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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
GLENDALE, CA

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13

14 SADISHA PERERA, on behalf of
herself and all others similarly
15 situated,

16 Plaintiffs,

17 v.

18 PACIFIC FOODS OF OREGON,
INC. (also d/b/a Pacific Natural
19 Foods), and DOES 1 through 10,
inclusive,

20 Defendants.
21

Case No.: **SACV13-01788 CJC (DFMx)**

COMPLAINT
CLASS ACTION

[Violations of California's Unfair
Competition Law, California Business &
Professions Code § 17200 *et seq.*,
California's False Advertising Law,
California Business & Professions Code
§ 17500 *et seq.*, and California's
Consumers Legal Remedies Act,
California Civil Code § 1750 *et seq.*]

DEMAND FOR JURY TRIAL

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25 Plaintiff, by her counsel of record, brings this action on her own behalf and
26 on behalf of all others similarly situated, and alleges the following upon personal
27 knowledge, or where there is not personal knowledge, upon information and belief:
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1 **INTRODUCTION**

2 1. Food and beverage manufacturers have sought to capitalize on the fast-
3 growing market for natural products, which is now a multi-billion dollar industry.

4 2. Unfortunately, not all manufacturers truthfully represent their products.

5 3. Instead, some manufactures seek to capture a share of the market by
6 touting their products as "all natural" when in fact that is not true.

7 4. Defendant PACIFIC FOODS OF OREGON, INC., which also does
8 business as Pacific Natural Foods ("Pacific Natural Foods"), is an example of a
9 manufacturer who has sought to exploit the market for natural products by
10 representing that its products are "all natural."

11 5. Pacific Natural Foods manufactures several food products, including a
12 line of non-dairy beverage products which include the Hemp Non-Dairy Beverage
13 Unsweetened (Vanilla) product. Pacific Natural Foods prominently labels these
14 products as "all natural" when in fact they contain artificial ingredients. Moreover,
15 Pacific Natural Foods claims that some of its products contain "evaporated cane
16 juice" when in fact its products do not contain any such juice and instead contain
17 sugars or syrups.

18 6. This lawsuit seeks redress on behalf of a nationwide class of consumers
19 who purchased Pacific Natural Foods Products which claimed to be "all natural"
20 and/or claimed to contain "evaporated cane juice."
21

22 **JURISDICTION AND VENUE**

23 7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §
24 1332(d)(2), because the proposed class has more than 100 class members, the
25 proposed class contains at least one class member who is a citizen of a State
26 different from any defendant, and the matter in controversy exceeds the sum of
27 \$5,000,000.
28

1 8. This Court has personal jurisdiction over Defendants because each
2 conducts business in California, intentionally avails itself of the markets and
3 benefits of California through its marketing and sales of the products at issue in
4 California so as to render the exercise of jurisdiction by this Court consistent with
5 traditional notions of fair play and substantial justice, and a substantial part of the
6 acts and omissions giving rise to the claims occurred within California.

7 9. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) and
8 (c) in that Defendants reside in this judicial district, Defendants have done and
9 continue to do business, and intentionally avail themselves of the markets within
10 this district, and this is a class action case in which a substantial part of the acts and
11 omissions giving rise to the claims occurred within this judicial district, in Orange
12 County, California.

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PARTIES

15 10. Plaintiff, SADISHA PERERA, is and at all times relevant hereto was a
16 resident of the State of California.

17 11. Defendant PACIFIC FOODS OF OREGON, INC., which also does
18 business as Pacific Natural Foods, is a corporation organized and existing under the
19 laws of the State of Oregon. Defendant manufactures, markets, and sells its
20 products throughout California and the United States. Defendant is a leading
21 producer of retail food products, including the products at issue herein. Defendant
22 sells its food products to consumers through grocery and other retail stores
23 throughout the United States.

24 12. At all times mentioned in this Complaint, Defendants and each of them
25 were the agents, employees, joint venturer, and or partners of each other and were
26 acting within the course and scope of such agency, employment, joint venturer and
27 or partnership relationship and or each of the Defendants ratified and or authorized
28 the conduct of each of the other Defendants.

1 13. Plaintiff does not know the true names and capacities of defendants
2 sued herein as DOES 1 through 10, inclusive, and therefore sues these defendants by
3 such fictitious names. Plaintiff is informed and believes that each of the DOE
4 defendants was in some manner legally responsible for the wrongful and unlawful
5 conduct and harm alleged herein. Plaintiff will amend this Complaint to set forth
6 the true names and capacities of these defendants when they have been ascertained,
7 along with appropriate charging allegations.

8 14. Defendant PACIFIC FOODS OF OREGON, INC. and DOES 1
9 through 10 are collectively referred to as Defendants.

10
11 **FACTUAL ALLEGATIONS CONCERNING**
12 **PACIFIC NATURAL FOODS PRODUCTS**

13 15. Within the last four years, Plaintiff purchased some of Defendants'
14 Pacific Natural Foods Products¹, including the Hemp Non-Dairy Beverage
15 Unsweetened (Vanilla) product.

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28 ¹ The phrase "Pacific Natural Foods Products" as used in this Complaint includes the Hemp Non-Dairy Beverage Unsweetened (Vanilla) product and the Substantially Similar Products described in paragraphs 44 through 46, below.

1 16. The Hemp Non-Dairy Beverage Unsweetened (Vanilla) product
2 purchased by Plaintiff has the following labels:



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1 17. The label of the Hemp Non-Dairy Beverage Unsweetened (Vanilla)
2 product includes the following representations on the product's package:

3 **"all natural"** (front of package);

4 **"all natural"** (side of package);

5 **"all natural"** (back of package);

6 **"natural nutrition"** (back of package);

7 **"Pacific Natural Foods"** (side of package);

8 **"good starts here"** (side of package);

9 **"When nature provides such delicious ingredients to work with, the key**
10 **is to keep it simple"** (side of package); and

11 **"Ingredients from farmers and suppliers who share our high standards**
12 **of quality"** (side of package).

13 18. The ingredients on the side label of the Hemp Non-Dairy Beverage
14 Unsweetened (Vanilla) product's package states as follows:

15 **"INGREDIENTS:** HEMP NUT BASE (FILTERED WATER,
16 WHOLE HEMP NUT [SHELLED HEMP SEED]), NATURAL
17 VANILLA FLAVOR WITH OTHER NATURAL FLAVORS,
18 CALCIUM PHOSPHATE, DISODIUM PHOSPHATE, GUM
19 ARABIC, XANTHAN GUM, CARRAGEENAN, VITAMIN A
PALMITATE, VITAMIN D2, RIBOFLAVIN (B2), VITAMIN B12."

20 19. Defendants unlawfully misbranded and falsely, misleadingly and
21 deceptively represented the Hemp Non-Dairy Beverage Unsweetened (Vanilla)
22 product as "all natural" despite that it contains non-natural ingredients, including the
23 following artificial or synthetic ingredients: Calcium Phosphate, Disodium
24 Phosphate, Xanthan Gum, Vitamin A Palmitate, Vitamin D2, Riboflavin, and
25 Vitamin B12."²

26 20. The size and placement of ingredients, which appear in smaller print
27 and on the side of each of the Pacific Natural Foods Products' packaging, are in

28 ² Plaintiff reserves the right to amend these allegations if additional investigation or discovery reveals other non-natural ingredients.

1 stark contrast to the conspicuous "all natural" representations, which appear in larger
2 print and in more prominent locations on the packaging.

3 21. Reasonable consumers, including Plaintiff, do not have the specialized
4 knowledge necessary to identify ingredients in Pacific Natural Foods Products as
5 being inconsistent with the "all natural" and "juice" claims.

6 22. A claim that a product is "all natural" is material to a reasonable
7 consumer.

8 23. A reasonable consumer would expect that a product labeled as "all
9 natural" does not contain any artificial, synthetic or extensively processed
10 ingredients.

11 24. This expectation of a reasonable consumer is consistent with the
12 common use of the word "natural" as well as with the views of the federal
13 government and its agencies.

14 25. The Food and Drug Administration ("FDA") has repeatedly stated its
15 policy to restrict the use of the term "natural" in connection with added color,
16 synthetic substances and flavors addressed in 21 C.F.R. § 101.22.

17 26. 21 C.F.R. § 101.22 distinguishes between artificial versus natural
18 foods, spices, flavorings, colorings, and preservatives on food labels. Any coloring
19 or preservative can preclude the use of the term "natural" even if the coloring or
20 preservative is derived from natural sources.

21 27. The Food and Drug Administration ("FDA") has repeatedly affirmed its
22 policy through guidelines that define the appropriate boundaries for using the term
23 "natural." According to the FDA:

24 "The agency will maintain its current policy ... not to restrict the use
25 of the term 'natural' except for added color, synthetic substances, and
26 flavors as provided in § 101.22. Additionally, the agency will
27 maintain its policy ... regarding the use of 'natural' as meaning that
28 nothing artificial or synthetic (including all color additives regardless
of source) has been included in, or has been added to, a food that
would not normally be expected to be in the food. Further ... the

1 agency will continue to distinguish between natural and artificial
2 flavors as outlined in § 101.22." 58 Federal Register 2302, 2407 (Jan.
3 6, 1993).

4 28. The FDA Compliance Policy Guide Sec. 587.100 further provides that:
5 "The use of the words 'food color added,' 'natural color,' or similar
6 words containing the term 'food' or 'natural' may be erroneously
7 interpreted to mean the color is a naturally occurring constituent in the
8 food. Since all added colors result in an artificially colored food, we
9 would object to the declaration of any added color as 'food' or
10 'natural.'"

11 29. Additionally, some of Defendants' Pacific Natural Foods Products
12 contain ingredients from otherwise natural sources that have been extensively
13 processed. As an example, "evaporated cane juice" is the end product of sugar cane
14 being extensively processed. Some manufacturers of so-called "evaporated cane
15 juice" add synthetic substances such as Phosphoric Acid and/or Calcium Hydroxide
16 to extract cane syrup prior to evaporation. Phosphoric Acid and Calcium Hydroxide
17 are both synthetic ingredients.

18 30. Moreover, Defendants' Pacific Natural Foods Products which claim to
19 contain "evaporated cane juice" are misbranded, as well as false and misleading,
20 because they do not actually contain "juice" but instead contain sugar or syrup
21 derived from sugar.

22 31. 21 C.F.R. § 120.1 defines "juice" as "the aqueous liquid expressed or
23 extracted from one or more fruits or vegetables...."

24 32. 21 C.F.R. § 168.130, requires that "the liquid food derived ... of the
25 juice of sugarcane ... or by solution in water of sugarcane concentrate made from
26 such juice" shall go by the name "cane sirup" or "sugar cane sirup." Alternatively,
27 the word "sirup" may be spelled "syrup." *Ibid.*

28 33. Federal regulations instruct that ingredients must be described by their
common or usual names, 21 C.F.R. § 101.4(a)(1), and not by a name that is

1 "confusingly similar to the name of any other food that is not reasonably
2 encompassed within the same name," 21 C.F.R. § 102.5(a), (d).

3 34. The FDA has indicated that the use of the term "cane juice" is false and
4 misleading, since it is not actually "juice" but sugar or syrup derived from sugar.
5 See FDA Guidance for Industry: Ingredients Declared as Evaporated Cane Juice;
6 Draft Guidance, October 2009.

7 35. In its guidance to the food industry, the FDA explained, among other
8 things, as follows:

9 "[T]he term 'evaporated cane juice' has started to appear as an
10 ingredient on food labels, most commonly to declare the presence of
11 sweeteners derived from sugar cane syrup. However, FDA's current
12 policy is that sweeteners derived from sugar cane syrup should not be
13 declared as 'evaporated cane juice' because that term falsely suggests
14 that the sweeteners are juice [].

15 'Juice' is defined by 21 CFR 120.1(a) as 'the aqueous liquid
16 expressed or extracted from one or more fruits or vegetables, purees
17 of the edible portions of one or more fruits or vegetables, or any
18 concentrates of such liquid or puree....'

19 As provided in 21 CFR 101.4(a)(1), 'Ingredients required to be
20 declared on the label or labeling of a food ... shall be listed by
21 common or usual name....' The common or usual name for an
22 ingredient is the name established by common usage or by regulation
(21 CFR 102.5(d)). The common or usual name must accurately
23 describe the basic nature of the food or its characterizing properties or
24 ingredients, and may not be 'confusingly similar to the name of any
25 other food that is not reasonably encompassed within the same name'
(21 CFR 102.5(a)).

26 Sugar cane products exist in many different forms, ranging from
27 raw sugars and syrups to refined sugar and molasses. These products
28 are differentiated by their moisture, molasses, and sucrose content as
well as by crystal size and any special treatments (e.g., treatment with
sulfur). Sugar cane products with common or usual names defined by
regulation are sugar (21 CFR 101.4(b)(20)) and cane sirup
(alternatively spelled 'syrup') (21 CFR 168.130). Other sugar cane
products have common or usual names established by common usage

1 (e.g., molasses, raw sugar, brown sugar, turbinado sugar, muscovado
2 sugar, and demerara sugar)....

3 The intent of this draft guidance is to advise the regulated
4 industry of FDA's view that the term 'evaporated cane juice' is not the
5 common or usual name of any type of sweetener, including dried cane
6 syrup. Because cane syrup has a standard of identity defined by
7 regulation in 21 CFR 168.130, the common or usual name for the
8 solid or dried form of cane syrup is 'dried cane syrup.'

9 Sweeteners derived from sugar cane syrup should not be listed
10 in the ingredient declaration by names which suggest that the
11 ingredients are juice, such as 'evaporated cane juice.' FDA considers
12 such representations to be false and misleading under section
13 403(a)(1) of the Act (21 U.S.C. 343(a)(1)) because they fail to reveal
14 the basic nature of the food and its characterizing properties (i.e., that
15 the ingredients are sugars or syrups) as required by 21 CFR 102.5."
16 See FDA Guidance for Industry: Ingredients Declared as Evaporated
17 Cane Juice; Draft Guidance, October 2009.

18 36. Because Defendants' Pacific Natural Foods Products, which claim to
19 contain "evaporated cane juice" are false and misleading, and misbranded, they have
20 no value as a matter of law.

21 37. Defendants engaged in an extensive and long-term advertising
22 campaign labeling and otherwise marketing their Pacific Natural Foods Products,
23 including the Hemp Non-Dairy Beverage Unsweetened (Vanilla) product, as "all
24 natural" when, in fact, they are not "all natural."

25 38. Plaintiff purchased certain Pacific Natural Foods Products, including
26 the Hemp Non-Dairy Beverage Unsweetened (Vanilla) product, in reliance on
27 Defendants' representations and omissions on the products' labels that the products
28 were "all natural."

39. Plaintiff reasonably and justifiably relied on the "all natural"
representations on Pacific Natural Foods Products, including the Hemp Non-Dairy
Beverage Unsweetened (Vanilla) product, and based her decision to purchase such
products in substantial part on such representations.

1 40. Plaintiff also reasonably assumed that the Pacific Natural Foods
2 Products were not misbranded and were legal to offer for sale and to purchase.

3 41. Plaintiff was misled and deceived by Defendants' misbranded products
4 and label representations and would not have purchased the Pacific Natural Foods
5 Products, including the Hemp Non-Dairy Beverage Unsweetened (Vanilla) product,
6 in the absence of the foregoing "all natural" representations and omissions.

7 42. Plaintiff relied on Defendants' misbranded labels and false, misleading
8 and deceptive labeling claims and omissions and suffered injury in fact and a loss of
9 money with each purchase of Defendants' Pacific Natural Foods Products.

10 43. As a result of Defendants' misbranding and false, misleading and
11 deceptive labeling claims and omissions, consumers such as Plaintiff did not receive
12 the benefit of their bargain when they purchased Pacific Natural Foods Products.
13 They each paid money for a product(s) that is misbranded (and therefore has no
14 value as a matter of law), and is not what it claims to be or what they bargained for.
15 They also paid a premium for the Pacific Natural Foods Products and lost the
16 opportunity to purchase and consume other, truly all natural foods.

17 44. In addition to the Hemp Non-Dairy Beverage Unsweetened (Vanilla)
18 product, Defendants also misbranded and misrepresented other substantially similar
19 Pacific Natural Foods products ("Substantially Similar Products"). Each of the
20 Substantially Similar Products makes the same label misrepresentations and violates
21 the same California Sherman Food, Drug, And Cosmetic Law, California Health &
22 Safety Code § 109875 *et seq.*, laws as the Hemp Non-Dairy Beverage Unsweetened
23 (Vanilla) product.

24 45. The Substantially Similar Products include the following Pacific
25 Natural Foods products labeled as "all natural:"

- 26 • Hazelnut Non-Dairy Beverage (Original);
- 27 • Hazelnut Non-Dairy Beverage (Chocolate);
- 28 • Hemp Non-Dairy Beverage (Original);

- 1 • Hemp Non-Dairy Beverage Unsweetened (Original);
- 2 • Hemp Non-Dairy Beverage (Chocolate);
- 3 • Hemp Non-Dairy Beverage (Vanilla);
- 4 • Rice Non-Dairy Beverage (Original);
- 5 • Rice Non-Dairy Beverage (Vanilla);
- 6 • Ultra Soy Non-Dairy Beverage (Original); and
- 7 • Ultra Soy Non-Dairy Beverage (Vanilla).

8 46. The Substantially Similar Products include the following Pacific
9 Natural Foods products labeled as containing "evaporated cane juice:"

- 10 • Hazelnut Non-Dairy Beverage (Chocolate);
- 11 • Ultra Soy Non-Dairy Beverage (Original);
- 12 • Ultra Soy Non-Dairy Beverage (Vanilla);
- 13 • Select Soy Non-Dairy Beverage (Original); and
- 14 • Select Soy Non-Dairy Beverage (Vanilla).

15 47. Plaintiff reserves the right to add additional products to the lists of
16 Substantially Similar Products set forth in paragraphs 45 and 46, above, based upon
17 additional investigation or discovery.

18 48. Defendants know that consumers are willing to pay for all natural
19 products. Defendants advertise the Pacific Natural Foods Products with the
20 intention that consumers rely on the affirmative misrepresentations of fact on their
21 labeling that the products are "all natural." Further, Defendants' omissions of the
22 material fact that the products include ingredients that are not "all natural," but
23 instead contain artificial, synthetic or extensively processed ingredients, are likely to
24 deceive reasonable consumers.

25 49. Defendants know that the Pacific Natural Foods Products, including the
26 Hemp Non-Dairy Beverage Unsweetened (Vanilla) product, are misbranded and that
27 their labeling claims and omissions are false, misleading, deceptive, and likely to
28 deceive reasonable consumers.

1 50. Yet, Defendants have engaged and continue to engage in their
2 misbranding and with their misrepresentations of fact and omissions of fact in
3 furtherance of their motive to sell and profit from the Pacific Natural Foods
4 Products on the backs and at the expense of consumers and the consuming public.

5
6 **CLASS ACTION ALLEGATIONS**

7 51. Plaintiff brings this class action on behalf of herself and all other
8 persons similarly situated pursuant to Rules 23(a) and 23(b)(2) and 23(b)(3) of the
9 Federal Rules of Civil Procedure.

10 52. The class ("Class") which Plaintiff seeks to represent is defined as:

11 All persons in the United States who, within four years from the
12 date of filing this action, purchased any of the Pacific Natural Foods
13 Products which: (1) was labeled "all natural" but contains artificial or
14 synthetic ingredients and/or (2) contains the ingredient labeled as
15 "evaporated cane juice."³

16 53. Excluded from the Class are Defendants and their directors, officers
17 and employees.

18 54. Numerosity (Fed. R. Civ. P. 23(a)(1)): The Class is so numerous that
19 joinder of all individual members in one action would be impracticable. The
20 disposition of their claims through this class action will benefit both the parties and
21 this Court.

22 55. Plaintiff is informed and believes and thereon alleges that there are, at a
23 minimum, many thousands, or millions, of members that comprise the Class.

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28 ³ Plaintiff reserves the right to amend or otherwise modify the Class definition
and/or add subclasses.

1 56. Members of the Class may be notified of the pendency of this action by
2 techniques and forms commonly used in class actions, such as by published notice,
3 e-mail notice, website notice, first-class mail, or combinations thereof, or by other
4 methods suitable to this class and deemed necessary and or appropriate by the Court.

5 57. Common Questions of Fact and Law (Fed. R. Civ. P. 23(a)(2) and
6 (b)(3)): There are a well-defined community of interest and common questions of
7 fact and law affecting the members of the Class.

8 58. The questions of fact and law common to the Class predominate over
9 questions which may affect individual members and include the following:

10 (a) Whether Defendants' "all natural" representations are unlawful,
11 unfair, deceptive, untrue or misleading;

12 (b) Whether Defendants' "evaporated cane juice" representations are
13 unlawful, unfair, deceptive, untrue or misleading;

14 (c) Whether Defendants violated California Business and
15 Professions Code § 17200 *et seq.*;

16 (d) Whether Defendants violated California Business and
17 Professions Code § 17500 *et seq.*;

18 (e) Whether Defendants violated California Civil Code § 1750 *et*
19 *seq.*; and

20 (f) The relief, including injunctive and other equitable relief, to
21 which Plaintiff and the Class are entitled.

22 59. Typicality (Fed. R. Civ. P. 23(a)(3)): Plaintiff's claims are typical of the
23 claims of the entire Class. Plaintiff and all Class members each bought one or more
24 of Defendants' products which are at issue in this case. The claims of Plaintiff and
25 members of the Class are based on the same legal and remedial theories and arise
26 from the same unlawful conduct.

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1 60. Adequacy of Representation (Fed. R. Civ. P. 23(a)(4)): Plaintiff is an
2 adequate representative of the Class because her interests do not conflict with the
3 interests of the Class which Plaintiff seeks to represent. Plaintiff will fairly,
4 adequately, and vigorously represent and protect the interests of the Class and has
5 no interests antagonistic to the Class. Plaintiff has retained counsel who is
6 competent and experienced in the prosecution of class action litigation.

7 61. Superiority (Fed. R. Civ. P. 23(b)(3)): A class action is superior to
8 other available means for the fair and efficient adjudication of the claims of the
9 Class. While the aggregate damages which may be and if awarded to the Class are
10 likely to be substantial, the actual economic damages suffered by individual
11 members of the Class are likely relatively small. As a result, the expense and
12 burden of individual litigation makes it economically infeasible and procedurally
13 impracticable for each member of the Class to individually seek redress for the
14 wrongs done to them. The likelihood of individual Class members prosecuting
15 separate claims is remote. Plaintiff does not know of any other litigation already
16 commenced by or against any member of the Class concerning Defendants' conduct
17 at issue in this case. Individualized litigation would also present the potential for
18 varying, inconsistent or contradictory judgments, and would increase the delay and
19 expense to all parties and the court system resulting from multiple trials of the same
20 factual issues. In contrast, the conduct of this matter as a class action presents fewer
21 management difficulties, conserves the resources of the parties and the court system,
22 and would protect the rights of each member of the Class. Plaintiff knows of no
23 difficulty to be encountered in the management of this action that would preclude its
24 maintenance as a class action.

25 62. Injunctive or Declaratory Relief (Fed. R. Civ. P. 23(b)(2)): A class
26 action is also appropriate because Defendants have acted or refused to act on
27 grounds that apply generally to the Class, so that final injunctive relief or
28 corresponding declaratory relief is appropriate respecting the Class as a whole.

1 **FIRST CAUSE OF ACTION**

2 **For Violation of California's Unfair Competition Law,**
3 **California Business & Professions Code § 17200 *et seq.***

4 **(On Behalf of Plaintiff and the Class as against**
5 **all Defendants including DOES 1 through 10)**

6 63. Plaintiff hereby incorporates by reference the allegations contained in
7 this Complaint.

8 64. Plaintiff asserts this claim on behalf of herself and the Class as against
9 Defendants and each of them.

10 65. "California's unfair competition law (UCL) (§ 17200 *et seq.*) defines
11 'unfair competition' to mean and include 'any unlawful, unfair or fraudulent business
12 act or practice and unfair, deceptive, untrue or misleading advertising and any act
13 prohibited by [the false advertising law (§ 17500 *et seq.*)].'" *Kasky v. Nike, Inc.*, 27
14 Cal.4th 939, 949 (2002).

15 66. "The UCL's purpose is to protect both consumers and competitors by
16 promoting fair competition in commercial markets for goods and services." *Kasky*,
17 27 Cal.4th at 949.

18 67. Defendants have violated the UCL in several of the following ways,
19 each of which are independently actionable:

20 **Unlawful (Sherman Law Misbranding Violations)**

21 68. Defendants' conduct of labeling, advertising and otherwise representing
22 its products as "all natural" and/or containing "evaporated cane juice" is unlawful
23 and constitutes misbranding under the Sherman Food, Drug, And Cosmetic Law,
24 California Health & Safety Code § 109875 *et seq.* (the "Sherman Law").

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1 69. California's Sherman Law adopts, incorporates – and is identical – to
2 the relevant provisions of the federal Food Drug and Cosmetic Act, 21 U.S.C. § 301
3 *et seq.* ("FDCA").⁴

4 70. The Sherman Law expressly states that "Any food is misbranded if its
5 labeling is false or misleading in any particular." California Health & Safety Code §
6 110660.⁵

7 71. The Sherman Law also provides that "Any food is misbranded if any
8 word, statement, or other information required pursuant to this part to appear on the
9 label or labeling is not prominently placed upon the label or labeling with
10 conspicuousness, as compared with other words, statements, designs, or devices in
11 the labeling and in terms as to render it likely to be read and understood by the
12 ordinary individual under customary conditions of purchase and use." California
13 Health & Safety Code § 110705.⁶

14 72. The Sherman Law expressly states that "Any food is misbranded if it
15 bears or contains any artificial flavoring, artificial coloring, or chemical
16 preservative, unless its labeling states that fact." California Health & Safety Code §
17 110740.⁷

18 73. The Sherman Law also provides that a food is misbranded if its label
19 does not clearly state "the common or usual name of the food" or "the common or
20 usual name of each ingredient." California Health & Safety Code §§ 110720.
21 110725.⁸

22 _____
23 ⁴ Through the Sherman Law, California has also adopted all federal food
24 labeling regulations as its own: "All food labeling regulations and any amendments
25 to those regulations adopted pursuant to the federal act ... shall be the food labeling
regulations of this state." California Health & Safety Code § 110100. "Federal act
means the federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. Sec. 301
et seq.)." California Health & Safety Code § 109930.

26 ⁵ Identical to FDCA 21 U.S.C. § 343(a).

27 ⁶ Identical to FDCA 21 U.S.C. § 343(f).

28 ⁷ Identical to FDCA 21 U.S.C. § 343(k).

⁸ Identical to FDCA 21 U.S.C. § 343(g); and 21 C.F.R. § 101.4(a)(1), 21
C.F.R. § 102.5(a), (d).

1 74. Misbranded food is unlawful and has no value as it may not be
2 manufactured, delivered, held, offered for sale, or otherwise received in commerce.

3 75. "It is unlawful for any person to misbrand any food." California Health
4 & Safety Code § 110765.

5 76. "It is unlawful for any person to manufacture, sell, deliver, hold, or
6 offer for sale any food that is misbranded." California Health & Safety Code §
7 110760.

8 77. "It is unlawful for any person to receive in commerce any food that is
9 misbranded or to deliver or proffer for delivery any such food." California Health &
10 Safety Code § 110770.

11 78. Defendants manufactured, delivered, held, offered for sale, sold and/or
12 otherwise received into commerce their misbranded products.

13 79. Defendants sold their misbranded products within California and
14 throughout the United States.

15 80. As a result of Defendants' conduct, Plaintiff and Class members
16 purchased misbranded products which have no value and are not saleable, as a
17 matter of law, and Plaintiff and Class members suffered injury in fact and lost
18 money or property as a result of Defendants' conduct.

19 **Unlawful (Other Violations)**

20 81. In addition to Defendants' misbranding violations set forth above,
21 Defendants have also violated the UCL by violating other laws including, but not
22 limited to, the following:

23 82. Defendants' conduct violates the advertising prohibitions under the
24 Sherman Law, California Health & Safety Code §§ 110390, 110395, 110398 and
25 110400.

26 83. Defendants' conduct violates California's False Advertising Law,
27 California Business & Professions Code § 17500 *et seq.*
28

1 84. Defendants' conduct violates California's Consumers Legal Remedies
2 Act., California Civil Code § 1750 *et seq.*

3 **Unfair**

4 85. Defendants' conduct is unfair under the UCL because it offends
5 established public policy and/or is immoral, unethical, oppressive, unscrupulous
6 and/or substantially injurious to Plaintiff and the Class. Defendants' conduct
7 undermines and violates the spirit and policies underlying the Sherman Law, the
8 False Advertising Law, and the Consumers Legal Remedies Act. There is no
9 legitimate utility of Defendants' conduct, let alone any that would outweigh the
10 harm to Plaintiff and the Class.

11 86. Plaintiff and Class members did not know and, as reasonable
12 consumers had no way of reasonably knowing that the products were misbranded
13 and were not properly marketed, advertised, packaged and labeled, and thus could
14 not have reasonably avoided the injury each of them suffered.

15 **Fraudulent**

16 87. Defendants' conduct is also fraudulent under the UCL because it is
17 likely to deceive reasonable consumers.

18 **Unfair, Deceptive, Untrue or Misleading Advertising**

19 88. As described herein, Defendants' conduct also violates the UCL
20 because the conduct constitutes unfair, deceptive, untrue and/or misleading
21 advertising.

22 **Relief Sought**

23 89. As a result of Defendants' conduct and violations of the UCL, Plaintiff
24 and Class members suffered injury in fact and lost money or property.

25 90. Defendants' conduct is ongoing and, unless restrained, likely to recur.

26 91. Plaintiff, on behalf of herself and Class members, seeks equitable relief
27 requiring Defendants to refund and restore to Plaintiff and all Class members all
28

1 monies they paid for the Pacific Natural Foods Products, and injunctive relief
2 prohibiting Defendants from engaging in the misconduct described herein.

3
4 **SECOND CAUSE OF ACTION**

5 **For Violation of California's False Advertising Law,**
6 **California Business & Professions Code § 17500 *et seq.***

7 **(On Behalf of Plaintiff and the Class as against**
8 **all Defendants including DOES 1 through 10)**

9 92. Plaintiff hereby incorporates by reference the allegations contained in
10 this Complaint.

11 93. Plaintiff asserts this claim on behalf of herself and the Class as against
12 Defendants and each of them.

13 94. Both the UCL and California's False Advertising Law prohibit "not
14 only advertising which is false, but also advertising which[,] although true, is either
15 actually misleading or which has a capacity, likelihood or tendency to deceive or
16 confuse the public.' [Citation.] Thus, to state a claim under either the UCL or the
17 false advertising law, based on false advertising or promotional practices, 'it is
18 necessary only to show that `members of the public are likely to be deceived.'" *Kasky v. Nike, Inc.*, 27 Cal.4th 939, 951 (2002).

19
20 95. As stated in this Complaint, Defendants publicly disseminated untrue
21 or misleading advertising or intended not to sell Pacific Natural Foods Products as
22 advertised in violation of California Business & Professional Code § 17500 *et seq.*,
23 by, *inter alia*:

24 (a) Representing that Pacific Natural Foods Products are "all
25 natural," when they are not; and

26 (b) Misrepresenting that Pacific Natural Foods products contain
27 "evaporated cane juice."
28

1 96. Defendants committed such violations of the False Advertising Law
2 with actual knowledge or in the exercise of reasonable care should have known the
3 representations were untrue or misleading.

4 97. As a result of Defendants' conduct and violations of the UCL, Plaintiff
5 and Class members suffered injury in fact and lost money or property.

6 98. Defendants' conduct is ongoing and, unless restrained, likely to recur.

7 99. Plaintiff, on behalf of herself and Class members, seeks equitable relief
8 requiring Defendants to refund and restore to Plaintiff and all Class members all
9 monies they paid for the Pacific Natural Foods Products, and injunctive relief
10 prohibiting Defendants from engaging in the misconduct described herein.

11

12

THIRD CAUSE OF ACTION

13

For Violation of California's Consumers Legal Remedies Act,

14

California Civil Code § 1750 *et seq.*

15

(On Behalf of Plaintiff and the Class as against

16

all Defendants including DOES 1 through 10)

17

100. Plaintiff hereby incorporates by reference the allegations contained in
18 this Complaint.

19

101. Plaintiff asserts this claim on behalf of herself and the Class as against
20 Defendants and each of them.

21

102. Defendants' representations, omissions and conduct have violated, and
22 continue to violate California's Consumers Legal Remedies Act ("CLRA"), because
23 they extend to transactions that are intended to result, or which have resulted, in the
24 sale of goods to consumers, including Plaintiff and the Class.

25

103. Defendants' conduct violates the CLRA, Civil Code § 1770(a)(5) which
26 prohibits "Representing that goods or services have ... characteristics, ingredients,
27 uses, benefits, or quantities which they do not have."

28

1 104. Defendants' conduct violates the CLRA, Civil Code § 1770(a)(7) which
2 prohibits "Representing that goods or services are of a particular standard, quality,
3 or grade ... if they are of another."

4 105. Defendants' conduct violates the CLRA, Civil Code § 1770(a)(9) which
5 prohibits "Advertising goods ... with intent not to sell them as advertised."

6 106. Defendants' conduct violates the CLRA, Civil Code § 1770(a)(16)
7 which prohibits "Representing that the subject of a transaction has been supplied in
8 accordance with a previous representation when it has not."

9 107. Defendants' Pacific Natural Foods Products are "goods" within the
10 meaning of Civil Code §§ 1761(a) and 1770.

11 108. Plaintiff and Class members are "consumers" within the meaning of
12 Civil Code §§ 1761(d) and 1770.

13 109. Each purchase of Defendants' Pacific Natural Foods Products by
14 Plaintiff and each Class member constitutes a "transaction" within the meaning of
15 Civil Code §§ 1761(e) and 1770.

16 110. Defendants' conduct is ongoing and, unless restrained, likely to recur.

17 111. Plaintiff, on behalf of herself and Class members, seeks injunctive
18 relief prohibiting Defendants from engaging in the misconduct described herein.

19 112. No relief of any kind, other than injunctive relief, is currently sought
20 pursuant to this CLRA cause of action.

21 113. No damages of any kind are currently sought pursuant to this CLRA
22 cause of action.

23 114. The CLRA Civil Code § 1782(d) states in pertinent part as follows:

24 "An action for injunctive relief brought under the specific provisions
25 of Section 1770 may be commenced without compliance with
26 subdivision (a) [notice requirement]. Not less than 30 days after the
27 commencement of an action for injunctive relief, and after compliance
28 with subdivision (a) [notice requirement], the consumer may amend

1 his or her complaint without leave of court to include a request for
2 damages."

3 115. The CLRA, Civil Code § 1782(a), states as follows:

4 "(a) Thirty days or more prior to the commencement of an
5 action for damages pursuant to this title, the consumer shall do the
6 following:

7 (1) Notify the person alleged to have employed or
8 committed methods, acts, or practices declared unlawful by Section
9 1770 of the particular alleged violations of Section 1770.

10 (2) Demand that the person correct, repair, replace, or
11 otherwise rectify the goods or services alleged to be in violation of
12 Section 1770.

13 The notice shall be in writing and shall be sent by certified or
14 registered mail, return receipt requested, to the place where the
15 transaction occurred or to the person's principal place of business
16 within California."

17 116. Pursuant to Civil Code § 1782(a), Plaintiff will provide PACIFIC
18 FOODS OF OREGON, INC. with notice of its CLRA violations by certified mail
19 return receipt requested. If Defendant PACIFIC FOODS OF OREGON, INC. fails
20 to provide appropriate relief for the CLRA violations, Plaintiff will amend this
21 Complaint to seek monetary damages (compensatory, punitive, etc.) and other relief
22 under the CLRA on behalf of Plaintiff and the Class.

23 117. Defendant PACIFIC FOODS OF OREGON, INC. has not filed any
24 statement or designation with the California Secretary of State.

25 118. Defendant PACIFIC FOODS OF OREGON, INC. has not received a
26 certificate of qualification from the California Secretary of State.

27 119. Defendant PACIFIC FOODS OF OREGON, INC. is not registered
28 with the California Secretary of State.

120. Defendant PACIFIC FOODS OF OREGON, INC. has not publicly
disclosed any address as its principal place of business within California.

1 121. Defendant PACIFIC FOODS OF OREGON, INC. does not have a
2 designated agent for service of process within California.

3 122. Defendant PACIFIC FOODS OF OREGON, INC. may be provided the
4 notice specified in Civil Code § 1782(a) by sending such notice to PACIFIC
5 FOODS OF OREGON, INC., c/o Kaye N. Barnes, 9955 SW Potano St., Tualatin,
6 OR 97062.

7 123. Attached hereto is the venue declaration required by CLRA, Civil Code
8 § 1780(d).⁹

9
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff, on behalf of herself and the Class, prays for:

12 1. An order certifying the Class and appointing Plaintiff as the
13 representative of the Class, and appointing counsel of record for Plaintiff as counsel
14 for the Class;

15 2. Equitable relief requiring Defendants to refund and restore to Plaintiff
16 and all Class members all monies they paid for the Pacific Natural Foods Products;

17 3. Injunctive relief prohibiting Defendants from engaging in the
18 misconduct described herein;

19 4. An award of attorney's fees;

20 5. An award of costs;

21 6. An award of interest, including prejudgment interest; and

22 //

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28 ⁹ A declaration may be used in lieu of an affidavit. California Code of Civil Procedure § 2015.5.

1 7. For such other and further relief as the Court may deem proper.

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DATED: November 12, 2013 CHANT & COMPANY
A Professional Law Corporation

By 
Chant Yedalian
Counsel For Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all claims so triable.

DATED: November 12, 2013 CHANT & COMPANY
A Professional Law Corporation

By 
Chant Yedalian
Counsel For Plaintiff

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DECLARATION BY PLAINTIFF SADISHA PERERA

I, SADISHA PERERA, hereby declare that:

1. I have personal knowledge of the following facts stated in this Declaration and could competently testify thereto if called upon to do so.

2. I am a named Plaintiff in this case.

3. I purchased the Hemp Non-Dairy Beverage Unsweetened (Vanilla) product, which is shown in paragraph 16 of the attached Complaint, in Orange County, California.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing Declaration is true and correct, and was executed by me in the City of Rancho Santa Margarita, Orange County, California, on November 13th 2013.


SADISHA PERERA
Declarant

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself)

SADISHA PERERA, on behalf of herself and all others similarly situated

DEFENDANTS (Check box if you are representing yourself)

PACIFIC FOODS OF OREGON, INC. (also d/b/a Pacific Natural Foods), and DOES 1 through 10, inclusive

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Chant Yedaiian, State Bar No. 222325, (chant@chant.mobi)
 CHANT & COMPANY A PROFESSIONAL LAW CORPORATION
 1010 N. Central Ave., Glendale, CA 91202
 Phone: 877.574.7100, Fax: 877.574.9411

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

II. BASIS OF JURISDICTION (Place an X in one box only.)

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

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. 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. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 28 U.S.C. § 1332(d); Class action/food labeling violations

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	TORTS PERSONAL PROPERTY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY: Case Number: SACV13-01788 CJC (DFMx)

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:	
	A PLAINTIFF?	A DEFENDANT?		
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.		
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange		Southern
<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern		
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western		

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input checked="" type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division? Enter the initial division determined by Question A, B, or C above: →	INITIAL DIVISION IN CACD SOUTHERN DIVISION
---	---

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

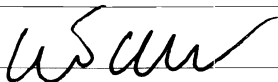
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): _____



DATE: 11/12/13

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Cormac J. Carney and the assigned Magistrate Judge is Douglas F. McCormick.

The case number on all documents filed with the Court should read as follows:

SACV13-01788 CJC (DFMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

November 13, 2013

Date

By Maria Barr
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

ClassAction.org

This complaint is part of ClassAction.org's searchable [class action lawsuit database](#)