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6 of all others similarly situated

7 SUPERIOR COURT OF CALIFORNIA  
8 COUNTY OF SAN DIEGO

9 EINAT NOIMAN, an individual, and on behalf )  
10 of all others similarly situated, )  
11 Plaintiff, )

12 vs. )

13 HUDSON CLOTHING, LLC, a California )  
14 Limited Liability Company; and DOES 1 )  
15 through 100, inclusive, )  
16 Defendants. )

CASE NO. 37-2015-00000566-CU-BT-CTL

**CLASS ACTION**

**FIRST AMENDED COMPLAINT FOR:**

- (1) VIOLATION OF BUSINESS & PROFESSIONS CODE SECTIONS 17200 *ET SEQ.* (CALIFORNIA UNFAIR COMPETITION LAW);
- (2) VIOLATION OF BUSINESS AND PROF. CODE SECTION 17200 *ET SEQ.* (CALIFORNIA UCL BASED ON VIOLATION OF FEDERAL "MADE IN USA" STATUTE/STANDARD);
- (3) VIOLATION OF BUSINESS & PROFESSIONS CODE § 17533.7 (FALSE "Made in U.S.A." CLAIM);
- (4) VIOLATION OF CONSUMERS LEGAL REMEDIES ACT (CIVIL CODE SECTION 1750 *ET SEQ.*);
- (5) NEGLIGENT MISREPRESENTATION

26 Dept.: C-61  
27 Judge: Hon. John S. Meyer

1 COMES NOW, Plaintiff Einat Noiman (“Plaintiff”), as an individual and on behalf of the  
2 general public and all others similarly situated, by her undersigned attorneys, and alleges as  
3 follows:

4 **NATURE OF THE CASE**

5 1. This is a Nationwide class action case brought on behalf of all purchasers of  
6 Hudson jeans manufactured, distributed, marketed, and/or sold by Hudson Clothing, LLC  
7 (“Hudson”) that were labeled as “Made in USA” but that contained foreign-made component  
8 parts (hereinafter referred to as “Jeans”). The Jeans are sold at various retail stores throughout  
9 the United States and are sold by Hudson via its website ([www.hudsonjeans.com](http://www.hudsonjeans.com)) directly to  
10 consumers throughout the United States.

11 2. As stated by the California Supreme Court in *Kwikset v. Superior Court* (January  
12 27, 2011) 51 Cal.4th 310, 328-29:

13 **Simply stated: labels matter.** The marketing industry is based on  
14 the premise that labels matter, that consumers will choose one  
15 product over another similar product based on its label and various  
16 tangible and intangible qualities they may come to associate with a  
17 particular source....In particular, to some consumers, the “Made in  
18 U.S.A.” label matters. A range of motivations may fuel this  
19 preference, from the desire to support domestic jobs, to beliefs  
20 about quality, to concerns about overseas environmental or labor  
21 conditions, to simple patriotism. The Legislature has recognized  
22 the materiality of this representation by specifically outlawing  
23 deceptive and fraudulent “Made in America” representations. (§  
24 17533.7; see also Civ.Code, § 1770, subd. (a)(4) [prohibiting  
25 deceptive representations of geographic origin].) The object of  
26 section 17533.7 “is to protect consumers from being misled when  
27 they purchase products in the belief that they are advancing the  
28 interests of the United States and its industries and workers...

Id. (emphasis added).

25 3. Through an unlawful, deceptive and unfair course of conduct, Hudson, and DOES  
26 1 through 100 (collectively “Defendants”), manufactured, distributed, marketed, and/or sold a  
27 variety of Jeans to various consumers throughout the United States with the false designation and  
28 representation that Defendants’ Jeans were “Made in USA” during the relevant four year

1 statutory time period. The “Made in USA” label was clearly printed on the product. Contrary to  
2 the “Made in USA” claim, however, the offending Jeans were manufactured or produced from  
3 component parts that were manufactured outside of the United States in violation of California  
4 law amongst other state’s laws.

5 **PARTIES**

6 4. Plaintiff is an individual currently, and at all relevant times to this action, residing  
7 in San Diego, California.

8 5. Plaintiff is informed and believes, and on that basis alleges, that Defendant  
9 Hudson Clothing, LLC is a California limited liability company that is organized and exists  
10 under the laws of the State of California. Its business address (as listed on the California  
11 Secretary of State website) is 1231 S. Gerhart Ave., Commerce, CA 90022. Hudson can be  
12 served in California via its registered agent for service of process: Jorge Arciniega, 2049 Century  
13 Park East, Suite 3800, Los Angeles, CA 90022.

14 6. Plaintiff is ignorant of the true names and capacities of the defendants sued herein  
15 as DOES 1-100, inclusive; therefore, Plaintiff sues these defendants by such fictitious names.  
16 Plaintiff is informed and believes that each of the fictitious named defendants are legally  
17 responsible in some manner for the occurrences herein alleged, assisted in and about the wrongs  
18 complained herein by providing financial support, advice, proprietary resources or other  
19 assistance. Plaintiff will amend the complaint to allege their true names and capacities when  
20 ascertained.

21 7. Plaintiff is informed and believes that all defendants were agents, servants and  
22 employees of their co-defendants, and in doing the things hereinafter mentioned, were acting  
23 within the scope of their authority as such agents, servants and employees with the permission  
24 and consent of their co-defendants.

25 **JURISDICTION AND VENUE**

26 8. This Court has jurisdiction in this matter because Defendants routinely transact  
27 business in San Diego County.

28 9. Venue in this Court is proper pursuant to Code of Civil Procedure §§ 395 and

1 395.5 and Business & Professions Code §§ 17203 and 17204 because Defendants do business in  
2 San Diego County and Plaintiff's transaction took place in San Diego County.

3 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

4 10. Plaintiff incorporates herein each and every allegation contained in paragraphs 1  
5 through 9, inclusive, as though fully set forth herein.

6 11. During the relevant four-year statutory time period, Defendants manufactured,  
7 marketed, distributed and/or sold Jeans with a "Made in USA" label.

8 12. Contrary to the "Made in USA" claim, however, the Jeans were made,  
9 manufactured or produced with component parts that are manufactured outside of the United  
10 States. On information and belief, the Jeans are made with foreign-made buttons, rivets, zipper  
11 assembly, thread, and/or fabric in violation of California law, other state's laws, and/or federal  
12 apparel labeling laws.

13 13. Not only did Defendants market and falsely represent to consumers that their  
14 Jeans were "Made in USA," but Defendants concealed the true country of origin of their "Made  
15 in USA" labeled Jeans to the general public throughout the United States. Defendants'  
16 disclosure of this information was necessary in order to avoid misleading its consumers.  
17 Defendants possess superior knowledge of the true facts which were not disclosed, thereby  
18 tolling the running of any applicable statute of limitations.

19 14. Consumers are particularly vulnerable to these deceptive and fraudulent practices.  
20 Most consumers possess very limited knowledge of the likelihood that products, including the  
21 component parts therein, claimed to be made in the United States are in fact made in foreign  
22 countries. This is a material factor in many individuals' purchasing decisions, as they believe  
23 they are supporting American companies and American jobs.

24 15. Consumers generally believe that "Made in USA" products are of higher quality  
25 than their foreign-manufactured counterparts. In addition, consumers regularly pay higher prices  
26 for products that they believe are American made. As alleged herein, due to Defendants' scheme  
27 to defraud the market, members of the general public were fraudulently induced to purchase  
28 Defendants' products. California laws are designed to protect consumers from this type of false

1 representation and predatory conduct. Defendants' scheme to defraud consumers is ongoing and  
2 will victimize consumers each and every day until altered by judicial intervention.

3 **THE PLAINTIFF TRANSACTION**

4 16. On or about around October 30, 2014, Plaintiff purchased Hudson jeans from  
5 Bloomingdale's online (bloomingdales.com) to be shipped to her home in San Diego. At the  
6 time of purchase, the actual product was marked with a "Made in USA" designation. In making  
7 her purchasing decision, Plaintiff saw and relied upon the "Made in USA" claim on  
8 bloomingdales.com (as it relates to the specific pair of jeans she purchased). Plaintiff paid  
9 \$245.00 for the Jeans, plus sales tax of \$19.60 for a grand total of \$264.60.

10 17. Defendants were not entitled to lawfully make a "Made in USA" representation  
11 because California law requires 100% U.S.-made component parts within a product to qualify for  
12 a "Made in USA" or "Made in the USA" country of origin designation (as it relates to selling in  
13 California).

14 18. When Plaintiff, and Class Members, purchased Jeans from Defendants, they saw  
15 and relied upon the unqualified "Made in USA" representation (whether it was purchased online  
16 or in retail stores on the actual product) to make their purchasing decisions, which is typical of  
17 most consumers throughout the United States, and they were deceived as a result of Defendants'  
18 actions. These purchasing decisions were supported by the "Made in USA" representation made  
19 by Defendants, which is absent from many of Defendants' competitors (that are made in Mexico  
20 or Pakistan). Plaintiff believed at the time she purchased the Jeans that she was in fact  
21 supporting American jobs and the American economy.

22 19. Plaintiff suffered an "injury in fact" because Plaintiff's money was taken by  
23 Defendants as a result of Defendants' false "Made in USA" claim set forth on the offending  
24 product (through its customary retail channels). Furthermore, she suffered an "injury in fact" by  
25 paying for something she believed was genuinely manufactured in the USA, when it was not.

26 20. On information and belief, the Jeans at issue in this litigation were manufactured  
27 with substandard foreign-made parts that are of inferior quality to their U.S.-manufactured  
28 counterparts. Essentially, the Jeans are not worth the purchase price paid. Class Members are

1 entitled to monetary damages or restitution (the specific measure of which is the realm of expert  
2 testimony).

3 21. U.S.-made component parts are subject to strict regulatory requirements, such as  
4 environmental, labor, and safety standards. Foreign-made component parts are not subject to the  
5 same U.S. manufacturing standards and are inherently of lower quality than their U.S.-made  
6 counterparts. Moreover, foreign-made component parts are less reliable and durable than their  
7 U.S.-made counterparts. As such, the offending Jeans, made with foreign-made component parts  
8 (yet unlawfully labeled "Made in USA"), are of inferior quality, less reliable, and fail more  
9 often.

10 22. Plaintiff and Class Members were undoubtedly injured as a result of Defendants'  
11 false "Made in USA" representations that are at issue in this litigation.

12 **CLASS ALLEGATIONS**

13 23. Plaintiff brings this action on behalf of herself as an individual and on behalf of  
14 all other persons similarly situated in the United States who purchased Defendants' Jeans.  
15 Specifically excluded from the class are any persons who have a controlling interest in  
16 Defendants, any of Defendants' parent companies, subsidiaries, and Defendants' officers,  
17 directors, managers, shareholders and members of their immediate families, and their heirs,  
18 successors and assigns (the "Class"), pursuant to Code of Civil Procedure § 382 and Business &  
19 Professions Code § 17200 *et seq.* The class also does not include any persons who previously  
20 filed suit against Defendants for similar violations of California and Federal law and/or the Hon.  
21 Judge presiding over this matter and his or her judicial staff.

22 24. All causes of action herein have been brought and may properly be maintained as  
23 a class action pursuant to the provisions of Code of Civil Procedure § 382 because there is a  
24 well-defined community of interest in the litigation and the proposed class is easily  
25 ascertainable:

26 a. Numerosity: On information and belief, the Class is so numerous that the  
27 individual joinder of all members would be impracticable. The exact number and identities of  
28 the members of the Class are readily ascertainable from the records in Defendants' possession or

1 that of its retail customers.

2           b.     Common Questions Predominate: Common questions of law and fact  
3 exist as to all members of the Class, and those questions clearly predominate over any questions  
4 that might affect members individually. These common questions of law and fact include, for  
5 example, whether Defendants violated Business & Professions Code § 17533.7 by  
6 misrepresenting the country of origin of the Jeans because component parts within the product  
7 are manufactured outside the United States and whether Defendants' actions in this regard  
8 constitute an unfair, unlawful, or fraudulent business practice pursuant to Business & Professions  
9 Code § 17200 *et seq.*

10           c.     Typicality: On information and belief, Plaintiff's claims are typical of the  
11 claims of the members of the Class. Plaintiff and all members of the Class sustained damages  
12 arising out of Defendants' common course of conduct complained herein.

13           d.     Adequacy: Plaintiff will fairly and adequately protect the interests of the  
14 members of the Class because Plaintiff has no interests which are adverse to the interests of  
15 absent class members and because Plaintiff has retained counsel who possesses significant  
16 litigation experience regarding violations of consumer statutes.

17           e.     Superiority: A class action is superior to other available means for the fair  
18 and efficient adjudication of this controversy since individual joinder of all members would be  
19 impracticable. Class action treatment will permit a large number of similarly situated persons to  
20 prosecute their common claims in a single forum simultaneously, efficiently and without the  
21 unnecessary duplication of effort and expense that numerous individual actions would engender.  
22 Furthermore, since most class members' individual claims for damages are likely to be modest,  
23 the expenses and burdens of litigating individual actions would make it difficult or impossible  
24 for individual members of the Class to redress the wrongs done to them. An important public  
25 interest will be served by addressing the matter as a class action, substantial economies to the  
26 litigants and to the judicial system will be realized and the potential for inconsistent or  
27 contradictory judgments will be avoided.

28 ///

1 **FIRST CAUSE OF ACTION**

2 **(Violation of Business & Professions Code § 17200 *et seq.* Against All Defendants)**

3 25. Plaintiff realleges and incorporates herein by reference all of the allegations  
4 contained in Paragraphs 1 through 25, inclusive, of this complaint as though fully set forth  
5 herein.

6 26. Business & Professions Code § 17200 *et seq.* provides that unfair competition  
7 means and includes “any unlawful, unfair or fraudulent business act or practice and unfair,  
8 deceptive, untrue or misleading marketing.”

9 27. By and through their conduct, including the conduct detailed above, Defendants  
10 engaged in activities which constitute unlawful, unfair, and fraudulent business practices  
11 prohibited by Business & Professions Code § 17200 *et seq.* Beginning at an exact date unknown  
12 as yet and continuing up through the present Defendants committed acts of unfair competition,  
13 including those described above, by engaging in a pattern of “unlawful” business practices,  
14 within the meaning of Business & Professions Code § 17200 *et seq.*, by manufacturing,  
15 distributing, marketing, and/or selling products with a false country of origin designation and  
16 violating Business & Professions Code § 17533.7 by falsely claiming that the products  
17 referenced herein are “Made in USA” when they are in fact made with component parts  
18 manufactured outside of the United States.

19 28. Beginning at an exact date unknown as yet and continuing up through the present,  
20 Defendants committed acts of unfair competition that are prohibited by Business & Professions  
21 Code § 17200 *et seq.* Defendants engaged in a pattern of “unfair” business practices that violate  
22 the wording and intent of the statutes, by engaging in practices that threaten an incipient  
23 violation of law, or violate the policy or spirit of laws because its effects are comparable to or the  
24 same as a violation of the law by manufacturing, distributing, and marketing products with a  
25 false country of origin designation and violating Business & Professions Code § 17533.7 by  
26 falsely claiming that the products referenced herein are “Made in USA” when they are in fact  
27 made with component parts manufactured outside of the United States.

28 a. Alternatively, Defendants engaged in a pattern of “unfair” business



1 practices that violate the wording and intent of the statutes, by engaging in practices that are  
2 immoral, unethical, oppressive or unscrupulous, the utility (if any) of which conduct is far  
3 outweighed by the harm done to consumers and public policy by manufacturing, distributing,  
4 marketing, and advertising products with the false claim that the products referenced herein are  
5 “Made in USA.”

6           b.       Alternatively, Defendants engaged in a pattern of “unfair” business  
7 practices that violate the wording and intent of the statutes, by engaging in practices wherein: (1)  
8 the injury to the consumer was substantial; (2) the injury was not outweighed by any  
9 countervailing benefits to consumers or competition; and (3) the injury was of the kind that the  
10 consumers themselves could not reasonably have avoided by manufacturing, distributing,  
11 marketing, and advertising products with the false claim that the products referenced herein are  
12 “Made in USA.”

13           29.       Beginning at an exact date unknown as yet and continuing up through the present,  
14 Defendants committed acts of unfair competition, including those described above, prohibited by  
15 Business & Professions Code § 17200 *et seq.* by engaging in a pattern of “fraudulent” business  
16 practices within the meaning of Business & Professions Code § 17200 *et seq.*, by manufacturing,  
17 distributing, marketing, and/or selling products with a false country of origin designation and  
18 violating Business & Professions Code § 17533.7 by falsely claiming that the products  
19 referenced herein are “Made in USA.”

20           30.       Defendants engaged in these unlawful, unfair and fraudulent business practices  
21 for the primary purpose of collecting unlawful and unauthorized monies from Plaintiff and all  
22 others similarly situated, thereby unjustly enriching Defendants.

23           31.       As a result of the repeated violations described herein, Defendants received  
24 unearned commercial benefits at the expense of their competitors and the public.

25           32.       Defendants’ unlawful, unfair and fraudulent business practices present a  
26 continuing threat to the public in that Defendants continues to engage in unlawful, misleading  
27 conduct.

28           33.       Such acts and omissions are unlawful, unfair and/or fraudulent and constitute a

1 violation of Business & Professions Code § 17200 *et seq.* Plaintiff reserves the right to identify  
2 additional violations by Defendants as may be established through discovery.

3 34. As a direct and legal result of their unlawful, unfair and fraudulent conduct  
4 described herein, Defendants have been and will be unjustly enriched by the receipt of ill-gotten  
5 gains from customers, including Plaintiff, who unwittingly provided their money to Defendants  
6 based on Defendants' fraudulent country of origin designation.

7 35. Plaintiff suffered an "injury in fact" because Plaintiff's money was taken by  
8 Defendants as a result of Defendants' false "Made in USA" claims set forth on the Jeans.

9 36. Plaintiff and Class Members were undoubtedly injured as a result of Defendants'  
10 false "Made in USA" representations that are at issue in this litigation.

11 37. In prosecuting this action for the enforcement of important rights affecting the  
12 public interest, Plaintiff seeks the recovery of attorneys' fees pursuant to Code of Civil  
13 Procedure § 1021.5, which is available to a prevailing plaintiff who wins relief for the general  
14 public.

15 **SECOND CAUSE OF ACTION**

16 **(Violation of Business and Professions Code Section 17200 *et seq.* Against All Defendants  
17 for Violation of Federal "Made in USA" Statute/Standard)**

18 38. Plaintiffs re-allege and incorporate herein by reference all of the allegations  
19 contained in Paragraphs 1 through 38, inclusive, of this complaint as though fully set forth  
20 herein.

21 39. Business and Professions Code Section 17200 *et seq.* provides that unfair  
22 competition means and includes "any unlawful, unfair or fraudulent business act or practice and  
23 unfair, deceptive, untrue or misleading marketing."

24 40. Beginning at an exact date unknown as yet and continuing up through the present  
25 Defendants committed acts of unfair competition, including those described above, by engaging  
26 in a pattern of "unlawful" business practices, within the meaning of Business and Professions  
27 Code Section 17200 *et seq.*, by manufacturing, distributing, marketing, and/or selling products  
28 in violation of the federal "Made in USA" statute/standard governing "Made in USA" claims (15

1 U.S.C. § 45a) by falsely claiming that the products referenced herein are “Made in USA” when  
2 they are in fact were not entitled to such representation because they contain more than a *de*  
3 *minimis* amount of foreign made component parts.

4 41. Defendants engaged in these unlawful, unfair and fraudulent business practices  
5 for the primary purpose of collecting unlawful and unauthorized monies from Plaintiffs and all  
6 others similarly situated, thereby unjustly enriching Defendants.

7 42. As a result of the repeated violations described herein, Defendants received  
8 unearned commercial benefits at the expense of their competitors and the public.

9 43. Defendants’ unlawful, unfair and fraudulent business practices present a  
10 continuing threat to the public in that Defendants continue to engage in unlawful conduct.

11 44. Such acts and omissions are unlawful and/or unfair and/or fraudulent and  
12 constitute a violation of Business and Professions Code Section 17200 *et seq.* Plaintiffs reserve  
13 the right to identify additional violations by Defendants as may be established through discovery.

14 45. As a direct and legal result of their unlawful, unfair and fraudulent conduct  
15 described herein, Defendants have been and will be unjustly enriched by the receipt of ill-gotten  
16 gains from customers, including Plaintiffs, who unwittingly provided their money to Defendants  
17 based on Defendants’ fraudulent country of origin designations.

18 46. Plaintiffs suffered an “injury in fact” because Plaintiffs’ money was taken by  
19 Defendants as a result of Defendants’ false “Made in USA” label on the Jeans and T-shirts.

20 47. Plaintiffs and Class Members were undoubtedly injured as a result of Defendants’  
21 false “Made in USA” representations that are at issue in this litigation.

22 48. In prosecuting this action for the enforcement of important rights affecting the  
23 public interest, Plaintiffs seek the recovery of attorneys’ fees pursuant to Code of Civil  
24 Procedure Section 1021.5, which are available to a prevailing plaintiff who wins relief for the  
25 general public.

26 **THIRD CAUSE OF ACTION**

27 **(Violation of Business & Professions Code § 17533.7 Against All Defendants)**

28 49. Plaintiff realleges and incorporates by reference Paragraphs 1 through 49,

1 inclusive, as if set forth in full herein.

2 50. Business & Professions Code § 17533.7 provides:

3 It is unlawful for any person, firm, corporation or association to  
4 sell or offer for sale in this State any merchandise on which  
5 merchandise or on its container there appears the words "Made in  
6 USA" "Made in America," "U.S.A.," or similar words when the  
7 merchandise or **any article, unit, or part thereof**, has been  
8 entirely or substantially made, manufactured, or produced outside  
9 of the United States. (Emphasis added).

10 51. As stated by the California Supreme Court in *Kwikset v. Superior Court* (January  
11 27, 2011) 51 Cal.4th 310, 328-29:

12 **Simply stated: labels matter.** The marketing industry is based on  
13 the premise that labels matter, that consumers will choose one  
14 product over another similar product based on its label and various  
15 tangible and intangible qualities they may come to associate with a  
16 particular source....In particular, to some consumers, the "Made in  
17 U.S.A." label matters. A range of motivations may fuel this  
18 preference, from the desire to support domestic jobs, to beliefs  
19 about quality, to concerns about overseas environmental or labor  
20 conditions, to simple patriotism. The Legislature has recognized  
21 the materiality of this representation by specifically outlawing  
22 deceptive and fraudulent "Made in America" representations. (§  
23 17533.7; see also Civ.Code, § 1770, subd. (a)(4) [prohibiting  
24 deceptive representations of geographic origin].) The object of  
25 section 17533.7 "is to protect consumers from being misled when  
26 they purchase products in the belief that they are advancing the  
27 interests of the United States and its industries and workers...

28 Id. (emphasis added).

21 52. Defendants violated Business & Professions Code § 17533.7 by manufacturing,  
22 selling and/or offering to sell merchandise in the State of California and throughout the United  
23 States with the "Made in USA" label as fully set forth herein. The Jeans in this case contain  
24 component parts that are manufactured outside of the United States.

25 53. It is alleged on information and belief that Defendants' violations of Business &  
26 Professions Code § 17533.7 were done with awareness of the fact that the conduct alleged was  
27 wrongful and were motivated solely for increased profit. It is also alleged on information and  
28

1 belief that Defendants did these acts knowing the harm that would result to Plaintiff and that  
2 Defendants did these acts notwithstanding that knowledge.

3 54. As a direct and proximate result of Defendants' violations of Business &  
4 Professions Code § 17533.7, Plaintiff and Class members are entitled to restitution of excess  
5 monies paid to Defendants by Plaintiff and Class members relating to the false "Made in USA"  
6 claims on Defendants' Jeans.

7 55. Plaintiff suffered an "injury in fact" because Plaintiff's money was taken by  
8 Defendants as a result of Defendants' false "Made in USA" claims set forth on the Jeans.  
9 Furthermore, she suffered an "injury in fact" by paying for something she believed was  
10 genuinely manufactured in the USA, when it was not. See also Paragraphs 18-22 herein.

11 56. Plaintiff and Class Members were undoubtedly injured as a result of Defendants'  
12 false "Made in USA" representations that are at issue in this litigation.

13 57. In prosecuting this action for the enforcement of important rights affecting the  
14 public interest, plaintiff seeks to recover attorneys' fees pursuant to Code of Civil Procedure  
15 § 1021.5, which is available to a prevailing plaintiff who wins relief for the general public.

16 **FOURTH CAUSE OF ACTION**

17 **(Violation of Consumers Legal Remedies Act Against Defendants)**

18 58. Plaintiff realleges and incorporates herein by reference all of the allegations  
19 contained in Paragraphs 1 through 58, inclusive, of this complaint as though fully set forth  
20 herein.

21 59. California Civil Code § 1750 *et seq.* (entitled the Consumers Legal Remedies  
22 Act) provides a list of "unfair or deceptive" practices in a "transaction" relating to the sale of  
23 "goods" or "services" to a "consumer." The Legislature's intent in promulgating the Consumers  
24 Legal Remedies Act is expressed in Civil Code § 1760, which provides, *inter alia*, that its terms  
25 are to be:

26 [C]onstrued liberally and applied to promote its underlying  
27 purposes, which are to protect consumers against unfair and  
28 deceptive business practices and to provide efficient and  
economical procedures to secure such protection.

1           60. Defendants' jean products are "goods" as defined in Civil Code § 1761(a).

2           61. Plaintiff, and Class members, are each a "Consumer" as defined in Civil Code  
3 § 1761(d).

4           62. Plaintiff's purchase of Defendants' Jeans constituted a "transaction" as defined in  
5 Civil Code § 1761(e).

6           63. Civil Code § 1770(a)(4) and (9) provides that "[t]he following unfair methods of  
7 competition and unfair or deceptive acts or practices undertaken by any person in a transaction  
8 intended to result or which results in the sale or lease of goods or services to any consumer are  
9 unlawful: Using deceptive representations or designations of geographic origin in connection  
10 with goods or services....Advertising good or services with intent not to sell them as marketed."

11           64. Defendants violated Civil Code § 1770(a)(4) and (9) by marketing and  
12 representing that their products are "Made in USA" when they actually contain component parts  
13 that are manufactured outside of the United States.

14           65. It is alleged on information and belief that Defendants' violations of the  
15 Consumer Legal Remedies Act set forth herein were done with awareness of the fact that the  
16 conduct alleged was wrongful and were motivated solely for increased profit. It is also alleged  
17 on information and belief that Defendants did these acts knowing the harm that would result to  
18 Plaintiff and that Defendants did these acts notwithstanding that knowledge.

19           66. On or about November 14, 2014, Plaintiff provided to Hudson the requisite 30-  
20 day notice, which was sent pursuant to the Consumer Legal Remedies Act ("CLRA"). The 30-  
21 day notice complied with the relevant provisions of the CLRA as it was a demand to correct,  
22 repair, replace, or otherwise rectify the false country of origin designation as it relates to  
23 offending and violative Jeans sold in California pursuant to California Civil Code § 1782(a).  
24 Plaintiff sent a follow-up letter on or about December 4, 2014. As of the date of the filing of this  
25 Complaint, however, Hudson has not yet responded to Plaintiff's CLRA letter. As such, Plaintiff  
26 seeks "actual damages" and/or punitive damages pursuant to the CLRA from Hudson.

27           67. As a direct and proximate result of Defendants' violations of the Consumers  
28 Legal Remedies Act, Plaintiff and Class members are entitled to the following remedies: (a)

1 statutory damages; (b) a declaration that Defendants violated the Consumers Legal Remedies  
2 Act, (c) an injunction preventing Defendants' unlawful actions; and (d) punitive damages.

3 68. Plaintiff suffered an "injury in fact" because Plaintiff's money was taken by  
4 Defendants as a result of Defendants' false claims set forth on their Jeans. Furthermore, she  
5 suffered an "injury in fact" by paying for a substandard product that she believed was genuinely  
6 manufactured in the USA, when it was not.

7 69. Plaintiff and Class Members were undoubtedly injured as a result of Defendants'  
8 false "Made in USA" representations that are at issue in this litigation.

9 70. Plaintiff is filing an Affidavit of Venue along with this Complaint to be in  
10 compliance with the requirement set forth in Civil Code § 1780(c).

11 **FIFTH CAUSE OF ACTION**

12 **(For Negligent Misrepresentation Against All Defendants)**

13 71. Plaintiff re-alleges and incorporates herein by reference each and every allegation  
14 contained in Paragraphs 1 through 71, as though set forth in full.

15 72. During the relevant statutory time period, Defendants made false "Made in USA"  
16 country of origin designations to Plaintiff and Class Members as it pertains to the sale of the  
17 Jeans.

18 73. The representation that Defendants' Jeans were "Made in USA" was false as  
19 defined by California law. The true facts are that Defendants sold "Made in USA" labeled Jeans  
20 with foreign-made component parts in violation of California and federal law.

21 74. When Defendants made the representations set forth above, they had no  
22 reasonable grounds for believing them to be true.

23 75. Defendants made the representations with the intention of inducing Plaintiff and  
24 Class Members to act in reliance upon these representations in the manner hereafter alleged, or  
25 with the expectation that they would so act.

26 76. Plaintiff and Class Members, at the time the representations were made by  
27 Defendants, and at the time Defendants took the actions herein alleged, were ignorant of the  
28 falsity of the representations and believed them to be true. In reliance on these representations,

1 Plaintiff and Class Members were induced to and did pay monies to purchase Defendants'  
2 products.

3 77. Had Plaintiff and Class Members known the actual facts, they would not have  
4 taken such action. Furthermore, Plaintiff and other nation-wide consumers had no reason to  
5 believe that Defendants would act otherwise than as to rely on the "Made in USA" country of  
6 origin designation.

7 78. Without knowledge, Plaintiff and Class Members acted on the false country of  
8 origin designation and purchased products they did not truly want. Had Plaintiff and Class  
9 Members known the actual facts, they would not have taken such action.

10 79. As a proximate result of the fraudulent conduct of Defendants as herein alleged,  
11 Plaintiff and Class Members paid monies to Defendants, through Defendants' regular retail sales  
12 channels, to which Defendants are not entitled, and have been damaged in an amount to be  
13 proven at trial.

14 80. Plaintiff and Class Members seek damages, prejudgment interest, and reasonable  
15 attorneys' fees (pursuant to Code of Civil Procedure § 1021.5) and costs as will be determined at  
16 time of trial.

17 WHEREFORE, Plaintiff prays for relief and judgment against Defendants, as follows:

18 **PRAYER**

- 19 1. Damages according to proof;
- 20 2. For statutory damages pursuant to the Consumers Legal Remedies Act;
- 21 3. For a judgment declaring this action to be a proper class action;
- 22 3. A declaration that Defendants violated the provisions of California Business &  
23 Professions Code § 17200 *et seq.* and Civil Code § 1750 *et seq.*;
- 24 5. Pursuant to Business & Professions Code § 17204 and pursuant to the equitable  
25 powers of this Court, a judgment enjoining Defendants, their subsidiaries, affiliates, and their  
26 successors, agents, servants, officer, directors, employees, and all persons, acting in concert with  
27 them, directly or indirectly, from engaging in conduct violative of Business & Professions Code  
28 § 17200 *et seq.* as more fully described above;



1           6. Pursuant to Business & Professions Code § 17204, a judgment requiring  
2 Defendants to provide adequate restitution to restore all persons in interest, including all Class  
3 Members, with all monies acquired by means of Defendants' unfair competition;

4           7. Plaintiff and each of the other members of the Class recover the amounts by  
5 which Defendants have been unjustly enriched;

6           8. Plaintiff's reasonable attorneys' fees as it relates to all causes of action pursuant  
7 to Code of Civil Procedure § 1021.5;

8           9. For punitive damages pursuant to the Consumers Legal Remedies Act;

9           10. For costs of suit incurred herein;

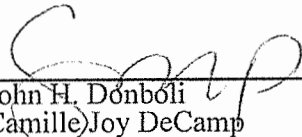
10          11. For prejudgment interest as allowed by law; and

11          12. For such other and further relief as this Court finds just, equitable and proper,  
12 including, but not limited to, the remedy of disgorgement.

13 Dated: February 29, 2016

DEL MAR LAW GROUP, LLP

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Attorneys for Einat Noiman, an individual, and  
on behalf of all others similarly situated