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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GARRET SHANK, individually, and on
behalf of other members of the general
public similarly situated,

Plaintiffs,

v.

PRESIDIO BRANDS, INC., a Delaware
corporation,

Defendant.

Case No.:

CLASS ACTION COMPLAINT FOR:

- (1) Violations of California’s Consumers Legal Remedies Act
- (2) Violation of Unfair Competition Law, California Business & Professions Code § 17200 *et seq.*
- (3) Violation of False Advertising Law, California Business & Professions Code § 17500
- (4) Negligent Misrepresentation

DEMAND FOR JURY TRIAL

INTRODUCTION

1
2 1. Plaintiff Garret Shank (“Plaintiff”) brings this action for himself and on behalf
3 of all persons in the United States who, at any time since four years prior to the filing of this
4 complaint, purchased any Every Man Jack brand product containing artificially-processed and
5 synthetic ingredients and labeled or marketed as “naturally derived” (“EMJ Products”)¹
6 designed, manufactured, marketed, distributed, and sold by Presidio Brands, Inc. (“Presidio”
7 or “Defendant”). .

8 2. This case arises out of the false, misleading, and deceptive marketing practices
9 of Defendant’s Every Man Jack products. Defendant’s advertising and labeling strategy
10 focuses on claims that its Every Man Jack products are all-natural, naturally-derived, non-
11 toxic, and exceptionally safe for consumers. However, EMJ Products, in fact, contain several
12 synthetic ingredients that are not natural or naturally derived, as portrayed by Defendant.
13 Further, as described in detail below, many of the synthetic² ingredients used in EMJ Products
14 are hazardous or toxic and can cause adverse reactions.

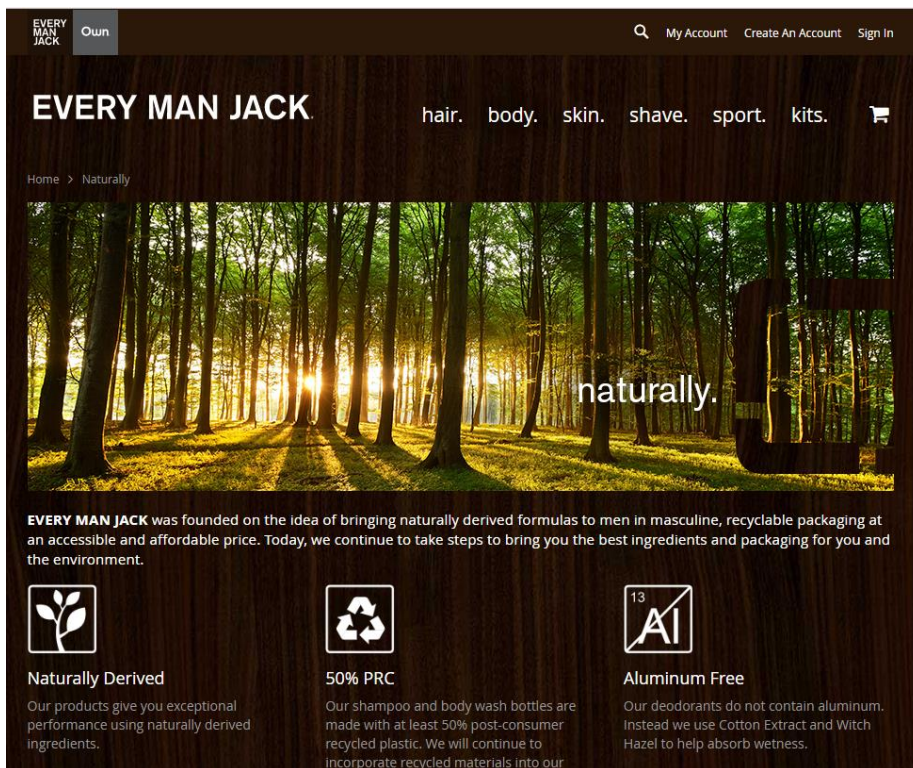
15 3. Presidio has so labeled its products in order to capture the growing market of
16 health conscious consumers, including Plaintiff and other Class Members. By deceiving
17 consumers about the nature, quality, and/or ingredients of its products, Presidio is able to
18 command a premium price, increasing consumers’ willingness to pay and reduce the market
19 share of competing products, thereby increasing its own sales and profits.

20 4. Reasonable consumers must, and do, rely on Presidio’s overall marketing,
21 including, without limitation, product advertisements, labels, displays, and packaging, in

22
23 ¹ On information and belief, the following EMJ products contain synthetic ingredients:
24 2-in-1 body + face wash; 2-in-1 body wash; 2-in-1 shampoo + conditioner; 2-in-1 thickening
25 shampoo; body bar; body wash; daily conditioner; deodorant; eye cream; face lotion with faily
sun protection; face lotion; face moisturizer; face shield; fiber cream; pomade; shave cream
premium; shave cream; shave gel; styling gel; and thickening grooming cream.

26 ² “The term ‘synthetic’ means a substance that is formulated or manufactured by a
27 chemical process or by a process that chemically changes a substance extracted from naturally
occurring plant, animal, or mineral sources, except that such term shall not apply to
substances created by naturally occurring biological processes. 7 U.S.C. § 6502(21).
28

1 determining whether to purchase EMJ Products. For example, as shown below, the Every
2 Man Jack website features a wood-grain background and wholly focuses on a large image of a
3 forest and the word “naturally”:



17 The Every Man Jack products themselves further portray the same earthy, non-toxic,
18 and natural marketing claims and implications as its website. Below are examples of the front
19 packaging and labeling of the Every Man Jack 2-in-1 Sandalwood Body Wash:



1 5. On information and belief, every EMJ Product at issue in this complaint have
2 the same or substantially similar product packaging that contain the same or substantially
3 similar deceptive claims employed by Presidio.

4 6. If Plaintiff and Class Members knew that the EMJ Products were not natural or
5 contained synthetic, artificially-processed ingredients, Plaintiff and Class Members would not
6 have purchased the EMJ Products or would have paid less for them.

7 7. By employing the labeling and marketing tactics illustrated above, Presidio
8 intends for consumers to rely on its visual and actual representations, and hundreds of
9 thousands of reasonable consumers did in fact so rely. Because Presidio will not notify Class
10 Members that the EMJ Products in fact contain synthetic, artificial ingredients, Plaintiff and
11 Class Members (as well as members of the general public) remain subject to Presidio's
12 deceptive advertising.

13 8. As a result of their reliance on Defendant's representations, consumers have
14 suffered an ascertainable loss of money, including, but not limited to, out of pocket costs
15 incurred in purchasing over-valued EMJ Products. Further, as a result of its deceptive
16 marketing and unfair competition with other similar manufacturers and brands, Presidio
17 realized sizable profits.

18 **PARTIES**

19 **PLAINTIFF GARRET SHANK**

20 9. Plaintiff Garret Shank is a California citizen who resides in Los Angeles,
21 California. During the class period alleged herein, Plaintiff purchased several EMJ Products
22 on numerous occasions from various Target stores in Los Angeles County. Plaintiff's
23 purchases include, without limitation, Every Man Jack Face Lotion, Every Man Jack Face
24 Lotion with SPF, Every Man Jack Face Scrub, and Every Man Jack Face Wash.

25 10. Plaintiff purchased EMJ products in reliance on Presidio's marketing of the
26 products including the claims and product information on the Every Man Jack website, in
27 Men's Health magazine, and on the products' packaging and labeling. In deciding to purchase
28 EMJ Products, Plaintiff saw, relied upon, and reasonably believed that the EMJ Products only

1 contained ingredients that are natural because of Presidio’s representations including, without
2 limitation, the repeated and highlighted use of the phrase “naturally derived”, depictions of
3 plants and trees, listing of other earth-friendly and health-conscious features of the product
4 (e.g. product bottles made with at least 50% post-consumer recycled plastic and certain
5 products being gluten free), and the wood-grain packaging. Purchasing natural, non-toxic,
6 non-synthetic and environmentally-friendly products is important to Plaintiff and Defendant’s
7 representations were material to Plaintiff in his decision to purchase EMJ Products.

8 11. If Plaintiff had known at the time of purchase that these products contained
9 synthetic and hazardous ingredients, he would not have purchased the EMJ Products or would
10 have paid less for them.

11 **DEFENDANT**

12 12. Defendant Presidio Brands, Inc. is a corporation organized and in existence
13 under the laws of the State of Delaware and is registered to do business in the State of
14 California. Presidio Brands, Inc.’s corporate headquarters and principal place of business are
15 located at 500 Tamal Plaza, Suite 505, Corte Madera, California 94925. Presidio Brands, Inc.
16 designs, tests, manufactures, markets, distributes, and sells Every Man Jack products
17 nationwide and in California. Every Man Jack is Presidio Brands, Inc.’s men’s personal
18 care/hygiene brand.

19 13. At all relevant times, Defendant was and is engaged in the business of
20 designing, testing, manufacturing, marketing, distributing, and selling personal care/hygiene
21 products in Los Angeles County and throughout the United States of America.

22 **JURISDICTION**

23 14. This is a class action.

24 15. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C.
25 § 1331 because this action arises under the Constitution or laws of the United States and the
26 Class Action Fairness Act, 28 U.S.C. § 1332(d)(2) and (6), in that, as to each Class defined
27 herein:

28 a. the matter in controversy exceeds \$5,000,000.00, exclusive of interest

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and costs;

b. this is a class action involving 100 or more class members; and

c. this is a class action in which at least one member of the Plaintiff class is a citizen of a State different from at least one Defendant.

16. The Court has personal jurisdiction over Defendant, which have at least minimum contacts with the State of California because they have conducted business there and have availed themselves of California’s markets through the advertising, manufacturing, distribution, and sales of its EMJ Products.

VENUE

17. Presidio Brands, Inc. Uber, through its advertising, manufacturing, distribution, and sales of their EMJ Products has established sufficient contacts in this district such that personal jurisdiction is appropriate. Defendant is deemed to reside in this district pursuant to 28 U.S.C. § 1391(a).

18. Further, Defendant is headquartered here and/or has conducted business here and has availed itself of California’s markets through its advertising, manufacturing, distribution, and sales of its EMJ Products. marketing, sale, and administration of ride-sharing services. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a).

19. Additionally, Plaintiff Garret Shank’s Declaration, as required under California Civil Code section 1780(d), but not pursuant to *Erie* and federal procedural rules, reflects that a substantial part of the events or omissions giving rise to the claims alleged herein occurred, or a substantial part of property that is the subject of this action, is situated in Marin County, California. It is attached as **Exhibit 1**.

FACTUAL ALLEGATIONS

20. A rapidly-growing segment of consumers value natural and plant-based products for many reasons, including to address health concerns (*e.g.*, avoiding skin irritation and diseases such as cancer) and to help the environment. To capture this growing market, and to gain an advantage over competitors, Presidio designs, markets, distributes, and sells its Every Man Jack brand products claiming that the products contain only “naturally derived”

1 ingredients. These claims are coupled with images of plants and forests intended to give the
 2 impression that its products' ingredients are all-natural and plant-based, and do not contain
 3 synthetic, artificial, or toxic ingredients.

4 21. Presidio further cultivates the Every Man Jack image as a natural, plant-based,
 5 non-synthetic, healthy and eco-friendly brand through its wood-grain packaging, plant
 6 imagery, and simplistic labeling as well as Presidio's "naturally", "natural", and "naturally-
 7 derived" statements regarding its ingredients that are found repeatedly throughout the Every
 8 Man Jack website, in magazine advertisements and articles, and on the EMJ Product labels.

9 22. Defendant's representations that its EMJ Products contain only natural and
 10 naturally derived ingredients are false, misleading, and deceptive because the EMJ Products
 11 contain multiple ingredients that are synthetic and artificial. Specifically, EMJ Products
 12 contain the following, non-exhaustive, list of synthetic and artificial ingredients:

<u>Synthetic and Artificial Ingredient(s)</u>	<u>EMJ Product(s)</u>
ALUMINUM HYDROXIDE (synthetic polymer)	Face Shield
AMODIMETHICONE (synthetic polymer)	2-in-1 Body Wash; Daily Conditioner; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner; Daily Shampoo
CETYL DIMETHICONE (synthetic polymer)	Face Lotion SPF 15
COCAMIDOPROPYL BETAINE (synthetic surfactant)	2-in-1 Body Wash; 2-in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; Daily Shampoo; Face Scrub Signature Mint; Face Wash Signature Mint; Daily Shampoo Sandalwood; Face Wash Skin Clearing
COCAMIDOPROPYLAMINE OXIDE (synthetic surfactant)	Body Wash Eucalyptus Mint; Body Wash Cedarwood; Body Wash Sandalwood; Body Wash Signature Mint; Body Wash Citrus Scrub
DIMETHICONE (synthetic polymer)	Face Lotion; Face Moisturizer Age Defying;

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	Eye Cream Age Defying; Daily Conditioner
DIMETHICONE PEG/PPG-20/23 BENZOATE (synthetic polymer)	Shave Gel Signature Mint; Shave Gel Fragrance Free
DIMETHICONE PEG-8 BENZOATE (synthetic polymer)	Shave Gel Signature Mint; Shave Gel Fragrance Free; Face Scrub Signature Mint
ETHYLHEXYLGLYCERIN (synthetic glyceryl)	Face Lotion SPF 15; Body Wash Eucalyptus Mint; 2-in-1 Body Wash; Body Wash Cedarwood; Shave Gel Sandalwood; Shave Cream Fragrance Free; Face Lotion Sandalwood; Face Lotion Signature Mint; Face Shield; Body Defense Spray; Body Wash Sandalwood; Body Wash Signature Mint; Face Moisturizer Age Defying; Face Lotion; Daily Shampoo Sandalwood; Shave Cream Signature Mint; Body Wash Citrus Scrub
FRAGRANCE/PARFUM (synthetic compound)	Deodorant Fresh Scent; Body Wash Eucalyptus Mint; Shave Gel Signature Mint; 2-in-1 Body Wash; Body Wash Cedarwood; Shave Gel Sandalwood; Face Lotion Sandalwood; Face Lotion Signature Mint; Deodorant Eucalyptus Mint; 2- in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; Body Wash Sandalwood; Body Wash Signature Mint; Deodorant Cedarwood; Daily Shampoo; Daily Conditioner; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner; Face Scrub Signature Mint; Face Wash Signature Mint; Deodorant Sandalwood; Deodorant Citrus; Deodorant Signature Mint; Daily Shampoo Sandalwood; Thickening Grooming Cream; Shave Cream Premium Shave; Pomade; Shave Cream Signature Mint; Body Wash Citrus Scrub
GLYCERYL ESTERS (synthetic surfactant)	Face Lotion SPF 15; Shave Cream Fragrance Free;

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	Face Lotion Sandalwood; Face Moisturizer Age Defying; Eye Cream Age Defying; Face Scrub Signature Mint; Face Scrub Skin Clearing
HYDROGEN DIMETHICONE (synthetic polymer)	Face Shield
HYDROGENATED POLYDECENE (synthetic polymer)	Shave Cream Fragrance Free; Shave Cream Signature Mint
HYDROXYETHYLCELLULOSE (synthetic polymer)	Shave Gel Signature Mint; Shave Gel Fragrance Free; Daily Conditioner
AMIDOPROPYL BETAINES (synthetic surfactant)	Body Wash Eucalyptus Mint; Body Wash Cedarwood
PEG/PPG-4/12 DIMETHICONE (synthetic polymer)	2-in-1 Body + Face Wash; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner
PEG-12 DIMETHICONE (synthetic polymer)	Daily Shampoo
PEG-100 STEARATE (synthetic polymer)	Shave Cream Fragrance Free; Shave Cream Signature Mint
PEG-150 DISTEARATE (synthetic polymer)	2-in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner
PHENOXYETHANOL (synthetic preservative)	Face Lotion SPF 15; Body Wash Eucalyptus Mint; Shave Gel Signature Mint; Body Wash Cedarwood; Shave Gel Sandalwood; Shave Gel Fragrance Free; Shave Cream Fragrance Free; Face Lotion Sandalwood; Face Lotion Signature Mint; Face Shield; 2-in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; Body Wash Sandalwood; Body Wash Signature Mint; Face Moisturizer Age Defying; Face Lotion; Daily Shampoo; Daily Conditioner; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner; Face Scrub Signature Mint; Face Scrub Skin Clearing; Shave Cream Premium Shave; Shave Cream Signature Mint;

1		Body Wash Citrus Scrub
2	POLYBUTENE (synthetic polymer)	Shave Cream Fragrance Free; Shave Cream Signature Mint
3	POLYCATIONIC POLYMERS (synthetic polymers)	Body Wash Eucalyptus Mint; Body Wash Cedarwood; 2-in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; Body Wash Sandalwood; Body Wash Signature Mint; Daily Shampoo; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo; Daily Shampoo Sandalwood; Thickening Grooming Cream; Body Wash Citrus Scrub
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10	POLYSORBATES (synthetic surfactant)	Shave Cream Fragrance Free; Face Lotion Signature Mint; Face Lotion; Face Scrub Signature Mint; Shave Cream Signature Mint
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13	POTASSIUM SORBATE (synthetic preservative)	Body Wash Eucalyptus Mint; 2-in-1 Body Wash; Body Wash Cedarwood; Face Lotion Signature Mint; Body Wash Sandalwood; Body Wash Signature Mint; Face Lotion; Face Wash Signature Mint; Face Wash Skin Clearing; Body Wash Citrus Scrub
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19	SODIUM BENZOATE (synthetic preservative)	Body Wash Eucalyptus Mint; 2-in-1 Body Wash; Body Wash Cedarwood; Face Lotion Signature Mint; Body Wash Sandalwood; Body Wash Signature Mint; Face Lotion; Face Wash Signature Mint; Face Wash Skin Clearing; Body Wash Citrus Scrub
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24	SODIUM LAURYLGLUCOSIDES HYDROXYPROPYLSULFONATE (synthetic surfactant)	2-in1 Body Wash; Daily Shampoo Sandalwood
25		
26	SORBITAN ESTERS (synthetic surfactant)	Face Lotion SPF 15; Shave Gel Signature Mint; Shave Gel Fragrance Free; Face Lotion Signature Mint; Face Lotion
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TOCOPHERYL ACETATE (synthetic Vitamin E)	Shave Gel Signature Mint; Shave Gel Fragrance Free; Face Lotion Signature Mint; 2-in-1 Shampoo + Conditioner; 2-in-1 Body + Face Wash; Face Lotion; Eye Cream Age Defying; 2-in-1 Thickening Shampoo; 2-in-1 Daily Shampoo + Conditioner; Face Scrub Signature Mint;
TRIETHANOLAMINE	Shave Gel Signature Mint; Shave Gel Fragrance Free; Shave Cream Fragrance Free; Fiber Cream; Shave Cream Signature Mint
ZINC OXIDE	Body Defense Lotion; Face Lotion SPF 15; Face Shield

23. Presidio knows, or should know, that consumers, like Plaintiff and other Class Members, reasonably rely on such representations in forming the belief that the EMJ Products do not contain synthetic, artificial or toxic ingredients. However, these representations are false, misleading and deceptive because the EMJ Products do contain synthetic, artificial, and toxic ingredients, as identified above. Consumers lack the meaningful ability to test or independently ascertain or verify whether a product is natural or naturally derived, especially at the point of sale. Consumer would not, and could not, know the true nature of products' ingredients merely by reading the ingredients label.

24. The EMJ Products are thus not natural, naturally derived, or plant-based, and labeling them as such is misleading and deceptive. Defendants did not disclose that any of the ingredients listed above are synthetic ingredients.

25. Presidio has concealed the nature, identity, source, and/or method of preparation of additional ingredients, which may also be synthetic ingredients. Thus, discovery is necessary to uncover the true nature of other ingredients in the EMJ Products.

26. Presidio deceptively and misleadingly concealed, and continues to conceal, other material facts about the EMJ Products, including:

- 1 a. The true nature of the EMJ Products' ingredients;
- 2 b. The artificial and synthetic substances and ingredients contained in the
- 3 EMJ products; and
- 4 c. The artificial and synthetic processes used to create the ingredients in
- 5 the EMJ Products.

6 27. The production process Presidio uses for many of its ingredients is known only
7 to Defendant and Defendant has not disclosed such information to Plaintiff and the Class
8 Members. Further, these facts are not ascertainable and are still not known to Plaintiff, the
9 Class members, and reasonable consumers. Presidio's concealment tolls any applicable
10 statute of limitations.

11 28. To this day, Presidio continues to conceal and suppress the true nature, identity,
12 source, and method of production of the ingredients in the EMJ Products.

13 29. If Plaintiff and Class Members knew that the EMJ Products were not natural or
14 contained synthetic, artificially-processed ingredients, Plaintiff and Class Members would not
15 have purchased the EMJ Products or would have paid less for them.

16 30. By employing the labeling and marketing tactics illustrated above, Presidio
17 intends for consumers to rely on its visual and actual representations, and hundreds of
18 thousands of reasonable consumers did in fact so rely. Because Presidio will not notify Class
19 Members that the EMJ Products in fact contain synthetic, artificial ingredients, Plaintiff and
20 Class Members (as well as members of the general public) remain subject to Presidio's
21 deceptive advertising.

22 31. Presidio knows, or should reasonably know, that consumers prefer natural,
23 "naturally derived", and plant-based products. Presidio knows that consumers will pay a
24 premium for these products or would not purchase these products at all unless they were
25 natural, "naturally derived", and/or plant-based, as advertised. Similarly, independent surveys
26 confirm that consumers will purchase more natural products than conventional products, and
27 will pay a premium for natural products.

28 32. As a result of their reliance on Defendant's representations, consumers have

1 suffered an ascertainable loss of money, including, but not limited to, out of pocket costs
2 incurred in purchasing over-valued EMJ Products. Further, as a result of its deceptive
3 marketing and unfair competition with other similar manufacturers and brands, Presidio
4 realized sizable profits.

5 33. As the intended, direct, and proximate result of Presidio's false, misleading,
6 and deceptive representations and omissions, Presidio has been unjustly enriched through
7 more sales of Falsely Labeled Products and higher profits at the expense of Plaintiff and the
8 Class members.

9 **CLASS ALLEGATIONS**

10 34. Plaintiff brings this lawsuit as a class action on behalf of himself and all others
11 similarly situated as members of the proposed Class pursuant to Federal Rules of
12 Civil Procedure 23(a), 23(b)(2), 23(b)(3), and 23(c)(4). This action satisfies the numerosity,
13 commonality, typicality, adequacy, predominance, and superiority requirements of those
14 provisions.

15 35. The Class and Sub Class(es) are defined as:

16 **Nationwide Class:** All individuals in the United States who purchased any
17 Every Man Jack brand product containing artificially-processed and synthetic
ingredients and labeled or marketed as "naturally derived"

18 **California Sub-Class:** All members of the Nationwide Class who reside in the
19 State of California.

20 **CLRA Sub-Class:** All members of the California Sub-Class who are
21 "consumers" within the meaning of California Civil Code § 1761(d).

22 36. Excluded from the Class and Sub-Classes are: (1) Defendant, any entity or
23 division in which Defendant has a controlling interest, and their legal representatives, officers,
24 directors, assigns, and successors; (2) the Judge to whom this case is assigned and the Judge's
25 staff; (3) any Judge sitting in the presiding state and/or federal court system who may hear an
26 appeal of any judgment entered; and (4) those persons who have suffered personal injuries as
27 a result of the facts alleged herein. Plaintiff reserves the right to amend the Class and Sub-
28 Class definitions if discovery and further investigation reveal that the Class and Sub-Class

1 should be expanded or otherwise modified.

2 37. Numerosity: Although the exact number of Class Members is uncertain and
3 can only be ascertained through appropriate discovery, the number is great enough such that
4 joinder is impracticable. The disposition of the claims of these Class Members in a single
5 action will provide substantial benefits to all parties and to the Court. The Class Members are
6 readily identifiable from information and records in Defendant's possession, custody, or
7 control.

8 38. Typicality: Plaintiff's claims are typical of the claims of the Class in that
9 Plaintiffs, like all Class Members, purchased an EMJ Product containing artificially-processed
10 and synthetic ingredients and labeled or marketed as "naturally derived". The representative
11 Plaintiff, like all Class Members, has been damaged by Defendant's misconduct in that they
12 incurred expenses due to their reliance on Defendant's deceptive representations and
13 omissions regarding its EMJ Products, as described throughout this complaint. Furthermore,
14 the factual bases of Defendant's misconduct are common to all Class Members and represent a
15 common thread resulting in injury to all Class Members.

16 39. Commonality: There are numerous questions of law and fact common to
17 Plaintiff and the Class that predominate over any question affecting only individual Class
18 Members. These common legal and factual issues include the following:

- 19 a. Whether Presidio misrepresented and/or failed to disclose material facts
20 concerning the EMJ Products;
- 21 b. Whether Presidio's conduct was unfair and/or deceptive;
- 22 c. Whether Presidio has a duty to disclose the true nature of its EMJ
23 Products' ingredients;
- 24 d. Whether Plaintiff and other Class Members are entitled to equitable
25 relief, including but not limited to a preliminary and/or permanent
26 injunction;
- 27 e. Whether Defendant knew or reasonably should have known of its
28 deceptive representations and omissions relating to its EMJ Products'

1 ingredients; and

2 f. Whether Defendant is obligated to inform Class Members of their right
3 to seek reimbursement for having paid for EMJ Products in reliance on
4 Defendant's misrepresentations.

5 40. Adequate Representation: Plaintiff will fairly and adequately protect the
6 interests of the Class Members. Plaintiff has retained attorneys experienced in the prosecution
7 of class actions, including consumer and product defect class actions, and Plaintiff intends to
8 prosecute this action vigorously.

9 41. Predominance and Superiority: Plaintiff and Class Members have all suffered
10 and will continue to suffer harm and damages as a result of Defendant's unlawful and
11 wrongful conduct. A class action is superior to other available methods for the fair and
12 efficient adjudication of the controversy. Absent a class action, most Class Members would
13 likely find the cost of litigating their claims prohibitively high and would therefore have no
14 effective remedy at law. Because of the relatively small size of the individual Class
15 Members' claims, it is likely that only a few Class Members could afford to seek legal redress
16 for Defendant's misconduct. Absent a class action, Class Members will continue to incur
17 damages, and Defendant's misconduct will continue without remedy. Class treatment of
18 common questions of law and fact would also be a superior method to multiple individual
19 actions or piecemeal litigation in that class treatment will conserve the resources of the courts
20 and the litigants, and will promote consistency and efficiency of adjudication.

21 **FIRST CAUSE OF ACTION**

22 **(Violation of California's Consumers Legal Remedies Act, California Civil Code §**
23 **1750, et seq.,)**

24 42. Plaintiff re-alleges and incorporates by reference each and every allegation
25 contained in the preceding paragraphs of this Complaint as though fully set forth herein.

26 43. Plaintiff brings this cause of action on behalf of himself and on behalf of the
27 members of the CLRA Sub-Class.

28 44. Defendant is a "person" as defined by California Civil Code § 1761(c).

1 45. Plaintiff and CLRA Sub-Class Members are “consumers” within the meaning
2 of California Civil Code § 1761(d) because they bought the EMJ Products for personal,
3 family, or household purposes.

4 46. By failing to disclose and concealing the true and actual nature of the EMJ
5 Products from Plaintiff and prospective Class Members, Defendant violated California Civil
6 Code § 1770(a), as it represented that the EMJ Products had characteristics and benefits that
7 they do not have, represented that the EMJ Products were of a particular standard, quality, or
8 grade when they were of another, and advertised the EMJ Products with the intent not to sell
9 them as advertised. *See* Cal. Civ. Code §§ 1770(a)(5)(7) & (9).

10 47. Defendant’s unfair and deceptive acts or practices occurred repeatedly in
11 Defendant’s trade or business and were capable of deceiving a substantial portion of the
12 purchasing public.

13 48. Defendant knew the EMJ Products did not possess the characteristics and
14 benefits as represented and were not of the particular standard, quality or grade as represented.

15 49. As a result of their reliance on Defendant’s representations and omissions,
16 Class Members suffered an ascertainable loss of money, property, and/or value of their EMJ
17 Products.

18 50. Defendant was under a duty to Plaintiff and Class Members to disclose the true
19 and actual nature of the EMJ Products’ ingredients because:

- 20 a. Defendant was in a superior position to know the true state of facts
21 about the ingredients in the EMJ Products;
- 22 b. Plaintiff and Class Members could not reasonably have been expected to
23 learn or discover the true nature of the ingredients in the EMJ Products
24 at the time of purchase and thereafter; and
- 25 c. Defendant knew that Plaintiff and Class Members could not reasonably
26 have been expected to learn of or discover the true nature of the EMJ
27 Products’ ingredients.

28 51. In failing to disclose and misrepresenting the true nature and source of the EMJ

1 Products' ingredients, Defendant knowingly and intentionally concealed material facts and
2 breached its duty not to do so.

3 52. The facts Defendant concealed from or misrepresented to Plaintiff and Class
4 Members are material in that a reasonable consumer would have considered them to be
5 important in deciding whether to purchase the EMJ Products or pay less. If Plaintiff and Class
6 Members had known that the EMJ Products' ingredients were synthetic, artificial, and toxic,
7 they would not have purchased the EMJ Products or would have paid less for them.

8 53. Plaintiff and Class Members are reasonable consumers who expect
9 manufacturers, like Presidio, to provide accurate and truthful representations regarding the
10 synthetic and artificial ingredients used in their products. Further, reasonable consumers, like
11 Plaintiff, rely on the representations made by manufacturers regarding products' ingredients in
12 determining whether to purchase the particular products and consider that information
13 important to their purchase decision.

14 54. As a direct and proximate result of Defendant's unfair methods of competition
15 and/or unfair and deceptive practices, Plaintiff and the Class have suffered and will continue
16 to suffer actual damages.

17 55. Plaintiff and the Class are entitled to equitable relief.

18 56. Plaintiff provided Defendant with notice of its violations of the CLRA pursuant
19 to California Civil Code § 1782(a). Defendant failed to provide appropriate relief for its
20 violations of the CLRA within 30 days. Therefore, Plaintiff seeks monetary, compensatory,
21 and punitive damages, in addition to injunctive and equitable relief.

22 **SECOND CAUSE OF ACTION**

23 **(Violation of California Business & Professions Code § 17500 *et seq.*)**

24 57. Plaintiff incorporates by reference the allegations contained in each and every
25 paragraph of this Complaint.

26 58. Plaintiff brings this cause of action on behalf of himself and on behalf of the
27 Nationwide Class, or in the alternative, on behalf of the California Sub-Class.

28 59. California Business & Professions Code § 17500 prohibits unfair, deceptive,

1 untrue, and misleading advertising in connection with the disposal of personal property
2 (among other things), including, without limitation, false statements as to the use, worth,
3 benefits, or characteristics of the property.

4 60. Defendant has committed acts of untrue and misleading advertising by
5 engaging in false representations as to the synthetic and artificial ingredients used in its EMJ
6 Products. In addition, Defendant made such untrue or misleading advertisements with the
7 intent to dispose of said merchandise.

8 61. Presidio knew, or in the exercise of reasonable care should have known, that
9 these representations were misleading and deceptive.

10 62. The falsely advertised synthetic and artificial ingredients of the EMJ Products
11 Seats was, and continues to be, likely to deceive members of the public.

12 63. As a result of their reliance on Defendant's misrepresentations and omissions,
13 Class Members suffered an ascertainable loss of money, property, and/or value of their EMJ
14 Products.

15 64. As a direct and proximate result of Defendant's unfair and deceptive practices,
16 Plaintiff and the Class have suffered and will continue to suffer actual damages.

17 65. Presidio has been unjustly enriched and should be required to make restitution
18 to Plaintiff and the Class. Pursuant to § 17535 of the Business & Professions Code, Plaintiff
19 and Class Members are entitled to an order of this Court enjoining such future conduct on the
20 part of Presidio, and such other orders and judgments which may be necessary to disgorge
21 Presidio's ill-gotten gains and restore to any person in interest any money paid for its EMJ
22 Products as a result of the wrongful conduct of Presidio.

23 **THIRD CAUSE OF ACTION**

24 **(Violation of California Business & Professions Code § 17200 *et seq.*)**

25 66. Plaintiff incorporates by reference the allegations contained in each and every
26 paragraph of this Complaint.

27 67. Plaintiff brings this cause of action on behalf of himself and on behalf of the
28 Nationwide Class, or in the alternative, on behalf of himself and on behalf of the California

1 Sub-Class.

2 68. As a result of their reliance on Defendant’s misrepresentations and omissions,
3 Class Members suffered an ascertainable loss of money, property, and/or value of their EMJ
4 Products.

5 69. California Business & Professions Code § 17200 prohibits acts of “unfair
6 competition,” including any “unlawful, unfair or fraudulent business act or practice” and
7 “unfair, deceptive, untrue or misleading advertising.”

8 70. Plaintiff and Class Members are reasonable consumers who expect
9 manufacturers, like Presidio, to provide accurate and truthful representations regarding the
10 synthetic and artificial ingredients used in their products. Further, reasonable consumers, like
11 Plaintiff, rely on the representations made by manufacturers regarding products’ ingredients in
12 determining whether to purchase the particular products and consider that information
13 important to their purchase decision.

14 71. In failing to disclose and actively misrepresenting the actual nature and source
15 of the ingredients used in the EMJ Products, Defendant has knowingly and intentionally
16 concealed material facts and breached its duty not to do so.

17 72. Defendant was under a duty to Plaintiff and Class Members to disclose the
18 actual nature and source of the ingredients used in the EMJ Products, and other omitted or
19 misrepresented facts alleged herein, because:

- 20 a. Defendant was in a superior position to know the true nature and
21 sources of the EMJ Products’ ingredients;
- 22 b. Defendant made partial representations about the nature and sources of
23 the EMJ Products’ ingredients without revealing the material
24 information needed to determine whether to purchase; and
- 25 c. Defendant actively concealed the actual nature and sources of the EMJ
26 Products’ ingredients from Plaintiff and the Class.

27 73. The facts Defendant concealed from or misrepresented to Plaintiff and Class
28 Members are material in that a reasonable consumer would have considered them to be

1 important in deciding whether to purchase the EMJ Products or pay less. If Plaintiff and Class
2 Members had known that the EMJ Products' ingredients were synthetic, artificial, and toxic,
3 they would not have purchased the EMJ Products or would have paid less for them.

4 74. Defendant's conduct was and is likely to deceive consumers.

5 75. Defendant's acts, conduct and practices were unlawful, in that they constituted:

6 a. Violations of California's Consumers Legal Remedies Act; and

7 b. Violations of California's False Advertising Law.

8 76. By its conduct, Defendant has engaged in unfair competition and unlawful,
9 unfair, and fraudulent business practices.

10 77. Defendant's unfair or deceptive acts or practices occurred repeatedly in
11 Defendant's trade or business, and were capable of deceiving a substantial portion of the
12 purchasing public.

13 78. As a direct and proximate result of Defendant's unfair and deceptive practices,
14 Plaintiff and the Class have suffered and will continue to suffer actual damages.

15 79. Defendant has been unjustly enriched and should be required to make
16 restitution to Plaintiff and the Class pursuant to §§ 17203 and 17204 of the Business &
17 Professions Code.

18 **FOURTH CAUSE OF ACTION**

19 **(Negligent Misrepresentation)**

20 80. Plaintiff re-alleges and incorporates by reference each and every allegation
21 contained in the preceding paragraphs of this Complaint as though fully set forth herein.

22 81. Presidio represented to Plaintiff and members of the Class that those important
23 facts set above were true.

24 82. These representations were not true.

25 83. Presidio had no reasonable grounds for believing the representations were true
26 when it made them.

27 84. Presidio intended that Plaintiff and members of the Class rely on these
28 representations.

1 85. Plaintiff and members of the Class reasonably relied on Presidio's
2 representations.

3 86. Defendant's representations were material to Plaintiff's decision to purchase
4 the EMJ Products and Plaintiff and members of the Class were harmed by Defendant's
5 misrepresentations.

6 **PRAYER FOR RELIEF**

7 87. Plaintiff, on behalf of himself, and all others similarly situated, requests the
8 Court to enter judgment against Defendant, as follows:

- 9 a. An order certifying the proposed Class and Sub-Classes, designating
10 Plaintiff as named representative of the Class, and designating the
11 undersigned as Class Counsel;
- 12 b. An order enjoining Defendant from further deceptive advertising, sales,
13 and other business practices with respect to its representations regarding
14 the EMJ Products;
- 15 c. A declaration requiring Defendant to comply with the various
16 provisions of California's False Advertising Law and CLRA alleged
17 herein and to make all the required representations;
- 18 d. An award to Plaintiff and the Class for compensatory, exemplary, and
19 statutory damages, including interest, in an amount to be proven at trial;
- 20 e. A declaration that Defendant must disgorge, for the benefit of the Class,
21 all or part of the ill-gotten profits it received from the sale of its EMJ
22 Products, or make full restitution to Plaintiff and Class Members;
- 23 f. An award of attorneys' fees and costs, as allowed by law;
- 24 g. An award of attorneys' fees and costs pursuant to California Code of
25 Civil Procedure § 1021.5;
- 26 h. An award of pre-judgment and post-judgment interest, as provided by
27 law;
- 28 i. Leave to amend the Complaint to conform to the evidence produced at

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trial; and

j. Such other relief as may be appropriate under the circumstances.

DEMAND FOR JURY TRIAL

88. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of any and all issues in this action so triable.

Dated: January 17, 2017

Respectfully submitted,

Capstone Law APC

By: /s/ Lee A. Cirsch
Lee A. Cirsch
Robert K. Friedl
Trisha K. Monesi

Attorneys for Plaintiff Garrett Shank

EXHIBIT 1

1 Lee A. Cirsch (SBN 227668)
 Lee.Cirsch@capstonelawyers.com
 2 Robert K. Friedl (SBN 134947)
 Robert.Friedl@capstonelawyers.com
 3 Trisha K. Monesi (SBN 303512)
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 4 Capstone Law APC
 1875 Century Park East, Suite 1000
 5 Los Angeles, California 90067
 Telephone: (310) 556-4811
 6 Facsimile: (310) 943-0396

7 Attorneys for Plaintiff
 8 Garret Shank

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 GARRET SHANK, individually, and on
 12 behalf of other members of the general
 13 public similarly situated,

14 Plaintiff,

15 v.

16 PRESIDIO BRANDS, INC., a Delaware
 corporation,

17 Defendant.

Case No.:

**DECLARATION OF GARRET SHANK IN
 SUPPORT OF VENUE FOR CLASS
 ACTION COMPLAINT PURSUANT TO
 CIVIL CODE SECTION 1780(d)**

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DECLARATION OF GARRET SHANK

I, GARRET SHANK, declare under penalty of perjury as follows:

1. I make this declaration based upon my personal knowledge except as to those matters stated herein that are based upon information and belief, and as to those matters I believe them to be true. I am over the age of eighteen, a citizen of the State of California, and a Plaintiff in this action.

2. Pursuant to California Civil Code section 1780(d), this Declaration is submitted in support of Plaintiff’s Selection of Venue for the Trial of Plaintiff’s Cause of Action alleging violation of California’s Consumers Legal Remedies Act.

3. I reside in Los Angeles, California, which is in the County of Los Angeles. I purchased the Every Man Jack products that are the subject of this lawsuit in the County of Los Angeles.

4. I am informed and believe that Defendant PRESIDIO BRANDS, INC. (“Defendant”) is a Delaware corporation, organized and existing under the laws of the State of Massachusetts, and registered to conduct business in California. Defendant Presidio Brands, Inc.’s Corporate Headquarters are located at 500 Tamal Plaza, Suite 505, Corte Madera, California, which is in Marin County.

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5. Based on the facts set forth herein, this Court is a proper venue for the prosecution of Plaintiff's Cause of Action alleging violation of California's Consumers Legal Remedies Act because Defendant's headquarters are located in Marin County, and Defendant conducts business in Marin County and throughout California and the United States of America.

6. I declare under penalty of perjury under the laws of California and the United States of America that the foregoing is true and correct.

Executed on January 12, 2017 in Los Angeles, California.

DocuSigned by:
Garret Shank
35A766505515482...
Garret Shank

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS
GARRET SHANK, individually, and on behalf of a class of similarly situated individuals,
(b) County of Residence of First Listed Plaintiff LOS ANGELES
(c) Attorneys (Firm Name, Address, and Telephone Number)
Lee A. Cirsch ; Robert K. Friedl ; Trisha K. Monesi
Capstone Law APC
1875 Century Park East, Suite 1000
Los Angeles, California 90067
Telephone: (310) 556-4811

DEFENDANTS
PRESIDIO BRANDS, INC., a Delaware corporation
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
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 (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
1 2 3
4 5 6
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
110 Insurance
120 Marine
130 Miller Act
140 Negotiable Instrument
150 Recovery of Overpayment Of Veteran's Benefits
151 Medicare Act
152 Recovery of Defaulted Student Loans (Excludes Veterans)
153 Recovery of Overpayment of Veteran's Benefits
160 Stockholders' Suits
190 Other Contract
195 Contract Product Liability
196 Franchise
PERSONAL INJURY
310 Airplane
315 Airplane Product Liability
320 Assault, Libel & Slander
330 Federal Employers' Liability
340 Marine
345 Marine Product Liability
350 Motor Vehicle
355 Motor Vehicle Product Liability
360 Other Personal Injury
362 Personal Injury - Medical Malpractice
PERSONAL INJURY
365 Personal Injury - Product Liability
367 Health Care/ Pharmaceutical Personal Injury Product Liability
368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY
370 Other Fraud
371 Truth in Lending
380 Other Personal Property Damage
385 Property Damage Product Liability
FORFEITURE/PENALTY
625 Drug Related Seizure of Property 21 USC § 881
690 Other
LABOR
710 Fair Labor Standards Act
720 Labor/Management Relations
740 Railway Labor Act
751 Family and Medical Leave Act
790 Other Labor Litigation
791 Employee Retirement Income Security Act
IMMIGRATION
462 Naturalization Application
465 Other Immigration Actions
BANKRUPTCY
422 Appeal 28 USC § 158
423 Withdrawal 28 USC § 157
PROPERTY RIGHTS
820 Copyrights
830 Patent
840 Trademark
SOCIAL SECURITY
861 HIA (1395ff)
862 Black Lung (923)
863 DIWC/DIWW (405(g))
864 SSID Title XVI
865 RSI (405(g))
FEDERAL TAX SUITS
870 Taxes (U.S. Plaintiff or Defendant)
871 IRS-Third Party 26 USC § 7609
OTHER STATUTES
375 False Claims Act
376 Qui Tam (31 USC § 3729(a))
400 State Reapportionment
410 Antitrust
430 Banks and Banking
450 Commerce
460 Deportation
470 Racketeer Influenced and Corrupt Organizations
480 Consumer Credit
490 Cable/Sat TV
850 Securities/Commodities/Exchange
890 Other Statutory Actions
891 Agricultural Acts
893 Environmental Matters
895 Freedom of Information Act
896 Arbitration
899 Administrative Procedure Act/Review or Appeal of Agency Decision
950 Constitutionality of State Statutes
REAL PROPERTY
210 Land Condemnation
220 Foreclosure
230 Rent Lease & Ejectment
240 Torts to Land
245 Tort Product Liability
290 All Other Real Property
CIVIL RIGHTS
440 Other Civil Rights
441 Voting
442 Employment
443 Housing/Accommodations
445 Amer. w/Disabilities-Employment
446 Amer. w/Disabilities-Other
448 Education
PRISONER PETITIONS
Habeas Corpus:
463 Alien Detainee
510 Motions to Vacate Sentence
530 General
535 Death Penalty
Other:
540 Mandamus & Other
550 Civil Rights
555 Prison Condition
560 Civil Detainee-Conditions of Confinement

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation-Transfer
8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332(d); 28 U.S.C. § 1391
Brief description of cause:
Violations of Consumer Laws

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ 5,000,001.00
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

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

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)
(Place an "X" in One Box Only)
SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE: 01/17/2017 SIGNATURE OF ATTORNEY OF RECORD: /s/ Lee A. Cirsch

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

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

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

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Presidio Brands Hit with Lawsuit Over Every Man Jack Products](#)
