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10 *Attorneys for Plaintiff*
11 *and all others similarly situated*

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

14 FRANK ORTEGA, an individual, on behalf
of himself and all others similarly situated,

15 Plaintiffs,

16 v.

17 THE DIAL CORPORATION, a Delaware
corporation; HENKEL CONSUMER
18 GOODS, INC., a Delaware corporation;
HENKEL CORPORATION, a Delaware
19 corporation; HENKEL OF AMERICA, INC.,
a Delaware corporation,

20 Defendants.
21

CASE NO. '12CV0361 W WMC

CLASS ACTION

COMPLAINT FOR:

1. **VIOLATION OF CALIFORNIA
CONSUMER LEGAL REMEDIES
ACT [CIV. CODE § 1750, et. seq.];**
2. **VIOLATION OF CALIFORNIA
UNFAIR COMPETITION LAW
[BUS. & PROF. CODE § 17200, et.
seq.];**

DEMAND FOR JURY TRIAL

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25 Plaintiff Frank Ortega ("Plaintiff"), by and through his attorneys of record, brings this
26 action on behalf of himself, all others similarly situated, and the general public ("Plaintiffs")
27 against Defendants The Dial Corporation and its parent companies, Henkel Consumer Goods
28 Inc., Henkel Corporation, and Henkel of America, Inc. ("Dial" or "Defendants"). Plaintiffs

1 allege the following upon their own knowledge, or where there is no personal knowledge, upon
2 information and belief and the investigation of their counsel:

3 **JURISDICTION AND VENUE**

4 1. This Court has original jurisdiction under 28 U.S.C. § 1332(d)(2)(A), as amended
5 by the Class Action Fairness Act of 2005, as a matter in controversy that exceeds the sum of
6 \$5,000,000.00, exclusive of costs and interest, and a class action where Plaintiff, a member of
7 the class, is from a different state than Defendants. On information and belief, more than two-
8 thirds of the members of the class of plaintiffs are citizens of a state different from the
9 Defendants. This Court has supplemental jurisdiction over the state law claims pursuant to 28
10 U.S.C. § 1367.

11 2. Personal jurisdiction derives from the fact that the Defendants conduct business
12 within the State of California and within this judicial district.

13 3. Venue is proper within this district pursuant to 28 U.S.C. § 1391(b)(2) because
14 many of the acts and transactions, including the purchases and sales giving rise to this action,
15 occurred in this district and because Defendants:

- 16 (i) are authorized to conduct business in this district and have intentionally
17 availed themselves of the laws and markets within this district through the
18 promotion, marketing, distribution and sale of its products in this district;
19 (ii) does substantial business in this district;
20 (iii) advertises to consumers residing in this district; and
21 (iv) are subject to personal jurisdiction in this district.

22 **PARTIES**

23 4. At all times relevant to this matter Defendant The Dial Corporation is and was a
24 Delaware corporation with its principal place of business located in Scottsdale, Arizona. At all
25 times relevant herein, Defendants Henkel Consumer Goods Inc., Henkel Corporation, and
26 Henkel of America, Inc. were Delaware corporations with their principal place of business in
27 California.

28 5. At all times relevant herein, Defendants advertised, marketed, distributed, and

1 sold the Products to consumers in the United States, transacting business in this district and
2 throughout the United States.

3 6. At all times relevant to this matter, Plaintiff resided, and continues to reside, in
4 California. Members of the putative Class reside in other states in the United States. During the
5 Class period, Plaintiffs were exposed to and saw Defendants' claims about Dial for Men
6 Magnetic Attraction Enhancing Body Wash, purchased Dial for Men Magnetic Attraction
7 Enhancing Body Wash in reliance on those claims, and suffered injury in fact as a result of
8 Defendants' unfair competition as described herein.

9 7. Plaintiffs are informed and believe and therefore allege that at all times herein
10 mentioned each of the Defendants' employees was the agent, servant and employee of
11 Defendants, acting within the purpose and scope of said agency and employment.

12 **INTRODUCTORY FACTS**

13 8. This is a consumer protection class action, addressing the advertising claims made
14 by Defendants about their soap product line - **Dial for Men Magnetic Attraction Enhancing**
15 **Body Wash** – (in plain version, “Moisture-Rich,” and “Clean-Rinsing” versions; collectively,
16 the “Products”) that have been the subject of an extensive and comprehensive, nationwide
17 marketing campaign by Defendants.

18 9. Defendants manufacture, advertise, distribute, and sell the Products by claiming
19 they have pheromones in them to attract women.

20 10. Plaintiff brings this action on behalf of himself and all other similarly situated
21 consumers in the United States, to halt the dissemination of Defendants' deceptive and false
22 advertising message about the Products, and to correct the false and misleading perception it has
23 created in the minds of consumers who have purchased the Products. Plaintiff alleges violations
24 of the Consumer Legal Remedies Act (Cal. Civ. Code § 1750, *et seq.*) and Unfair Competition
25 Law (Cal. Bus. & Prof. Code § 17200, *et seq.*)
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SPECIFIC MISREPRESENTATIONS,
MATERIAL OMISSIONS, AND DECEPTIVE FACTS

The Products:



11. Defendants primarily advertise and offer the Products for sale through nationwide retail chain stores, including but not limited to, grocery stores, drug stores, and similar. Defendants also sell directly to consumers via online retailers such as Amazon.com and eBay.com.

12. Defendants have advertised the Products through nationwide television commercials, and online via a product web site and a Facebook page.

13. Defendants market the Products by making the following claims: “Dial® for Men;” **“PHEROMONE-INFUSED, ATTRACTION ENHANCING BODY WASH;”** **“Magnetic™;”** “Magnetic™ Moisture Rich;” “Magnetic™ Clean Rinsing;” “You don’t need the help, but it doesn’t hurt to increase your odds. Dial® for Men Magnetic™ body wash is clean rinsing and moisture rich, so you get a great clean without drying your skin, and leaves you smelling so good **women can’t help but notice.**”

14. The back of the Products’ label, under Directions, states “1. Squeeze Magnetic body wash onto a washcloth, sponge, poof, hands - whatever. 2. Lather up. 3. rinse off. 4. Stand back and watch the magic happen.”

15. Defendants’ claim the pheromone androstadienone is in the Products. Defendants

1 do not inform consumers of whether the androstadienone in the Products is synthetic or real.
2 Androstadienone is a normally occurring pheromone in human body sweat.

3 16. On Defendants' promotional web site about the Products, Defendants state:
4 "We're not saying that our new pheromone-enhanced body wash will cause you to be attacked
5 by hordes of sex-crazed females, but if that is your endgame, you should consider it a piece of
6 the equation not to be ignored."

7 17. Defendants Products' web site represents, via an animated singing molecule, that
8 after a woman senses a man's pheromones with her vomeronasal organ, she responds by
9 releasing catecholamine, which triggers dopamine release, making her more sexually receptive to
10 men.

11 18. Defendants' representations about androstadienone are, in fact, false, deceptive
12 and misleading because, among other reasons, human beings do not possess a functioning
13 vomeronasal organ.

14 19. Further, the few studies about androstadienone that resulted in an effect on female
15 attraction were small, poorly designed, and used concentrations of the ingredient as much as a
16 million times higher than what occurs naturally.

17 **CLASS ACTION ALLEGATIONS**

18 20. The class is defined as: All persons in the United States who purchased a Dial for
19 Men Magnetic Attraction Enhancing Body Wash product from the products release date
20 (believed to be sometime in 2009) to the present ("Class Period") for personal or household use,
21 and not for resale or distribution purposes. Excluded from the Class are Defendants' officers,
22 directors, shareholders, and employees.

23 21. The persons in this class are so numerous that the joinder of all such persons is
24 impracticable and all plaintiffs contend the following common questions of law or fact:

- 25 (a) whether Defendants had adequate substantiation for their claims prior to making
26 them;
27 (b) whether the claims discussed above are true, misleading, or reasonably likely to
28 deceive;

- 1 (c) whether Defendants' alleged conduct violates public policy;
2 (d) whether the alleged conduct constitutes violations of the laws asserted herein;
3 (e) whether Defendants engaged in false or misleading advertising;
4 (f) whether Plaintiff and Class members are entitled to declaratory and injunctive
5 relief.

6 These questions of law and fact predominate over questions that affect only individual
7 class members.

8 22. Plaintiff's claims are typical of those of the class and they will fairly and
9 adequately represent the interests of the class. Plaintiff will serve as adequate class
10 representative. Plaintiffs' counsel is highly experienced in complex consumer class action
11 litigation, and will vigorously represent the best interests of the class. Plaintiff has no adverse or
12 antagonistic interests to those of the Class.

13 23. Class action is superior to other available methods for the fair and efficient
14 adjudication of this controversy. The expense and burden of individual litigation would make it
15 impracticable or impossible for proposed Class members to prosecute their claims individually.
16 The trial and the litigation of Plaintiffs' claims are manageable.

17 24. Unless a class-wide injunction is issued, Defendants will continue to commit the
18 violations alleged, and the members of the Class and the general public will continue to be
19 misled.

20 25. Defendants have acted and refused to act on grounds generally applicable to the
21 Class, making appropriate final injunctive relief with respect to the Class as a whole.

22 **CAUSES OF ACTION**

23 **FIRST CAUSE OF ACTION**

24 **For Violations of the Consumers Legal Remedies Act – Civil Code §1750 *et seq.***

25 **[On Behalf of Plaintiff Ortega and the Class and Against each Defendant]**

26 26. Plaintiff repeats, re-alleges and incorporates by reference each and every
27 allegation contained above as if fully set forth herein.

28 27. At all times relevant herein, there was in full force and effect the Consumers

1 Legal Remedies Act, California Civil Code § 1750, *et seq.* (the “Consumer Fraud Act”) and
2 similar deceptive practice acts in other states. Plaintiff is a consumer as defined by Civil Code §
3 1761(d). The Products are goods within the meaning of Civil Code § 1761(a).

4 28. Defendants violated and continues to violate the Consumer Fraud Act by
5 engaging in the following practices proscribed by § 1770(a), in transactions with Plaintiff and the
6 Class which were intended to result in, and did result in, the sale of the Products:

7 (a) Advertising that the Products were attraction enhancing;

8 (b) Representing that the Products have characteristics, uses or benefits which they do
9 not have;

10 (c) Representing that the Products are of a particular standard, quality or grade if they
11 are of another;

12 (d) Advertising the Products with intent not to sell them as advertised;

13 (e) Representing that the Products have been supplied in accordance with a previous
14 representation when they do not;

15 (f) Not disclosing that the active ingredient(s) in the Products have no effect on
16 humans; and

17 (g) Engaging in conduct that creates a likelihood of confusion or misunderstanding.

18 29. The Defendants’ representations are unlawful and amount to unfair and/or
19 deceptive acts or practices in violation of the Consumer Fraud Act.

20 30. Defendants’ actions described herein similarly violated the consumer protection
21 statutes in effect in every state in which Defendants or their affiliates do business.

22 31. Defendants violated the Consumer Fraud Act, and similar provisions in the
23 Consumer Fraud Acts of other jurisdictions within the United States, by making the
24 representations and claims for the Products, as described above, when it knew, or should have
25 known, that the representations and advertisements were unsubstantiated, false and misleading.

26 32. Plaintiff and other members of the Class reasonably relied upon the Defendants’
27 representations as to the quality and attributes of the Products.

28 33. Plaintiff and other members of the Class were deceived by Defendants’

1 representations about the quality and attributes of the Products, including but not limited to the
2 purported ability of the Products to attract women because of pheromones in the Products,
3 whereas ordinary soap does not contain pheromones. Plaintiff and other Class members would
4 not have purchased the Products had they known Defendants' claims were either unfounded or
5 untrue, and the true nature of the Products.

6 34. Pursuant to California Civil Code §1782(d), Plaintiff and the Class seek a Court
7 order enjoining the above-described wrongful acts and practices of Defendants.

8 **SECOND CAUSE OF ACTION**

9 **Unlawful Business Acts and Practices in Violation of California Business & Professions**

10 **Code Section 17200, *et seq.***

11 **[On Behalf of Plaintiff Ortega and the Class and Against each Defendant]**

12 35. Plaintiff repeats, re-alleges and reincorporates the allegations contained in the
13 paragraphs above, as is fully set forth herein.

14 36. Business & Professions Code Section 17200 prohibits any "unlawful, unfair or
15 fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising." For
16 the reasons discussed above, Defendants have engaged in unlawful business acts or practices by,
17 among other things, making misrepresentations and omissions of material facts, as set forth more
18 fully above, and violating, among other statutes, Civil Code §§ 1572, 1573, 1709, 1710, 1711,
19 1770, Business & Professions Code § 17200, *et seq.*, Health & Safety Code § 110765, and the
20 common law.

21 37. Defendants' actions described herein similarly violated the consumer protection
22 statutes and statutes prohibiting unfair, unlawful or deceptive business acts or practices in effect
23 in every state in which Defendants or their affiliates do business, and the common law of those
24 states.

25 38. Plaintiff and the Class reserve the right to allege other violations of law which
26 constitute other unlawful business acts or practices. Such conduct is ongoing and continues to
27 this date.

28 39. Defendants' acts, omissions, misrepresentations, practices and non-disclosures as

1 alleged herein also constitute “unfair” business acts and practices within the meaning of Business
2 & Professions Code Section 17200, *et seq.*, and similar statutory provisions in other jurisdictions
3 within the United States, in that their conduct is substantially injurious to consumers, offends
4 public policy, and is immoral, unethical, oppressive, and unscrupulous because the gravity of the
5 conduct outweighs any alleged benefits attributable to such conduct.

6 40. As stated in this Complaint, Plaintiff alleges violations of consumer protection,
7 unfair competition and truth in advertising laws resulting in harm to consumers. Plaintiff asserts
8 violations of the public policy of engaging in false and misleading advertising, unfair
9 competition and deceptive conduct towards consumers.

10 41. There were reasonably available alternatives to further Defendants’ legitimate
11 business interests, other than the conduct described herein.

12 42. Defendants’ claims, nondisclosures and misleading statements, as more fully set
13 forth above, were also false, misleading and/or likely to deceive the consuming public within the
14 meaning of Business & Professions Code Section 17200, and similar provisions protecting
15 consumers in other jurisdictions within the United States, and actually *did* deceive Plaintiff.

16 43. Defendants’ labeling, website and other advertisements, as described herein, also
17 constitute unfair, deceptive, untrue and misleading advertising.

18 44. Defendants’ conduct caused and continues to cause substantial injury to Plaintiff
19 and the other Class members. Plaintiff has suffered injury in fact as a result of Defendants’
20 unfair conduct.

21 45. Defendants have thus engaged in unlawful, unfair and fraudulent business acts
22 and practices and false advertising, entitling Plaintiff to injunctive relief against Defendants, as
23 set forth in the Prayer for Relief.

24 46. Additionally, pursuant to Business & Professions Code Section 17203, Plaintiff
25 seeks an order requiring Defendants to immediately cease such acts of unlawful, unfair and
26 fraudulent business practices and requiring Defendants to engage in a corrective advertising
27 campaign.

28 47. Plaintiff and the class members are likely to be damaged by Defendants' deceptive

1 trade practices, as Defendants continue to disseminate misleading information. Thus, injunctive
2 relief enjoining this deceptive practice is proper.

3 48. Further, Defendants have knowingly and willfully engaged in the deceptive trade
4 practice of selling "attraction-enhanced" body wash, when in reality, the body wash had no
5 attraction enhancing properties, thus making both costs and attorneys' fees appropriate.

6 **PRAYER FOR RELIEF**

7 Wherefore, Plaintiff, on behalf of himself, all others similarly situated, and the general
8 public, prays for a judgment against Defendants on each cause of action:

- 9 A. An order declaring this action to be a proper Class Action and requiring Defendants
10 to bear the costs of class notice;
- 11 B. An order awarding declaratory and injunctive relief as permitted by law or equity,
12 including enjoining Defendants from continuing the unlawful practices as set forth
13 herein;
- 14 C. An order compelling Defendants to engage in a corrective advertising campaign to
15 inform the public concerning the true nature of the Products;
- 16 D. An order awarding attorneys' fees and costs to Plaintiff;
- 17 E. An order providing for all other such equitable relief as may be just and proper.

18 **JURY DEMAND**

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

20 DATED: February __, 2012

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22 Craig Sean Mellon [Bar. No. 277751]
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*Attorneys for Plaintiff
and all others similarly situated*

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

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 THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS Frank Ortega, on behalf of himself and all others similarly situated</p> <p>(b) County of Residence of First Listed Plaintiff <u>Los Angeles</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Craig Mellon, 700 West Harbor Dr., Unit 401, San Diego, CA 92101</p>	<p>DEFENDANTS The Dial Corporation, et al.</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (if Known) <u>'12CV0361 W WMC</u></p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		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
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IV. NATURE OF SUIT (Place an "X" in One Box Only)

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

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Civil Code Sec. 1730 28:1332 st

Brief description of cause:

VII. 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

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE Craig Mellon DOCKET NUMBER _____

DATE 2/9/12

SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____