUS BRIEF - 2

1 agencies have obtained more than \$250 million from wrongdoers based on TINA.org legal actions
2 and evidence, and returned millions in ill-gotten gains to consumers.

3 9. TINA.org regularly draws on its expertise to advocate for consumer interests before
4 the FTC and other governmental bodies.

5 10. With respect to Roblox Corporation, TINA.org has been investigating the company
6 since 2022, filed a regulatory complaint last April with the FTC regarding deceptive marketing
7 tactics on the platform and the impact on consumers, millions of whom are children, and worked
8 with other consumer advocates including Fairplay, Center for Digital Democracy, National
9 Association of Consumer Advocates, and Common Sense Media to effectuate the removal of a
10 Walmart advergaming deceptively targeting children from the platform earlier this year. Letter from
11 TINA.org to FTC regarding Deceptive Marketing on Roblox (Apr. 19, 2022),
12 [https://truthinadvertising.org/wp-content/uploads/2022/04/4_19_22-Complaint-to-FTC-re-](https://truthinadvertising.org/wp-content/uploads/2022/04/4_19_22-Complaint-to-FTC-re-Roblox.pdf)
13 [Roblox.pdf](https://truthinadvertising.org/wp-content/uploads/2022/04/4_19_22-Complaint-to-FTC-re-Roblox.pdf); Letter from TINA.org et al. to CARU regarding Walmart Universe of Play (Jan. 23,
14 2023), [https://truthinadvertising.org/wp-content/uploads/2023/01/1_23_23-Letter-to-CARU-re-](https://truthinadvertising.org/wp-content/uploads/2023/01/1_23_23-Letter-to-CARU-re-Walmart-Universe-of-Play.pdf)
15 [Walmart-Universe-of-Play.pdf](https://truthinadvertising.org/wp-content/uploads/2023/01/1_23_23-Letter-to-CARU-re-Walmart-Universe-of-Play.pdf); Letter from TINA.org et al. to CARU regarding Walmart Universe
16 of Play (Mar. 27, 2023), [https://truthinadvertising.org/wp-content/uploads/2023/03/Response-to-](https://truthinadvertising.org/wp-content/uploads/2023/03/Response-to-CARU-3_27_23.pdf)
17 [CARU-3_27_23.pdf](https://truthinadvertising.org/wp-content/uploads/2023/03/Response-to-CARU-3_27_23.pdf).

18 11. TINA.org has also presented to several audiences regarding issues on the Roblox
19 platform, including at the World Federation of Advertisers' Responsible Advertising and Children
20 Meeting, and the International Council for Ad Self-Regulation Webinar. *E.g.*, Bonnie Patten, Exec.
21 Dir., Truth In Advertising, Presentation at World Federation of Advertisers Responsible Advertising
22 and Children: Roblox Metaverse: Playing Games With Consumers (May 25, 2022); Bonnie Patten,
23 Exec. Dir., Truth In Advertising, Presentation at International Council for Ad Self-Regulation
24 Webinar: Roblox Metaverse: Playing Games with Consumers (July 6, 2022); Bonnie Patten, Exec.
25 Dir., Truth In Advertising, Presentation at Children and Screens Webinar: Captive Market:
26 Protecting Children in the New World of Online Advertising (March 1, 2023).

27 12. TINA.org's work on Roblox has also frequently been cited by the press, including by
28 the Wall Street Journal, Bloomberg, and AdAge. *See* Patrick Coffee, *Roblox Criticized by Children's*

1 *Advertising Watchdog*, Wall St. J., May 12, 2023, [https://www.wsj.com/articles/roblox-criticized-](https://www.wsj.com/articles/roblox-criticized-by-childrens-advertising-watchdog-8694a53b)
2 [by-childrens-advertising-watchdog-8694a53b](https://www.wsj.com/articles/roblox-criticized-by-childrens-advertising-watchdog-8694a53b); Cecilia D’Anastasio, *Roblox Jumps on Plan to*
3 *Introduce Immersive Ads in Games*, Bloomberg, Sept. 9, 2022,
4 [https://www.bloomberg.com/news/articles/2022-09-09/roblox-plans-to-introduce-ads-in-games-to-](https://www.bloomberg.com/news/articles/2022-09-09/roblox-plans-to-introduce-ads-in-games-to-boost-revenue)
5 [boost-revenue](https://www.bloomberg.com/news/articles/2022-09-09/roblox-plans-to-introduce-ads-in-games-to-boost-revenue); Asa Hiken, *Roblox Accused of Deceptive Marketing in Complaint to FTC*, AdAge,
6 Apr. 19, 2022, [https://adage.com/article/digital-marketing-ad-tech-news/roblox-accused-deceptive-](https://adage.com/article/digital-marketing-ad-tech-news/roblox-accused-deceptive-marketing-complaint-ftc/2412326)
7 [marketing-complaint-ftc/2412326](https://adage.com/article/digital-marketing-ad-tech-news/roblox-accused-deceptive-marketing-complaint-ftc/2412326).

8 13. TINA.org’s sole motivation for its proposed filing is to provide the Court with its
9 unique expertise and perspective as to the impact that the proposed settlement will have on the
10 consumers that will be affected by it – a settlement that it believes will not provide any meaningful
11 recovery to class members while inevitably leaving Roblox better off than if it had never been sued.

12 14. For these reasons, TINA.org moves for leave to appear as amicus curiae and submits
13 the amicus brief in opposition to the proposed settlement, attached as **Exhibit A** to this declaration.

14 15. I met and conferred with the parties in this action in an effort to obtain their consent
15 and/or non-opposition to this administrative motion. To date, neither party has provided their consent
16 and/or non-opposition.

17 16. Neither party in this action nor their counsel played any part in the drafting of this
18 brief or contributed in any other way.

19 I swear under the penalty of perjury of the laws of the United States that the
20 foregoing is true and correct.

21 DATED: August 9, 2023

22 **TRUTH IN ADVERTISING, INC.**

23 /s/ Laura Smith
24 Laura Smith, Legal Director

25
26 I, PETER FREDMAN, am the ECF User whose ID and password are being used to file
27 this document hereby attest that all signatories concur with this filing. /s/Peter Fredman
28

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorneys of record for each party through the Court’s electronic filing service on August 9, 2023, which will send notification of such filing to the e-mail addresses registered.

/s/ Peter Fredman
Peter Fredman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28