

IN THE CIRCUIT COURT OF DUPAGE COUNTY, ILLINOIS
LAW DIVISION

RYAN MOST, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

NESTLE PURINA PETCARE COMPANY,

Defendants.

Case No. 2024LA001255

**CLASS ACTION
COMPLAINT**

JURY DEMANDED

Candice Adams
e-filed in the 18th Judicial Circuit Court
DuPage County
ENVELOPE: 29919295
2024LA001255
FILEDATE: 10/24/2024 11:02 AM
Date Submitted: 10/24/2024 11:02 AM
Date Accepted: 10/24/2024 3:37 PM
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Now comes the Plaintiff, RYAN MOST (“Plaintiff”), individually and on behalf of all others similarly situated, by and through his attorneys, and for his Class Action Complaint against the Defendant, NESTLE PURINA PETCARE COMPANY (“Defendant”), Plaintiff alleges and states as follows:

PRELIMINARY STATEMENT

1. This is an action for damages, injunctive relief, and any other available legal or equitable remedies, for violations of Illinois Consumer Fraud and Deceptive Business Practices Act (“ILCFA”), 815 ILCS 505/1 *et seq.*, common law fraud, and unjust enrichment, resulting from the illegal actions of Defendants, in intentionally labeling their Products as containing “No artificial flavors, colors or preservatives”, when they contain the synthetic preservatives phosphoric acid and citric acid. Plaintiff alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his attorneys.

PARTIES

2. Plaintiff is an individual who was at all relevant times residing in Saint Charles, Illinois.

3. Defendant is a Missouri corporation, whose principal place of business is located in Saint Louis Missouri.

4. At all times relevant hereto, Defendants were engaged in the marketing and sale of cat treat products.

FACTS COMMON TO ALL COUNTS

5. Defendant advertises, markets, sells, and distributes pet products throughout Illinois and the United States.

6. During the Class Period Defendant sold all varieties of its Friskies Party Mix Natural Yums products (the “Products”) labeled, marketed, and advertised as containing “No Artificial Flavors Colors or Preservatives” but which actually contained phosphoric acid and citric acid.

7. The United States Food and Drug Administration (“FDA”) defines the term chemical preservative as: “any chemical that, when added to food, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.” 21 C.F.R. § 101.22.

8. Phosphoric acid can be commercially synthesized via the “wet process” with a reaction of sulfuric acid (H_2SO_4) with a phosphate rock, such as apatite or fluorapatite, which contains a mixture of calcium, phosphate, and fluoride minerals. Phosphate rock can be purified

to tricalcium phosphate. The reaction of tricalcium phosphate with sulfuric acid forms phosphoric acid and calcium sulfate.

9. This reaction appears as: $\text{Ca}_3(\text{PO}_4)_2 + 3 \text{H}_2\text{SO}_4 + 6 \text{H}_2\text{O} \rightarrow 2 \text{H}_3\text{PO}_4 + 3 (\text{CaSO}_4 \cdot 2\text{H}_2\text{O})$

10. Phosphoric acid, also known as orthophosphoric acid, is a triprotic acid that exists as a dense liquid. It is an irritant or corrosive to the skin, eyes, and other mucous membranes of both humans and animals.¹

11. Phosphoric acid has preservative effects on food as a function of its lowering of the pH which contributes to microbial inactivation.²

12. Based on the forgoing allegations, phosphoric acid is an artificially produced chemical that retards the deterioration consumer products. Therefore, phosphoric acid is an artificial chemical preservative.

13. Defendant also uses artificial citric acid in the Products. Many commercial food manufactures, including Defendant, use a synthetic form of citric acid that is derived from heavy chemical processing.³ Commercially produced citric acid is manufactured using a type biologically engineered black mold called *Aspergillus niger*.⁴ Chemical solvents such as n-octyl alcohol and synthetic isoparaffinic petroleum hydrocarbons are used to extract citric acid from

¹ C.B. Spainhour, *Phosphoric Acid*, in *Encyclopedia of Toxicology* 916 (Philip Wexler ed., 3d ed. 2014), <https://doi.org/10.1016/B978-0-12-386454-3.00904-0>.

² See J.B. Gurtler & T.L. Mai, *Preservatives | Traditional Preservatives – Organic Acids*, in *Encyclopedia of Food Microbiology* 119 (Carl A. Batt & Mary Lou Tortorello eds., 2d ed. 2014), <https://doi.org/10.1016/B978-0-12-384730-0.00260-3>.

³ A. Hesham, Y. Mostafa & L. Al-Sharqi, *Optimization of Citric Acid Production by Immobilized Cells of Novel Yeast Isolates*, 48 MYCOBIOLOGY 122, 123 (2020), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7178817/>

⁴ *Id*; Pau Loke Show, et al., *Overview of citric acid production from Aspergillus niger*, FRONTIERS IN LIFE SCIENCE, 8:3, 271-283 (2015), available at <https://www.tandfonline.com/doi/full/10.1080/21553769.2015.1033653>

aspergillus niger fermentation liquor.⁵ Citric acid produced through chemical solvent extraction contains residues of those chemical solvents. Consumption of manufactured citric acid has been associated with adverse health events like joint pain with swelling and stiffness, muscular and stomach pain, as well as shortness of breath.⁶ Defendants use synthetic manufactured citric acid in the Products.

14. In warning letters sent to Oak Tree Farm Dairy, Inc. and the Hirzel Canning Company, the FDA warned that certain products were misbranded under the Federal Food Drug and Cosmetics Act because adding citric acid to the products precluded the use of the term “natural” to describe the products.⁷

15. Citric acid acts as a preservative when added to food products, including the Products at issue. The FDA has listed citric acid as a preservative in its “Overview of Food Ingredients, Additives and Colors” as shown below:⁸

Types of Ingredients	What They Do	Examples of Uses	Names Found on Product Labels
Preservatives	Prevent food spoilage from bacteria, molds, fungi, or yeast (antimicrobials); slow or prevent changes in color, flavor, or texture and delay rancidity (antioxidants); maintain freshness	Fruit sauces and jellies, beverages, baked goods, cured meats, oils and margarinnes, cereals, dressings, snack foods, fruits and vegetables	Ascorbic acid, citric acid , sodium benzoate, calcium propionate, sodium erythorbate, sodium nitrite, calcium sorbate, potassium sorbate, BHA, BHT, EDTA, tocopherols (Vitamin E)

16. In a warning letter sent to Chiquita Brands International, Inc. and Fresh Express, Inc., the FDA warned that certain products were misbranded under the Federal Food Drug and Cosmetics Act because they “contain the *chemical preservatives ascorbic acid and citric acid* but

⁵ 21 CFR 173.280

⁶ Iliana E. Sweis, et al., *Potential role of the common food additive manufactured citric acid in eliciting significant inflammatory reactions contributing to serious disease states: A series of four case reports*, TOXICOL REP. 5:808-812 (2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6097542/>

⁷ See Exhibit A attached hereto

⁸ *Overview of Food Ingredients, Additives & Colors*, FOOD AND DRUG ADMINISTRATION, available at <https://web.archive.org/web/20220901032454/http://www.fda.gov/food/food-ingredients-packaging/overview-food-ingredients-additives-colors>

their labels fail to declare these *preservatives* with a description of their functions. 21 C.F.R. [§] 101.22” (emphasis added).

17. The Encyclopedia Britannica also classifies citric acid as a preservative because it has antioxidant properties, as shown below⁹:

Preservatives

Food preservatives are classified into two main groups: antioxidants and antimicrobials. Antioxidants are compounds that delay or prevent the deterioration of foods by oxidative mechanisms. Antimicrobial agents inhibit the growth of spoilage and pathogenic microorganisms in food.

Food preservatives	
chemical agent	mechanism of action
Antioxidants	
ascorbic acid	oxygen scavenger
butylated hydroxyanisole (BHA)	free radical scavenger
butylated hydroxytoluene (BHT)	free radical scavenger
citric acid	enzyme inhibitor/metal chelator
sulfites	enzyme inhibitor/oxygen scavenger
tertiary butylhydroquinone (TBHQ)	free radical scavenger
tocopherols	free radical scavenger

18. The Agricultural Marketing Service of the United States Department of Agriculture (“USDA”) has also recognized the use of citric acid as a preservative stating that “Citric acid has a wide variety of uses, some of which can provide preservative functions, primarily though lowering the pH of the food.”¹⁰

⁹ *Preservatives*, BRITANNICA, available at <https://www.britannica.com/topic/food-additive/Preservatives#ref502211>

¹⁰ *Citric Acid and Salts*, UNITED STATES DEPARTMENT OF AGRICULTURE, available at <https://www.ams.usda.gov/sites/default/files/media/Citric%20Acid%20TR%202015.pdf>.

19. The USDA's Food Safety Inspection Service's "Guideline for Label Approval" states that "[s]ome common chemical preservatives include BHA, BHT, calcium propionate, citric acid, natamycin and sodium propionate."¹¹

20. Several academic journals also note the use of citric acid as a preservative.¹² Indeed, "Citric acid acts as a preservative in many processed foods, keeping them fresh. It does this by slowing or helping prevent the formation of bacteria, mold, yeast, and fungus."¹³ "Today, citric acid is one of the most common and widely-used preservatives in the world[.]"¹⁴

21. Citric acid and sodium phosphate are preservatives in the Products regardless of whether Defendants intended to use them as preservatives. Preservatives maintain the same food deterioration retardant properties even if they are also added to the Products for some other use. See 21 C.F.R. §101.22(a)(5) (defining preservatives as "any chemical that, when added to food, tends to prevent or retard deterioration") (emphasis added); see also Merriam-Webster's Dictionary (defining "preservative" as "something that preserves or *has the power of preserving*.")) (emphasis added).¹⁵

¹¹ FSIS Guideline for Label Approval, UNITED STATES DEPARTMENT OF AGRICULTURE, available at https://www.fsis.usda.gov/sites/default/files/media_file/documents/FSIS-GD-2023-0001.pdf

¹² K. Kirimura, et al., *Citric Acid*, COMPREHENSIVE BIOTECHNOLOGY (SECOND EDITION) (2011), available at <https://www.sciencedirect.com/science/article/abs/pii/B9780080885049001690?via%3Dihub>; K.M.S. Islam, *Use of citric acid in broiler diets*, WORLD'S POULTRY SCIENCE JOURNAL VOL. 68, ISSUE 1 (Feb. 21, 2012), available at <https://www.cambridge.org/core/journals/world-s-poultry-science-journal/article/abs/use-of-citric-acid-in-broiler-diets/DA15C2C1F90667525BF2414DF3BFF646> ("Citric Acid (CA) is a weak organic acid which is a natural preservative and can add an acidic or sour taste to foods and soft drinks.").

¹³ *What is citric acid, and what is it used for?*, MEDICAL NEWS TODAY (July 23, 2021), available at <https://www.medicalnewstoday.com/articles/citric-acid>

¹⁴ *Citric Acid: One of the Most Important Preservatives in The World*, FBC INDUSTRIES, INC. (Feb. 5, 2019), available at <https://fbcindustries.com/citric-acid-one-of-the-most-important-preservatives-in-the-world/>

¹⁵ *Preservative*, MERRIAM-WEBSTER'S DICTIONARY, available at https://www.merriam-webster.com/dictionary/preservative?utm_campaign=sd&utm_medium=serp&utm_source=jsonld

22. On June 24, 2024, Plaintiff purchased a Product labeled, marketed, and sold as containing “No Artificial Flavors Colors or Preservatives” from a PetSmart in South Elgin, Illinois.

23. Plaintiff, and reasonable consumers, understand that products labeled as containing “No Artificial Flavors Colors or Preservatives” will not contain any artificial preservatives.

24. Reasonable consumers, and Plaintiff, understand the term artificial based on common parlance, such that “artificial” means “made by people.”¹⁶

25. Reasonable consumers, and Plaintiff, understand the term preservative based on common parlance, such that “preservative” means “a chemical used to stop food from decaying”.¹⁷

26. Persons, like Plaintiff herein, have an interest in purchasing products that do not contain false and misleading claims with regards to the contents of the Products.

27. By making false and misleading claims about the contents of its Products, Defendant impaired Plaintiff’s ability to choose the type and quality of products he chose to buy.

28. Therefore, Plaintiff has been deprived of her legally protected interest to obtain true and accurate information about his consumer products as required by law.

29. As a result of Defendant’s fraudulent labeling, Plaintiff and the Class have been misled into purchasing Products that did not provide them with the benefit of the bargain they paid money for, namely that the Products would not contain artificial preservatives.

30. As a result of Defendant’s fraudulent labeling, Plaintiff and the Class paid a price premium for premium Products, but instead received non-premium Products.

¹⁶Cambridge English Dictionary, s.v. “artificial,” accessed November 21, 2023, <https://dictionary.cambridge.org/us/dictionary/english/artificial>.

¹⁷ Cambridge English Dictionary, s.v. “preservative,” accessed November 21, 2023, <https://dictionary.cambridge.org/us/dictionary/english/preservative>.

31. Plaintiff and the Class purchased Defendant's Products because Defendant's advertising claimed that the Products did not contain artificial preservatives.

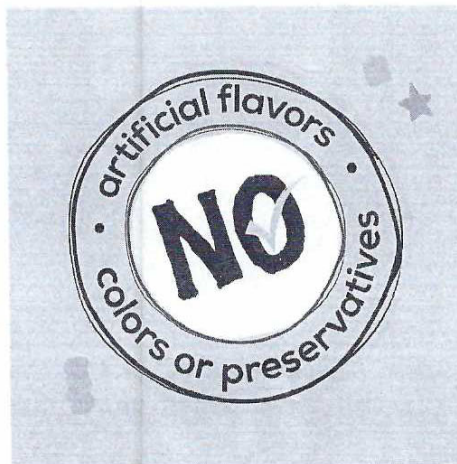
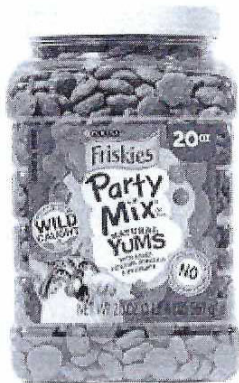
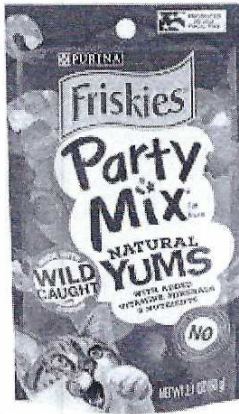
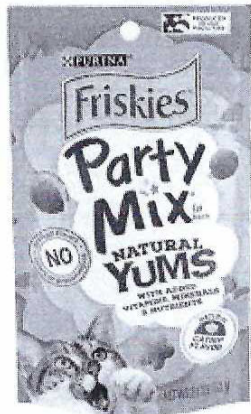
32. Plaintiff would not have been able to understand that the Product he purchased contained artificial preservatives without an advanced understanding of chemistry.

33. Furthermore, due to Defendant's intentional, deceitful practice of falsely labeling the Products as containing "No Artificial Flavors Colors or Preservatives" Plaintiff could not have known that the Product contained artificial preservatives.

34. Plaintiff was unaware that the Product contained an artificial preservative when he purchased it.

35. The following are examples of Defendant's misleading labels:





36. Worse than the lost money, Plaintiff, the Class, and Sub-Class were deprived of their protected interest to choose the type and quality of products they ingest.

37. Defendant, and not Plaintiff, the Class, or Sub-Class, knew or should have known that labeling, marketing, and selling the Products as containing “No Artificial Flavors Colors or Preservatives” was false, deceptive, and misleading, and that Plaintiff, the Class, and Sub-Class members would not be able to tell the Products they purchased contained artificial preservatives unless Defendant expressly told them.

38. On information and belief, Defendant did know that Products contained artificial preservatives but chose to label the Products with containing “No Artificial Flavors Colors or

Preservatives” labeling because it did not believe its customers were well educated enough to know the difference.

39. On information and belief, Defendant employs professional chemists to create the chemical formulas of the Products, therefore, Defendant through its employees knew or should have known that phosphoric acid and citric acid retard the deterioration of food products and are therefore chemical preservatives.

40. As a result of Defendant’s acts and omissions outlined above, Plaintiff has suffered concrete and particularized injuries and harm, which include, but are not limited to, the following:

- a. Lost money;
- b. Wasting Plaintiff’s time; and
- c. Stress, aggravation, frustration, loss of trust, loss of serenity, and loss of confidence in product labeling.

CLASS ALLEGATIONS

41. Plaintiff brings this action on behalf of himself and all others similarly situated, as a member of the proposed class (the “Class”), defined as follows:

All persons within the United States who purchased the Products within five years prior to the filing of the Complaint through the date of class certification.

42. Plaintiff also brings this action on behalf of himself and all others similarly situated, as a member of the proposed sub-class (the “Sub-Class”), defined as follows

All persons within the State of Illinois who purchased the Products within five years prior to the filing of the Complaint through the date of class certification.

43. The Class and the Sub-Class satisfy all of the requirements of the Illinois Code of Civil Procedure for maintaining a class action, specifically:

- a. Upon information and belief, the Class and the Sub-Class are so numerous that joinder of all members is impracticable. On information and belief there are hundreds, if not thousands of individuals in the United States and the State of Illinois who purchased the products within the applicable statute of limitations period.
- b. There are questions of fact and/or law which are common to the Class and the Sub-Class, and which predominate over questions affecting any individual Class or Sub-Class members. These common questions of fact and law include, but are not limited to:
 - i. Whether Defendant disseminated false and misleading information by claiming the Products as containing “No Artificial Flavors Colors or Preservatives”;
 - ii. Whether the Class and Sub-Class members were informed that the Products contained artificial preservatives;
 - iii. Whether the Products contained artificial preservatives;
 - iv. Whether Defendant’s conduct was unfair and deceptive;
 - v. Whether Defendant unjustly enriched itself as a result of the unlawful conduct alleged above;
 - vii. Whether there should be a tolling of the statute of limitations; and
 - viii. Whether the Class and Sub-Class members are entitled to restitution, actual damages, punitive damages, and attorneys’ fees and costs.
- c. Plaintiff’s claims are typical of the Class and the Sub-Class, which all arise from the same operative set of facts and are based on the same legal theories

- d. Plaintiff has no interests adverse or antagonistic to the interests of the other members of the Class and the Sub-Class.
- e. Plaintiff will fairly and adequately protect the interests of the Class and the Sub-Class and Plaintiff has retained experienced and competent attorneys to represent the Class and the Sub-Class.
- f. This class action is a fair and efficient adjudication of the controversy alleged herein. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.
- g. This class action will permit large numbers of similarly situated persons to prosecute their common claims in a single forum simultaneously and without the duplication of effort and expense that numerous individual actions would engender. This class action will also permit the adjudication of relatively small claims by many Class and Sub-Class members who would not otherwise be able to afford to seek legal redress for the wrongs complained of herein. Absent a class action, Class and Sub-Class members will continue to suffer losses of legally protected rights, as well as monetary damages. If Defendants' conduct is allowed proceed to without remedy, Defendants will continue to benefit financially from such conduct.
- h. Defendants have acted on grounds generally applicable to the entire Class and Sub-Class, thereby making it appropriate for the Court to order final monetary, injunctive, and declaratory relief with respect to the Class and the Sub-Class as a whole.

44. Defendant, its employees and agents are excluded from the Class and Sub-Class. Plaintiff does not know the number of members in the Class and Sub-Class, but believes the members number in the thousands, if not more. Thus, this matter should be certified as a Class Action to assist in the expeditious litigation of the matter.

45. The size and definition of the Class and Sub-Class can be identified by Defendant's own records.

COUNT I
VIOLATIONS OF THE ILLINOIS CONSUMER FRAUD AND
DECEPTIVE BUSINESS PRACTICES ACT, 815 ILCS 505/1, et seq.

46. Plaintiff incorporates all of the allegations and statements made in Paragraphs 1 through 45 above as if fully reiterated herein.

47. Plaintiff is a "person" as defined in 815 ILCS 505/1(c), as he is a natural person.

48. Defendant is a "person" as defined in 815 ILCS 505/1(c), as it is a company and a business entity and/or association.

49. 815 ILCS 505/2 states:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact, or the use or employment of any practice described in Section 2 of the "Uniform Deceptive Trade Practices Act", approved August 5, 1965, in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby.

50. Through its representation that the Products contain "No Artificial Flavors Colors or Preservatives" Defendant made false promises, misrepresentations, concealments, suppressions, and omissions of material facts, with the intent that Plaintiff rely upon said false promises, misrepresentations, concealments, suppressions, and omissions of material facts.

51. 815 ILCS 505/10a states:

(a) Any person who suffers actual damage as a result of a violation of this Act committed by any other person may bring an action against such person. The court, in its discretion may award actual economic damages or any other relief which the court deems proper...

(c) [T]he Court may grant injunctive relief where appropriate and may award, in addition to the relief provided in this Section, reasonable attorney's fees and costs to the prevailing party.

52. In taking the actions and omissions set forth above, and making the false promises, misrepresentations, concealments, suppressions, and omissions of material facts set forth above, Defendant violated the Illinois Consumer Fraud and Deceptive Business Practices Act, including, but not limited to, 815 ILCS 505/2.

53. Defendant failed to comply with the requirements of the ILCFA, including, but not limited to, 815 ILCS 505/2 as to the Class and Sub-Class members with respect to the above-alleged transactions

54. By reason thereof, Plaintiff is entitled to a judgment against Defendant, declaring that Defendant's conduct violated 815 ILCS 505/2, enjoining Defendant from engaging in similar conduct in the future, and awarding actual damages, punitive damages, injunctive relief, costs, and attorneys' fees.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for a judgment against Defendant as follows:

- a. An order certifying the Class and the Sub-Class and appointing Plaintiff as Representative of the Class and the Sub-Class;
- b. An order certifying the undersigned counsel as the Class and Sub-Class Counsel;

- c. An order requiring Defendant, at its own cost, to notify all members of the Class and the Sub-Class of the unlawful, unfair, deceptive, and unconscionable conduct herein;
- d. Judgment against Defendant in an amount to be determined at trial;
- e. An order for injunctive relief prohibiting such conduct by Defendant in the future;
- f. Judgment against Defendant for Plaintiff's attorneys' fees, court costs, and other litigation costs; and
- g. Any other relief deemed just and proper by this Court.

COUNT II
COMMON LAW FRAUD

55. Plaintiff incorporates all of the allegations and statements made in Paragraphs 1 through 45 above as if fully reiterated herein.

56. Through its false statements that the Products contain "No Artificial Flavors Colors or Preservatives" Defendant made false statements of material fact.

57. At the time Defendant made its statements to Plaintiff that the Products did not contain artificial preservatives, it knew, or reasonably should have known, that the statements described above were false.

58. At the time Defendant made the statements to Plaintiff, Defendant intended to induce Plaintiff to purchase the Products.

59. Plaintiff relied upon the truth of the statements described above and purchased the Products, only to find that the Product he purchased contained artificial preservatives.

60. As a result of their reasonable reliance upon Defendant's false statements of material fact as set forth above, Plaintiff and other members of the Class and Sub-Class have

suffered concrete and particularized injuries, harm, and damages which include, but are not limited to, the loss of money spent on products they did not want to buy, and stress, aggravation, frustration, inconvenience, emotional distress, mental anguish, and similar categories of damages.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for a judgment against Defendant as follows:

- a. An order certifying the Class and the Sub-Class and appointing Plaintiff as Representative of the Class and the Sub-Class;
- b. An order certifying the undersigned counsel as the Class and Sub-Class Counsel;
- c. An order requiring Defendant, at its own cost, to notify all members of the Class and the Sub-Class of the unlawful, unfair, deceptive, and unconscionable conduct herein;
- d. Judgment against Defendant in an amount to be determined at trial;
- e. An order for injunctive relief prohibiting such conduct by Defendant in the future;
- f. Judgment against Defendant for Plaintiff's attorneys' fees, court costs, and other litigation costs; and
- g. Any other relief deemed just and proper by this Court.

COUNT III
UNJUST ENRICHMENT

61. Plaintiff incorporates all of the allegations and statements made in Paragraphs 1 through 45 above as if fully reiterated herein.
62. Plaintiff conferred monetary benefits to Defendant by purchasing the Products.
63. Defendant has been unjustly enriched by retaining the revenues derived from

Plaintiff's purchase of the Products based on the false statements that the Products contain "No Artificial Flavors Colors or Preservatives"

64. Defendant's retention of the revenue it received from Plaintiff, and the Class and Sub-Class members, is unjust and inequitable because Defendant's false statements caused injuries to Plaintiff, and the Class and Sub-Class members, as they would not have purchased the Products, or would not have paid a premium price, if they knew the Products contained artificial preservatives.

65. Defendant's unjust retention of the benefits conferred on it by Plaintiff, and the Class and Sub-Class members, entitles Plaintiff, and the Class and Sub-Class members, to restitution of the money they paid to Defendant for the Products.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for a judgment against Defendant as follows:

- a. An order certifying the Class and the Sub-Class and appointing Plaintiff as Representative of the Class and the Sub-Class;
- b. An order certifying the undersigned counsel as the Class and Sub-Class Counsel;
- c. An order requiring Defendant, at its own cost, to notify all members of the Class and the Sub-Class of the unlawful, unfair, deceptive, and unconscionable conduct herein;
- d. Judgment against Defendant in an amount to be determined at trial;
- e. An order for injunctive relief prohibiting such conduct by Defendant in the future;

- f. Judgment against Defendant for Plaintiff's attorneys' fees, court costs, and other litigation costs; and
- g. Any other relief deemed just and proper by this Court.

JURY DEMAND

Plaintiff demands a trial by jury on all issues in this action so triable, except for any issues relating to the amount of attorneys' fees and costs to be awarded should Plaintiff prevail on any of her claims in this action.

RESPECTFULLY SUBMITTED,

RYAN MOST



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