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CLERK U.S. DISTRICT COURT
FEB 28 2012
CENTRAL DISTRICT OF CALIFORNIA
BY JP DEPUTY

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11 Attorneys for Plaintiffs

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 MARINA BELTRAN, an individual;
15 MARIA RODRIQUEZ, an individual;
JANNA HERRERA, an individual;
16 JENNA ANDERLIE, an individual; and
17 TRASSE FARIA, an individual; on
behalf of themselves and all others
18 similarly situated,

19 Plaintiffs,

vs.

20 ESTEE LAUDER, INC., a Delaware
Corporation; AVON PRODUCTS,
21 INC., a New York Corporation; and
MARY KAY, INC., a Delaware
22 Corporation,

23 Defendants.

SACV 12 0317 CJC (ANX)
CASE NO.:

NATIONWIDE AND
CALIFORNIA CLASS ACTION
COMPLAINT FOR:

1. FRAUD/FRAUDULENT CONCEALMENT;
2. UNFAIR BUSINESS PRACTICES (Cal. Bus. & Prof. Code § 17200 et seq.)
3. FALSE ADVERTISING (Cal. Bus. & Prof. Code § 17500 et seq.)
4. VIOLATIONS OF CALIFORNIA'S CONSUMERS LEGAL REMEDIES ACT; and
5. INJUNCTIVE RELIEF

24
25
26 DEMAND FOR JURY TRIAL

1 Plaintiffs individually and on behalf of all others similarly situated, complain and
2 allege on information and belief, except as to those paragraphs applicable to the named
3 Plaintiffs, which are based upon said named Plaintiffs' personal knowledge, as follows:
4

5 I. OVERVIEW

6 1. This class action arises out of the deceptive and misleading conduct of
7 Defendants Estee Lauder, Inc., Avon Products, Inc. and Mary Kay, Inc. in marketing,
8 advertising, selling, promoting and distributing cosmetic products in the United States.
9 Companies that do not test on animals are sometimes referred to as "cruelty free." For
10 years, Defendants marketed and advertised their companies and their cosmetic products
11 as not being tested on animals, when in fact Defendants were testing their cosmetic
12 products on animals so that they could sell products in China and other foreign
13 countries, thereby reaping hundreds of millions of dollars in sales. Defendants later
14 purported to disclose, at least on their websites, that they in fact were animal testing,
15 but the disclosures were wholly inadequate and deceptive.

16 2. The named plaintiffs bring this suit individually, and on behalf of all others
17 similarly situated.

18 3. As a result of the unfair, unlawful and deceptive practices of Defendants as
19 described herein, Defendants have (a) concealed and misled consumers into believing
20 that Defendants do not test on animals; (b) unfairly, unlawfully and improperly induced
21 consumers into purchasing their Cosmetic Products; (c) advertised, marketed and/or
22 labeled their Cosmetic Products in a way that was misleading in a material respect
23 and/or likely to deceive consumers; and (d) acted to conceal and mislead consumers so
24 as to create a likelihood of confusion regarding their Cosmetic Products.
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1 **II. JURISDICTION AND VENUE**

2 4. This Court has subject matter jurisdiction over this action pursuant to the
3 Class Action Fairness Act of 2005 and 28 U.S.C. § 1332 because there are over 100
4 members of the proposed class, at least one member of the proposed class has a
5 different citizenship from a defendant and the total matter in controversy exceeds
6 \$5,000,000. Venue is proper in the Central District of California because this district is
7 the district in which a substantial part of the events or omissions giving rise to the
8 claims occurred.

9
10 **III. PARTIES**

11 5. Plaintiff Marina Beltran is an individual consumer residing in Los Angeles
12 County, California who, during the proposed Class Period, purchased a multitude of
13 Defendant Avon Products, Inc.'s ("Avon") Cosmetic Products within Los Angeles
14 County, California.

15 6. Plaintiff Maria Rodriquez is an individual consumer residing in Los
16 Angeles County, California who, during the proposed Class Period, purchased a
17 multitude of Defendant Mary Kay, Inc.'s ("Mary Kay") Cosmetic Products within Los
18 Angeles County, California.

19 7. Plaintiff Janna Herrera is an individual consumer residing in Orange
20 County, California who, during the proposed Class Period, purchased a multitude of
21 Defendant Estee Lauder, Inc.'s ("Estee Lauder") Cosmetic Products within Southern
22 California.

23 8. Plaintiff Jenella Anderlie is an individual consumer residing in Los
24 Angeles, California who, during the proposed Class Period, purchased a multitude of
25 Defendant Estee Lauder, Inc.'s ("Estee Lauder") Cosmetic Products within Los
26 Angeles County, CA.

1 could sell in China and other foreign markets. Defendants later placed a representation
2 on their website, and possibly in other forums, purporting to disclose that they were not
3 cruelty free, but that disclosure was wholly inadequate to properly inform consumers.

4 15. On information and belief, during the Class Period, Defendants made
5 consistent and repeated misleading and/or inadequate representations about their
6 companies and their Cosmetic Products being cruelty free on, by way of example only,
7 their websites, on packaging, in store displays, through paid testimonials, through press
8 releases and in other forms of marketing and advertising, each time representing that
9 the Cosmetic Products sold and distributed were not tested on animals.

10 16. As a result of the aforementioned representations, Defendants, for over
11 two decades, achieved placement in the “People for the Ethical Treatment of Animals
12 (PETA) - Do Not Test” list, a list of, among others, cosmetic companies that do not test
13 products on live animals. Defendants were, until a matter of weeks ago, among the
14 largest mainstream corporations to be included on PETA's cruelty-free lists.

15 17. As a result of being included on the list, as well as many similar lists,
16 Defendants enjoyed the support of PETA and millions of consumers who buy cosmetics
17 only from companies that do not conduct animal testing.

18 18. Hence, the commercial success of Defendants' products during the Class
19 Period was positively influenced by their direct representations regarding animal
20 testing. Simply put, Defendants reaped hundreds of millions of dollars in revenue from
21 U.S. consumers who otherwise would not have purchased Defendants' products.

22 19. With full knowledge regarding the materiality, to an American consumer,
23 of whether a cosmetic company tests on animals, Defendants made a profit motivated
24 decision to enter the Chinese market. Defendants subsequently began testing certain of
25 their products on animals and/or hired others to conduct animal testing of their
26 products.

27 20. However, rather than being upfront with American consumers regarding
28 their animal testing policies and adequately disclosing that they were not “cruelty” free,

1 Defendants instead failed to inform consumers that they were not cruelty free and/or
2 provided inadequate disclosures regarding the animal testing of their products.

3 21. Plaintiffs did not suspect or discover, and through the exercise of
4 reasonable diligence could not have discovered, Defendants' wrongful conduct as
5 described herein until within the last year. Indeed, as noted above, PETA, a
6 "watchdog" organization as it relates to animal testing, did not take Defendants off its
7 "Do Not Test" until a matter of weeks ago.

8 22. Defendants' misleading of the American public was not without motive. In
9 2011, the Physician's Committee for Responsible Medicine ("PCRM"), a US based
10 non-profit, commissioned random telephone surveys of the United States' general adult
11 public, which asked individuals about their views on the use of animals in cosmetics
12 testing. In the survey, 72 percent of respondents agreed that testing cosmetics on
13 animals is inhumane or unethical and 61 percent of respondents said that cosmetics and
14 personal care product companies should not be allowed to test products on animals.

15 23. On information and belief, the failure of Defendants to adequately inform
16 consumers regarding their animal testing policies was willful, and profit driven, in that
17 Defendants recognized that if Defendants were honest and forthright with their U.S.
18 customer, Defendants would lose significant sales, profits, and market share.

19 24. As a result of the deceptive and misleading practices in advertising and
20 marketing the Cosmetic Products, Plaintiffs and those similarly situated purchased
21 Products from the Defendants.
22

23 **V. CLASS ACTION ALLEGATIONS**

24 25. Plaintiffs bring this action pursuant to Federal Rule of Civil Procedure
25 23(b)(1), 23(b)(2) and 23(b)(3) on behalf of themselves and a nationwide class of the
26 following classes of persons (all of whom are collectively referred to as the "Class" or
27 "Class Members"):
28

1 Products, Inc. began making inadequate disclosures regarding its animal
2 testing policies.

- 3 iii. All persons who purchased Cosmetic Products of Avon Products, Inc. in
4 the State of California when Avon Products, Inc. was representing that it
5 did not conduct animal testing (and did not ask others to conduct animal
6 testing on its behalf), when in fact Avon Products, Inc. or others acting on
7 its behalf were conducting animal testing.
- 8 iv. All persons who purchased Cosmetic Products of Avon Products, Inc. in
9 the State of California after Avon Products, Inc. began making inadequate
10 disclosures regarding its animal testing policies.

11 **The Mary Kay, Inc. Classes**

- 12 i. All persons in the United States, including those in the State of California,
13 who purchased Cosmetic Products of Mary Kay, Inc. when Mary Kay, Inc.
14 was representing that it did not conduct animal testing (and did not ask
15 others to conduct animal testing on its behalf), when in fact Mary Kay, Inc.
16 or others acting on its behalf were conducting animal testing.
- 17 ii. All persons in the United States, including those in the State of California,
18 who purchased Cosmetic Products of Mark Kay, Inc. after Mary Kay, Inc.
19 began making inadequate disclosures regarding its animal testing policies.
- 20 iii. All persons who purchased Cosmetic Products of Mary Kay, Inc. in the
21 State of California when Mary Kay, Inc. was representing that it did not
22 conduct animal testing (and did not ask others to conduct animal testing on
23 its behalf), when in fact Mary Kay, Inc. or others acting on its behalf were
24 conducting animal testing.
- 25 iv. All persons who purchased Cosmetic Products of Mary Kay, Inc. in the
26 State of California after Mary Kay, Inc. began making inadequate
27 disclosures regarding its animal testing policies.
- 28

1 26. Excluded from the Class is any person or entity in which any judge, justice
2 or judicial officer presiding over this matter and members of their immediate families
3 and judicial staff, have any controlling interest. Excluded from the Class is any partner
4 or employee of Class Counsel.

5 27. Plaintiffs reserve the right to modify the definition of the classes after
6 further discovery.

7 28. Numerosity of the Class. The Class is so numerous that joinder of all
8 members is impracticable. While the exact number and identities of Class Members are
9 unknown to Plaintiffs at this time and can only be ascertained through appropriate
10 discovery directed at Defendants, Plaintiffs believe and therefore allege that there are in
11 excess of one million (1,000,000) members of the Class.

12 29. Typicality of Claims. Plaintiffs' claims are typical of those of other Class
13 members, all of whom have suffered similar harm due to Defendants' course of conduct
14 as described herein.

15 30. Adequacy of Representation. Plaintiffs are adequate representatives of the
16 Class and will fairly and adequately protect the interests of the Class and have retained
17 attorneys who are highly experienced in the handling of class actions, and Plaintiffs and
18 their counsel intend to prosecute this action vigorously.

19 31. Predominance of Common Questions of Law or Fact. Common questions
20 of fact and law exist as to all Class Members that predominate over any questions
21 affecting only individual Class Members. These common legal and factual questions,
22 which do not vary among Class Members, and which may be determined without
23 reference to the individual circumstances of any Class member, include, but are not
24 limited to, the following:

- 25 • Whether Defendants falsely, deceptively, and/or unfairly marketed and/or
26 advertised their Cosmetic Products by marketing or advertising themselves as being
27 cruelty free and/or animal testing free.

1 • Whether Defendants' disclosures regarding animal testing of their
2 Cosmetic Products were inadequate so as to be false, deceptive, and/or unfair.

3 • Whether Defendants' conduct was an "unfair practice", within the
4 meaning of the California's Unfair Competition Laws (the "UCL"- California Business
5 & Profession Code section 17200) in that it offends established public policy and is
6 immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers.

7 • Whether Defendants' conduct was an "unlawful" practice within the
8 meaning of the UCL.

9 • Whether Defendants' conduct was a "fraudulent practice", within the
10 meaning of the UCL in that it is likely to mislead consumers.

11 • Whether Defendants' practices were likely to deceive a consumer acting
12 reasonably in the same circumstances.

13 • Whether the conduct complained of constitutes a violation of California's
14 Consumer Legal Remedies Act (the "CLRA").

15 • Whether Defendants' conduct caused harm to the Class.

16 • Whether injunctive relief is appropriate and necessary to stop Defendants'
17 false, deceptive and/or misleading marketing and/or advertisements related to their
18 animal testing policies.

19 • Whether the members of the Class are entitled to restitution and/or
20 suffered damages.

21
22 32. Superiority. A class action is superior to other available methods for the
23 fair and efficient adjudication of this controversy, because individual litigation of the
24 claims of all Class Members is impracticable. Requiring each individual class member
25 to file an individual lawsuit would unreasonably consume the amounts that may be
26 recovered. Even if every Class Member could afford individual litigation, the
27 adjudication of more than a million identical claims would be unduly burdensome to
28 the courts. Individualized litigation would also present the potential for varying,

1 inconsistent, or contradictory judgments and would magnify the delay and expense to
2 all parties and to the court system resulting from multiple trials of the same factual
3 issues. By contrast, the conduct of this action as a class action, with respect to some or
4 all of the issues presented herein, presents no management difficulties, conserves the
5 resources of the parties and of the court system, and protects the rights of the Class
6 Members. Plaintiff anticipates no difficulty in the management of this action as a class
7 action. The prosecution of separate actions by individual Class Members may create a
8 risk of adjudications with respect to them that would, as a practical matter, be
9 dispositive of the interests of the other Class Members not parties to such adjudications
10 or that would substantially impair or impede the ability of such non-party Class
11 members to protect her interests.

12 33. The prosecution of individual actions by Class Members would also
13 potentially establish inconsistent standards of conduct for Defendants. Defendants have
14 acted in respects generally applicable to the Class, thereby making appropriate final and
15 injunctive relief or corresponding declaratory relief with regard to the members of the
16 Class as a whole, as requested herein, the only avenue to guarantee finality on all
17 issues.

18
19 **FIRST CAUSE OF ACTION FOR FRAUD/FRAUDULENT**

20 **CONCEALMENT**

21 34. Plaintiff restates and realleges paragraphs 1-33 if fully set forth herein.

22 35. As alleged herein, Plaintiffs are informed and believes and thereon allege
23 that Defendants have made one of more of the uniform material misrepresentations to
24 Plaintiffs and the Class in the marketing, packaging, or sale of their products as alleged
25 above. Plaintiffs further are informed and believe that Defendants' fraudulently
26 concealed material information regarding their animal testing policies.
27
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1 36. Plaintiff is informed and believes and thereon alleges, that in making the
2 above statements and in concealing material information, Defendants acted fraudulently
3 and deceitfully with knowledge that Plaintiff and the Class would rely on their actions,
4 misstatements, and omissions. Defendants made the aforesaid material representations
5 and/or concealed material facts in order to induce Plaintiffs and the Class to act in
6 reliance on the misrepresentations and statements.

7 37. Plaintiffs and the Class at all times did reasonably and justifiably rely both
8 directly and indirectly on the actions, representations and omissions of Defendants.

9 38. As a direct and proximate result of Defendants' fraud, Plaintiffs and the
10 Class have suffered actual damages in an amount not presently known, but which will
11 be shown by proof at time of trial, including incidental and consequential damages, and
12 reasonable attorneys' fees.

13 39. Plaintiffs are informed and believe and thereon allege that Defendants
14 undertook the aforesaid illegal acts intentionally or with conscious disregard of the
15 rights of Plaintiffs and the Class, and did so with fraud, oppression, and malice.
16 Therefore, Plaintiffs and the Class are also entitled to recover punitive damages from
17 Defendants in an amount that will be shown by proof at trial.

18
19 **SECOND CAUSE OF ACTION FOR**
20 **VIOLATIONS OF CALIFORNIA'S UNFAIR BUSINESS PRACTICE ACT**
21 **(CAL. BUS. & PROF. CODE §17200 et seq.)**

22
23 40. Plaintiffs incorporate by reference and reallege paragraphs 1 through 33, as
24 if fully set forth herein.

25 41. California Business & Professions Code § 17200 et seq., also known as the
26 California Unfair Competition Law ("UCL"), prohibits acts of "unfair competition,"
27 including any unlawful, unfair, fraudulent, or deceptive business act or practice as well
28 as "unfair, deceptive, untrue or misleading advertising."

1 DEFENDANTS' ACTS ARE UNLAWFUL

2 42. By engaging in the false, deceptive, and misleading conduct alleged above,
3 Defendants have engaged in unlawful business acts and practices in violation of the
4 UCL by violating state and federal laws, including but not limited to California
5 Business and Professions Code section 17500 et seq., which makes false and deceptive
6 advertising unlawful.

7
8 DEFENDANTS' ACTS ARE UNFAIR

9 43. In addition to being unlawful, Defendants' acts, conduct and practices as
10 alleged above are unfair. Defendants, through deceptive and misleading advertising
11 and representations, induced Plaintiff and class members to purchase Defendants'
12 Cosmetic Products. This injury is not outweighed by any countervailing benefits to
13 consumers or competition.

14
15 DEFENDANTS' ACTS ARE FRAUDULENT AND/OR DECEPTIVE

16 44. In addition to being unlawful and unfair, Defendants' acts, conduct and
17 business practices as alleged above are fraudulent and/or deceptive.

18 45. As a direct and proximate result of Defendants' unlawful, unfair and
19 fraudulent business practices, Plaintiff and the members of the class have been injured
20 in fact. They purchased Cosmetic Products in reliance on Defendants' false and
21 misleading advertising and representations to the general public regarding their animal
22 testing policies, and they would not have purchased Defendants' Cosmetic Products had
23 Defendants made adequate disclosures.

24 46. Defendants' unlawful, unfair and fraudulent business practices as alleged
25 above present a continuing threat to Plaintiffs, the class and members of the public
26 because Defendants persist and continue to engage in such practices, and will not cease
27 doing so unless enjoined or restrained by this Court.

1 50. As alleged above, Defendants disseminated or caused to be disseminated
2 deceptive advertising regarding their animal testing policies to the general public
3 through various media. These advertisements were false, misleading and/or inadequate
4 as set forth herein.

5 51. Defendants continue to disseminate or cause to be disseminated such false,
6 deceptive and/or inadequate statements as alleged herein.

7 52. The false, deceptive and/or inadequate statements regarding Defendants'
8 animal testing policies, as disseminated, or as caused to be disseminated by Defendants,
9 are likely to deceive the consuming public.

10 53. While disseminating or causing to be disseminated the false and deceptive
11 statements regarding Defendants' animal testing policy, as alleged above, the
12 Defendants knew or should have known that the statements were false and/or
13 misleading.

14 54. As a direct and proximate result of Defendants' false and/or misleading
15 advertising, Plaintiffs and the members of the class have been injured in fact, in that
16 they purchased Cosmetic Products in reliance on Defendants' false and misleading
17 advertising as to Defendants' animal testing policy, that they would not have purchased
18 had the truth been disclosed.

19 55. Defendants' false and misleading advertising as alleged above presents a
20 continuing threat to Plaintiff, the Class, and members of the public because Defendants
21 persist and continue to disseminate false and misleading advertising, and will not cease
22 doing so unless and until enjoined or restrained by this Court.

23 56. Under California Business & Professions Code § 17535, Plaintiffs, on
24 behalf of themselves, the class members, and members of the general public, seek an
25 order of this Court:

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- 1 a) Enjoining Defendants from continuing to engage, use, or employ any act
2 prohibited by California Business Code § 17500 et seq.; and
3
4 b) Restitution of all monies that may have been acquired by Defendants’ false
5 and misleading statements in advertisements, promotions, testimonials,
6 and/or marketing, as described herein.

7
8 **FOURTH CAUSE OF ACTION FOR**
9 **VIOLATIONS OF CONSUMERS LEGAL REMEDIES ACT**
10 **(CALIFORNIA CIVIL CODE §1750 et seq.)**

11 57. Plaintiffs incorporate by reference and reallege paragraphs 1-33, as if fully
12 set forth herein.

13 58. This cause of action is brought pursuant to California Consumers Legal
14 Remedies Act, California Civil Code § 1750, et seq. (“CLRA”)

15 59. Plaintiffs are consumers as defined by the CLRA and Defendants are either
16 suppliers and/or sellers as defined by the CLRA.

17 60. Defendants’ conduct described herein involves consumer transactions as
18 defined by the CLRA.

19 61. In violation of the CLRA, Defendants represented to American consumers
20 that they did not conduct animal testing at all, which was false; and/or represented to
21 American consumers that they did not conduct animal testing “except when required by
22 law” without disclosing that no American law requires animal testing. The latter
23 representation was misleading.

24 62. Under California Civil Code § 1780, Plaintiffs, on behalf themselves, the
25 class members, and members of the general public, seek an order of this Court:

- 26 (a) Enjoining Defendants from continuing to engage, use, or employ any act
27 prohibited by California Civil Code §1770 et seq.;

1 (b) Plaintiffs further intend to amend the Complaint pursuant to Civil Code
2 §1782(d) should Defendants not timely comply with the impending preliminary notice
3 to be served in compliance with Civil Code §1782.
4

5 **FIFTH CAUSE OF ACTION FOR INJUNCTIVE RELIEF**

6 63. Plaintiffs restate and reallege paragraphs 1-33 if fully set forth herein.
7

8 64. Plaintiffs and the Class request equitable and injunctive relief in order to
9 stop Defendants' false and misleading advertising described herein.

10 65. Injunctive relief is in the public interest.

11 66. The foregoing injunction is appropriate because, among other reasons, it is
12 necessary to insure that Class Members do not continue to be deceived by Defendants'
13 conduct.

14 67. Equity supports the requested injunctive relief because Defendants
15 committed the acts described above.

16 68. As a direct and proximate result of the aforementioned wrongful acts and
17 omissions of Defendants, Plaintiffs and the Class have been deceived and absent
18 injunctive relief, Class Members will continue to be deceived.

19 69. Plaintiffs and those similarly situated are subject to irreparable harm
20 absent an injunction.

21 70. Plaintiffs and the Class have no adequate remedy at law.

22 71. Plaintiffs request a permanent injunction enjoining Defendants from
23 continuing to engage, use, or employ (a) any unlawful, unfair and/or deceptive business
24 act or practice. and (b) any unfair, deceptive, untrue, or misleading labeling,
25 advertising, promotion, testimonials, or marketing.
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VI. PRAYER

Plaintiffs, on behalf of themselves and on behalf of the Class, respectfully pray for judgment against Defendants as follows:

1. That the Court determine that the relevant claims in this complaint may be maintained as a class action under Federal Rule of Civil Procedure 23.

2. For an Order finding and declaring Defendants' acts and practices as challenged herein unlawful, unfair, deceptive and/or fraudulent;

3. For an Order preliminarily and permanently enjoining Defendants from engaging in the practices complained and alleged herein;

4. For an Order requiring Defendants to make restitution of all revenues, earnings, compensation and benefits obtained as a result of Defendants' wrongful conduct;

5. For compensatory damages in an amount in excess of \$100 million, with the exact amount to be proven at trial;

6. For punitive damages in an amount to punish Defendants for their conduct and dissuade Defendants from engaging in similar conduct in the future, in an amount to be proven at trial;

7. For prejudgment and post judgment interest to the extent permitted by law;

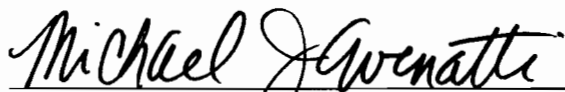
8. For an award of attorney's fees, costs, and expenses incurred in the investigation, filing, and prosecution of this action to the extent permitted by law; and

9. For such other and further relief as the Court deems just and proper.

Dated: February 28, 2012

EAGAN AVENATTI, LLP

By:



Michael J. Avenatti
Attorneys for Plaintiffs

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JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: February 28, 2012

EAGAN AVENATTI, LLP

By: Michael J. Avenatti
Michael J. Avenatti
Attorneys for Plaintiffs

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

I (a) PLAINTIFFS (Check box if you are representing yourself)
Marina Beltran, an individual; Maria Rodriguez, an individual; Janna Herrera, an individual; Jenna Anderlie, an individual; and Trasse Faria, an individual; on behalf of themselves and all others similarly situated

DEFENDANTS
Estee Lauder, Inc., a Delaware Corporation, Avon Products, Inc., a New York Corporation; and Mary Kay, Inc., a Delaware Corporation

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
Eagan Avenatti, LLP, 450 Newport Center Drive, Second Floor, Newport Beach, CA 92660; The X-Law Group, P. C., 11100 Santa Monica Blvd., Suite 150, Los Angeles, CA 90025

Attorneys (If Known)

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

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

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

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

IV. ORIGIN (Place an X in one box only.)

- 1 Original 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify): 6 Multi-District Litigation 7 Appeal to District Judge from Magistrate Judge

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

CLASS ACTION under F.R.C.P. 23: Yes No

MONEY DEMANDED IN COMPLAINT: \$ In excess of \$100 million

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
28 U.S.C. Section 1332; Unfair Business Practices; False Advertising; Violations of CLRA; Fraud; Injunctive Relief

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

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input checked="" type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 General	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE / PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

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AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

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

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

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

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

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles (Beltran, Rodriquez, Anderlie) Orange (Herrera)	Kings (Faria)

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Texas (Mary Kay) New York (Estee Lauder and Avon)

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): Michael J. Avonatti Date February 28, 2012

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

Key to Statistical codes relating to Social Security Cases:

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