

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. \_\_\_\_\_

SABRINA ZAMPA, individually, and as  
guardian of her minor children J.M., a minor,  
and J.M., a minor, on behalf of themselves and  
those similarly situated,

Plaintiff,

v.

JUUL LABS, INC., a Delaware corporation  
f/k/a PAX LABS, INC. f/k/a PLOOM  
PRODUCTS, INC., and PAX LABS, INC., a  
Delaware corporation f/k/a/ PAX LABS  
(DEUX), INC.,

Defendants.

**NOTICE OF REMOVAL OF CLASS ACTION**

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA, AND TO PLAINTIFFS AND THEIR COUNSEL  
OF RECORD:**

**PLEASE TAKE NOTICE THAT**, pursuant to the Class Action Fairness Act of 2005,  
28 U.S.C. §§ 1332, 1367, 1453, and 1711, and the diversity jurisdiction statute, 28 U.S.C.  
§ 1332(a), Defendant JUUL Labs, Inc. (“JUUL Labs” or “Defendant”) hereby removes the  
above-captioned action—with reservation of all defenses and rights—from the Circuit Court for  
the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida, Case Number 2018-  
037507-CA-01, to the United States District Court for the Southern District of Florida, Miami  
Division. Removal is proper on the following grounds:

### **TIMELINESS OF REMOVAL**

1. Plaintiffs Sabrina Zampa and her minor children, J.M. and J.M. (collectively, “Plaintiffs”) filed a putative Class Action Complaint against JUUL Labs in the Circuit Court for the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida, Case Number 2018-037507-CA-01, on November 5, 2018. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of the (a) Class Action Complaint, (b) Civil Cover Sheet, and (c) Summons are attached as Exhibits A–C to the Declaration of Austin V. Schwing (“Schwing Decl.”) filed concurrently herewith.

2. Plaintiffs served JUUL Labs, through JUUL Labs’ agent for service of process, with the Summons and Complaint on November 19, 2018. Schwing Decl. ¶ 5. This notice of removal is therefore timely pursuant to 28 U.S.C. § 1446(b) because it is filed within 30 days after service was completed. *See* 28 U.S.C. § 1446(b); Fed. R. Civ. P. 6(a)(1).

### **SUMMARY OF ALLEGATIONS AND GROUNDS FOR REMOVAL**

3. Removal is proper pursuant to 28 U.S.C. §§ 1441 and 1453 because this Court has subject matter jurisdiction over this action and all claims asserted against JUUL Labs in this action pursuant to the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1332(d). Removal is also proper pursuant to 28 U.S.C. §§ 1332 and 1441 because this Court has subject matter jurisdiction over this action by virtue of the diversity jurisdiction statute.

4. First, CAFA applies “to any class action before or after the entry of a class certification order by the court with respect to that action.” 28 U.S.C. § 1332(d)(8). This case is a putative “class action” under CAFA because it was brought under a state statute or rule, namely Florida Rule of Civil Procedure 1.220, authorizing an action to be brought by one or

more representative persons as a class action. *See* 28 U.S.C. § 1332(d)(1)(B); *see also* Schwing Decl. Ex. A (“Compl.”), ¶ 32.

5. In their Complaint, Plaintiffs assert seven counts against JUUL Labs: (1) False Advertising; (2) Fraud; (3) Deceptive and Unfair Trade Practices; (4) Unjust Enrichment; (5) Strict Product Liability – Failure to Warn; (6) Negligence; and (7) Negligence *per se*. *See* Compl. ¶¶ 42-112.

6. Among other things, Plaintiffs allege that putative class members are entitled to general, special, and statutory damages, penalties, restitution and disgorgement of profits, a monetary award for the cost of medical programs for the diagnosis and early detection of certain health issues, for the cessation of nicotine use, and for a public information campaign to warn underage users of the alleged health effects of using JUUL Labs products. Compl. Prayer for Relief.

7. Under CAFA, removal of a class action is proper if: (1) there are at least 100 members in the putative class; (2) there is minimal diversity between the parties, such that at least one class member is a citizen of a state different from that of any defendant; and (3) the aggregate amount in controversy exceeds \$5 million, exclusive of interest and costs. *See* 28 U.S.C. §§ 1332(d), 1441.

8. Moreover, under the diversity jurisdiction statute, removal of a civil action is proper if the action is between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs. 28 U.S.C. §§ 1332(a), 1441.

9. JUUL Labs denies any liability in this case. JUUL Labs expressly reserves all of its rights, including, but not limited to, its right to file motions to compel arbitration and motions challenging the pleadings. JUUL Labs also intends to oppose class certification and believes that

class treatment is inappropriate under these circumstances in part because there are many material differences between the named Plaintiffs and the putative class members Plaintiffs seek to represent. JUUL Labs expressly reserves all rights to oppose class certification and to contest the merits of all claims asserted in the Complaint. However, for purposes of meeting the jurisdictional requirements for removal *only*, JUUL Labs submits on a good-faith basis that the allegations in Plaintiffs' Complaint identify a putative class of more than 100 members, meet the minimum diversity requirement, and put in controversy, in the aggregate, an amount that exceeds \$5 million. *See* 28 U.S.C. § 1332(d)(2), (d)(5)(B), and (d)(6). JUUL Labs further submits, again for purposes of meeting the jurisdictional requirements for removal *only*, that the amount in controversy exceeds \$75,000 and that this action is between citizens of different states, such that removal is proper under 28 U.S.C. § 1332(a).

## **I. Removal Is Proper Under CAFA**

### **A. The Proposed Class Consists of More than 100 Members**

10. Based on Plaintiffs' allegations, this action satisfies CAFA's requirement that the putative class action contains at least 100 members. *See* 28 U.S.C. § 1332(d)(5)(B).

11. Plaintiffs propose two classes. The first proposed class consists of "[a]ll residents of Florida who, at the time of their use of JUUL products, were under the age of 18, and who procured and used JUUL products (the 'Class')." Compl. ¶ 32.

12. The second proposed class consists of "[a]ll legal guardians of all residents of Florida who, at the time of their use of JUUL products, were under the age of 18, and who procured and used JUUL products (the 'Guardian Class')." Compl. ¶ 33.

13. The Complaint estimates that "the class is imposed [sic] of more than 500 persons." Compl. ¶ 36. Accordingly, while JUUL Labs denies that class treatment is

permissible or appropriate, based on the Complaint's allegations the proposed class plainly consists of more than 100 members.

**B. JUUL Labs and A Member of the Class Are Not Citizens of the Same State**

14. Under CAFA's minimum diversity of citizenship requirement, the plaintiff or any member of the putative class must be a citizen of a different state from any defendant. *See* 28 U.S.C. § 1332(d)(2)(A).

15. Plaintiffs allege that, "[a]t all times material to th[eir] Complaint, Plaintiffs were and are residents of Miami, Miami-Dade County, Florida." Compl. ¶ 3.

16. Plaintiffs further allege that "JUUL Labs, Inc., is a Delaware corporation with its principal address at 560 20th Street, San Francisco, CA 94107." Compl. ¶ 13. As such, JUUL Labs is a citizen of Delaware and California. *See* 28 U.S.C. § 1332(c)(1). Accordingly, at least one Plaintiff is a citizen of a different state from that of JUUL Labs.

**C. The Amount in Controversy Exceeds \$5 Million**

17. CAFA requires that the amount in controversy in a class action exceed \$5 million, exclusive of interest and costs. 28 U.S.C. § 1332(d)(2). In calculating the amount in controversy, a court must aggregate the claims of all individual class members. 28 U.S.C. § 1332(d)(6).

18. The Eleventh Circuit applies "a preponderance of the evidence" standard to determine whether removal under CAFA is proper. *Dudley v. Eli Lilly & Co.*, 778 F.3d 909, 913 (11th Cir. 2014); *Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 752 (11th Cir. 2010). A defendant seeking to remove under CAFA need only show "that the amount in controversy more likely than not exceeds the . . . jurisdictional requirement [of \$5 million]." *Pretka*, 608 F.3d at

752 (internal quotation marks omitted). To satisfy this burden, a defendant may rely on “reasonable deductions, reasonable inferences, or other reasonable extrapolations.” *Id.* at 754.

19. Plaintiffs’ allegations—if accepted—would place in excess of \$5 million in controversy, exclusive of interest and costs. *See Shaver v. Ford Motor Co.*, 768 F. Supp. 2d 1235, 1236–37 (S.D. Fla. 2011) (holding that removal under CAFA is proper where “the requisite amount of controversy of \$5,000,000 is evident on the face of the complaint”). “When the complaint does not claim a specific amount of damages, removal from state court is jurisdictionally proper if it is facially apparent from the complaint that the amount in controversy exceeds the jurisdictional requirement.” *Pretka*, 608 F.3d at 754 (internal quotation marks and alterations omitted). In other words, the focus of the Court’s inquiry must be on “how much will be put at issue during the litigation,” and “the amount is not discounted by the chance that the plaintiffs will lose on the merits.” *S. Fla. Wellness, Inc. v. Allstate Ins. Co.*, 745 F.3d 1312, 1315 (11th Cir. 2014).

20. Although JUUL Labs denies that Plaintiffs’ claims have any merit or that Plaintiffs have suffered any harm or damages, JUUL Labs avers, for purposes of meeting the jurisdictional requirements for removal *only*, that if Plaintiffs were to prevail on every single claim and allegation in their Complaint on behalf of the putative class, the requested monetary recovery would exceed \$5 million. This can hardly be disputed since Plaintiffs seek damages for personal injury, restitution and disgorgement, medical monitoring, penalties, and attorneys’ fees, on behalf of two proposed classes. Compl. ¶ 36.<sup>1</sup>

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<sup>1</sup> JUUL Labs reserves the right to present evidence establishing the amount placed in controversy by each of Plaintiffs’ claims should Plaintiffs challenge whether the jurisdictional amount-in-controversy threshold is satisfied. *See Dart Cherokee Basin Operating Co.*, 135 S. Ct. 547, 554 (2014) (“Evidence establishing the amount is required by § 1446(c)(2)(B) only when the plaintiff contests, or the court questions, the defendant’s allegation [that the amount in controversy exceeds the jurisdictional threshold].”).

Allegations of Personal Injury

21. Plaintiffs allege that JUUL Labs unlawfully designed, manufactured, marketed, advertised, and distributed JUUL Labs products. *See, e.g.*, Compl. ¶ 19. Plaintiffs further allege that JUUL Labs’ alleged conduct caused the putative class members a wide variety of personal injuries, in the form of physical, mental, and emotional harms including: “increased risk of heart disease and stroke; changes in brain functionality that lead to changes in behavior, respiratory illness, increased susceptibility to anxiety, depression and other addictions; long-term nicotine addiction; decreased functionality of the immune and endocrine systems; heightened risk of cancer; and negative effects on fertility.” Compl. ¶ 19.

22. For example, Plaintiffs allege that “[a]s a result of Defendants’ conduct, minor Plaintiffs and Class Members have been significantly exposed to toxic substances, including nicotine and nicotine delivery additives, and have as a result of this exposure have suffered increased risk of illness, disease or disease process.” Compl. ¶ 51.

23. Plaintiffs seek “actual, compensatory, and consequential damages,” as well as “statutory damages and penalties.” Compl. Prayer for Relief.

24. Given Plaintiffs’ allegations that the proposed classes are entitled to recover damages for serious medical conditions, Plaintiffs’ personal injury claims put more than \$5 million in dispute. This is especially true given that Plaintiffs also seek restitution, disgorgement, and penalties. *See* Compl. Prayer for Relief.

Programmatic Relief

25. Plaintiffs have also put more than \$5 million in dispute by seeking relief in the form of a “monetary award of the cost of [three] program[s]” for: (1) “diagnostic testing for the early detection of illness, disease, or disease process for class members who used JUUL

products”; (2) “a nicotine use cessation program for class members who used JUUL products”; and (3) “a public information campaign to warn underage users of the health effects and addictive nature of the JUUL products.” Compl. Prayer for Relief.

26. The creation of a diagnostic testing program and a nicotine use cessation program of the kind demanded by Plaintiffs, for the proposed classes, and an additional statewide public information campaign to warn underage users of the health effects of using JUUL Labs products, likely would cost more than \$5 million.

#### Attorneys’ Fees

27. Plaintiffs’ demand for “attorneys’ fees,” Compl. Prayer for Relief, places an additional amount in controversy. *Morrison v. Allstate Indem. Co.*, 228 F.3d 1255, 1265 (11th Cir. 2000) (“When a statute authorizes the recovery of attorney’s fees, a reasonable amount of those fees is included in the amount in controversy.”).

28. Plaintiffs’ First and Third causes of action are based on Florida’s Deceptive and Unfair Trade Practices Act (the “FDUTPA”), Florida Statute Section 501.201, *et seq.* Compl. ¶¶ 45, 68. Plaintiffs seek attorneys’ fees if they prevail on their claims. Fla. Stat. § 501.2105(1).

29. JUUL Labs denies that any such attorneys’ fees are owed to Plaintiffs or the putative class, and reserves the right to contest the amount of any such fees in this case. However, for purposes of this jurisdictional analysis *only*, JUUL Labs relies on Plaintiffs’ allegations that the attorneys’ fees are owed. Plaintiffs’ request for attorneys’ fees places a significant additional amount in controversy for purposes of CAFA.

30. Plaintiffs’ allegations therefore place more than the requisite \$5 million in controversy. The jurisdictional amount-in-controversy requirement is met, and removal to this Court is proper under CAFA.

## **II. Removal Is Also Proper Under The Diversity Jurisdiction Statute**

### **A. The Amount in Controversy Exceeds \$75,000**

31. For similar reasons, Plaintiffs' allegations place more than the requisite \$75,000 in controversy for jurisdiction under the diversity jurisdiction statute, 28 U.S.C. § 1332(a).

32. As set forth in detail above, Plaintiffs seek compensatory damages for serious medical conditions; statutory damages and penalties; restitution and disgorgement; three separate forms of programmatic relief; and attorneys' fees. Compl. Prayer for Relief. These forms of relief place at least \$75,000 in controversy for at least one plaintiff.

33. Where the amount-in-controversy requirement of the diversity jurisdiction statute is satisfied for at least one plaintiff, this Court may exercise supplemental jurisdiction over the claims of other plaintiffs, even if such claims do not independently satisfy the amount-in-controversy requirement. *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 549 (2005); *see also* 28 U.S.C. § 1367.

### **B. The Parties Are Citizens of Different States**

34. For federal jurisdiction to be authorized under the diversity jurisdiction statute, there must be diversity of citizenship between the parties. 28 U.S.C. § 1332(a). Such diversity is present where the parties are "citizens of different States." *Id.* § 1332(a)(1).

35. Plaintiffs describe their Complaint as "a class action complaint by Florida residents." Compl. ¶ 1. As noted above, they allege that, "[a]t all times material to this Complaint, Plaintiffs were and are residents of Miami, Miami-Dade County, Florida." Compl. ¶ 3.

36. Plaintiffs propose to certify two classes: "All residents of Florida who, at the time of their use of JUUL products, were under the age of 18, and who procured and used JUUL

products (the ‘Class’); and “[a]ll legal guardians of all residents of Florida who, at the time of their use of JUUL products, were under the age of 18, and who procured and used JUUL products (the ‘Guardian Class’).” Compl. ¶¶ 32-33.

37. JUUL Labs is a citizen of California and Delaware. Compl. ¶ 13.

38. The diversity of citizenship requirement of 28 U.S.C. § 1332(a)(1) is therefore satisfied because JUUL Labs and the plaintiffs are citizens of different states.

**THIS COURT HAS JURISDICTION AND REMOVAL IS PROPER**

39. Based on the foregoing facts and allegations, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) and (d) because:

- a. This is a civil action which is a class action within the meaning of § 1332(d)(1)(B);
- b. The action involves a putative class of at least 100 persons as required by § 1332(d)(5)(B);
- c. At least one member of the putative class is a citizen of a state different from that of any defendant as required by § 1332(d)(2)(A);
- d. The amount in controversy exceeds \$5 million, exclusive of interest and costs, as required by § 1332(d)(2);
- e. The amount in controversy as to at least one plaintiff exceeds \$75,000, as required by § 1332(a); and
- f. The parties are citizens of different states, as required by § 1332(a)(1).

Accordingly, this action is properly removable under 28 U.S.C. §§ 1332, 1441, 1446, and 1453.

40. The United States District Court for the Southern District of Florida, Miami Division, is the federal judicial district and division in which the Circuit Court for the Eleventh

Judicial Circuit, in and for Miami-Dade County, sits. This action was originally filed in the Circuit Court for the Eleventh Judicial Circuit, in and for Miami-Dade County, rendering venue in this federal judicial district and division proper. *See* 28 U.S.C. §§ 89(c), 1441(a).<sup>2</sup>

41. In accordance with 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders served upon JUUL Labs are attached as Exhibits A–D to the Declaration of Austin V. Schwing filed concurrently herewith. These filings constitute the complete record of all records and proceedings in the state court that have been served upon JUUL Labs.

42. On November 26, 2018, Plaintiffs and Defendant PAX Labs, Inc. (“PAX Labs”) submitted a stipulation in the Circuit Court for the Eleventh Judicial Circuit, in and for Miami-Dade County, to dismiss PAX Labs from the action. *See* Schwing Decl. ¶ 5, Ex. D. Although PAX Labs’ consent to removal is not necessary, counsel for PAX Labs has indicated via email that it does not oppose removal. *Id.* ¶ 7.

43. Upon filing the Notice of Removal, JUUL Labs will furnish written notice to Plaintiffs’ counsel, and will file and serve a copy of this Notice with the Clerk of the Circuit Court for the Eleventh Judicial Circuit, pursuant to 28 U.S.C. § 1446(d).

44. WHEREFORE, JUUL Labs hereby removes to the Court the above action pending against it in the Circuit Court for the Eleventh Judicial Circuit.

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<sup>2</sup> Defendant reserves the right to seek to transfer this action from the Southern District of Florida to another United States District Court.

DATE: November 30, 2018

Respectfully submitted

By: /s/ George S. LeMieux

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*ATTORNEYS FOR DEFENDANT  
JUUL LABS, INC.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of November, 2018, I electronically filed the foregoing with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on the counsel of record or pro se parties on the Service List below via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ George S. LeMieux

**Service List**

John A. Yanchunis  
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Attorneys for Plaintiff

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS See Attachment A

DEFENDANTS See Attachment A

(b) County of Residence of First Listed Plaintiff Miami-Dade  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant San Francisco, CA  
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
See Attachment A

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  
Attorneys (If Known)  
See Attachment A

(d) Check County Where Action Arose: ☐ MIAMI-DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

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                        | PTF                        | DEF                                   |
|---------------------------------------|----------------------------|----------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<b>PERSONAL INJURY</b> <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Re-filed (See VI below)  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation Transfer  
☐ 7 Appeal to District Judge from Magistrate Judgment  
☐ 8 Multidistrict Litigation - Direct File  
☐ 9 Remanded from Appellate Court

VI. RELATED/RE-FILED CASE(S)

(See instructions): a) Re-filed Case ☐ YES ☒ NO b) Related Cases ☐ YES ☒ NO  
JUDGE: DOCKET NUMBER:

VII. 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):

LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE November 30, 2018 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT IFP JUDGE MAG JUDGE

Save As...

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**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 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 by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating 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 Rule 8(a), F.R.C.P., 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.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 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. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 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; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

**VI. Related/Refiled Cases.** This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

**VII. 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

**VIII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) 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.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**Attachment A to Civil Cover Sheet**

Plaintiffs

SABRINA ZAMPA, individually, and as guardian of her minor children J.M., a minor, and J.M., a minor, on behalf of themselves and those similarly situated,

Plaintiffs' Counsel

John A. Yanchunis  
Ryan J. McGee  
Jean S. Martin (*pro hac vice to be submitted*)  
MORGAN & MORGAN  
COMPLEX LITIGATION GROUP  
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THE HANNON LAW FIRM, LLC  
Kevin S. Hannon (*pro hac vice to be submitted*)  
1641 Downing Street  
Denver, CO 80218  
Telephone: 303.861.8800  
khannon@hannonlaw.com

Defendants

JUUL LABS, INC., a Delaware corporation f/k/a PAX LABS, INC. f/k/a PLOOM PRODUCTS, INC., and PAX LABS, INC., a Delaware corporation f/k/a/ PAX LABS (DEUX), INC.

Defendants' Counsel

GIBSON, DUNN & CRUTCHER LLP  
AUSTIN V. SCHWING (*pro hac vice to be submitted*)  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. \_\_\_\_\_

SABRINA ZAMPA, individually, and as  
guardian of her minor children J.M., a minor,  
and J.M., a minor, on behalf of themselves and  
those similarly situated,

Plaintiff,

v.

JUUL LABS, INC., a Delaware corporation  
f/k/a PAX LABS, INC. f/k/a PLOOM  
PRODUCTS, INC., and PAX LABS, INC., a  
Delaware corporation f/k/a/ PAX LABS  
(DEUX), INC.,

Defendants.

**DECLARATION OF AUSTIN V.  
SCHWING IN SUPPORT OF  
NOTICE OF REMOVAL**

**DECLARATION OF AUSTIN V. SCHWING**

I, Austin V. Schwing, declare as follows:

1. I am an attorney duly licensed to practice law before the United States District Court for the Northern District of California. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP, and am one of the attorneys representing JUUL Labs, Inc. ("JUUL Labs") in the above-entitled action. I offer this declaration in support of JUUL Labs' Notice of Removal of this action from the Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida, to the United States District Court for the Southern District of Florida. Unless otherwise stated, the following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Class Action Complaint in *Zampa et al. v. JUUL Labs, Inc. et al.*, Case No. 18-37507CA01, filed on November 5, 2018 in the Eleventh Judicial Circuit Court in and for Miami-Dade County.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Civil Case Cover Sheet filed by Plaintiffs on November 5, 2018 in the Eleventh Judicial Circuit Court in and for Miami-Dade County.

4. Attached hereto as **Exhibit C** is a true and correct copy of the Summons filed by the Clerk on November 13, 2018 in the Eleventh Judicial Circuit Court in and for Miami-Dade County.

5. Attached hereto as **Exhibit D** is a true and correct copy of the Stipulation for Dismissal filed by Plaintiffs and Defendant PAX Labs, Inc. (“PAX Labs”) on November 26, 2018 in the Eleventh Judicial Circuit Court in and for Miami-Dade County.

6. Plaintiffs served JUUL Labs, through JUUL Labs’ agent for service of process, with the Summons and Complaint on November 19, 2018.

7. Counsel for PAX Labs has indicated via email that it does not oppose removal.

8. In accordance with 28 U.S.C. § 1446(a), Exhibits A through D include “all process, pleadings and orders served upon” the Defendants in this action. Defendants have not been served with any other filings in this action.

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

Executed on this 30th day of November, 2018, in San Francisco, California.

DATE: November 30, 2018

Respectfully submitted

By: /s/ Austin V. Schwing

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*ATTORNEYS FOR DEFENDANT  
JUUL LABS, INC.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of November, 2018, I electronically filed the foregoing with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on the counsel of record or pro se parties on the Service List below via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ George S. LeMieux

**Service List**

John A. Yanchunis  
Ryan J. McGee  
Jean S. Martin  
*(pro hac vice to be submitted)*  
MORGAN & MORGAN  
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Email: khannon@hannonlaw.com

Attorneys for Plaintiff

# EXHIBIT A

IN THE CIRCUIT COURT  
ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

SABRINA ZAMPA, individually, and as  
guardian of her minor children J.M., a minor,  
and J.M., a minor, on behalf of themselves and  
those similarly situated,

Plaintiff,

v.

JUUL LABS, INC., a Delaware corporation  
f/k/a PAX LABS, INC. f/k/a PLOOM  
PRODUCTS, INC., and PAX LABS, INC., a  
Delaware corporation f/k/a/ PAX LABS  
(DEUX), INC.,

Defendants.

Case No.: 18-37507 CAC 1  
Division:

CLASS ACTION COMPLAINT  
CLASS REPRESENTATION

DEMAND FOR JURY TRIAL

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, SABRINA ZAMPA, individually, and as legal guardian for her minor children J.M.-1 and J.M.-2 ("Plaintiffs"), by and through their undersigned counsel, bring this class action complaint against Defendants, JUUL LABS, INC., a Delaware corporation formerly known as PAX LABS, INC., formerly known as PLOOM PRODUCTS, INC. (hereinafter "JUUL"), and PAX LABS, INC., a Delaware corporation formerly known as PAX LABS (DEUX), INC. (hereinafter "PAX") (and collectively, "Defendants"), on behalf of themselves and those similarly situated, and allege:

**INTRODUCTION**

1. This is a class action complaint by Florida residents against Defendants for false advertising, violations of Florida's Deceptive and Unfair Trade Practices Act ("FDUTPA"), fraud, unjust enrichment, failure to warn, negligence, and negligence *per se*. The following

allegations are based upon personal knowledge with respect to themselves and on information and belief derived therefrom, among other things, investigation of counsel and review of public documents as to all other matters.

### **JURISDICTION AND VENUE**

2. This is an action for damages in excess of this Court's minimum jurisdictional limits of Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs.

3. At all times material to this Complaint, Plaintiffs were and are residents of Miami, Miami-Dade County, Florida.

4. At all times material to this Complaint, JUUL was and is a foreign corporation authorized to conduct business in the State of Florida, and engaged in continuous and substantial business in the State of Florida, including Miami-Dade County.

5. At all times material to this Complaint, PAX was and is a foreign corporation authorized to conduct business in the State of Florida, and engaged in continuous and substantial business in the State of Florida, including Miami-Dade County.

6. Jurisdiction and venue are proper in Miami-Dade County, Florida, because both JUUL and PAX sold the products that caused injury to Plaintiffs in Miami-Dade County, Florida.

### **PARTIES**

#### **A. Plaintiffs**

7. J.M.-1, and his mother and natural guardian, Sabrina Zampa ("Zampa"), are and at all times relevant were, individuals and residents of Miami, Miami-Dade County, Florida. Presently 16 years-old, J.M.-1 began using JUUL vaping products, or "JUULing," in middle school. J.M.-1 made his first purchase of JUUL products from the online JUUL store, and was able to even though he was underage. When he first tried a JUUL product, J.M.-1 was not aware

that JUUL contained nicotine, how much nicotine a JUUL contained, or that the JUUL had specifically been developed to maximize the narcotic and, hence, addictive effects of nicotine. Nor was J.M.-1 aware of the other additives in JUUL products and the health consequences of those additives. At the age of 16, J.M.-1 has spent at least hundreds of dollars on JUULpods. J.M.-1 began purchasing the JUULpod replacements through PostMates because J.M.-1 could receive the replacements without producing identification and proof of age.

8. J.M.-2, and his mother and natural guardian, Zamba, are and at all times relevant were, individuals and residents of Miami, Miami-Dade County, Florida. Presently 14 years-old, J.M.-2 began “JUULing” in middle school. When he first tried a JUUL, J.M.-2 was not aware that JUUL contained nicotine, how much nicotine a JUUL contained, or that the JUUL had specifically been developed to maximize the narcotic and, hence, addictive effects of nicotine. Nor was J.M.-2 aware of the other additives in JUUL products and the health consequences of those additives. At the age of 14, J.M.-2 has spent at least hundreds of dollars on JUULpods. J.M.-2 began purchasing the JUULpod replacements through Post Mates because J.M.-2 could receive the replacements without producing identification and proof of age.

9. J.M.-1 and J.M.-2 have both attempted to reduce or quit their use of JUUL products, without success. When they do attempt reduction or cessation, they suffer headaches and other ill effects, causing them to continue the use of JUUL products. These conditions and the addictive nature of JUUL products have impaired their ability to reduce and cease the use of nicotine delivery products, and to date they have been unable to cease use thereof.

10. J.M.-1 and J.M.-2 were both intrigued with JUUL’s products because of the branding and more particularly the flavors—specifically, JUUL’s “limited edition cool cucumber.” They both have used JUUL products because of the attractive flavors JUUL uses to

market and sell their JUUL products.

11. Zampa first discovered her sons' JUUL in August 2017. When Zampa discovered her sons' JUUL devices, she initially thought they were USB drives for her sons' computer due to the design and layout of the JUUL device. When she inquired with her sons about the JUUL device, Zampa realized what she thought was a USB drive was actually a JUUL device, and her sons had been consuming harmful amounts of nicotine since middle school, and were using Post Mates and other methods to obtain JUULpods without presenting identification and proof of age.

12. Because her sons constantly used JUUL products for years at such young ages, Zampa is concerned about future health complications associated with the prolonged consumption of nicotine and other additives in JUUL products by minors, including her sons. Zampa, with her minor sons, claims the cost of diagnostic testing for the early detection of illness, disease, and disease process, the cost of nicotine use cessation programs, and other remedies on behalf of her minor children and the class.

**B. Defendants**

13. JUUL Labs, Inc., is a Delaware corporation with its principal address at 560 20th Street, San Francisco, CA 94107. JUUL was originally authorized to do business in Florida on August 16, 2013, under the name Ploom Products, Inc., and changed its name from Ploom Products, Inc., to PAX Labs, Inc., on February 11, 2015, and changed its name from PAX Labs, Inc., to JUUL Labs, Inc., on June 30, 2017. Any and all allegations toward JUUL are inclusive of JUUL in its prior form as either Ploom Products, Inc. (from August 16, 2013, through February 11, 2015), or PAX Labs, Inc. (from February 11, 2015, through June 30, 2017).

14. PAX Labs, Inc., is a Delaware corporation with its principal address at 660 Alabama Street, San Francisco, CA 94110. PAX originally applied to do business in Florida on

November 13, 2017, and filed a Foreign Profit Corporation Annual Report with the Florida Secretary of State on May 18, 2018.

15. At all relevant times alleged herein, each Defendant was an agent, servant, representative, officer, director, partner, or employee of the other Defendant and, in performing the conduct complained of herein, was acting within the scope and course of its authority as such an agent, servant, representative, officer, director, partner, or employee, and with the permission and consent of each other Defendant.

16. At all relevant times alleged herein, each Defendant was a member of, and engaged in, a joint venture, partnership, and common enterprise, and acted within the course and scope of, and in pursuit of, said joint venture, partnership, and common enterprise.

17. At all relevant times alleged herein, each Defendant ratified each and every act or omission complained of herein.

18. At all relevant times alleged herein, the acts and omissions of each Defendant concurred and contributed to the various acts and omissions of the other Defendants in proximately causing the injuries and damages alleged herein.

#### **GENERAL ALLEGATIONS**

19. Defendants falsely and deceptively advertise JUUL e-cigarettes and JUULpods to Florida residents in unfair, unlawful, and fraudulent ways, especially marketing those products as safe, candy-like products to which minors are attracted, when they in fact contain more potent doses of nicotine than cigarettes, which makes them particularly addictive. Defendants failed to disclose myriad health problems that are likely to occur from the use of Defendants' products, including: increased risk of heart disease and stroke; changes in brain functionality that lead to changes in behavior, respiratory illness, increased susceptibility to anxiety, depression and other

addictions; long-term nicotine addiction; decreased functionality of the immune and endocrine systems; heightened risk of cancer; and negative effects on fertility.<sup>1</sup> Defendants aimed their marketing efforts toward children and minors especially, utilizing sophisticated marketing campaigns and mechanisms, and designed their JUUL products to be deliverable through third-party vendors such as Post Mates and other companies that do not require proof of identification upon delivery through the postal service and other methods.

20. Released in 2015,<sup>2</sup> JUUL is now a leading e-cigarette manufacturer and seller in the e-cigarette market in the United States. JUUL e-cigarettes' patented nicotine formulation is more addictive than its competitors, including the most potent and popular cigarettes on the market. Instead of disclosing addictive nature and nicotine formulation to consumers, JUUL launched a multi-million dollar marketing campaign targeting children and minors in an effort to brand the JUUL e-cigarette as a fashion accessory sold in "limited edition" colors and candy-like flavors.<sup>3</sup>

21. As one of the engineers who invented the JUUL e-cigarette stated: "We don't think a lot about addiction here because we're not trying to design a cessation product at all . . . anything about health is not on our mind."<sup>1</sup> Defendants' website (<http://www.juulvapor.com>) touts the JUUL e-cigarette as "the i-Phone of E-cigs," thereby framing them as a cool, fashionable item to own and use, especially for children and minors.

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<sup>1</sup> See Mishra, A., et al., *Harmful Effects of Nicotine*, Indian J. Med. Paediatr. Oncol., 36(1):24-31 (Jan.-Mar. 2015), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4363846>

<sup>2</sup> Nitasha Tiku, *Startup behind the Lambo of Vaporizers just Launched an Intelligent e-Cigarette*, The Verge (April 21, 2015), available at <https://www.theverge.com/2015/4/21/8458629/pax-labs-e-cigarette-juul>

<sup>3</sup> Susan Weisman, JD, *JUUL Electronic Cigarette's Popularity with Youth & Young Adults*, Public Health Law Center (April 26, 2018), available at <http://www.publichealthlawcenter.org/sites/default/files/JUUL-Webinar-Slides-Apr262018.pdf>

22. Defendants advertise and market the JUUL and JUULpods in a variety of bright colors, with the nicotine pods advertised and marketed in child- and minor-focused flavors such as “cool mint,” “crème brulee,” “mango,” “fruit medley,” and “limited edition cool cucumber.” Defendants’ JUUL e-cigarettes are more effective at delivering nicotine into the bloodstream than cigarettes, and their pre-filled cartridges of nicotine solution, called “JUULpods,” contain three times more nicotine than the legal limit in the European Union. As a result, Defendants’ products deliver more highly addictive nicotine into the bloodstream at a faster rate than cigarettes.

23. Defendants have aggressively engaged in child- and minor-based marketing to target users who like the taste of candy, as evidenced by their use of child- and minor-friendly flavors. Defendant paired these addictive aspects with an advertising campaign concentrating on bright, attractive images of young people, thereby framing JUUL as product for hip, young users. JUUL’s efforts have resulted in meteoric growth—more than a 700% increase in 2017 alone. Defendants’ marketing campaigns (e.g., attractive flavors and young actors) has resulted in rising concern among parents, physicians, and school administrators who have seen a dramatic increase in use among children and minors alike.

24. In 2011, less than 2% of U.S. high school students reported using e-cigarettes in the previous month, but by 2015 that percentage had increased to 16%. The number of high-school students who used e-cigarettes in the 30 days before September 2018 had risen roughly 75% since 2017.<sup>4</sup> According to a Wall Street Journal Survey, the most common reasons for vaping were for the flavors, and because minors think it is “cool.” *Id.* The evidence is clear

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<sup>4</sup> McKay and Maloney, *Youth Vaping has Soared in 2018, New Data Shows*, The Wall Street Journal (Sep. 21, 2018), available at <https://www.wsj.com/articles/youth-vaping-has-soared-in-2018-new-data-show-1537481424?mod=searchresults&page=1&pos=2>.

that flavors play a key role in youth use of tobacco products, including e-cigarettes.<sup>5</sup>

25. JUULpods continue to be marketed in child- and minor-friendly flavors, and in the same addictive and unhealthy form, and without proper warnings and labelling and without reasonable controls to limit their availability to minors. In fact, Defendants' products are available to minors through Defendants' website which has sham restrictions on the age of use of the site and age of purchase.

26. Defendants have thus employed an unfair and deceptive marketing approach. Children and minors alike are targeted through sophisticated advertising campaigns, including social media, with the child- and minor-friendly flavors and remnants of Defendants' prior youth-focused multimillion dollar advertisement campaigns. Adolescent exposure to nicotine is associated with an increased risk of mood and attention problems.<sup>6</sup>

27. According to the American Lung Association and its partners Juul is putting kids at risk of nicotine addiction and threatens to undermine decades of progress in reducing youth tobacco use.<sup>7</sup>

28. Defendants knew, and should have known, that the developing brain of children is more susceptible to the harmful effects of nicotine, including addiction.<sup>8</sup>

29. Under Florida law, a "nicotine dispensing device" means:

any product that employs an electronic, chemical, or mechanical means to produce vapor from a nicotine product, including, but not

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<sup>5</sup> Dr. Scott Gottlieb, *Need for Immediate FDA Action to Protect Young People from JUUL Electronic Cigarettes* (April 18, 2018), available at <https://www.lung.org/assets/documents/advocacy-archive/partners-letter-to-fda-re-juul.pdf> (last accessed October 31, 2018).

<sup>6</sup> *Public Health Consequences of E-Cigarettes*. National Academies of Sciences Engineering Medicine (Jan. 23, 2018) available at <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.

<sup>7</sup> Gottlieb, *supra* n.5.

<sup>8</sup> *E-Cigarettes and Lung Health*, American Lung Association, available at <https://www.lung.org/stop-smoking/smoking-facts/e-cigarettes-and-lung-health.html> (last accessed Oct. 31, 2018).

limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

Fla. Stat. § 877.112(1)(a) (2018). The JUUL products that minor plaintiffs and other resident minors of Florida use are nicotine dispensing devices under Florida law.

30. Under Florida law, a “nicotine product” is defined as “any product that contains nicotine, including liquid nicotine that is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means.” Fla. Stat. § 877.112(1)(b) (2018). The JUUL products that minor plaintiffs and other resident minors of Florida use are nicotine products under Florida law.

31. Under Florida law, it is “unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, to any person who is under 18 years of age, any nicotine product or a nicotine dispensing device.” Fla. Stat. § 877.112(2). Defendants have sold, delivered, bartered, furnished, or given, directly or indirectly, nicotine products and nicotine dispensing devices to Florida residents under 18 years of age.

### **CLASS REPRESENTATION ALLEGATIONS**

32. Plaintiffs bring this action against Defendants on behalf of themselves and all others similarly situated, as a class action pursuant to Rule 1.220 of the Florida Rules of Civil Procedure. The proposed class is defined as follows:

All residents of Florida who, at the time of their use of JUUL products, were under the age of 18, and who procured and used JUUL products (the “Class”).

33. Plaintiff Zampa brings this action against Defendants on behalf of herself and all others similarly situated, as a class action pursuant to Rule 1.220 of the Florida Rules of Civil Procedure. The proposed class is defined as follows:

All legal guardians of all residents of Florida who, at the time of their use of JUUL products, were under the age of 18, and who procured and used JUUL products (the “Guardian Class”).

34. Plaintiffs reserve the right to propose subclasses or narrow of the above class definitions, based on the evidence adduced in discovery, or as necessary and appropriate.

35. This action has been brought and may properly be maintained as a class action against the Defendants pursuant to the provisions of Rule 1.220 of the Florida Rules of Civil Procedures because there is a well-defined community of interest in the litigation and the proposed class is easily ascertainable.

36. **Numerosity**: Plaintiffs are not aware of the exact size of the Class, but the class is imposed of more than 500 persons. The people in the Class are so numerous that the joinder of each member is impracticable and the disposition of their claims in a class action rather than in individual actions will benefit the parties and the courts.

37. **Commonality and Predominance**: This action involves common questions of law and fact to the Class because each Class Member’s claim derives from the false, deceptive, unlawful, and/or unfair statements and omissions that led Class Members to believe that: (a) JUUL E-cigarettes and JUULpods were less addictive than traditional cigarettes; (b) JUUL products could be used without negative health consequences, and (c) they would be able to stop using and purchasing JUUL products “anytime.” Class Member claims also derive from common questions of law and fact related to JUUL products falsely advertised as non-addictive. The common questions of law and fact predominate over individual questions, as proof of a common

or single set of facts will establish the right of each Class Member to recover. Among the questions of law and fact common to the class are:

- a. Whether Defendants' advertising and marketing regarding the JUUL e-cigarette and JUULpods were likely to deceive Class Members;
- b. Whether Defendants' advertising and marketing regarding the JUUL e-cigarette and JUULpods were unfair to Class Members;
- c. Whether Defendants intentionally omitted material information from their advertising and marketing materials;
- d. Whether Defendants unfairly, unlawfully, and/or deceptively induced Class Members to purchase JUUL e-cigarettes and/or JUULpods using the promise that they would be able to stop purchasing JUULpods "anytime";
- e. Whether Defendants unfairly, unlawfully, and/or deceptively induced Class Members to purchase JUUL e-cigarettes and/or JUULpods by representing they were less addictive than traditional cigarettes;
- f. Whether Defendants unfairly, unlawfully, and/or deceptively induced Class Members to purchase JUUL e-cigarettes and/or JUULpods by falsely representing that Class Members would not suffer negative health consequences;
- g. Whether Defendants engaged in the alleged conduct knowingly, recklessly, or negligently;
- h. The amount of revenues and profits Defendants received and/or the amount of monies or other obligations lost by Class Members as a result of such wrongdoing;
- i. Whether Class Members are entitled to injunctive and other equitable relief and, if

so, what is the nature of such relief; and

- j. Whether Class Members are entitled to payment of actual, incidental, consequential, exemplary, and/or statutory damages plus interest thereon, and if so, the nature of such relief.

38. **Typicality**: Plaintiffs' claims are typical of the Class Members' claims because, among other things, Plaintiffs and the Class Members were injured through Defendants' substantially uniform misconduct. Plaintiffs are advancing the same claims and legal theories on behalf of themselves and the Class Members, and there are no defenses that are unique to Plaintiffs' claims. Plaintiffs' and the Class Members' claims arise from the same operative facts and are based on the same legal theories.

39. **Adequacy**: Plaintiffs are adequate representatives of the Nationwide Class because their interests do not conflict with the interests of the other class members they seek to represent; Plaintiffs have retained counsel competent and experienced in complex class action litigation; and Plaintiffs will prosecute this action vigorously. The Class members' interests will be fairly and adequately protected by Plaintiffs and their counsel.

40. **Superiority**: A class action is superior to any other available means for the fair and efficient adjudication of this controversy, and no unusual difficulties are likely to be encountered in the management of this matter as a class action. The damages, harm, or other financial detriment suffered individually by Plaintiffs and the Class Members are relatively small compared to the burden and expense that would be required to litigate their claims on an individual basis against Defendants, making it impracticable for the Class Members to individually seek redress for Defendants' wrongful conduct. Even if the Class members could afford individual litigation, the court system could not. Individualized litigation would create a

potential for inconsistent or contradictory judgments and increase the delay and expense to all parties and the court system. By contrast, the class action device presents far fewer management difficulties and provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court.

41. **Injunctive and Declaratory Relief**: Further, Defendant has acted or refused to act on grounds generally applicable to the Class and, accordingly, final injunctive or corresponding declaratory relief with regard to the Class Members as a whole is appropriate under Rule 1.220(b)(2) of the Florida Rules of Civil Procedure.

### **CAUSES OF ACTION**

#### **FIRST CAUSE OF ACTION**

##### **(False Advertising)**

##### **(On Behalf of the Class and Guardian Class)**

42. Plaintiffs repeat, reallege, and incorporate by reference the allegations contained in paragraphs 1 through 41 as though fully stated herein.

43. Since the release of JUUL in 2015, Defendants have made untrue, false, deceptive, and/or misleading statements directed toward minors in connection with the advertising and marketing of JUUL e-cigarettes and JUULpods in Florida.

44. Defendants have made false representations and statements that led reasonable minor consumers susceptible to Defendants' advertising campaigns to believe that JUUL e-cigarettes and JUULpods contain no nicotine, deliver less nicotine than cigarettes, or are no more addictive than cigarettes. Defendants additionally withheld material information from minor consumers regarding the addictiveness and other negative health consequences of JUUL e-cigarettes and JUULpods.

45. Defendants knowingly engaged in these false, misleading, and deceptive advertising and marketing practices to increase their profits. Accordingly, Defendants have engaged in false advertising, as prohibited by Florida's Deceptive and Unfair Trade Practices Act ("FDUTPA"), Florida Statute Section 501.201, *et seq.*

46. Plaintiffs and Class Members, being unsophisticated minors susceptible to Defendants' advertising campaigns, relied to their detriment on Defendants' false, misleading, and deceptive advertising and marketing practices. Had Plaintiffs and Class Members been adequately informed and not intentionally deceived by Defendants, they would not have purchased a JUUL e-cigarette and JUULpods.

47. Plaintiffs and Class Members are entitled to full restitution of monies to restore all amounts paid to and acquired by Defendants from Plaintiffs and Class Members by means of the false, misleading, and deceptive advertising and marketing practices complained of herein, plus interest thereon.

48. Plaintiffs seek, on behalf of themselves and Class Members, an injunction to prohibit Defendants from continuing to engage in the false, misleading, and deceptive advertising and marketing practices complained of herein in Florida.

49. Further Plaintiffs and Class Members seek: (1) a declaration that the above-described practices constitute false, misleading, and deceptive advertising; and (2) injunctive relief restraining Defendants from engaging in any such advertising and marketing practices in the future in Florida. Such misconduct by Defendants, unless and until enjoined and restrained by order of this Court, will continue to cause injury in fact to the general public of Florida and the loss of money and property in that the Defendants will continue to violate the laws of Florida, unless specifically ordered to comply with the same. This expectation of future violations will

require current and future minor consumers to repeatedly and continuously seek legal redress in order to recover monies paid to Defendants to which Defendants are not entitled. Plaintiffs and Class Members have no other adequate remedy at law to ensure future compliance with the FDUTPA alleged to have been violated herein.

50. As a direct and proximate result of such actions, Plaintiffs and Class Members have suffered, and continue to suffer, injury in fact and have lost money and/or property as a result of such false, deceptive, and misleading advertising.

51. As a result of Defendants' conduct, minor Plaintiffs and Class Members have been significantly exposed to toxic substances, including nicotine and nicotine delivery additives, and have as a result of this exposure have suffered increased risk of illness, disease or disease process, requiring an award of the cost of a program for monitoring for detection of such illness, disease process or disease. Early detection of illness, disease or disease process will benefit Plaintiffs and Class Members.

52. As a result of Defendants' conduct, minor Plaintiffs and Class Members have been significantly exposed to toxic substances, including nicotine and nicotine delivery additives, and have as a result of this exposure to an addictive substance have suffered the need for tobacco education and cessation counseling, requiring an award of the cost of a program for education and cessation.

53. In addition, Plaintiff Zampa and the Guardian Class members seek the cost of diagnostic testing for the early detection of illness, disease, and disease process, the cost of nicotine use cessation programs, and other remedies.

**SECOND CAUSE OF ACTION**  
**(Fraud)**  
**(On Behalf of the Class)**

54. Plaintiffs repeat, reallege, and incorporate by reference the allegations contained in paragraphs 1 through 41 as though fully stated herein.

55. Defendants fraudulently and deceptively sold JUUL products to Plaintiffs and Class Members as not containing nicotine, non-addictive nicotine delivery systems, or less addictive nicotine products than cigarettes, when Defendants knew it to be untrue.

56. Further, Defendants fraudulently and deceptively failed to disclose to Plaintiffs and Class Members the highly-addictive nature of JUUL's use of nicotine salts, which made it more difficult to cease purchasing JUULpod refills.

57. Further, Defendants fraudulently and deceptively convinced Plaintiffs and Class Members they could cease purchasing JUULpods "anytime," when Defendants knew it to be untrue.

58. Further, Defendants fraudulently and deceptively failed to disclose to Plaintiffs and Class Members that the nicotine salts in JUULpods delivered nicotine at a much higher rate than cigarettes, which was likely to make the nicotine addiction associated with JUUL products stronger and more severe than that associated with cigarettes or even other E-cigarette products.

59. Each of these misrepresentations and omissions were material when made. In particular, each instance of fraud, deceit, misrepresentation, and/or omission concerned material facts that were essential to Plaintiffs' and Class Members' decisions whether to purchase a JUUL e-cigarette and JUULpod.

60. Plaintiffs and Class Members detrimentally relied on Defendants' fraud, deceit, misrepresentations, and/or omissions. Had Plaintiffs and Class Members been adequately

informed and not intentionally deceived by Defendants, they would have acted differently by, without limitation: (1) not purchasing a JUUL E-cigarette or JUULpod; and (2) not subscribing to Defendants' "autoship" service.

61. By and through such fraud, deceit, misrepresentations, and/or omissions, Defendants intended to induce Plaintiffs and Class Members to detrimentally rely on the fraud, deceit, misrepresentations, and/or omissions.

62. Plaintiffs and Class Members justifiably and reasonably relied on Defendants' fraud, deceit, misrepresentations, and/or omissions, and, accordingly, were damaged by the Defendants' actions.

63. As a direct and proximate result of Defendants' fraud, deceit, misrepresentations, and/or omissions, Plaintiffs and Class Members have suffered damages in an amount equal to the amount that Defendants charged them.

64. Defendants' conduct as described herein was willful and malicious and was designed to maximize Defendants' profits even though Defendants knew that it would cause damages to Plaintiffs and Class Members.

**THIRD CAUSE OF ACTION**  
**(Violation of Florida's Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.203)**  
**(On Behalf of the Class)**

65. Plaintiffs repeat, reallege, and incorporate by reference the allegations contained in paragraphs 1 through 41 as though fully stated herein.

66. Defendants have engaged, and continue to engage, in unfair, unlawful, and deceptive trade practices in Florida by engaging in the unfair, unlawful, and deceptive business practices outlined in this Class Action Complaint. In particular, Defendants have knowingly and willfully engaged, and continue to engage in, unfair, unlawful, and deceptive trade practices by:

- a. developing and marketing a product that contained nicotine levels far in excess of cigarettes with the intention of creating and fostering long-term addiction to JUUL products for minors to continue that addiction into adulthood;
- b. falsely and deceptively marketing, advertising, and selling JUUL e-cigarettes and JUULpods by misrepresenting their nicotine content and nicotine pharmacokinetics, when in fact JUUL is likely to aggravate nicotine addiction;
- c. falsely and deceptively marketing, advertising, and selling JUUL's "autoship" service for use in Florida as something consumers could cancel "anytime" without disclosing to consumers how addiction associated with use of JUUL e-cigarettes would interfere with their ability to cancel the JUULpod subscription;
- d. creating advertising that lured minors into using JUUL e-cigarettes, and disseminating that advertising through unregulated social media platforms commonly used by most youth in the United States;
- e. setting the price of JUULpods at an artificially low price that is intended to and does attract underage users to purchase JUUL products;
- f. violating Section 877.112, Florida Statutes (2018), by selling, delivering, bartering, furnishing, and/or giving, directly or indirectly, nicotine dispensing devices (e.g., JUUL e-cigarettes) and nicotine products (e.g., JUULpods) to persons who, at the time of sale, were under 18 years of age;
- g. violating Section 877.112(11), Florida Statutes (2018), by selling, permitting to be sold, offering for sale, and/or displaying for sale nicotine dispensing devices (e.g., JUUL e-cigarettes) and nicotine products (e.g., JUULpods) by means of self-service merchandising via Post Mates and other retailers who offer JUUL products for direct retail consumer access and handling before purchase without the intervention or assistance of the retailer or the retailer's owner, employee, or agent by offering delivery without any form of proof of age;
- h. violating Section 877.112(12), Florida Statutes (2018), by selling and/or delivering nicotine dispensing devices (e.g., JUUL e-cigarettes) and nicotine products (e.g., JUULpods); and
- i. violating other legal standards set forth above.

67. Plaintiffs and Class Members relied to their detriment on Defendants' unfair, unlawful, and deceptive business practices. Had Plaintiffs and Class Members been adequately informed rather than intentionally deceived by Defendants, they would have acted differently by,

without limitation: (1) not purchasing a JUUL E-cigarette or JUULpod; and (2) not subscribing to Defendants' "autoship" service.

68. Defendants engaged, and continue to engage, in these unfair practices to increase their profits. Accordingly, Defendants have engaged in unlawful trade practices, as defined and prohibited under FDUTPA.

69. Plaintiffs and Class Members are entitled to full restitution of monies to restore all amounts paid to and acquired by Defendants from Plaintiffs and Class Members by means of the unfair and/or deceptive trade practices complained of herein, plus interest thereon.

70. Plaintiffs seek, on behalf of themselves and Class Members, an injunction to prohibit Defendants from continuing to engage in the unfair and deceptive advertising and marketing practices complained of herein in Florida.

71. Further Plaintiffs and Class Members seek: (1) a declaration that the above-described conduct constitutes unfair and deceptive trade practices; and (2) injunctive relief restraining Defendants from engaging in any such unfair and deceptive practices in the future in Florida. Such misconduct by Defendants, unless and until enjoined and restrained by order of this Court, will continue to cause injury in fact to the general public of Florida and the loss of money and property in that the Defendants will continue to violate the laws of Florida, unless specifically ordered to comply with the same. This expectation of future violations will require current and future minor consumers to repeatedly and continuously seek legal redress in order to recover monies paid to Defendants to which Defendants are not entitled. Plaintiffs and Class Members have no other adequate remedy at law to ensure future compliance with the FDUTPA alleged to have been violated herein.

72. As a direct and proximate result of such actions, Plaintiffs and Class Members

have suffered, and continue to suffer, injury in fact and have lost money and/or property as a result of such unfair and deceptive trade practices.

**FOURTH CAUSE OF ACTION**  
**(Unjust Enrichment)**  
**(On Behalf of the Class)**

73. Plaintiffs repeat, reallege, and incorporate by reference the allegations contained in paragraphs 1 through 41 as though fully stated herein.

74. By means of Defendants' wrongful conduct alleged herein, Defendants knowingly sold JUUL e-cigarettes and JUULpods to Plaintiffs and Class Members in a manner that was unfair, unconscionable, and oppressive. Specifically, Defendants engaged in advertising campaigns and other unfair, unconscionable, and oppressive acts that resulted in the sale and collection of monies from minors, which Defendants intended to occur.

75. Defendants knowingly received and retained wrongful benefits and funds from Plaintiffs and Class Members. In so doing, Defendants acted with conscious disregard for the rights of Plaintiffs and Class Members.

76. As a result of Defendants' wrongful conduct as alleged herein, Defendants have been unjustly enriched at the expense of, and to the detriment of, Plaintiffs and Class Members.

77. Defendants' unjust enrichment resulted from the conduct alleged herein. Specifically, Defendants knowingly marketed, sold to, and profited from minors' purchases of JUUL nicotine dispensing devices and nicotine products.

78. It is inequitable for Defendants to be permitted to retain the benefits they received, without justification, from selling JUUL nicotine dispensing devices and nicotine products to Plaintiffs Class Members in an unfair, unconscionable, and oppressive manner. Defendants' retention of such funds under such circumstances makes it inequitable, and constitutes unjust

enrichment.

79. The financial benefits Defendants derived rightfully belong to Plaintiffs and Class Members. Defendants should be compelled to return in a common fund for the benefit of Plaintiffs and Class Members all wrongful or inequitable proceeds received by them from the sale of JUUL nicotine dispensing devices and nicotine products to minors.

80. Plaintiffs and members of the Classes have no adequate remedy at law.

**FIFTH CAUSE OF ACTION**  
**(Strict Product Liability – Failure to Warn)**  
**(On Behalf of the Class and Guardian Class)**

81. Plaintiffs repeat, reallege, and incorporate by reference the allegations contained in paragraphs 1 through 41 as though fully stated herein.

82. Defendants manufactured, distributed and sold JUUL nicotine dispensing devices and nicotine products.

83. Defendants were aware that the JUUL nicotine dispensing devices and nicotine products had potential risks that were known and knowable in light of scientific and medical knowledge that was generally accepted in the scientific community at the time of design, manufacture, distribution, and sale of JUUL nicotine dispensing devices and nicotine products.

84. The use of JUUL nicotine dispensing devices and nicotine products presented a substantial danger of causing nicotine addiction when minors used a JUUL nicotine dispensing devices or nicotine products in an intended or reasonably foreseeable way.

85. Plaintiffs and Class Members could not recognize the potential risks of using a JUUL nicotine dispensing devices and nicotine products because Defendants intentionally downplayed, misrepresented, and/or failed to warn of the risks of nicotine content and addiction that the JUUL nicotine dispensing devices and nicotine products posed.

86. Defendants failed to adequately warn or instruct foreseeable users of JUUL nicotine dispensing devices and nicotine products of the risks of nicotine addiction that their JUUL nicotine dispensing devices and nicotine products posed.

87. Plaintiffs and Class Members were harmed by Defendants' failure to warn.

88. As a result of Defendants' conduct, minor Plaintiffs and Class Members have been significantly exposed to toxic substances, including nicotine and nicotine delivery additives, and have as a result of this exposure have suffered increased risk of illness, disease or disease process, requiring an award of the cost of a program for monitoring for detection of such illness, disease process or disease. Early detection of illness, disease or disease process will benefit Plaintiffs and Class Members.

89. As a result of Defendants' conduct, minor Plaintiffs and Class Members have been significantly exposed to toxic substances, including nicotine and nicotine delivery additives, and have as a result of this exposure to an addictive substance have suffered the need for tobacco education and cessation counseling, requiring an award of the cost of a program for education and cessation.

90. Defendants' lack of sufficient instructions or warnings was a substantial factor in causing harm to Plaintiffs and Class Members.

91. In addition, Plaintiff Zampa and the Guardian Class members seek the cost of diagnostic testing for the early detection of illness, disease, and disease process, the cost of nicotine use cessation programs, and other remedies.

**SIXTH CAUSE OF ACTION**  
**(Negligence)**  
**(On Behalf of the Class and Guardian Class)**

92. Plaintiffs repeat, reallege, and incorporate by reference the allegations contained

in paragraphs 1 through 41 as though fully stated herein.

93. Upon marketing and offering for sale the JUUL products, Defendants had a duty and owed a duty to Plaintiffs and Class members to exercise a degree of care a reasonable e-cigarette manufacturer would exercise under like circumstances to ensure its products were not sold to and/or used by minor Florida residents, including Plaintiffs and Class members.

94. Defendants knew that minor Florida residents, including Plaintiffs and Class members, would be prone to purchase and/or try JUUL products.

95. Defendants breached their duty to minor Florida residents, including Plaintiffs and Class members, by permitting their products to be sold to minor Florida residents, including Plaintiffs and Class members, through their website and other online retailers such as PostMates and others, wherein identification and proof of age was not required for purchase and acquisition of the JUUL products.

96. Defendants breached their duty to minor Florida residents, including Plaintiffs and Class members, by failing to adequately warn of the health hazards, particularly to minors, of using the JUUL products, including the highly addictive nature and levels of the nicotine its products delivered.

97. But for Defendants' duties and breaches thereof, Plaintiffs and Class members (i.e., minor Florida residents) have been harmed.

98. As a result of Defendants' conduct, minor Plaintiffs and Class Members have been significantly exposed to toxic substances, including nicotine and nicotine delivery additives, and have as a result of this exposure have suffered increased risk of illness, disease or disease process, requiring an award of the cost of a program for monitoring for detection of such illness, disease process or disease. Early detection of illness, disease or disease process will

benefit Plaintiffs and Class Members.

99. As a result of Defendants' conduct, minor Plaintiffs and Class Members have been significantly exposed to toxic substances, including nicotine and nicotine delivery additives, and have as a result of this exposure to an addictive substance have suffered the need for tobacco education and cessation counseling, requiring an award of the cost of a program for education and cessation.

100. Defendants' lack of sufficient instructions or warnings was a substantial factor in causing harm to Plaintiffs and Class Members.

101. In addition, Plaintiff Zampa and the Guardian Class members seek the cost of diagnostic testing for the early detection of illness, disease, and disease process, the cost of nicotine use cessation programs, and other remedies.

**SEVENTH CAUSE OF ACTION**  
**(Negligence *Per Se*)**  
**(On Behalf of the Class and Guardian Class)**

102. Plaintiffs repeat, reallege, and incorporate by reference the allegations contained in paragraphs 1 through 41 as though fully stated herein.

103. The Florida Legislature enacted Section 877.112(2), Florida Statutes, to prevent the "unlawful to s[ale], deliver[y], barter[ing], furnish[ing], or giv[ing], directly or indirectly, to any person who is under 18 years of age [of] any nicotine product or a nicotine dispensing device."

104. The Florida Legislature enacted Section 877.112, Florida Statutes, to protect the public, and specifically minor Florida residents, from a public safety issue—namely, ingestion of tobacco products by persons under the age of 18.

105. Plaintiffs and Class members are the class of individuals the Florida Legislature

sought to protect through enactment of Section 877.122, Florida Statutes.

106. Plaintiffs' and Class members' injuries and damages are the injuries and damages the Florida Legislature sought to protect through enactment of Section 877.112, Florida Statutes.

107. Defendants' behavior as alleged above and herein violated Section 877.112, Florida Statutes.

108. Defendants' violation of Section 877.112, Florida Statutes, caused the injuries and damages to Plaintiffs and Class members.

109. As a result of Defendants' conduct, minor Plaintiffs and Class Members have been significantly exposed to toxic substances, including nicotine and nicotine delivery additives, and have as a result of this exposure have suffered increased risk of illness, disease or disease process, requiring an award of the cost of a program for monitoring for detection of such illness, disease process or disease. Early detection of illness, disease or disease process will benefit Plaintiffs and Class Members.

110. As a result of Defendants' conduct, minor Plaintiffs and Class Members have been significantly exposed to toxic substances, including nicotine and nicotine delivery additives, and have as a result of this exposure to an addictive substance have suffered the need for tobacco education and cessation counseling, requiring an award of the cost of a program for education and cessation.

111. Defendants' lack of sufficient instructions or warnings was a substantial factor in causing harm to Plaintiffs and Class Members.

112. In addition, Plaintiff Zampa and the Guardian Class members seek the cost of diagnostic testing for the early detection of illness, disease, and disease process, the cost of nicotine use cessation programs, and other remedies.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs, individually and on behalf of the other Class and Guardian Class Members, respectfully request that this Court enter an Order:

- a. Certifying the Florida Class, and appointing Plaintiffs as Class Representatives;
- b. Finding that Defendants' conduct was negligent, deceptive, unfair, and unlawful as alleged herein;
- c. Enjoining Defendants from engaging in further negligent, deceptive, unfair, and unlawful advertising as alleged herein;
- d. Enjoining Defendants from engaging in further negligent, deceptive, unfair, and unlawful business practices as alleged herein;
- e. Awarding Plaintiffs and Class Members actual, compensatory, and consequential damages;
- f. Awarding Plaintiffs and Class Members statutory damages and penalties, as allowed by law;
- g. Awarding Plaintiffs and Class Members restitution;
- h. A monetary award of the cost of a program for diagnostic testing for the early detection of illness, disease, or disease process for class members who used JUUL products underage users of the health effects and addictive nature of the JUUL products, or in the alternative injunctive relief for the creation of a fund to do the same;
- i. An monetary award of the cost of a nicotine use cessation program for class members who used JUUL products underage users of the health effects and addictive nature of the JUUL products, or in the alternative injunctive relief for

the creation of a fund to do the same;

- j. A monetary award of the cost of a public information campaign to warn underage users of the health effects and addictive nature of the JUUL products, or in the alternative injunctive relief for the creation of a fund to do the same.
- k. Awarding Plaintiffs and Class Members pre-judgment and post-judgment interest;
- l. Awarding Plaintiffs and Class Members reasonable attorneys' fees, costs, and expenses; and
- m. Granting such other relief as the Court deems just and proper.

**JURY TRIAL DEMANDED**

Plaintiffs demand a trial by jury of all claims in this Class Action Complaint so triable.

Dated: November 5, 2018 By:

/s/ John A. Yanchunis

John A. Yanchunis

Ryan J. McGee

Jean S. Martin

*(Pro Hac Vice to be submitted)*

**MORGAN & MORGAN**

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**THE HANNON LAW FIRM, LLC**

Kevin S. Hannon *(pro hac vice to be submitted)*

1641 Downing Street

Denver, CO 80218

Tel: 303-861-8800

Email: [khannon@hannonlaw.com](mailto:khannon@hannonlaw.com)

# **EXHIBIT B**

☒ IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.  
☐ IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.

<b>DIVISION</b> <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> FAMILY <input type="checkbox"/> OTHER	<b>CIVIL COVER SHEET</b>	<b>CASE NUMBER</b>
<b>PLAINTIFF</b> SABRINA ZAMPA, individually, and as guardian of her minor children J.M., a minor, and J.M., a minor, on behalf of themselves and those similarly situated,	<b>VS. DEFENDANT</b> JUUL LABS, INC., a Delaware corporation f/k/a PAX LABS, INC. f/k/a PLOOM PRODUCTS, INC., and PAX LABS, INC., a Delaware corporation f/k/a/ PAX LABS (DEUX), INC.,	<b>CLOCK IN</b>

The civil cover sheet and the information contained here does not replace the filing and service of pleadings or other papers as required by law. This form is required by the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statute 25.075. See instructions and definitions on reverse of this form.

**TYPE OF CASE** (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x in both the main category and subcategory boxes.

- |   |  |
|---|--|
| <input type="checkbox"/> 001 - Eminent Domain<br><input type="checkbox"/> 003 - Contracts and Indebtedness<br><input type="checkbox"/> 010 - Auto Negligence<br><input type="checkbox"/> 022 - Products Liability<br><input type="checkbox"/> 023 - Condominium<br><input type="checkbox"/> <b>Negligence - Other</b><br><input type="checkbox"/> 097 - Business Governance<br><input type="checkbox"/> 098 - Business Torts<br><input type="checkbox"/> 099 - Environmental/Toxin Tort<br><input type="checkbox"/> 100 - Third Party Indemnification<br><input type="checkbox"/> 101 - Construction Defect<br><input type="checkbox"/> 102 - Mass Tort<br><input type="checkbox"/> 103 - Negligent Security<br><input type="checkbox"/> 104 - Nursing Home Negligence<br><input type="checkbox"/> 105 - Premises Liability - Commercial<br><input type="checkbox"/> 106 - Premises Liability - Residential<br><input type="checkbox"/> 107 - Negligence - Other<br><input type="checkbox"/> <b>Real Property/Mortgage Foreclosure</b><br><input type="checkbox"/> 108 - Commercial Foreclosure \$0 - \$50,000<br><input type="checkbox"/> 109 - Commercial Foreclosure \$50,001 - \$249,999<br><input type="checkbox"/> 110 - Commercial Foreclosure \$250,000 - or more<br><input type="checkbox"/> 111 - Homestead Residential Foreclosure \$0 - \$50,000<br><input type="checkbox"/> 112 - Homestead Residential Foreclosure \$50,001 - \$249,999<br><input type="checkbox"/> 113 - Homestead Residential Foreclosure \$250,000 or more<br><input type="checkbox"/> 114 - Non-Homestead Residential Foreclosure \$0 - \$50,000<br><input type="checkbox"/> 115 - Non-Homestead Residential Foreclosure \$50,001 - \$249,999<br><input type="checkbox"/> 116 - Non-Homestead Residential Foreclosure \$250,000 or more<br><input type="checkbox"/> 117 - Other Real Property Actions \$0 - \$50,000<br><input type="checkbox"/> 118 - Other Real Property Actions \$50,001 - \$249,999 | <input type="checkbox"/> 119 - Other Real Property Actions \$250,000 or more<br><input type="checkbox"/> <b>Professional Malpractice</b><br><input type="checkbox"/> 094 - Malpractice - Business<br><input type="checkbox"/> 095 - Malpractice - Medical<br><input type="checkbox"/> 096 - Malpractice - Other professional<br><input checked="" type="checkbox"/> <b>Other</b><br><input type="checkbox"/> 120 - Antitrust/Trade Regulation<br><input type="checkbox"/> 121 - Business Transactions<br><input type="checkbox"/> 122 - Constitutional Challenge - Statute or Ordinance<br><input type="checkbox"/> 123 - Constitutional Challenge - Proposed amendment<br><input type="checkbox"/> 124 - Corporate Trust<br><input type="checkbox"/> 125 - Discrimination - Employment or Other<br><input type="checkbox"/> 126 - Insurance Claims<br><input type="checkbox"/> 127 - Intellectual Property<br><input type="checkbox"/> 128 - Libel/Slander<br><input type="checkbox"/> 129 - Shareholder Derivative Action<br><input type="checkbox"/> 130 - Securities Litigation<br><input type="checkbox"/> 131 - Trade Secrets<br><input type="checkbox"/> 132 - Trust Litigation<br><input type="checkbox"/> <b>133 - Other Civil Complaint</b><br><input type="checkbox"/> 009 - Bond Estreature<br><input type="checkbox"/> 014 - Replevin<br><input type="checkbox"/> 024 - Witness Protection<br><input type="checkbox"/> 080 - Declaratory Judgment<br><input type="checkbox"/> 081 - Injunctive Relief<br><input type="checkbox"/> 082 - Equitable Relief<br><input type="checkbox"/> 083 - Construction Lien<br><input type="checkbox"/> 084 - Petition for Adversary Preliminary Hearing<br><input type="checkbox"/> 085 - Civil Forfeiture<br><input type="checkbox"/> 086 - Voluntary Binding Arbitration<br><input type="checkbox"/> 087 - Personal Injury Protection (PIP) |
|---|--|

**COMPLEX BUSINESS COURT**

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes ☐ No ☒

REMEDIES SOUGHT (check all that apply):

- ☒ monetary;  
☒ non-monetary declaratory or injunctive relief;  
☐ punitive

NUMBER OF CAUSES OF ACTION: [ 7 ]

(specify) False Advertising, Fraud, Violation of Florida's Deceptive and Unfair Trade Practices Act,  
Unjust Enrichment, Strict Product Liability – Failure to Warn, Negligence, Negligence Per Se

IS THIS CASE A CLASS ACTION LAWSUIT?

- ☒ Yes  
☐ No

HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

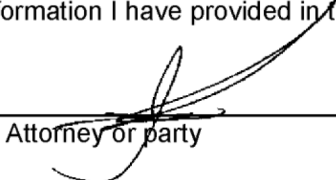
- ☐ No  
☒ Yes If "Yes", list all related cases by name, case number, and court.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IS JURY TRIAL DEMANDED IN COMPLAINT?

- ☒ Yes  
☐ No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature  Florida Bar # 324681  
Attorney or party (Bar # if attorney)

John A. Yanchunis 11/05/2018  
(type or print name) Date

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET

Plaintiff must file this cover sheet with first paperwork filed in the action or proceeding (except small claims cases or other county court cases, probate, or family cases). Domestic and juvenile cases should be accompanied by a completed Florida Family Law Rules of Procedure Form 12.928, Cover Sheet for Family Court Cases. Failure to file a civil cover sheet in any civil case other than those excepted above may result in sanctions.

**I. Case Style.** Enter the name of the court, the appropriate case number assigned at the time of filing of the original complaint or petition, the name of the judge assigned (if applicable), and the name (last, first, middle initial) of plaintiff(s) and defendant(s).

**II. Type of Case.** Place an "X" in the appropriate box. If the cause fits more than one type of case, select the most definitive. If the most definitive label is a subcategory (indented under a broader category label, place an "X" in the category and subcategory boxes. Definitions of the cases are provided below in the order they appear on the form.

(A) Condominium - all civil lawsuits pursuant to Chapter 718, Florida Statutes, in which a condominium association is a party.

(B) Contracts and indebtedness - all contract actions relating to promissory notes and other debts, including those arising from sale of goods, but excluding contract disputes involving condominium associations.

(C) Eminent domain - all matters relating to the taking of private property for public use, including inverse condemnation by state agencies, political subdivisions, or public service corporations.

(D) Auto negligence - all matter arising out of a party's allegedly negligent operation of a motor vehicle.

(E) Negligence-other - all actions sounding in negligence, including statutory claims for relief on account of death or injury, that are not included in other main categories.

(F) Business governance - all matters relating to the management, administration, or control of a company.

(G) Business torts - all matters relating to liability for economic loss allegedly caused by interference with economic or business relationships.

(H) Environmental/Toxic tort - all matters relating to claims that violations of environmental regulatory provisions or exposure to a chemical caused injury or disease.

(I) Third party indemnification - all matters relating to liability transferred to a third party in a financial relationship.

(J) Construction defect - all civil lawsuits in which damage or injury was allegedly caused by defects in the construction of a structure.

(K) Mass tort - all matters relating to a civil action involving numerous plaintiffs against one or more defendants.

(L) Negligent security - all matters involving injury to a person or property allegedly resulting from insufficient security.

(M) Nursing home negligence - all matters involving injury to a nursing home resident resulting from negligence of nursing home staff or facilities.

(N) Premises liability-commercial - all matters involving injury to a person or property allegedly resulting from a defect on the premises of a commercial property.

(O) Premises liability-residential - all matters involving injury to a person or property allegedly resulting from a defect on the premises of a residential property.

(P) Products liability - all matters involving injury to a person or property allegedly resulting from the manufacture or sale of a defective product or from a failure to warn.

(Q) Real property/Mortgage foreclosure - all matters relating to the possession, title, or boundaries of real property. All matters involving foreclosures or sales of real property, including foreclosures associated with condominium associations or condominium units.

(R) Commercial foreclosure - all matters relating to the termination of a business owner's interest in commercial property by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property. Check the category that includes the estimate of the amount in controversy of the claim (section 28.241, Florida Statutes).

(S) Homestead residential foreclosure - all matters relating to the termination of a residential property owner's interest by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property where the property has been granted a homestead exemption. Check the category that includes the estimate of the amount in controversy of the claim (section 28.241, Florida Statutes).

(T) Non-homestead residential foreclosure - all matters relating to the termination of a residential property owner's interest by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property where the property has not been granted a homestead exemption. Check the category that includes the estimate of the amount in controversy of the claim (section 28.241, Florida Statutes).

(U) Other real property actions - all matters relating to land, land improvements, or property rights not involving commercial or residential foreclosure. Check the category that includes the estimate of the amount in controversy of the claim (section 28.241, Florida Statutes).

(V) Professional malpractice - all professional malpractice lawsuits.

(W) Malpractice-business - all matters relating to a business's or business person's failure to exercise the degree of care and skill that someone in the same line of work would use under similar circumstances.

(X) Malpractice-medical - all matters relating to a doctor's failure to exercise the degree of care and skill that a physician or surgeon of the same medical specialty would use under similar circumstances.

(Y) Malpractice-other professional - all matters relating to negligence of those other than medical or business professionals.

(Z) Other - all civil matters not included in other categories.

(AA) Antitrust/Trade regulation - all matters relating to unfair methods of competition or unfair or deceptive business acts or practices.

(AB) Business transactions - all matters relating to actions that affect financial or economic interests.

(AC) Constitutional challenge-statute or ordinance - a challenge to a statute or ordinance, citing a violation of the Florida Constitution.

(AD) Constitutional challenge-proposed amendment - a challenge to a legislatively initiated proposed constitutional amendment, but excluding challenges to a citizen-initiated proposed constitutional amendment because the Florida Supreme Court has directed jurisdiction of such challenges.

(AE) Corporate trust - all matters relating to the business activities of financial services companies or banks acting in a fiduciary capacity for investors.

(AF) Discrimination-employment or other - all matters relating to discrimination, including employment, sex, race, age, handicap, harassment, retaliation, or wages.

(AG) Insurance claims - all matters relating to claims filed with an insurance company.

(AH) Intellectual property - all matters relating to intangible rights protecting commercially valuable products of the human intellect.

(AI) Libel/Slander - all matters relating to written, visual, oral, or aural defamation of character.

(AJ) Shareholder derivative action - all matters relating to actions by a corporation's shareholders to protect and benefit all shareholders against corporate management for improper management.

(AK) Securities litigation - all matters relating to the financial interest or instruments of a company or corporation.

(AL) Trade secrets - all matters relating to a formula, process, device, or other business information that is kept confidential to maintain an advantage over competitors.

(AM) Trust litigation - all civil matters involving guardianships, estates, or trusts and not appropriately filed in probate proceedings.

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**III. Remedies Sought.** Place an "X" in the appropriate box. If more than one remedy is sought in the complaint or petition, check all that apply.

**IV. Number of Causes of Action.** If the complaint or petition alleges more than one cause of action, note the number and the name of the cause action.

**V. Class Action.** Place an "X" in the appropriate box.

**VI. Related Cases.** Places an "X" in the appropriate box.


**VII. Is the Jury Trial Demanded In Complaint?** Check the appropriate box to indicate whether a jury trial is being demanded in the complaint.

**VIII. Complex Business Court** - Check the appropriate box to indicate whether or not this case is to be assigned to the Complex Business Court.


**ATTORNEY OR PARTY SIGNATURE.** Sign the civil cover sheet. Print legibly the name of the person signing the civil cover sheet. Attorneys must include a Florida Bar number. Insert the date the civil cover sheet is signed. Signature is a certification that the filer has provided accurate information on the civil cover sheet.

# EXHIBIT C

1574  
11-19-18  
9:30A

<input checked="" type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.			
<b>DIVISION</b> <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	<b>SUMMONS 20 DAY CORPORATE SERVICE</b> <b>(a) GENERAL FORMS</b>	<b>CASE NUMBER</b> 2018-037507-CA-01	
<b>PLAINTIFF(S)</b> SABRINA ZAMPA, individually, and as guardian of her minor children J.M., a minor, and J.M., a minor, on behalf of themselves and those similarly situated	<b>VS. DEFENDANT(S)</b> JUUL LABS, INC., a Delaware corporation t/k/a PAX LABS, INC. t/k/a PLOOM PRODUCTS, INC., and PAX LABS, INC., a Delaware corporation t/k/a PAX LABS (DEUX), INC.	<b>SERVICE</b>	<b>CLOCK IN</b>
<b>THE STATE OF FLORIDA:</b> To Each Sheriff of the State: <b>YOU ARE COMMANDED</b> to serve this summons and copy of the complaint or petition in this action on defendant(s): <u>Juul Labs, Inc., c/o Registered Agent, Incorp Services Inc.</u> <u>17888 67th Court North, Loxahatchee, Florida 33470</u>  Each defendant is required to serve written defense to the complaint or petition on Plaintiff's Attorney: <u>John A. Yanchunis</u> whose address is: <u>201 N. Franklin Street, 7th Floor, Tampa, FL 33602</u>			

within 20 days " Except when suit is brought pursuant to s. 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to respond shall be 40 days. When suit is brought pursuant to, 768.28, Florida Statutes, the time to respond shall be 30 days." after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Clerk Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

HARVEY RUVIN CLERK of COURTS		DATE NOV 13 2018
<b>AMERICANS WITH DISABILITIES ACT OF 1990</b> <b>ADA NOTICE</b> "If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1 <sup>st</sup> Avenue, Suite 2400, Miami, FL 33128; Telephone (305) 349-7175; TDD (305) 349-7174, Email <a href="mailto:ADA@jud11.flcourts.org">ADA@jud11.flcourts.org</a> ; or via Fax at (305) 349-7355, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711."		

# **EXHIBIT D**

IN THE CIRCUIT COURT  
ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

SABRINA ZAMPA, individually, and as  
guardian of her minor children J.M., a minor,  
and J.M., a minor, on behalf of themselves and  
those similarly situation,

Plaintiff,

v.

JUUL LABS, INC., a Delaware corporation  
f/k/a PAX Labs, Inc. f/k/a PLOOM  
PRODUCTS, INC., and PAX LABS, INC., a  
Delaware corporation f/k/a PAX LABS  
(DEUX), INC.,

Defendants.

Case No. 2018-037507-CA-01

**STIPULATION OF DISMISSAL OF PAX  
LABS, INC. WITHOUT PREJUDICE**

Judge: Hon. Spencer Eig

Action Filed: November 5, 2018

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

Pursuant to Florida Rules of Civil Procedure Rule 1.420(a)(1)(B) ("Rule 1.420(a)(1)(B)"), Plaintiff Sabrina Zampa, individually, and as guardian of her minor children J.M., a minor, and J.M., a minor, on behalf of themselves and those similarly situated ("Plaintiffs") and Defendant PAX Labs, Inc. ("PAX Labs"), by and through their respective counsel, file this stipulation of dismissal without prejudice as follows:

WHEREAS, Plaintiffs filed their Complaint on November 5, 2018;

WHEREAS, Plaintiffs served their Complaint upon PAX Labs, Inc. on November 16, 2018;

WHEREAS, "PAX Labs, Inc." and "PAX Labs" refer to the entity which originally applied to do business in Florida on November 13, 2017, and does not in any manner refer to the entity JUUL Labs, Inc., which formerly was incorporated as PAX Labs, Inc.;

WHEREAS, pursuant to Rule 1.420(a)(1)(B), the plaintiff may voluntarily dismiss an action without a court order “by filing a stipulation of dismissal signed by all current parties to the action”;

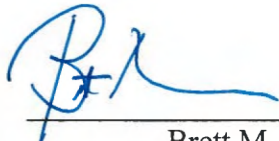
NOW THEREFORE, the parties hereby stipulate and agree to the following:

1. Plaintiffs’ claims against PAX Labs are hereby dismissed without prejudice, contingent on the following conditions:
  - a. PAX Labs will maintain its litigation hold throughout the pendency of the litigation against defendant JUUL Labs, Inc.;
  - b. PAX Labs will produce witnesses for deposition in this litigation against defendant JUUL Labs, Inc. by notice only, without requiring a subpoena;
  - c. The statute of limitations for Plaintiffs’ claims, the claims of any additional named plaintiffs that may join this action arising out of substantially the same course of conduct as alleged, and the claims of the proposed classes that Plaintiffs seek to represent, against PAX Labs will be tolled throughout the pendency of this litigation against defendant JUUL Labs, Inc.;
  - d. Each party shall bear its own costs and fees.
2. This dismissal without prejudice shall not affect Plaintiffs’ claims against any other party.

**IT IS SO STIPULATED.**

Dated: November 20, 2018

GOODWIN PROCTER LLP

By:  \_\_\_\_\_  
Brett M. Schuman

Attorneys for Defendant PAX LABS, INC.

Dated: November 20, 2018

MORGAN & MORGAN

By:  \_\_\_\_\_  
Ryan McGee  
Attorneys for Plaintiffs

**[PROPOSED] ORDER ENTERING STIPULATION OF DISMISSAL WITHOUT  
PREJUDICE AGAINST PAX LABS, INC.**

WHEREAS, pursuant to Florida Rules of Civil Procedure Rule 1.420(a)(1)(B), a plaintiff may voluntarily dismiss an action without a court order “by filing a stipulation of dismissal signed by all current parties to the action” and the parties have done so;

WHEREAS, pursuant to the Parties’ Stipulation, this Order has no legal or other effect on the claims against JUUL Labs, Inc., which was formerly incorporated as PAX Labs, Inc.;

NOW THEREFORE, the Court hereby adopts the stipulation and orders the dismissal without prejudice of plaintiffs’ claims against PAX Labs, Inc., subject to the conditions of the parties’ joint stipulation.

**IT IS SO STIPULATED.**

**DATE:** \_\_\_\_\_

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claiming Juul Deceptively Marketed E-Cigarettes to Minors Transferred to California](#)

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