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2012 JAN 23 AM 11:18  
 CLERK U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF.  
 LOS ANGELES

FILED

7  
 8 **IN THE UNITED STATES DISTRICT COURT**  
 9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10 CHARLOTTE BAXTER, individually  
 11 and on behalf of all others similarly  
 situated,

12 Plaintiff,

13 v.

14 RODALE, INC., a Pennsylvania  
 corporation,

15 Defendant.

Case No.

**CV 12 0585**

GAF  
 CASRA

16 **CLASS ACTION COMPLAINT FOR:**

- 17 (1) Violations of Cal. Civ. Code § 1798.83  
 18 (2) Violations of Cal. Bus. & Prof. Code  
 §§ 17200, *et seq.*

19 **DEMAND FOR JURY TRIAL**

20 Plaintiff Charlotte Baxter ("Plaintiff"), by and through her attorneys, upon personal  
 21 knowledge as to herself and her own acts, and upon information and belief as to all other matters,  
 22 complains and alleges as follows:

23 **NATURE OF THE ACTION**

24 1. In 2003, the California Legislature passed the Shine the Light Law, Cal. Civ.  
 25 Code § 1798.83 (the "Shine the Light Law" or the "Act"), to protect consumers from companies  
 26 that collect and surreptitiously share their sensitive personal information with third parties. In  
 27 support of the bill, its author, Senator Liz Figueroa, aptly commented:

28 [s]ecret direct marketing "profiles" of consumers are being exchanged every hour  
 invisibly and routinely by the companies with which they do business. Not only

1 are consumers powerless to stop such invasions of privacy, they do not even know  
2 whether and to what extent it is taking place.<sup>1</sup>

3 2. The Act empowers consumers to “shine the light” on companies’ data sharing  
4 methods by requiring businesses to establish a procedure by which customers can receive an  
5 explanation of how their personal information is disclosed to third parties (the “Shine the Light  
6 Disclosures” or “Disclosures”).

7 3. Businesses governed by the Act are required to: (1) designate a dedicated mailing  
8 address (physical or electronic) or phone/facsimile number where customers can request the  
9 company’s Shine the Light Disclosures, and (2) ensure that interested customers can readily  
10 make such requests or otherwise obtain the Disclosures.

11 4. Shine the Light Disclosures are necessary because without knowledge of  
12 companies’ data sharing practices, consumers cannot make informed decisions about which  
13 businesses they should entrust with their personal information:

14 Because privacy is, by definition, so intensely personal, for a consumer to make a  
15 rational and informed and personal choice to opt-in, opt-out, or simply take their  
16 business elsewhere, the consumer must know the ‘who, what, where and when’ of  
17 how a business handles personal information.<sup>2</sup>

18 5. While traditional businesses may display or otherwise make Shine the Light  
19 Disclosures available at their physical storefront locations, the Act requires companies with no  
20 “brick and mortar” locations to either provide the Shine the Light Disclosures on their websites  
21 or to train their managers and employees to notify customers of the addresses and phone  
22 numbers where the Shine the Light Disclosures can be obtained.

23  
24 <sup>1</sup> California Senate Judiciary Committee, “SB 27 Senate Bill – Analysis,” California State  
25 Senate, 5 (Sept. 16, 2003), [http://info.sen.ca.gov/pub/03-04/bill/sen/sb\\_0001-0050/sb\\_27\\_cfa\\_20030916\\_115403\\_sen\\_comm.html](http://info.sen.ca.gov/pub/03-04/bill/sen/sb_0001-0050/sb_27_cfa_20030916_115403_sen_comm.html).

26 <sup>2</sup> *Id.* at 4-5.  
27

6. Defendant Rodale, Inc. (“Rodale”)—a publishing company with no “brick and mortar” storefronts—owns and operates the Internet website [www.runnersworld.com](http://www.runnersworld.com) and publishes the magazine *Runner’s World*.

7. Rodale collects and stores a wealth of information about its subscribers, and shares such data with third parties for direct marketing purposes.

8. Despite the fact that Rodale profits by sharing its users’ personal information, it intentionally keeps its users in the dark on its information sharing practices by failing to make the Shine the Light Disclosures on its website.

9. As a result, Rodale violates the Shine the Light Law by willfully denying its users an opportunity to exercise their legally proscribed rights under the Act. Therefore, Plaintiff and the Class are entitled to civil penalties of three thousand dollars (\$3,000.00) per violation pursuant to Cal. Civ. Code § 1798.84(c).

### **PARTIES**

10. Plaintiff Charlotte Baxter is a natural person and resident of the State of California.

11. Defendant Rodale, Inc. is a Pennsylvania corporation with its principal place of business at 400 South 10th Street, Emmaus, Pennsylvania 18049. Rodale does business throughout California and the United States.

### **JURISDICTION AND VENUE**

12. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(d) because (a) at least one member of the putative class is a citizen of a state different from Rodale, (b) the amount in controversy exceeds \$5,000,000, exclusive of interest and costs, and (c) none of the exceptions under that subsection apply to this action.

13. This Court has personal jurisdiction over Rodale because Rodale conducts business in California and the unlawful conduct alleged in the Complaint occurred in, was directed to, and/or emanated from California.

14. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claim occurred in this District, and because Plaintiff resides in this District.

## FACTUAL BACKGROUND

### I. The Personal Information Market: Consumer Data Has Monetary Value

15. In 2001, Federal Trade Commission (“FTC”) Commissioner Orson Swindle recognized that “the digital revolution . . . has given an enormous capacity to the acts of collecting and transmitting and flowing of information, unlike anything we’ve ever seen in our life . . . [and] individuals are concerned about being defined by the existing data on themselves.”<sup>3</sup>

16. More than a decade later, Commissioner Swindle’s comments ring truer than ever, as consumer data feeds an information marketplace that supports a \$26 billion dollar per year online advertising industry in the United States.<sup>4</sup>

17. The FTC has also recognized that consumer data possesses inherent monetary value within the new information marketplace:

Most consumers cannot begin to comprehend the types and amount of information collected by businesses, or why their information may be commercially valuable. *Data is currency. The larger the data set, the greater potential for analysis—and profit.*<sup>5</sup>

18. In today’s digital marketplace, consumers engage in *quid pro quo* transactions

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<sup>3</sup> See “The Information Marketplace: Merging and Exchanging Consumer Data,” Federal Trade Commission (Mar. 13, 2001), <http://www.ftc.gov/bcp/workshops/infomktplace/transcript.htm>.

<sup>4</sup> See Julia Angwin and Emily Steele, “Web’s Hot New Commodity: Privacy,” *The Wall Street Journal* (Feb. 18, 2011), <http://online.wsj.com/article/SB10001424052748703529004576160764037920274.html>.

<sup>5</sup> Commissioner Pamela Jones Harbour, “Remarks Before FTC Exploring Privacy Roundtable,” Federal Trade Commission, 2 (Dec. 7, 2009), <http://www.ftc.gov/speeches/harbour/091207privacyroundtable.pdf> (emphasis added).

1 with online businesses whereby individuals exchange personal information for services.

2 19. It is now a nearly ubiquitous practice for online companies that collect consumer  
3 information—such as, names, addresses, occupations, political and religious affiliations, sexual  
4 orientation, education, and cultural interests—to share such data, for a profit, with numerous  
5 third party marketers without any input from, or disclosure to, the source consumer.

6 20. In fact, consumers’ personal information has become such a valuable commodity  
7 that companies now offer individuals the opportunity to sell their personal information  
8 themselves.<sup>6</sup> In this way, consumers are becoming more empowered to direct where their  
9 personal information is shared, and to directly profit from their own data.

10 21. Because Rodale deprives its users the ability to control the dissemination of their  
11 personal information – by denying them the ability to ascertain where such data is flowing –  
12 Rodale has diluted the value of its users’ property as it exists in the personal information market.

## 13 **II. California’s Shine the Light Law**

14 22. The Shine the Light Law was enacted because while “transparency is the  
15 touchstone of consumer confidence in information handling . . . by and large, consumers are not  
16 aware of the extent to which their personal information is sold.”<sup>7</sup> Thus, the Act is designed to  
17 “shine the light” on how businesses share and profit from their customers’ personal information.

18 23. As such, under the Act, customers may request, and companies doing business in  
19 California must provide, a list of all categories of personal information disclosed by the business  
20 within the preceding year, as well as the names and addresses of the companies receiving that  
21 information.<sup>8</sup>

22 24. To facilitate such requests, the Act requires businesses to “designate a mailing

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23 <sup>6</sup> See Steve Lohr, “You Want My Personal Data? Reward Me for It,” The New York Times  
24 (July 17, 2010), <http://www.nytimes.com/2010/07/18/business/18unboxed.html>.

25 <sup>7</sup> SB 27 Analysis, 5, *supra*.

26 <sup>8</sup> Cal. Civ. Code § 1798.83(a).  
27



1 address, electronic mail address, or, if the business chooses to receive requests by telephone or  
 2 facsimile, a toll-free telephone or facsimile number, to which customers may deliver requests” to  
 3 discover how their personal information is being shared with third parties.<sup>9</sup>

4 25. The term “personal information” is broadly defined under the Act and includes,  
 5 but is not limited to, an individual’s:

6 (A) name and address; (B) electronic mail address; (C) age or date of birth; (D)  
 7 names of children; (E) electronic mail or other addresses of children; (F) number  
 8 of children; (G) age or gender of children; (H) height; (I) weight; (J) race; (K)  
 9 religion; (L) occupation; (M) telephone number; (N) education; (O) political party  
 10 affiliation; (P) medical condition; (Q) drugs, therapies, or medical products or  
 11 equipment used; (R) the kind of product the customer purchased, leased, or  
 12 rented; (S) real property purchased, leased, or rented; (T) the kind of service  
 13 provided; (U) social security number; (V) bank account number; (W) credit card  
 14 number; (X) debit card number; (Y) bank or investment account, debit card, or  
 15 credit card balance; (Z) payment history; and (AA) information pertaining to the  
 16 customer’s creditworthiness, assets, income, or liabilities.<sup>10</sup>

17 26. An Internet business with no “brick and mortar” locations may comply with the  
 18 Act by adhering to the following provision:

19 Add to the home page of its Web site a link either to a page titled ‘Your Privacy  
 20 Rights’ or add the words ‘Your Privacy Rights’ to the home page’s link to the  
 21 business’s privacy policy . . . The first page of the link shall describe a customer’s  
 22 rights pursuant to this section and shall provide the designated mailing address, e-  
 23 mail address, as required, or toll-free telephone number or facsimile number, as  
 24

25 <sup>9</sup> Cal. Civ. Code § 1798.83(b)(1).

26 <sup>10</sup> Cal. Civ. Code § 1798.83(e)(7).  
 27

appropriate.<sup>11</sup>

27. Alternatively, and in cases where an Internet business has “employees who regularly have contact with customers,” a business may:

Notify all agents and managers who directly supervise employees who regularly have contact with customers of the designated address or numbers or the means to obtain those addresses or numbers and instruct those employees that customers who inquire about the business’s privacy practices or the business’s compliance with this section shall be informed of the designated addresses or numbers or the means to obtain the addresses or numbers.<sup>12</sup>

28. In short, the Act affords California citizens the right to discover whether businesses are sharing their personal information, and if so, which companies or organizations they are sharing such data with.

### **III. A Brief Overview of Rodale**

29. Rodale publishes magazines for circulation and also operates several websites, including: [www.runnersworld.com](http://www.runnersworld.com), [www.womenshealthmag.com](http://www.womenshealthmag.com), and [www.menshealth.com](http://www.menshealth.com).

30. In order to subscribe to one of its magazines or websites, consumers are required to provide Rodale with certain personal information, including, *inter alia*, their name and address, e-mail address, telephone number, gender, and date of birth.

31. Rodale maintains this data on its servers.

### **IV. Rodale Willfully Violates California’s Shine the Light Law**

32. Rodale shares its subscribers’ personal information, including their names, addresses, e-mail addresses, gender, and dates of birth with third parties for direct marketing purposes.

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<sup>11</sup> Cal. Civ. Code § 1798.83(b)(1)(B).

<sup>12</sup> Cal. Civ. Code § 1798.83(b)(1)(A).

33. Despite the fact that Rodale shares information about its users with third parties for direct marketing purposes, it fails to provide its customers with the Shine the Light Disclosures, or the means through which its customers may obtain the Disclosures, as required by the Act.

34. As such, Rodale has chosen to deny California customers their legal right to learn what personal information is being disclosed, who is receiving it, and other legal protections afforded under the Act.

35. Accordingly, Rodale intentionally violates California's Shine the Light Law and is liable for civil penalties of three thousand dollars (\$3,000.00) per violation pursuant to Cal. Civ. Code § 1798.84(c).

#### **FACTS RELATING TO PLAINTIFF CHARLOTTE BAXTER**

36. Plaintiff Charlotte Baxter is a natural person domiciled in the State of California.

37. In or around 2011, Plaintiff signed up for a subscription to *Runner's World*—a magazine owned, operated, and published by Rodale.

38. At the time that Plaintiff signed up for her subscription, she provided personal information to Rodale, including, *inter alia*, her full name, mailing address, e-mail address, ZIP code, gender, and birth date.

39. Plaintiff has received *Runner's World* the magazine and has visited [www.runnerworld.com](http://www.runnerworld.com) on numerous occasions since subscribing in or around 2011. At all relevant times, Plaintiff used Rodale, the magazine, and the websites primarily for personal, family, and household purposes.

#### **CLASS ACTION ALLEGATIONS**

40. **Definition of the Class:** Plaintiff Charlotte Baxter brings this action pursuant to Fed. R. Civ. P. 23(b)(2) and (3) on behalf of herself and a Class of similarly situated individuals, defined as follows:

All California residents who have provided personal information to Rodale.



Excluded from the Class are (1) Defendant, Defendant's agents, subsidiaries, parents, successors, predecessors, and any entity in which the Defendant or their parents have a controlling interest and their current and former employees, officers, and directors, (2) the Judge or Magistrate Judge to whom this case is assigned and the Judge's or Magistrate Judge's immediate family, (3) persons who execute and file a request for exclusion, (4) the legal representatives, successors, or assigns of any such excluded person, and (5) all persons who have previously had claims similar to those alleged herein finally adjudicated or who have released their claims against Defendant.

41. **Numerosity:** The exact number of the members of the Class is unknown and is not available to Plaintiff, but the Class is believed to consist of millions of individuals. Thus, individual joinder in this case is impracticable. Class members can be easily identified through Rodale's records.

42. **Commonality and Predominance:** There are many questions of law and fact common to the claims of Plaintiff and the other members of the Class, and those questions predominate over any questions that may affect individual members of the Class. Common questions for the Class include but are not limited to the following:

- (a) Whether the Class members are "customers" of Rodale, as that term is defined by Cal. Civ. Code § 1798.83(e)(1);
- (b) Whether each Class member had an "established business relationship" with Rodale, as that term is defined by Cal. Civ. Code § 1798.83(e)(5);
- (c) Whether Rodale made the Shine the Light Disclosures required by Cal. Civ. Code § 1798.83(b)(1)(B);
- (d) Whether Rodale's website violates Civ. Code § 1798.83(b)(1)(B);
- (e) Whether Rodale has employees who regularly have contact with customers, as defined by Cal. Civ. Code § 1798.83(e)(4);

1 (f) Whether Rodale otherwise complied with the requirements of Cal. Civ.  
2 Code § 1798.83(b)(1);

3 (g) Whether Rodale's failure to meet the notice requirements of §  
4 1798.83(b)(1)(B) constitutes a violation of § 1798.83;

5 (h) Whether Rodale's conduct constituted a willful, intentional, or reckless  
6 violation of § 1798.83; and

7 (i) Whether Plaintiff and the Class are entitled to injunctive relief.

8 43. **Typicality:** The factual and legal bases of Rodale's liability to Plaintiff and to the  
9 other members of the Class are the same and resulted in injury to Plaintiff and all of the other  
10 members of the Class. Plaintiff and the other members of the Class have all suffered harm as a  
11 result of Rodale's wrongful conduct.

12 44. **Adequate Representation:** Plaintiff will fairly and adequately represent and  
13 protect the interests of the Class members, and have retained counsel competent and experienced  
14 in complex class actions. Plaintiff has no interest antagonistic to those of the Class and Rodale  
15 has no defenses unique to Plaintiff.

16 45. **Appropriateness:** This class action is appropriate for certification because class  
17 proceedings are superior to all other available methods for the fair and efficient adjudication of  
18 this controversy and joinder of all members of the Class is impracticable. The damages suffered  
19 by the individual members of the Class will likely be small relative to the burden and expense of  
20 individual prosecution of the complex litigation necessitated by Rodale's wrongful conduct.  
21 Thus, it would be virtually impossible for the individual members of the Class to obtain effective  
22 relief for Rodale's misconduct. Even if each member of the Class could sustain such individual  
23 litigation, it would not be preferable to a class action because individual litigation would increase  
24 the delay and expenses to all parties due to the complex legal and factual controversies presented  
25 in this Complaint. By contrast, a class action presents far fewer management difficulties and  
26 provides the benefits of single adjudication, economy of scale, and comprehensive supervision  
27

1 by a single court. Economies of time, effort, and expense will be fostered and uniformity of  
2 decisions will be ensured.

3 46. **Policies Generally Applicable to the Class:** This class action is also appropriate  
4 for certification because Rodale has acted or refused to act on grounds generally applicable to the  
5 Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with  
6 respect to the Class as a whole. The policies of the Rodale challenged herein apply to and affect  
7 all members of the Class uniformly, and Plaintiff's challenge of these policies hinges on  
8 Rodale's conduct, not on facts or law applicable only to Plaintiff.

9 47. **Notice to the Class:** The Parties will provide notice to the Class members that  
10 complies with the Federal Rules of Civil Procedure and Due Process. Plaintiff anticipates that  
11 notice will be sent to Class members via email, to email addresses for Class members obtained  
12 from Rodale during discovery, using a Court-approved notice form.

13 **FIRST CAUSE OF ACTION**  
14 **Violations of California's Shine the Light Law**  
15 **(Cal. Civ. Code § 1798.83)**  
16 **(On behalf of Plaintiff and the Class)**

17 48. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

18 49. Plaintiff and the Class are "customers" of Rodale, as that term is defined by Cal.  
19 Civ. Code § 1798.83(e)(1).

20 50. Plaintiff and the Class are engaged in an ongoing "established business  
21 relationship" with Rodale as that term is defined by Cal. Civ. Code § 1798.83(e)(5).

22 51. Rodale cannot utilize the notice option available under Cal. Civ. Code §  
23 1798.83(b)(1)(A) because, as a business operating almost exclusively online, it does not have  
24 "employees who regularly have contact with customers," as that term is defined by Cal. Civ.  
25 Code § 1798.83(e)(4).

26 52. In any event, and upon information and belief, Rodale does not instruct or  
27 otherwise train its employees to respond to customer inquiries about obtaining Rodale's Shine  
28 the Light Disclosures as required by Cal. Civ. Code § 1798.83(b)(1)(A).

1           53. Further, on information and belief, Rodale does not conduct business through  
2 “brick and mortar” stores in California, meaning it cannot avail itself of the notice option set  
3 forth in Cal. Civ. Code § 1798.83(b)(1)(C).

4           54. Consequently, Rodale must utilize the notice option under Cal. Civ. Code §  
5 1798.83(b)(1)(B). As such, Rodale must affirmatively disclose specific information to its  
6 customers through its Web site.

7           55. Rodale willfully violates the Act by, among other things, (i) failing to designate a  
8 mailing address, e-mail address, telephone number, or facsimile number for customers to deliver  
9 requests, and/or (ii) failing to describe its California customers’ rights under the Shine the Light  
10 Law.<sup>13</sup>

11           56. Plaintiff’s and the Class’s personal information has monetary value, and Rodale’s  
12 failure to comply with Cal. Civ. Code § 1798.83(b)(1) deprives Plaintiff and the Class of their  
13 statutorily-guaranteed right to monitor and control the disclosure and use of that data. As such,  
14 Rodale has diluted the value of Plaintiff and the Class members’ personal property, and deprived  
15 them of the opportunity to sell their personal property for their own financial gain. Accordingly,  
16 Plaintiff and the Class have sustained, and continue to sustain, monetary injuries as a direct and  
17 proximate cause of Rodale’s violation of Cal. Civ. Code § 1798.83.

18           57. Rodale’s failure to comply with Cal. Civ. Code § 1798.83(b) also deprives  
19 Plaintiff and the Class of the ability to make informed decisions with respect to their privacy and  
20 transmission of their personal information. Further, Rodale’s supposed privacy procedures  
21 provide fewer protections to Plaintiff and the Class, thereby depriving them of their protections  
22 and rights under the Act.

23           58. At all times relevant to this lawsuit, Rodale has failed to provide Plaintiff or the  
24 Class with disclosures required by Cal. Civ. Code § 1798.83(b)(1).

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25  
26 <sup>13</sup> See Cal. Civ. Code § 1798.83(b)(1)(B); (See “Home Page” and “Privacy Policy,” true and  
27 accurate copies of which are attached hereto as Exhibits 1 and 2, respectively.)

59. Rodale is a “business required to comply with [§ 1798.83]” and none of the exceptions in §§ 1798.83 or 1798.84 apply.<sup>14</sup>

60. Rodale shares its customers’ personal information with third parties for direct marketing purposes.

61. Accordingly, Plaintiff and the Class are entitled to civil penalties of three thousand dollars (\$3,000.00) per violation pursuant to Cal. Civ. Code § 1798.84(c).

**SECOND CAUSE OF ACTION**  
**Violation of California’s Unfair Competition Law**  
**Cal. Bus. & Prof. Code §§ 17200, *et seq.***  
**(On Behalf of Plaintiff and the Class)**

62. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

63. California’s Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code §§ 17200, *et seq.*, protects both consumers and competitors by promoting fair competition in commercial markets for goods and services.

64. The UCL prohibits any unlawful, unfair or fraudulent business act or practice.

65. As discussed above, Rodale has violated the unlawful prong of the UCL in that its conduct violated the Shine the Light Law, Cal. Civ. Code § 1798.83.

66. Plaintiff’s and the Class’s personal information has monetary value, and Rodale’s failure to comply with Cal. Civ. Code § 1798.83(b) deprives Plaintiff and the Class of their statutorily-guaranteed right to monitor and control the disclosure and use of that data. As such, Rodale has diluted the value of Plaintiff’s and the Class’s personal property, and deprived them of the opportunity to sell their personal property for their own financial gain.

67. Pursuant to Cal. Bus. & Prof. Code § 17203, Plaintiff, on her own behalf and on behalf of the Class, seeks an order requiring Rodale to (1) immediately cease the unlawful practices described herein; (2) make full restitution of all funds wrongfully obtained by sharing

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<sup>14</sup> See Cal. Civ. Code § 1798.83(b)(1).



1 and/or selling Plaintiff's and the Class's personal information; and (3) pay interest, attorneys'  
 2 fees, and costs pursuant to Cal. Code Civ. Proc. § 1021.5.

### 3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff Charlotte Baxter, individually and on behalf of the Class, prays  
 5 for the following relief:

6 A. Certify the Class as defined above, appoint Plaintiff as Class representative, and  
 7 designate her counsel as Class Counsel;

8 B. Declare that Defendant's actions, as described herein, violate Cal. Civ. Code §  
 9 1798.83 and Cal. Bus. & Prof. Code §§ 17200, *et seq.*;

10 C. Award injunctive and other equitable relief as is necessary to protect the interests  
 11 of the Class, including, *inter alia*, entering an Order: (i) prohibiting Defendant from engaging in  
 12 the wrongful and unlawful acts described herein; and (ii) requiring Defendant to add to its  
 13 website the information required by Cal. Civ. Code § 1798.83(b)(1)(B);

14 D. Award damages, including civil penalties of three thousand dollars (\$3,000.00)  
 15 per violation of Cal. Civ. Code § 1798.83 to Plaintiff and the Class;

16 E. Award Plaintiff and the Class their reasonable litigation expenses and attorneys'  
 17 fees pursuant to Cal. Civ. Code § 1798.84(g) and Cal. Code Civ. Proc. § 1021.5;

18 F. Award Plaintiff and the Class pre- and post-judgment interest, to the extent  
 19 allowable; and

20 G. Award such other and further relief as equity and justice may require.

### 21 **JURY TRIAL**

22 Plaintiff demands a trial by jury for all issues so triable.  
 23  
 24  
 25  
 26  
 27

1  
2 Dated: January 23, 2012

Respectfully submitted,

3 Charlotte Baxter, individually and  
4 on behalf of all others similarly situated,

5  
6 By: 

One of Plaintiff's attorneys

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18 \*Pro hac vice admission to be sought  
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# Exhibit 1





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## RW DAILY



'No Trespassing' Signs, Cont'd  
Re my previous post, which some folks construed (wrongly) as an endorsement of breaking the law (or the rules)...

## MORE RW DAILY:

Motivational Poster #4

Behold, Ryan Hall's Left Quadriceps

See All RW Daily Posts

## RACING NEWS

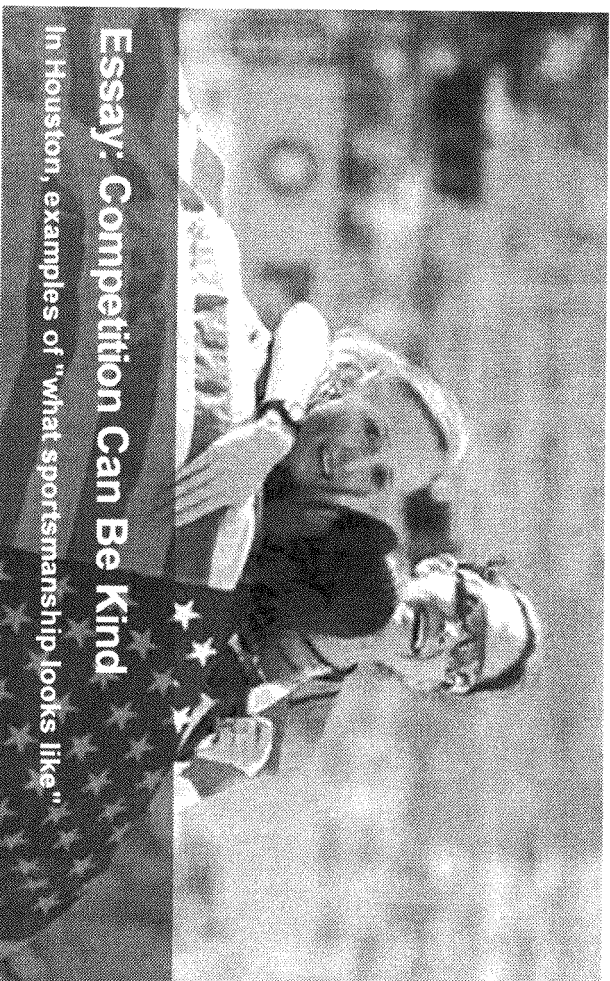


Meb's Tribute to a Friend

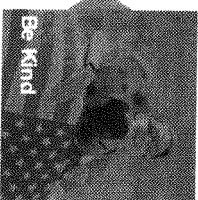
Also: Amy Hastings gives it her all, Brett Gotcher's "bittersweet" Trials, Blake and Bolt: Chat with Luke Puskedra...

See All Racing News

## BLOGS



Essay: Competition Can Be Kind  
In Houston, examples of "what sportsmanship looks like"



Be Kind



Trials Recap



Fast Marathons



**Trail Heads**  
"Who says trail runners--and ultrarunners, in particular--can't run smoking fast road marathons?"

**Ask the Sports Doc**  
"I was told running causes irreparable damage to our bodies; do you have any details on this?"

**Dean's Blog**  
"According to a MapMyFITNESS survey, Minneapolis came out on top of the fittest large cities."

**Ask Coach Jenny**  
When training through pregnancy, it's important to listen to your body and remember you're running for two.

**Training Daily**  
Too many folks are overtraining. Here's how to tell if you're one of them and change for the better.

**For Beginners Only**  
"Months ago I signed up for an 8K, but never made it to the race. How can I build my race confidence?"

[See All Blogs](#)

## POLL

How often do you buy new running gear?

- ☐ Once a week
- ☐ Once a month
- ☐ Once a season
- ☐ Whenever I meet a goal or want to treat myself
- ☐ Only when I need it

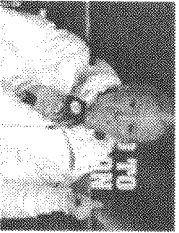
[VOTE](#)

[See Results Without Voting](#)

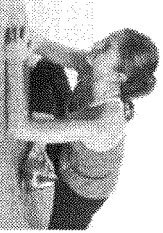
## USER BLOGS FROM THE LOOP

  
**Negativity is sometimes a good thing**  
By Pug Runner  
1/17/2012 8:00 PM CST


## VIDEO

  
**Women's Press Conference**  
Shalane, Desai, & Kara talk about what it took in Houston to make the Olympic team.

[PLAY](#)


  
**Pain In The Butt?**  
Use these simple yoga poses to relieve post-run pain in the posterior.


[PLAY](#)


  
**Men's Press Conference**  
Watch Web, Hall, and Abdi address the press as the 2012 Olympic team.

[PLAY](#)

## FEATURES

  
**OLYMPIC TRIALS**  
2012 Trials: Basic Facts  
10 Women to Watch  
11 Men to Watch

  
**TRAINING**  
IronStrength Workout  
Return to Base  
'This Year I Will...'

  
**NUTRITION & WEIGHT LOSS**  
Alternate Sides  
Quick, Creamy Spinach-Mushroom Lasagna

  
**FLOAT LIKE A...**

**RUN HAPPY**

**BROOKS**  
ADAPTIVE

[Learn more](#)

**Race Finder**

City:

State/Province:

Zip Code:

Race Distance:

[GO](#)

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☐ Women's Running ☐ Quote of the Day

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Sample Newsletter

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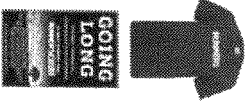

[pdfcrowd.com](#)

## RW STORE


**Runner's World Branded Apparel**  
We worked with Running Warehouse to develop this line of soft, comfortable cotton tees.

**Going Long**  
More than 40 gripping stories of "legends, oddballs, comebacks, and adventures."


Find Runner's World at These Specialty Retailers

**Brick - House, and Opium**  
By: **GriveB**  
1/17/2012 7:59 PM CST

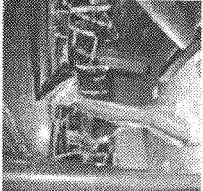



**5 on Top with 3 on Bottom**  
By: **Tree Girl**  
1/17/2012 6:38 PM CST




**Small Wonders**

**SHOES & GEAR**  
Inside Job  
Running Watch Reviews  
Winter 2011 Shoe Guide

**INJURY PREVENTION**  
Prevent Postrun Butt Pain  
Health Check  
Are You Fit to Run?



**ARTICLES BY ISSUE**  
January 2012  
December 2011

**PROMOTIONS**

**GET MORE OUT OF LIFE**

**prilus v**

**SmartCoach**

Click here to create your own personalized training plan.

**GO**

**Shoe Finder**

**Shoe Advisor**  
Let us recommend shoes for you.

**Shoes Like Mine**  
Find shoes like the ones you run in now.

**Advanced Search**  
Find shoes based on your criteria.



Visit the I WANT WURK website and you lucky visitors will receive an exclusive mobile app download powered by Toyota Prius V.

#### Get on the Inside Track



Visit Runner's World's new promo page, the Inside Track, to learn about the latest running giveaways, web sites, events, and more.

#### Nike LUNARECLIPSE+



Push your limits, comfortably. LUNARECLIPSE+ with dynamic fit. Take Every Advantage.

#### INNOVATION FOR ENDURANCE

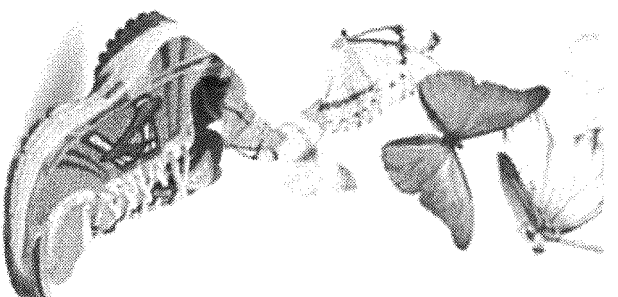


Ready to take your training to the next level? Join the Innovation for Endurance community on Facebook for exclusive fitness content and a chance to win a 100% electric Nissan LEAF <sup>21</sup>!

#### Feel More With Less



Experience the PureProject by Brooks, a line of radically lightweight running shoes designed to naturally align your stride and empower every push-off. Now available in vibrant new colors!



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RUN HAPPY



Learn more

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Rodale Running Times Bicycling Men's Health Women's Health Prevention Organic Gardening Fitble.com Sitemap

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# Exhibit 2





**RODALE**

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SEARCH

# Your Privacy Rights

December 7, 2010

## Protecting Your Privacy and Servicing Your Needs

Rodale is a global media company with a heritage, mission, and authority dedicated to the health and wellness of the individual, community, and planet. Through a broad portfolio of leading media properties Rodale reaches more than 70 million people around the world through multiple distribution channels, including magazines, books, online, e-commerce, direct-to-consumer, and video:

Men'sHealth  
Prevention  
Women'sHealth  
RUNNERS  
RUNNING  
Bicycling  
Gardening  
RODALEbooks  
RODALE.COM

Men'sHealth

Prevention

Women'sHealth

RUNNERS

RUNNING!

Bicycling

Biggest Loser Club

Gardening

RODALEbooks

RODALE.COM

EAT THIS, NOT THAT!

The company publishes some of the best-known health and wellness lifestyle magazines, including *Prevention*, *Men's Health*, *Women's Health*, *Runner's World*, *Running Times*, *Bicycling*, *Mountain Bike*, and *Organic Gardening*, and is the largest independent book publisher in the United States, with a collection of bestselling titles. Rodale brings you the ideas, insights, and information that inspire and enable people to improve their lives and the world around them. We're a family-run business that

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[pdfcrowd.com](#)



values integrity, and we are deeply committed to protecting your privacy and the security of the information you share with us.

We believe you have the right to know everything regarding the information we collect about you... how this information benefits you... and how you can say "no" to the use of any of this information.

This policy explains what we do with your information and what you can expect from Rodale. By using this site (the "Site"), you indicate your acceptance of Rodale's Privacy Policy.

#### **TABLE OF CONTENTS:**

- I. Children Under 13
- II. Information Collection and Changes
- III. Your Privacy Rights/Transfers of Information
- IV. Mobile Devices
- V. Cookies/Web Beacons/Links
- VI. Policy Changes/Data Security
- VII. Rules for Submissions and Member Conduct
- VIII. Rights/Copyrights
- IX. Contact Us

#### **Children Under 13:**

We care about the safety of children. We won't knowingly allow anyone under 13 to provide us any personal identifying information. Children should always get permission from their parents before sending any information about themselves (such as, their names, e-mail addresses, and phone numbers) over the Internet to us or to anyone else. We encourage you to become involved in your children's on-line experience and to share your interest in our sites with your young ones.

#### **What information do you collect about me?**

Rodale collects personal identifying information ("PII") from you only if you voluntarily submit such information to us on website(s) and through e-mail. We also collect PII during transactions, sponsored events, mobile marketing campaigns, and contests/sweepstakes. When visiting one of our online sites, we collect user-specific information on what pages are visited and volunteered information such as survey information and/or site registrations. PII includes your name, postal address, e-mail address, telephone and cell phone numbers, wireless service provider, and all other information you provide to us.

We may collect information about your interaction with Rodale sites and services. For example, we may use Web site analytics tools on our site to retrieve information from your browser, including the site you came from, the search engine(s) and the keywords you used to find our site, the pages you view within our site, your browser add-ons, and your browser's width and

height. We may also use technologies, such as cookies and web beacons (described below), to collect information about the pages you view, the links you click and other actions you take on our sites and services. Additionally, we may collect certain standard information that your browser sends to every website you visit, such as your IP address, browser type and language, access times and referring Web site addresses.

When you receive newsletters or promotional e-mail from Rodale, we may use web beacons (described below), customized links or similar technologies to determine whether the e-mail has been opened and which links you click in order to provide you more focused e-mail communications or other information.

In order to offer you a more consistent and personalized experience in your interactions with Rodale, information collected through one Rodale site or service may be combined with information obtained through other Rodale sites or services. We may also supplement the information we collect with information obtained from other companies.

#### **What's in it for me?**

Plenty! The information we collect allows us to customize the content and/or layout of our page for each visitor. Plus, it enables us to notify you about updates to our Website... contact you with special offers of interest... and customize your Website experience. In addition, information is shared with reputable organizations that may contact you with special offers of possible interest.

#### **May I update my account and contact information?**

Yes! Upon request, we will update your personal account information (e.g., customer number)... access your account status (outstanding balance)... and update your contact information (i.e., name, address, phone number). For more information or to update an account please visit <http://www.rodaleinc.com/customer-service>. If you prefer, you may write to us at Customer Service, Rodale Inc., 400 South Tenth Street, Emmaus, PA 18098.

#### **Your Privacy Rights**

From time to time, we make your PII available to other reputable businesses whose products or services might be of value to you. If you do not want us to share your PII with other companies or organizations, please let us know by accessing the form at <http://www.rodale.com/privacy.html>, by calling us at 866-387-0509, or writing to us at Customer Service, Rodale Inc., 400 South Tenth Street, Emmaus, PA 18098.

#### **What if I don't want commercial/promotional e-mail from Rodale?**

Easy. If you do not want to receive commercial/promotional e-mail from Rodale, please let us know by updating your email preferences at ([preferences.rodale.com](http://preferences.rodale.com)), by utilizing the unsubscribe option available on e-mail communications, by calling us at 866-387-0509, or by writing to us at Customer Service, Rodale Inc., 400 South Tenth Street, Emmaus, PA 18098.

#### **Transfers of Information for Legal Purposes**

Rodale Inc. may need to disclose certain information to comply with a legal requirement, such as a law, regulation, court order, subpoena, or search warrant, in the course of a legal proceeding or in response to a law enforcement agency request. If there is a change of control in Rodale's business (whether by merger, sale, or otherwise) or a sale or transfer of its assets, customer

information could be sold or transferred as part of that transaction and your PII potentially used by the Purchaser or other recipient of said customer information.

You acknowledge that Rodale is located in the United States of America ("U.S.") and will process and store your information in the U.S., and that as a result, U.S. governments, courts or law enforcement or regulatory agencies may be able to obtain disclosure of your information through the laws of the U.S.

#### **Mobile Devices/Third Party Fees**

From time to time, Rodale may deploy mobile marketing campaigns and may allow you to register for services that involve messages and/or e-mails being sent to your mobile device. You are responsible for obtaining access to the mobile device services and that access may involve third-party fees, including mobile carrier, text messaging, or airtime charges. You are solely responsible for those fees, including any and all fees associated with the delivery of the messages, e-mails or other materials to your mobile device. Please consult your mobile service provider's pricing plan prior to registering for any such service to determine the charges for sending and receiving text messages from/to your mobile device. You will be given the opportunity to opt-out of receiving text messages or emails to your mobile device at the time you register and with each message or email you receive.

Mobile marketing campaigns may involve your sending an e-mail from your mobile device to Rodale or a third-party campaign operator. An e-mail or other response will then be sent to your mobile device. Opting to participate in a campaign is 100% your choice. When you engage in these mobile marketing campaigns, Rodale and the third-party campaign operator collect your cell phone number, the name of your wireless service provider, images that you send using your cell phone as part of the campaign, and other relevant information.

#### **What are "cookies" and what do they do for me?**

In order to provide better service when you return to our site, Rodale may use cookies to store your preferences and information about such things as items added to your shopping cart, purchases you have made with us, what pages you visit, and past activity at a site. "Cookies" are tiny pieces of information stored by your browser on your computer's hard drive. Cookies are also used to ensure that you are not repeatedly sent the same banner ads and to customize Webpage content based on your browser type (Netscape or Microsoft Explorer, for example). Most browsers are initially set to accept cookies.

If you want to disable cookies, there is a simple procedure in most Internet browsers that allows you to turn off cookies. Please remember, however, that cookies may be required to allow you to use certain features of our sites.

We may also use third-party advertising, data analytics and online targeting companies to serve ads when you visit the Sites. When online advertisements are displayed to you, one or more persistent cookies may be placed on your computer. Some of these companies may use anonymous information (not including PII) about your visits to this Site and other websites in order to provide data and targeting recommendations based on which we may provide advertisements about goods and services of interest to you. To learn more about this practice and the third party companies we currently might be using, click [here](#). To opt-out

of this practice please click [here](#).

#### **Use of Web Beacons**

Rodale Website pages may contain electronic images known as Web beacons - sometimes called single-pixel gifs - that may be used to assist in delivering cookies on our sites and allow us to count users who have visited those pages and to deliver co-branded services. We may include Web beacons in promotional e-mail messages or our newsletters in order to determine whether messages have been opened and acted upon.

Rodale may also employ Web beacons from third parties in order to help us compile aggregated statistics regarding the effectiveness of our promotional campaigns or other operations of our sites.

#### **Links**

Rodale sites may, on occasion, contain links to other sites with information gathering practices different from our own. Visitors should consult privacy policies for all other sites, as Rodale has no control over information submitted to or collected by such third parties.

Rodale sites sometimes offer contest, sweepstakes, or promotions sponsored or co-sponsored by third parties. These third parties may obtain PII that visitors voluntarily submit to participate in the contest, sweepstakes, or promotion. Rodale has no control over the third-party sponsor's use of this information. The Rodale site will notify you at the time of requesting PII if third-party sponsors will be provided with such information.

#### **Changes...**

Rodale may need to change this privacy policy from time to time in order to address new issues, evolving technologies, changes on our sites, or business practices. Rodale will post those changes so you will always know what information we gather and how we might use that information. Please refer back to this policy regularly.

#### **What about data security?**

To ensure the security of your data - including address information and credit card numbers - Rodale always uses industry-standard encryption technologies when transferring and receiving consumer data exchanged with our site. We have appropriate security measures that protect against the loss, misuse, or alteration of information that we have collected from you.

#### **Rules for Submissions and Messages**

Responsibility for what is posted in the discussion groups or other public forums lies with each user - you alone are responsible for the content of your messages and the consequences of any such messages. We cannot and do not review every submission a user may make. We neither endorse nor guarantee the accuracy or propriety of any submission. We do, however, reserve the right but do not assume the obligation to restrict or prohibit your use of our sites if we believe you are violating any of the terms of the agreement and to remove, edit, or relocate any submission as we see fit whether for legal or other reasons.

#### **Member Conduct**

you understand that all information, data, text, software, music, sound, photographs, graphics, video, messages or other



materials ("Content"), whether publicly posted or privately transmitted, are the sole responsibility of the person from which such Content originated. This means that you, and not Rodale Inc., are entirely responsible for all Content that you upload, post, or otherwise transmit. Rodale does not control the Content posted and, as such, does not guarantee the accuracy, integrity, or quality of such Content. You understand that by using a Rodale site, you may be exposed to Content that is offensive, indecent or objectionable.

**You agree to not use the Rodale sites in order to:**

- upload, post, or otherwise transmit any Content that is unlawful, harmful, threatening, abusive, harassing, tortious, defamatory, vulgar, obscene, libelous, invasive of another's privacy, hateful, or racially, ethnically or otherwise objectionable;
- harm minors in any way;
- impersonate any person or entity, including, but not limited to, a Rodale official, forum leader, guide or host, or falsely state or otherwise misrepresent your affiliation with a person or entity;
- forge headers or otherwise manipulate identifiers in order to disguise the origin of any Content transmitted through the Service or develop restricted or password-only access pages, or hidden pages or images (those not linked to from another accessible page);
- upload, post, or otherwise transmit any Content that you do not have a right to transmit under any law or under contractual or fiduciary relationships (such as inside information, proprietary and confidential information learned or disclosed as part of employment relationships or under nondisclosure agreements);
- upload, post, or otherwise transmit any Content that infringes any patent, trademark, trade secret, copyright, or other proprietary rights of any party;
- upload, post, or otherwise transmit any unsolicited or unauthorized advertising, promotional materials, "junk mail," "spam," "chain letters," "pyramid schemes," or any other form of solicitation, except in those areas of the Service that are designated for such purpose;
- upload, post, or otherwise transmit any material that contains software viruses or any other computer code, files or programs designed to interrupt, destroy or limit the functionality of any computer software or hardware or telecommunications equipment;
- interfere with or disrupt the servers or networks connected to the Rodale site, or disobey any requirements, procedures, policies or regulations of networks connected to the site;
- intentionally or unintentionally violate any applicable local, state, national or international law, including, but not limited to, regulations promulgated by the U.S. Securities and Exchange Commission, any rules of any national or other securities exchange, including, without limitation, the New York Stock Exchange, the American Stock Exchange or the NASDAQ, and any regulations having the force of law;
- "stalk" or otherwise harass another;
- collect or store personal data about other users;
- promote or provide instructional information about illegal activities, promote physical harm or injury against any group or individual, or promote any act of cruelty to animals;
- use your home page (or directory) as storage for remote loading or as a door or signpost to another home page; or
- engage in commercial activities without the express written consent of Rodale Inc. This includes, but is not limited to, the following activities:
  - offering for sale any products or services;



- soliciting for advertisers or sponsors;
- conducting raffles or contests that require any type of entry fee;
- displaying a sponsorship banner of any kind, including those that are generated by banner or link exchange services
- displaying banners for services that provide cash or cash-equivalent prizes to users in exchange for hyperlinks to their websites.

### **Rights**

You acknowledge that we acquire all Rights to use any posted materials as described above so that we do not violate any Rights you may have in materials you post. By submitting content to or through our sites, you grant us the non-exclusive right to reproduce, modify, and distribute it as we see fit in any medium and for any purpose in any form, media, or technology now known or later developed. You also permit any other user to access, display, and print such content for personal use. You vouch that any material you submit does not violate, plagiarize, or infringe upon the right of any third party, including copyright, trademark, or proprietary rights. If non-original content is included in your posting, you must obtain permission from the content owner and attribute it.

### **Copyrights and Copyright Agent**

Rodale respects the rights of all copyright holders. If you believe that your work has been copied and used on one of our Sites in a way that constitutes copyright infringement, please provide Rodale's Copyright Agent the following information required by Section 512 of the Digital Millennium Copyright Act:

- A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
- Identification of the copyright work claimed to have been infringed, or, if multiple copyrighted works at a single on-line site are covered by a single notification, a representative list of such works at that site;
- Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit us to locate the material;
- Information reasonably sufficient to permit us to contact the complaining party;
- A statement that the complaining party has a good-faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
- A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Rodale's Copyright Agent may be contacted at: Copyright Agent, Rodale Inc., 400 South 10th Street, Emmaus PA 18098-0099.

### **We appreciate the opportunity to serve you!**

If you have any questions regarding this privacy policy statement or if you feel that this site has not followed its stated information policy, feel free to contact us. Our postal address is: 400 South 10th Street, Emmaus, PA 18098, and we can be reached via e-mail at: [help@www.rodale.com/contact/index.html](mailto:help@www.rodale.com/contact/index.html). You can reach customer service by telephone at 866-387-0509.

Additionally you may contact your state or local consumer protection office, The Direct Marketing Association's Committee on Ethical Business Practices, the Better Business Bureau, or The Federal Trade Commission by phone at (202) FTC-HELP

(202/382-4357) and online at [www.ftc.gov](http://www.ftc.gov).

Note: This privacy policy applies to all of Rodale's owned and operated websites and to Rodale's other information gathering activities.

Rodale complies with all the stringent standards of ethical conduct set forth by the Direct Marketing Association.

Printer-friendly version

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2012-JAN-23 12:05

FROM-ABC LEGAL SERVICES

+2132539413

T-168 P.004/011 F-673

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Gary A. Feess and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

The case number on all documents filed with the Court should read as follows:

**CV12- 585 GAF (AGR~~x~~)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

2012-JAN-23 12:05

FROM: ABC LEGAL SERVICES

+2132539413

T-168 P.005/011 F-673

**ORIGINAL**

AO 440 (Rev. 12/09) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

Central District of California

CHARLOTTE BAXTER, individually and on behalf of  
all others similarly situated,*Plaintiff*

v.

RODALE, INC., a Pennsylvania corporation,

*Defendant*

Civil Action No.

**CV 12 0585-GAF**  
**(AGR)****SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)* RODALE, INC., a Pennsylvania corporation, 400 South 10th Street, Emmaus,  
Pennsylvania 18049

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

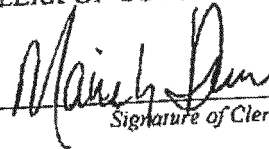
Sean Reis  
Edelson McGuire LLP  
30021 Tomas Street, Suite 300  
Rancho Santa Margarita, CA 92688

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JAN 23 2012

Date: \_\_\_\_\_

CLERK OF COURT



Signature of Clerk or Deputy Clerk



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

2012-JAN-23 12:05

FROM: ABC LEGAL SERVICES

+2132539413

T-168 P.007/011 F-873

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

<b>I. (a) PLAINTIFFS</b> (Check box if you are representing yourself.) CHARLOTTE BAXTER, individually and on behalf of all others similarly situated.		<b>DEFENDANTS</b> RODALE, INC., a Pennsylvania corporation.																									
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Sean Reis, Edelson McGuire LLP 30021 Tomas Street, Suite 300 Rancho Santa Margarita, CA 92688 (949) 459-2124		Attorneys (If Known)																									
<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.) (1) U.S. Government Plaintiff <input type="checkbox"/> (3) Federal Question (U.S. Government Not a Party) (2) U.S. Government Defendant <input checked="" type="checkbox"/> (4) Diversity (Indicate Citizenship of Parties in Item III)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table border="1"> <thead> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Foreign Nation</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>			PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Incorporated or Principal Place of Business in this State	<input type="checkbox"/>	<input type="checkbox"/>	Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>
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<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> (1) Original Proceeding <input type="checkbox"/> (2) Removed from State Court <input type="checkbox"/> (3) Remanded from Appellate Court <input type="checkbox"/> (4) Reinstated or Reopened <input type="checkbox"/> (5) Transferred from another district (specify): <input type="checkbox"/> (6) Multi-District Litigation <input type="checkbox"/> (7) Appeal to District Judge from Magistrate Judge																											
<b>V. REQUESTED IN COMPLAINT:</b> JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) <b>CLASS ACTION</b> under F.R.C.P. 23: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>MONEY DEMANDED IN COMPLAINT:</b> \$ 5000000+																											
<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Violations of Cal. Civil Code 1798.83 and B&P 17200 et seq.																											
<b>VII. 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FOR OFFICE USE ONLY: Case Number: CV 12 0585

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

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CV-71 (05/08)

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T-188 P.008/011 F-673

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

VII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

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

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

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

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

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

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

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

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

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
 Note: In land condemnation cases, use the location of the tract of land involved.

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

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
 Note: In land condemnation cases, use the location of the tract of land involved.

X. **SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_ Date 1-23-12

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

Key to Statistical codes relating to Social Security Cases:

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

CIVIL COVER SHEET

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