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County Of Los Angeles

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Plaintiff SHEILA CRUZ

D-311 Shepard Wiley Jr.
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

15 SHEILA CRUZ, on behalf of herself and all
16 others similarly situated,

17 Plaintiff,

18 v.

19 ANHEUSER-BUSCH, LLC, a California
20 corporation and DOES 1-10, inclusive

21 Defendant.

Case No.: **BC 563 150**
COMPLAINT (CLASS ACTION)

1. Violation of Consumers Legal Remedies Act, California Civil Code § 1750, *et seq.*
2. Violation of California False Advertising Law California Business & Professions Code § 17500, *et seq.*
3. Violation of California Unfair Competition Law, California Business & Professions Code § 17200, *et seq.*

4. Breach of Express Warranty

(Jury Trial Demand)

CIT/CRSE: BC563150
LEA/DEF#: RECEIPT #: CCH517486076
DATE PAID: 11/12/14 03:57 PM
PAYMENT: \$1,435.00 310
RECEIVED:
CHEQUE: \$1,435.00
CASH: \$0.00
HARD: \$0.00
WARD: \$0.00

1 **INTRODUCTION**

2 Plaintiff SHEILA CRUZ (“Plaintiff”) brings this class action suit against Defendant
3 ANHEUSER-BUSCH, LLC (“Defendant”) on behalf of herself and the proposed Class, who purchased
4 five types of Anheuser-Busch’s Bud Light Lime products. Defendant is a leading alcoholic beverage
5 producer and retailer that advertises, markets, distributes and sells, among other things, Bud Light Lime
6 Lime-A-Rita, Bud Light Lime Raz-Ber-Rita, Bud Light Lime Straw-Ber-Rita, Bud Light Lime Mang-O-
7 Rita and Bud Light Lime Apple-Ahhh-Rita (hereinafter collectively referred to as the “Bud Light Lime
8 ‘Rita Products”). In support of Plaintiff’s Class Action Complaint, Plaintiff alleges, based on her
9 personal experience and the investigation of her counsel, as follows:

10 **NATURE OF THE CASE**

11 1. Plaintiff purchased Defendant’s Anheuser-Busch Bud Light Lime Lime-A-Rita® (“Lime-
12 A-Rita”) believing that she was purchasing a product that was low in calories and carbohydrates as it is
13 labeled as a “Bud Light” and/or a “Bud Light Lime” product. Most recently, Plaintiff purchased the
14 Lime-A-Rita from a Lucky store in South Gate, California in October 2014. Instead of receiving a
15 “light” beverage, Plaintiff received a product that contained 220 calories per 8 fluid ounces and 21.9
16 grams of carbohydrates per 8 fluid ounces, which is significantly more calories and carbohydrates per
17 ounce than any other Anheuser-Busch alcoholic beverage. Plaintiff relied on the deceptive concealment,
18 omission, and misrepresentation of the “light” product labelling in purchasing the Bud Light Lime ‘Rita
19 Products in purchasing the products.

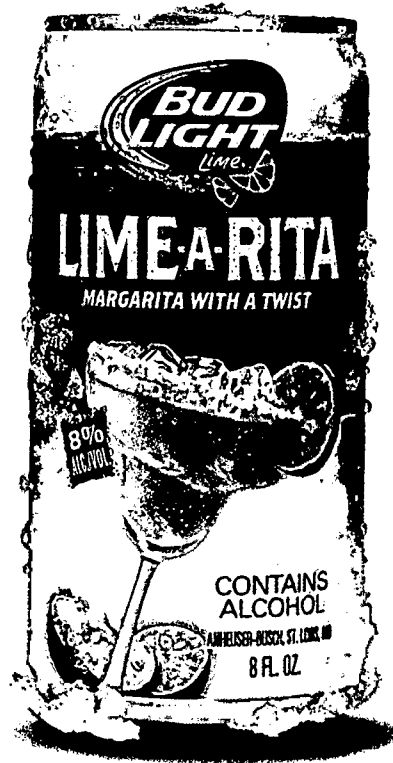
20 2. Plaintiff believes that Anheuser-Busch’s advertising of the five Bud Light Lime ‘Rita
21 Products is deceptive and misleading because Anheuser-Busch intentionally misleads the consuming
22 public by claiming that the Bud Light Lime ‘Rita Products are “light” and therefore low in calories and
23 carbohydrates when they actually contain between 192 - 220 calories per 8 fluid ounces, and 22.8 – 23.6
24 grams of carbohydrates per 8 fluid ounces, which is significantly more calories and carbohydrates per
25 ounce than any other Anheuser-Busch product, and therefore not “light” in any definition of the term.

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1 3. The following image accurately depicts an 8 fluid ounce can of the Lime-A-Rita flavor of
2 the Bud Light Lime 'Rita Products:



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16 4. In comparison, each 12 fluid ounce serving of Defendant's (1) Budweiser contains 145
17 calories and 10.6 grams of carbohydrates; (2) Bud Light contains 110 calories and 6.6 grams of
18 carbohydrates; and (3) Bud Light Lime contains 116 calories and 8 grams of carbohydrates.¹

19 5. Thus, despite being labeled a "light" product, the Bud Light Lime 'Rita Products actually
20 contain more than twice as many calories than Bud Light and more than four times as many
21 carbohydrates. Further, all of the Bud Light Lime 'Rita Products contain more calories and
22 carbohydrates than Defendant's flagship (and baseline reference) Budweiser beer, with the Lime-A-Rita
23 containing significantly more calories and carbohydrates.

24 6. During the Class Period, Defendant marketed and sold the Bud Light Lime 'Rita Products
25 by failing to disclose that they actually contain between 192 - 220 calories per 8 fluid ounces, and 22.8 -
26 23.6 grams of carbohydrates per 8 fluid ounces, which is significantly more calories and carbohydrates

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28 ¹ See Defendant's "Anheuser-Busch Nutritional Information" matrix, a true and correct copy of which has been attached hereto as Exhibit "A".

1 per ounce than any other Anheuser-Busch product, and therefore not “light” in any definition of the
2 term. In turn, this omission and misrepresentation misleads consumers into purchasing Defendant’s Bud
3 Light Lime ‘Rita Products.

4 7. Consumers who purchase Defendant’s Bud Light Lime ‘Rita Products, such as Plaintiff,
5 rely on Defendant’s representation that their products are “light”. As a result, consumers are purchasing
6 a product that has been misbranded and falsely advertised as a “light” product. By omitting the relevant
7 calorie and carbohydrate information, Defendant deceives reasonable consumers who believe that they
8 are purchasing and consuming a “light” product. Instead, they are consuming the highest calorie
9 alcoholic beverage sold by Defendant.

10 8. Defendant intentionally misleads consumers and the general public into believing their
11 products are “light” by omitting that the products actually 192 - 220 calories per 8 fluid ounces, and 22.8
12 – 23.6 grams of carbohydrates per 8 fluid ounces. Indeed, Defendant’s vice president of innovation
13 acknowledges that “[the Bud Light Lime ‘Rita Products] has the Bud Light name on it so it attracts
14 people who are interested in the Bud Light brand but it also attracts people who may not have been in
15 our franchise before.”²

16 9. Plaintiff seeks an order that compels Defendant to (1) cease marketing its products with
17 the misleading and misrepresentative labels complained of herein; and (2) conduct a corrective
18 advertising and promotions campaign that unambiguously, clearly and adequately discloses the calories
19 it products contain, i.e. between 192 - 220 per 8 fluid ounces, and 22.8 – 23.6 grams of carbohydrates
20 per 8 fluid ounces.

21 **JURISDICTION AND VENUE**

22 10. This Court has jurisdiction over the violations alleged herein. Defendant has sufficient
23 minimum contacts in the State of California, or is otherwise a legal resident of the State of California,
24 thereby intentionally prevailing themselves of the laws and protections afforded by the State of
25 California. Moreover, Defendant has intentionally prevailed itself of the California market through
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27 ² Tom Rotunno, *Bud Light’s Lime-A-Rita boom*, CNBC, March 2, 2014, available online at
28 <<http://www.cnbc.com/id/101456543>>.

1 participation and other activities, so as to render the exercise of jurisdiction over it by the California
2 Courts consistent with traditional notions of fair play and substantial justice.

3 PARTIES

4 11. Plaintiff Sheila Cruz ("Plaintiff") is an individual who resides in Los Angeles County,
5 California. Plaintiff was a consumer of Defendant's Bud Light Lime 'Rita Products during the Class
6 Period. Most recently, Plaintiff purchased Defendant's Lime-A-Rita variety of the Bud Light Lime 'Rita
7 Products at a Lucky store in South Gate, California in October 2014.

8 12. Defendant is a Missouri corporation with a principal place of business located at One
9 Busch Place, St. Louis, MO 63118. Defendant primarily manufactures, advertises, markets, distributes
10 and sells alcoholic products under the Anheuser-Busch umbrella of brands.

11 FACTUAL ALLEGATIONS

12 **History of the Bud Light Lime 'Rita Products**

13 13. In 2008, Anheuser Busch introduced "Bud Light Lime" variation of its classic Bud Light
14 product that contained a lime flavor.

15 14. The first of the Bud Light Lime 'Rita Products, Lime-A-Rita, was introduced in 2012.
16 Bud Light Lime Straw-Ber-Rita was introduced in 2013. Bud Light Lime Raz-Ber-Rita and Light Lime
17 Mang-O-Rita were introduced in 2014.³ Bud Light Lime Apple-Ahhh-Rita was introduced in 2014.⁴

18 15. The following image accurately depicts the 8 fluid ounce cans of each of the five flavors
19 the Bud Light Lime 'Rita Products:



³ See <http://www.anheuser-busch.com/s/uploads/Ritas-Family-Combined-Fact-Sheet-FINAL>

⁴ See <http://newsroom.anheuser-busch.com/bud-light-lime-introduces-new-fall-flavor-apple-ahhh-rita/>

1 16. The following image accurately depicts a 12-pack of Cran-Brrr-Rita 8 fluid ounce cans
2 prominently featuring the “Bud Light Lime” logo:⁵



15 17. Defendant sells the Bud Light Lime ‘Rita Products individually, and in multi-packs
16 containing a single flavor, and in other quantities such as an 18-pack containing 4 8 fluid ounce cans
17 each of four different flavors. The following image accurately depicts said 18-pack:



28 ⁵ http://newsroom.anheuser-busch.com/bud_light_lime_introduces_cran-brrr-rita/

1 18. Defendant classifies the Bud Light Lime 'Rita Products as a "Margarita-flavored malt
2 beverage" and describes two of the best-selling flavors as follows:⁶

3 a. "Bud Light Lime Lime-a-Rita blends the flavor of an authentic margarita with a
4 refreshing splash of Bud Light Lime."

5 b. "Bud Light Lime Straw-Ber-Rita blends the refreshment of Bud Light Lime with
6 the taste of an authentic strawberry margarita."

7 19. While classifying the Bud Light Lime 'Rita Products as a "Margarita-flavored malt
8 beverage", Defendant acknowledges that the products compete in the "beer industry."⁷

9 20. The introduction of the Lime-a-Rita followed the January 2012 launch of Bud Light
10 Platinum, the best-selling new beer of 2012 according to IRI Symphony data.⁸

11 21. As Lime-A-Rita hits the market, Bud Light Lime beer's packaging was updated with a
12 new look. Designed to reflect the current look and feel of Bud Light, the revised Bud Light Lime
13 packaging featured "the brand's iconic green color more prominently."⁹

14 22. The launch of the Lime-A-Rita has been dubbed "one of the biggest success stories in
15 recent beer history."¹⁰

16 23. Nationwide sales of the Bud Light Lime 'Rita Products were approximately \$313 million
17 in 2012 and \$462 million in 2013 according to data from IRI.¹¹

18 24. Combined, the sales of the Bud Light Lime 'Rita Products exceeds the categories next
19 eight brands.¹²

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24 ⁶ <http://www.anheuser-busch.com/s/uploads/Bud-Light-Lime-Ritas-Fact-Sheet.pdf>

25 ⁷ http://newsroom.anheuser-busch.com/bud_light_lime_introduces_cran-brrr-rita/

26 ⁸ <http://newsroom.anheuser-busch.com/bud-light-lime-introduces-a-new-take-on-the-margarita-with-bud-light-lime-lime-a-rita/>

27 ⁹ Id.

28 ¹⁰ <http://www.businessweek.com/printer/articles/209893-bud-lights-margarita-in-a-can-women-love-it>

¹¹ <http://www.businessweek.com/printer/articles/209893-bud-lights-margarita-in-a-can-women-love-it>

¹² http://newsroom.anheuser-busch.com/bud_light_lime_introduces_cran-brrr-rita/

1 25. In 2013, Defendant released 25 fluid ounce cans of the Lime-A-Rita and Straw-Ber-Rita
2 flavors of the Bud Light Lime 'Rita Products. The following image accurately depicts the label of the
3 Straw-Ber-Rita flavor:



19 26. While approximately 30% of Bud Light beer drinkers are female; in comparison, females
20 comprise about 65% of the market of Bud Light Lime 'Rita Products purchasers.¹³

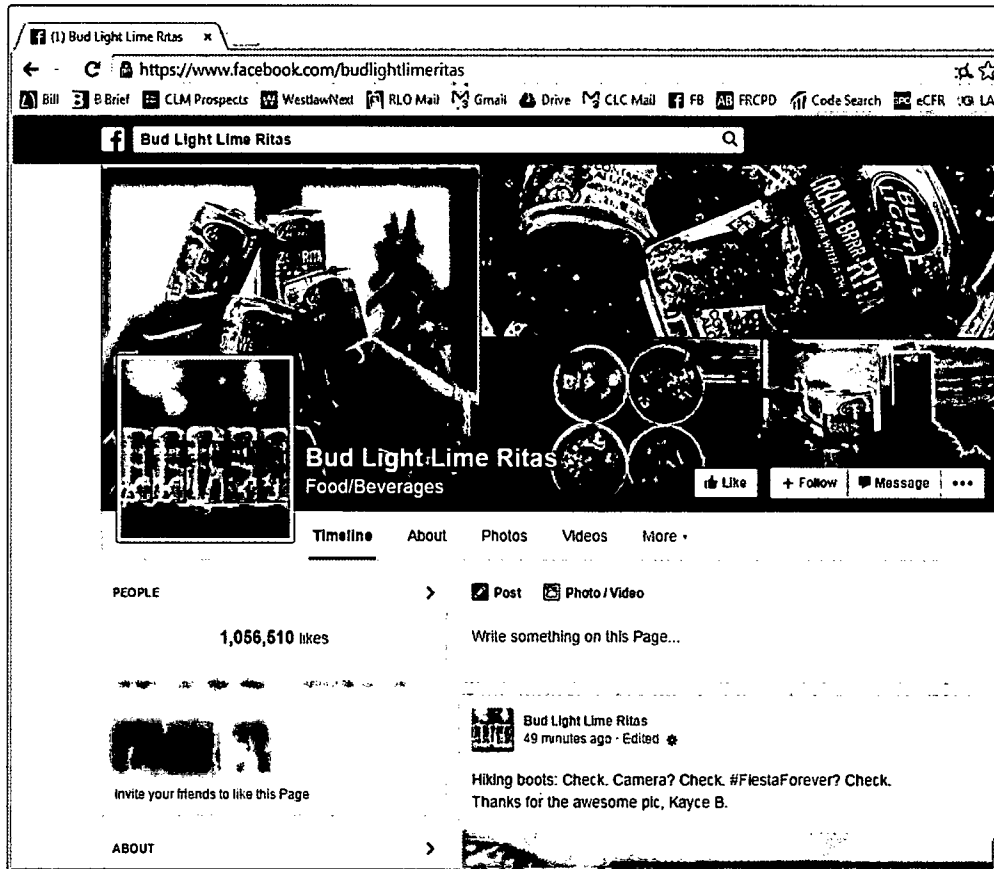
21 27. Upon information and belief, consumers such as Plaintiff and the Class, a majority of
22 whom are female and health conscious, are drawn to the Bud Light Lime 'Rita Products because of the
23 "light" label.

24 28. Defendant emphasizes the "light" label by prominently placing the "Bud Light Lime"
25 logo on each can and box of the Bud Light Lime 'Rita Products.

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28 ¹³ <http://www.businessweek.com/printer/articles/209893-bud-lights-margarita-in-a-can-women-love-it>

1 29. Defendant emphasizes the “light” label by prominently including the “Bud Light Lime”
2 logo on each and every advertisement relating to the Bud Light Lime ‘Rita Products, including, but not
3 limited to, billboards, Internet ads, social media ads and other activities, as well as other advertisements.

4 30. The following image accurately depicts the Facebook page of the Bud Light Lime ‘Rita
5 Products (<https://www.facebook.com/budlightlimeritas>):



19

Anheuser Busch’s Company Misleading Advertising

20 31. Based in Leuven, Belgium, São Paulo, Brazil and St. Louis, Missouri, Anheuser-Busch
21 is the leading American brewer of alcoholic beverages, maintaining a 47.7 Percent market share of U.S.
22 beer sales to retailers. Anheuser-Busch is owned and operated by Anheuser-Busch InBev, a Belgian-
23 Brazilian multinational beverage and brewing company that generates over \$43 billion in annual sales.
24 The company brews Budweiser and Bud Light, two of the world’s largest-selling beers. Anheuser-
25 Busch also owns a 50 percent share in Grupo Modelo, Mexico’s leading brewer. Defendant positions
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1 itself as a leading Brewer under its Anheuser Busch brands. Defendant markets and sells various brands
2 of alcoholic beverages, including but not limited to its the Bud Light Lime 'Rita Products.¹⁴

3 32. The market for "light" alcoholic beverages is intensely competitive. Defendant markets
4 its the Bud Light Lime 'Rita Products to a wide array of consumers.¹⁵

5 33. Despite poor taste reviews and consumer comments, sales of the Bud Light Lime 'Rita
6 Products continue to grow – presumably from the value consumers associate with the "light" labelling.¹⁶

7 34. With regard to the introduction of the Bud Light Lime 'Rita Products, Defendant noted:
8 "Bud Light Lime Lime-A-Rita and Straw-Ber-Rita have been immensely popular among adult
9 consumers, and we see a huge opportunity to experiment with the Ritas," said Pat McGauley, vice
10 president of Innovation, Anheuser-Busch."¹⁷

11 35. Defendant deceptively advertises to consumers by advertising and marketing the Bud
12 Light Lime 'Rita Products as an extension of the "Bud Light" or "Bud Light Lime" line of products.¹⁸
13 Defendant conceals the actual amount of calories and carbohydrates in its products, while prominently
14 placing the "Bud Light" logo on the product.

15 36. In general, "light" may generally describe a zero calorie or a reduced calorie food, and
16 consumers such as Plaintiff and the Class understand the "light" label on a product that has a reduced or
17 low number of calories.

18 37. As discussed in the UCL claim *infra*, FDA rules generally limit use of the "light" label to
19 products that have one-third fewer calories than the comparable reference product. For example, in a 12
20 fluid ounce serving of beer, Budweiser has 145 calories, while Bud Light has 110 calories and Bud
21 Light Lime has 116 calories. Thus, Budweiser has 31% more calories than Bud Light and 25% more
22 calories than Bud Light Lime.

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24 ¹⁴ See <http://newsroom.anheuser-busch.com/bud-light-lime-introduces-a-new-take-on-the-margarita-with-bud-light-lime-lime-a-rita/>

25 ¹⁵ See http://newsroom.anheuser-busch.com/bud_light_lime_introduces_cran-brrr-rita/

26 ¹⁶ BeerAdvocate.com, available online at < <http://www.beeradvocate.com/beer/profile/29/82948/>>
27 (noting a score of 53 ("awful") out of 556 reviews and review dated October 20, 2014 commenting:
28 "This is like someone mixed King Cobra with lime soda and sugar. Yeah, that concoction would be a hit
at parties and probably get you A+ status, but in a can from a large scale brewery? What an utter fail.").

¹⁷ Id.

¹⁸ See <http://newsroom.anheuser-busch.com/bud-light-lime-introduces-new-fall-flavor-apple-ahhh-rita/>

1 38. The Lime-A-Rita has 220 calories per 8 fluid ounce serving. Accounting for the smaller
2 serving size, Budweiser would only have 96.67 calories and the Lime-A-Rita's namesake, Bud Light
3 Lime beer would only have 77.33 calories. Thus, ounce for ounce, the Lime-A-Rita has 129% extra
4 calories than the non-light Budweiser and 185% extra calories than Bud Light Lime.

5 39. Defendant fails to inform the consumers that they would be consuming anywhere
6 between 192 - 220 calories and 22.8 - 23.6 grams of carbohydrates per 8 fluid ounce can.¹⁹ As discussed
7 above, Defendant's Bud Light and Bud Light Lime beers contain less than half the calories of the
8 similarly labeled Bud Light Lime 'Rita Products.

9 40. Upon information and belief, Defendant's The Bud Light Lime 'Rita Products are not
10 "light" and are worse than even Defendant's "non-light" beers, including its flagship product,
11 Budweiser, which contains approximately 145 calories per 12 fluid ounces.²⁰

12 41. Accordingly, the amount of calories, which is stated to be between 192 - 220 per 8 fluid
13 ounces, and 22.8 - 23.6 grams of carbohydrates per 8 fluid ounces of Defendant's beverages is
14 misleading, and likely to deceive reasonable customers.

15 42. When labels such as "light" are used, Defendant must make caloric content claims clear
16 and understandable to enable consumers to make informed food choices. Specifically, Defendant must
17 unambiguously and accurately disclose the actual caloric and carbohydrate content of its Bud Light
18 Lime 'Rita Products on the packaging.

19 43. Upon information and belief, a significant amount of the calories and carbohydrates
20 contained in the Bud Light Lime 'Rita Products come from the use of high fructose corn syrup as an
21 ingredient in each of the flavors.

22 44. Defendant does not list high fructose corn syrup as an ingredient on any can, box or
23 carton of the Bud Light Lime 'Rita Products, only describing the products a "Malt Beverage With
24 Natural Flavors And Caramel Color Added."

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27 ¹⁹ See <http://www.anheuser-busch.com/s/uploads/Anheuser-Busch-Nutritional-Information.pdf>

28 ²⁰ Id.

1 45. Upon information and belief, the Bud Light Lime 'Rita Products do not contain any
2 natural flavors. Despite each name sake fruit (Lime, Strawberry, Raspberry, Mango, and Apples) no
3 actual fruit or fruit juice is used as a natural flavor or ingredient.

4 46. High fructose corn syrup is not a natural flavor or ingredient; rather it is produced
5 manufactured using synthetic fixing agents in a complex, artificial process.

6 47. High fructose corn syrup refers to a group of corn syrups that have undergone enzymatic
7 processing to convert some of its glucose into fructose to produce a desired sweetness.

8 48. High fructose corn syrup is much less expensive than sugar and is a common sweetener
9 used in processed foods and beverages in the United States.

10 49. A typical 2-liter bottle of non-diet soda contains 15 ounces of high fructose corn syrup.
11 Comparatively, "diet" and "light" sodas do not contain any high fructose corn syrup.

12 50. High fructose corn syrup has been associated with a number of health risks such as
13 obesity, cardiovascular disease, diabetes and non-alcoholic fatty liver disease. In addition, critics of
14 high fructose corn syrup argue that it is more harmful than regular sugar to humans, contributing to
15 weight gain by affecting normal appetite functions.

16 51. Given public awareness of the health risks associated with high fructose corn syrup,
17 consumption has decreased in recent years.

18 52. Plaintiff and the Class never suspected that high fructose corn syrup would be present in
19 a product labeled as "light" such as the Bud Light Lime 'Rita Products.

20 CLASS ALLEGATIONS

21 53. This action has been brought, and may be properly maintained, under Code of Civil
22 Procedure sections 1781, *et seq.*, and case law thereunder.

23 54. Plaintiff brings this action as a class action on behalf of herself and all others similarly
24 situated. The proposed Class is initially defined as follows:

25 All persons who purchased any quantity Bud Light Lime Lime-A-Rita, Bud Light Lime
26 Raz-Ber-Rita, Bud Light Lime Straw-Ber-Rita, Bud Light Lime Mang-O-Rita and Bud
27 Light Lime Apple-Ahhh-Rita during the Class Period in the United States (hereinafter,
28 the "Class").

1 55. In addition, Plaintiff seeks to certify the following California class:

2 All persons who purchased any package quantity of Defendant's Bud Light Lime Lime-
3 A-Rita, Bud Light Lime Raz-Ber-Rita, Bud Light Lime Straw-Ber-Rita, Bud Light Lime
4 Mang-O-Rita and Bud Light Lime Apple-Ahhh-Rita during the Class Period in the State
5 of California (hereinafter, the "California Class").

6 56. Collectively, the Class and the California Class are referred to herein as the "Class".

7 57. The Class Period dates back four years from the date this action was originally filed and
8 continues through the present and the date of judgment.

9 58. The proposed Class does not include Defendant, its officers, directors, employees, legal
10 representatives, heirs, successors, assigns, any entity in which Defendant has a controlling interest, and
11 any judge who is assigned this case, and his or her immediate family. Plaintiff reserves the right to
12 amend the class definition once discovery begins.

13 **Impracticable**

14 59. Class members are so numerous that their individual joinder is impracticable. Plaintiff
15 estimates that the Class is comprised of hundreds of thousands of members. The precise number of class
16 members and their identities are unknown to Plaintiff at this time. Class members may be ascertained
17 through objective criteria. Class members may be identified using Defendant's and its retailer's
18 business records. Class members may also be notified of the pendency of this action by mail or
19 published notice. In addition, class members may be notified using the Internet and social media
20 services such as Facebook, where Defendant's "Bud Light Lime Ritas"
21 (<https://www.facebook.com/budlightlimerita>) page has over 1 million "likes" as of November 11, 2014.

22 **Predominance of Common Questions of Fact and Law**

23 60. Plaintiff's causes of actions are related to the misrepresentations and omitted concerning
24 the Bud Light Lime 'Rita Products which are based on the products packaging. The Bud Light Lime
25 'Rita Products are sold in different quantities (e.g., individually or in a 12-pack). Upon information and
26 belief, the packaging of each of the cans and boxes have not changed during the Class Period.

27 61. Common questions of law and fact are substantially similar and exist for all class
28 members. These substantially similar questions include:

- 1 a. Whether Defendant failed to disclose, and/or inadequately disclosed material
2 information, namely the caloric content of its The Bud Light Lime ‘Rita Products;
3 b. Whether Defendant makes material misrepresentations about the Bud Light Lime
4 ‘Rita Products, namely the caloric content;
5 c. Whether Defendant’s omissions and misrepresentations of the Bud Light Lime
6 ‘Rita Products’ actual caloric content is likely to deceive reasonable consumers;
7 d. Whether Defendant’s conduct alleged herein violates the California’s Consumer
8 Legal Remedies Act (Cal. Civ. Code §§ 1750, *et seq.*);
9 e. Whether Defendant’s conduct alleged herein violates California’s False
10 Advertising Law (Cal. Bus. & Prof. Code §§ 17500, *et seq.*);
11 f. Whether Defendant’s conduct alleged herein violates California’s Unfair
12 Competition Law (Cal. Bus & Prof. Code §§ 17200, *et seq.*); and
13 g. Whether Plaintiff is entitled to a legal or equitable relief, and if so, the nature of
14 the relief.

15 **Typicality of Claims**

16 62. Plaintiff’s claims are typical of the claims of the Class because Plaintiff, like all other
17 class members purchased Defendant’s Bud Light Lime ‘Rita Products.

18 **Adequacy of Representation**

19 63. Plaintiff is an adequate representative of the Class because her interests do not conflict
20 with the interests of the other class members and because Plaintiff has retained counsel competent and
21 experienced in complex class action and consumer litigation, including substantial experience in the
22 types of claims alleged herein.

23 64. Plaintiff and her counsel will fairly and adequately protect the interests of all class
24 members.

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1 **FIRST CAUSE OF ACTION**

2 **(Consumer Legal Remedies Act, Cal. Civ. Code §§ 1750, *et seq.*)**

3 **(On Behalf of the California Class Against All Defendants)**

4 65. Plaintiff incorporates by reference and re-alleges all previous paragraphs as if fully set
5 forth herein and further alleges:

6 66. Defendant is a “person” that sells “goods” to “consumers within the meanings of
7 California Civil Code sections 1761(c), (a) and (d) respectively. Each purchase of Defendant’s Bud
8 Light Lime ‘Rita Products by Plaintiff or class members constitutes a “transaction” pursuant to
9 California Civil Code section 1761(e).

10 67. Defendant’s conduct and actions are violative of California’s Consumer Legal Remedies
11 Act (“CLRA”) as codified in California Civil Code sections 1770(a)(5), (a)(7), and (a)(9) because
12 Defendant made material misrepresentations and omissions regarding the “light” standard, quality,
13 benefits, nature and characteristics of the Bud Light Lime ‘Rita Products. Defendant knew and knows
14 that the “light” label is deceptive and is likely to mislead reasonable consumers, including Plaintiff and
15 the Class.

16 68. Defendant has an affirmative duty to disclose the actual calorie and carbohydrate content
17 of its the Bud Light Lime ‘Rita Products.

18 69. The actual calorie and carbohydrate content of the Bud Light Lime ‘Rita Products is a
19 material fact to consumers such as Plaintiff and the Class.

20 70. Defendant omitted and/or failed to disclose that The Bud Light Lime ‘Rita Products is not
21 a “light” beer or alcoholic beverage in a manner in which Plaintiff and class members would reasonably
22 see and understand what “light” means.

23 71. Defendant intended to engage in the deceptive and/or fraudulent acts of misrepresenting
24 and omitting the true caloric content of the Bud Light Lime ‘Rita Products. These concealed or omitted
25 facts were material, and a reasonable person would have considered them important in deciding whether
26 or not to purchase the Bud Light Lime ‘Rita Products. Defendant’s concealment, omission and
27 deceptive practices violate the CLRA, and were also designed to induce Plaintiff and the Class to
28 purchase the Bud Light Lime ‘Rita Products.

1 72. The CLRA makes it unlawful for a company to:

2 a. Represent that its goods have characteristics, ingredients, uses, benefits or
3 quantities that the goods do not actually possess. Cal. Civ. Code § 1770(a)(5).

4 b. Represent that goods are of a particular standard, quality or grade when they are
5 of another standard, quality or grade. Cal. Civ. Code § 1770(a)(7).

6 c. Advertise goods with the intent not to sell them as advertised. Cal. Civ. Code. §
7 1770(a)(9).

8 73. Defendant's acts, practices, representations, omissions, and courses of conduct with
9 respect to the production, promotion and marketing of its the Bud Light Lime 'Rita Products violated the
10 CLRA, *inter alia*:

11 a. Defendant represented that its Bud Light Lime 'Rita Products have
12 characteristics, ingredients, uses, benefits, or quantities which they do not have in
13 violation of California Civil Code section 1770(a)(5).

14 b. Defendant represented that its Bud Light Lime 'Rita Products were of a particular
15 standard, quality or grade, when they were of another standard, quality or grade,
16 in violation of California Civil Code section 1770(a)(7).

17 c. Defendant advertised the Bud Light Lime 'Rita Products with the intent not to sell
18 them as advertised in violation of California Civil Code section 1770(a)(9).

19 74. As a direct and proximate result of Defendant's violations, Plaintiff and the Class were
20 injured.

21 75. Had Plaintiff and the Class known the actual number of calories and carbohydrates
22 present in each serving of the Bud Light Lime 'Rita Products, they would not have purchased the
23 product.

24 76. Plaintiff, on behalf of herself and all others similarly situated, seeks equitable relief in the
25 form of an order prohibiting Defendant from engaging in the alleged misconduct described herein.

26 77. Plaintiff has already complied with California Civil Code section 1782(a) and served a
27 preliminary notice letter on October 16, 2014, before seeking damages under the CLRA. Defendant
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1 received the CLRA notice on October 20, 2014. If Defendant does not comply with the demands set
2 forth in Plaintiff's notice, Plaintiff will amend this complaint to seek damages and restitution.

3 78. Attached hereto is an affidavit in compliance with California Civil Code section 1780(d).

4 **SECOND CAUSE OF ACTION**

5 **(False Advertising Law, Cal. Bus. & Prof. Code §§ 17500, *et seq.*)**

6 **(On Behalf of the California Class Against All Defendants)**

7 79. Plaintiff, on behalf of herself and the Class, incorporates by reference and re-alleges all
8 preceding paragraphs.

9 80. Defendant's conduct and actions complained of herein constitutes unlawful, unfair and/or
10 fraudulent actions in violation of California's False Advertising Law ("FAL"). Cal. Bus. & Prof. Code
11 §§ 17500, *et seq.*

12 81. Among other things, Defendant made representations regarding the "light" nature of the
13 Bud Light Lime 'Rita Products, understating caloric and carbohydrate content by misrepresenting,
14 concealing, and omitting said information from the Bud Light Lime 'Rita Products, which deceived
15 reasonable consumers such as Plaintiff and the Class.

16 82. Plaintiff and the Class relied on Defendant's label and representation that the Bud Light
17 Lime 'Rita Products were "light" products in purchasing them.

18 83. Had Plaintiff and the Class known the actual number of calories and carbohydrates
19 present in each serving of the Bud Light Lime 'Rita Products, they would not have purchased the
20 product.

21 84. Alternatively, had Plaintiff and the Class known that the Bud Light Lime 'Rita Products
22 contained high fructose corn syrup as an ingredient they would not have purchased the product or would
23 have been willing to pay less for the product.

24 85. As a result of Defendant's wrongful conduct, Plaintiff suffered injury in fact and lost
25 money or property.

26 86. Accordingly, Plaintiff, on behalf of herself and all others similarly situated, seeks, among
27 other things, equitable relief in the form of an order requiring Defendant to refund, or partially refund,
28

1 Plaintiff and the Class for the price of the Bud Light Lime 'Rita Products paid and injunctive relief in
2 the form of an order prohibiting Defendant from engaging in the alleged misconduct described herein.

3 **THIRD CAUSE OF ACTION**

4 **(Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200, *et seq.*)**

5 **(On Behalf of the California Class Against All Defendants)**

6 87. Plaintiff incorporates by reference and re-alleges all paragraphs previously alleged as if
7 fully set forth herein and further alleges:

8 88. Defendant's conduct and actions complained of herein constitute unlawful and/or
9 fraudulent actions in violation of California's Unfair Competition Law ("UCL"). Cal. Bus. & Prof. §§
10 17200, *et seq.*

11 89. Defendant's actions and practices constitute "fraudulent" business practices in violation
12 of the UCL because, *inter alia*, they are likely to deceive reasonable consumers. Plaintiff relied on
13 Defendant's representations.

14 90. Defendant's practices constitute "unlawful" business practices in violation of the UCL,
15 because, *inter alia*, they violate the CLRA and FAL.

16 91. In addition, Defendant's practices constitute "unlawful" business practices in violation of
17 the UCL, because, *inter alia*, they violate the following provisions of federal law.

18 92. The definition of "food" under the FFDCFA includes "articles used for food or drink" and
19 thus includes alcoholic beverages. See 21 U.S.C. 321(f).

20 93. The Bud Light Lime 'Rita Products are "articles used for food or drink" as that term is
21 defined in the Federal Food, Drug, and Cosmetic Act ("FFDCA") at 21 U.S.C.A. § 321(f).

22 94. Pursuant to the FFDCA, 21 U.S.C.A. § 101.56(b)(2)(i), a label for a food that derives less
23 than 50% of its calories from fat may only use the term "light" or "lite" if the number of calories is
24 reduced by at least one-third per reference amount of an appropriate reference food.

25 95. Pursuant to the FFDCA, 21 U.S.C.A. § 101.56(b)(3)(i), "[t]he identity of the reference
26 food and the percent (or fraction) that the calories and the fat were reduced are declared in immediate
27 proximity to the most prominent such claim, (e.g., "1/3 fewer calories and 50 percent less fat than our
28 regular cheese cake")."

1 96. Pursuant to the FFDCA, 21 U.S.C.A. § 101.56(b)(3)(ii), “[q]uantitative information
2 comparing the level of calories and fat content in the product per labeled serving size with that of the
3 reference food that it replaces (e.g., “lite cheesecake—200 calories, 4 grams (g) fat per serving; regular
4 cheesecake—300 calories, 8 g fat per serving”) is declared adjacent to the most prominent claim or to
5 the nutrition label, except that if the nutrition label is on the information panel, the quantitative
6 information may be located elsewhere on the information panel[.]”

7 97. Defendant has violated the FFDCA by labelling the Bud Light Lime ‘Rita Products as a
8 “light” product because it has not reduced the calories by one-third at all.

9 98. Defendant has violated the FFDCA by labelling the Bud Light Lime ‘Rita Products as a
10 “light” product because it has not reduced the calories by one-third from any reference food.

11 99. Defendant has violated the FFDCA by labelling the Bud Light Lime ‘Rita Products as a
12 “light” product because it has not disclosed or identified any reference food.

13 100. The Bud Light Lime ‘Rita Products are each a “malt beverage” as that term is defined in
14 27 U.S.C.A. § 211(a)(7).

15 101. Pursuant to Alcohol and Tobacco Tax and Trade Bureau (“TTB”) regulations codified at
16 27 C.F.R. § 7.29, malt beverages such as the Bud Light Lime ‘Rita Products may not be sold in
17 containers, labels, cartons, or cases that contain: “Any statement that is false or untrue in any particular,
18 or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of
19 irrelevant, scientific or technical matter, tends to create a misleading impression.”

20 102. Labeling the Bud Light Lime ‘Rita Products as “light” products constitute statements that
21 is false and untrue and tends to create a misleading impression.

22 103. Labeling the Bud Light Lime ‘Rita Products as “light” products constitute statements that
23 by ambiguity, omission, or inference tends to create a misleading impression.

24 104. Pursuant to Alcohol and Tobacco Tax and Trade Bureau (“TTB”) regulations codified at
25 27 C.F.R. § 7.29, malt beverages such as the Bud Light Lime ‘Rita Products may not be sold in
26 containers, labels, cartons, or cases that contain: “The use of a cocktail name as a brand name or fanciful
27 name of a malt beverage, provided that the overall label does not present a misleading impression about
28 the identity of the product.”

1 105. Naming and labeling the Bud Light Lime ‘Rita Products with the suffixes “-Rita” uses
2 cocktail names of different types of margaritas and tends to cause consumer confusion.

3 106. In addition, prominently displayed directly under the product name (e.g., Lime-A-Rita),
4 Defendant subtitles the product “Margarita with a Trist,” which is a use of a cocktail name that tends to
5 cause confusion.

6 107. Pursuant to Alcohol and Tobacco Tax and Trade Bureau (“TTB”) regulations codified at
7 27 C.F.R. § 7.54, malt beverages such as the Bud Light Lime ‘Rita Products may not employ an
8 advertisement that contains: “Any statement that is false or untrue in any material particular, or that,
9 irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant,
10 scientific or technical matter, tends to create a misleading impression.”

11 108. Labeling the Bud Light Lime ‘Rita Products as “light” products constitute statements that
12 is false and untrue and tends to create a misleading impression.

13 109. Labeling the Bud Light Lime ‘Rita Products as “light” products constitute statements that
14 by ambiguity, omission, or inference tends to create a misleading impression.

15 110. Pursuant to Alcohol and Tobacco Tax and Trade Bureau (“TTB”) regulations codified at
16 27 C.F.R. § 7.54, malt beverages such as the Bud Light Lime ‘Rita Products may not employ an
17 advertisement that contains: “Any statement, design, device, or representation of or relating to analyses,
18 standards, or tests, irrespective of falsity, which the appropriate TTB officer finds to be likely to mislead
19 the consumer.”

20 111. Labeling the Bud Light Lime ‘Rita Products as “light” products constitute statements that
21 relate to standards that is likely to mislead consumers.

22 112. Pursuant to Alcohol and Tobacco Tax and Trade Bureau (“TTB”) regulations codified at
23 27 C.F.R. § 7.54(e)(iii)(2), malt beverages such as the Bud Light Lime ‘Rita Products may not employ
24 advertisements that contain a health-related statement that is untrue in any particular or tends to create a
25 misleading impression as to the effects on health of alcohol consumption.

26 113. Labeling the Bud Light Lime ‘Rita Products as “light” products constitute health-related
27 statements that create a misleading impression as to the effects on health, particularly as they relate to a
28 person’s weight and to obesity and diabetes.

1 114. Pursuant to Alcohol and Tobacco Tax and Trade Bureau (“TTB”) regulations codified at
2 27 C.F.R. § 7.24, malt beverages such as the Bud Light Lime ‘Rita Products must state type of class to
3 which it belongs. The class must conform to the designation of the product as known to the trade. If
4 no such class exists, a distinctive or fanciful name, together with an adequate and truthful statement of
5 the composition of the product, shall be stated.

6 115. Defendant has failed to state and identify which class of malt beverage the Bud Light
7 Lime ‘Rita Products belongs to.

8 116. Alternatively, if no such class exists, Defendant has elected to use a distinctive or fanciful
9 name – “Margarita-flavored malt beverage” – but has failed include adequate and truthful statement of
10 the composition of the product by labeling the Bud Light Lime ‘Rita Products as “light” products.

11 117. Plaintiff and the Class relied on Defendant’s label and representation that the Bud Light
12 Lime ‘Rita Products were “light” products in purchasing them.

13 118. Had Plaintiff and the Class known the actual number of calories and carbohydrates
14 present in each serving of the Bud Light Lime ‘Rita Products, they would not have purchased the
15 product.

16 119. Alternatively, had Plaintiff and the Class known that the Bud Light Lime ‘Rita Products
17 contained high fructose corn syrup as an ingredient they would not have purchased the product or would
18 have been willing to pay less for the product.

19 120. As a result of Defendant’s wrongful conduct as alleged herein, Plaintiff has suffered
20 injury in fact and has lost money or property.

21 121. Accordingly, Plaintiff, on behalf of herself and all others similarly situated, seeks
22 equitable relief in the form of an order requiring Defendant to cease engaging in the alleged misconduct
23 described herein.

24 **FOURTH CAUSE OF ACTION**

25 **(Breach of Express Warranty)**

26 **(On Behalf of the Class Against All Defendants)**

27 122. Plaintiff incorporates by reference and re-alleges all previous paragraphs as if fully set
28 forth herein and further alleges:

1 123. Plaintiff and each member of the Class formed a contract with Defendant at the time
2 Plaintiff and the other members of the Class purchased one or more of the Bud Light Lime 'Rita
3 Products. The terms of that contract include the promises and affirmations of fact made by Defendant
4 on the packaging of the Bud Light Lime 'Rita Products, as described above and including, but not
5 limited to, the "light" standard, quality, benefits, nature and characteristics of the Bud Light Lime 'Rita
6 Products. The Bud Light Lime 'Rita Products' packaging constitutes express warranties, became part of
7 the basis of the bargain, and are part of a standardized contract between Plaintiff and the members of the
8 Class on the one hand, and Defendant on the other.

9 124. All conditions precedent to Defendant's liability under this contract have been performed
10 by Plaintiff and the Class.

11 125. Defendant breached the terms of this contract, including the express warranties, with
12 Plaintiff and the Class by not providing the products that could provide the benefits promised, i.e., that
13 the Bud Light Lime 'Rita Products were "light" but in fact had more calories and carbohydrates than any
14 other Anheuser-Busch beer or alcoholic beverage.

15 126. As a result of Defendant's breach of its contract, Plaintiff and the Class have been
16 damaged in the amount of the purchase price of any and all of the Bud Light Lime 'Rita Products they
17 purchased.

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1 **PRAYER FOR RELIEF**

2 127. WHEREFORE, Plaintiff, on behalf of herself and the Class, prays for relief as follows:

- 3 A. An order that this action may be maintained as a class action, that Plaintiff be
4 appointed Class Representative, and that Plaintiff's counsel be appointed as
5 counsel for the Class;
- 6 B. An order prohibiting Defendant from engaging in the alleged misconduct
7 described herein;
- 8 C. An award of attorneys' fees;
- 9 D. An award of the costs of suit incurred herein, including expert witness fees;
- 10 E. Such other relief as this Court deems just and proper.

11 **DEMAND FOR JURY TRIAL**

12 Plaintiff hereby demands trial by jury of all claims so triable.

13 Respectfully submitted,

14 RIDOUT LYON + OTTOSON LLP

15
16 Dated: November 12, 2014

By: 

17 Christopher P. Ridout
18 Caleb Marker
19 555 E. Ocean Blvd., Ste. 500
20 Long Beach, CA 90802

21 MAHONEY LAW GROUP, APC
22 Kevin Mahoney
23 Sam Kim
24 Nicholas Poper
25 249 E. Ocean Blvd., Ste 814
26 Long Beach, California 90802

27 Attorneys for SHEILA CRUZ


AFFIDAVIT OF CHRISTOPHER P. RIDOUT

I, Christopher P. Ridout, declare as follows:

1. I am an attorney with the law firm Ridout Lyon + Ottoson LLP, counsel for Plaintiff Sheila Cruz in this action. I am admitted to practice law in California and before this Court, and am a member in good standing of the State Bar of California. I make this declaration based on my research of public records, client communications, and also upon personal knowledge and, if called upon to do so, could and would testify competently thereto.

2. Based on my research of public records and personal knowledge, Defendant conducts business within Los Angeles County and Los Angeles County is where a substantial number of the transactions giving rise to this complaint occurred.

I declare under penalty of perjury this 12th day of November, 2014 in Long Beach, California, that the foregoing is true and correct.



Christopher P. Ridout

11/12/2014



Anheuser-Busch Nutritional Information

Brand	ABV	calories	carbohydrates	fat	protein
Budweiser	5.0%	145	10.6 g	0g	1.3g
Budweiser Black Crown	6.0%	165	10.2g	0g	1.9g
Bud Light	4.2%	110	6.6g	0g	0.9g
Bud Light Platinum	6.0%	137	4.4g	0g	0.8g
Bud Light Lime	4.2%	116	8g	0g	0.9g
Bud Light Lime Lime-A-Rita**	8.0%	220	29.1g	0g	0g
Bud Light Lime Straw-Ber-Rita**	8.0%	198	23.6g	0g	0g
Michelob ULTRA	4.2%	95	2.6g	0g	0.6g
Michelob ULTRA Amber	3.9%	89	3.2g	0g	<1g
Michelob ULTRA Light Cider	4.0%	120	10g	0g	0g
ULTRA 19th Hole	3.9%	140	16.1g	0g	0g
Michelob ULTRA Pomegranate	4.0%	95	5.5g	0g	<1g
Michelob ULTRA Lime Cactus	4.0%	95	5.5g	0g	<1g
Michelob ULTRA Dragon Fruit Peach	4.0%	95	5.5g	0g	<1g
Stella Artois*	5.0%	43.3	3.6g	0g	0.33g
Stella Artois Cidre	4.5%	170	21.0g	0g	0g
Hoegaarden*	4.9%	44.8	3.31	0g	0.54g
Leffe Blonde*	6.6%	60.6	5.2g	0g	0.48g
Leffe Brune*	6.6%	60.6	5.5g	0g	0.42g
Beck's	5.0%	146	10.4g	0g	1.8g
Beck's Sapphire	6.0%	161	8.9g	0g	2.4g
Beck's Dark	5.0%	142	11.2g	0g	1.7g
Beck's Premier Light	2.3%	64	3.9g	0g	0.7g
Beck's Non-Alcoholic*	0.4%	43.3	3.03	0g	0.3g
Shock Top Belgian White	5.2%	167	14.6g	0g	2.1g
Shock Top Raspberry Wheat	5.2%	179	17.5g	0g	2g
Shock Top Lemon Shandy	4.2%	130	10.4g	0g	1g
Shock Top Honeycrisp Apple Wheat	5.2%	179	18.2g	0g	1.3g
Shock Top Honey Bourbon Cask Wheat	5.5%	172	3.9g	0g	2.1g
Landshark Lager	4.6%	150	13.3g	0g	1.2g
Michelob Lager	4.8%	158	14.4	0g	1.7g
Michelob Light	4.1%	122	8.9g	0g	1.2g
Michelob AmberBock	5.1%	152	11.8g	0g	<1g
Select	4.3%	99	3.1g	0g	0.7g
Select 55	2.4%	55	1.9g	0g	0.5g

Nutritional information per 12 oz. serving unless otherwise noted
 *per 100ML serving
 **per 8 oz. serving

EX-A



Anheuser-Busch Nutritional Information

Brand	ABV	calories	carbohydrates	fat	protein
Bass	5.1%	156	12.4g	0g	1.8g
Bass Stout	4.2%	120	8.1g	0g	1.4g
Bass IPA	6.0%	199	18.0g	0g	2.6g
Boddington's*	4.7%	44.8	3.86	0g	0.33g
Margaritaville Paradise Punch	8.0%	311	30g	0g	0g
Margaritaville Lime Margarita	8.0%	341	46.4g	0g	0g
Budweiser & Clamato Chelada	5.0%	186	20.3g	0g	2g
Bud Light & Clamato Chelada	4.2%	151	15.6g	0g	1.9g
Budweiser Chelada Picante	5.0%	198	22.7g	0g	2.7g
Busch	4.3%	114	6.9g	0g	0.8g
Busch Light	4.5%	95	3.2	0g	0.7g
Busch Ice	5.9%	136	4.2g	0g	1g
Busch NA	0.4%	60	12.9g	0g	0.6g
Natural Light	4.2%	95	3.2g	0g	0.7g
Natural Ice	5.9%	130	4g	0g	1g
Natty Daddy	8.0%	181	5g	0g	1.4g
Rolling Rock	4.4%	130	9.8g	0g	1.3g
Bud Ice	5.5%	121	4g	0g	0.8g
Kirin Ichiban	5.0%	145	10.6g	0g	1.5g
Kirin Light	3.2%	95	7.8g	0g	0.7g
O'Doul's	0.4%	65	13.3g	0g	0.7g
O'Doul's Amber	0.4%	90	18g	0g	1.9g
Redbridge	4.0%	133	14g	0g	0.2g
Wild Blue	8.0%	240	20.1g	0g	1.2g
Wild Red	8.0%	287	31.2g	0g	1.9g
Wild Black	8.0%	262	25.5g	0g	1.7g
Michelob Golden Draft	4.6%	121	7.1g	0g	1.1g
Michelob Golden Draft Light	4.1%	110	6.6g	0g	1g
ZiegenBock	4.9%	147	11.2g	0g	1.8g
Kokanee Glacier	5.0%	143	10.61g	0g	<1g
Hurricane Malt Liquor	5.8%	138	4.2g	0g	0.9g
Hurricane High Gravity	6.0%	185	4.2g	0g	1.3gg
King Cobra	6.0%	133	4.3g	0g	0.9g

Nutritional information per 12 oz. serving unless otherwise noted

*per 100ML serving

**per 8 oz. serving

03/14/14

2014

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Christopher P. Ridout, Esq. (SBN 143931)
RIDOUT LYON + OTTOSON, LLP
555 E. Ocean Blvd., Ste. 500
Long Beach, CA 90802

TELEPHONE NO.: (562) 216-7380

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ATTORNEY FOR (Name): Plaintiffs

FOR COURT USE ONLY

FILED
Superior Court Of California
County Of Los Angeles

NOV 12 2014

Sherri K. [Signature], Executive Officer/Clerk
By Kristina Vargas, Deputy
Kristina Vargas

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 North Hill Street

MAILING ADDRESS: Same

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central

CASE NAME:

CRUZ v. ANHEUSER-BUSCH, LLC, et al

CASE NUMBER:

BC 563 150

JUDGE:

DEPT:

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) **Limited** (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter **Joinder**

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

Auto (22)
 Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36)
 Other employment (15)

Contract

Breach of contract/warranty (06)
 Rule 3.740 collections (09)
 Other collections (09)
 Insurance coverage (18)
 Other contract (37)

Real Property

Eminent domain/Inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)

Unlawful Detainer

Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review

Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental/Toxic tort (30)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)
 Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 4

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 12, 2014

Christopher P. Ridout, Esq.

(TYPE OR PRINT NAME)

[Signature]

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

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BC 563150

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 5-7 HOURS/ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 4.	

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2.,3.	
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
		<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
		<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
		<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
		<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
		<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.	
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.	
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.	
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
<input type="checkbox"/> A6032 Quiet Title		2., 6.	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2., 6.	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.		
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)		1., 2., 8.	
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.		
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
<input type="checkbox"/> A6100 Other Civil Petition	2., 9.		

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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 4155 Tweedy Blvd.
CITY: South Gate	STATE: CA	ZIP CODE: 90280

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subs. (b), (c) and (d)].

Dated: November 12, 2014



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.