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

MICHELENE COLETTE and  
LETICIA SHAW, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

CV SCIENCES, INC., a California  
Corporation,

Defendant.

Civil Action

No.: \_\_\_\_\_

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

**CLASS ACTION COMPLAINT**

Plaintiffs Michelene Colette and Leticia Shaw (collectively, “Plaintiffs”),  
through their undersigned attorneys, Barbat, Mansour & Suciu PLLC, Kohn, Swift  
& Graf, P.C. and Greg Coleman Law PC, brings this Class Action Complaint  
against Defendant CV Sciences, Inc. (“Defendant”), individually and on behalf of

1 all others similarly situated, and complain and allege upon personal knowledge as  
2 to themselves and their own acts and experiences and, as to all other matters, upon  
3 information and belief, including investigation conducted by their attorneys:  
4

### 5 **NATURE OF THE ACTION**

6 1. This is a civil class action brought individually by Plaintiffs on behalf  
7 of consumers who purchased Defendant's "CBD Sprays", "CBD Oil Drops",  
8 "CBD Gummies", "CBD Capsules", and "CBD Softgels" (collectively the "CBD  
9 Products" or the "Products")<sup>1</sup>, all of which are promoted as products containing  
10 cannabidiol (CBD), for personal use and not for resale.  
11

12 2. Defendant's Products, however, are illegal to sell.  
13

14 3. Defendant formulates, manufactures, advertises, and sells the CBD  
15 Products throughout the United States, including in the State of California and  
16 Arizona.  
17

18 4. The CBD (cannabidiol) Product market is a multibillion-dollar business  
19 enterprise that is lucrative for its market participants and is expected to further  
20 expand into a \$16 billion-dollar industry by 2025.<sup>2</sup>  
21

22  
23  
24  
25 <sup>1</sup> The Products contain numerous different flavors and dosages.

26 <sup>2</sup> <https://www.forbes.com/sites/irisdorbian/2019/03/12/cbd-market-could-pull-in-16-bln-by-2025-says-study/#69e764bb3efd> Last Visited November 30, 2019  
27

1           5.     With knowledge of growing consumer demand for CBD Products,  
2 Defendant has intentionally marketed and sold illegal CBD products.

3           6.     Defendant's multiple and prominent systematic mislabeling of the  
4 Products form a pattern of unlawful and unfair business practices that harms the  
5 public.  
6

7           7.     Accordingly, Plaintiffs and each of the Class members have suffered an  
8 injury in fact caused by the false, fraudulent, unfair, deceptive, and misleading  
9 practices as set forth herein, and seek compensatory damages and injunctive relief.  
10

11           8.     Plaintiffs bring this suit to halt the unlawful sales and marketing of the  
12 CBD Products by Defendant and for damages she sustained as a result. Given the  
13 massive quantities of the Products sold all over the country, this class action is the  
14 proper vehicle for addressing Defendant's misconduct and for attaining needed relief  
15 for those affected.  
16  
17

18           9.     Plaintiffs and each of the Class members accordingly suffered an injury  
19 in fact caused by the false, fraudulent, unfair, deceptive, and misleading practices set  
20 forth herein, and seek compensatory damages, statutory damages, and declaratory  
21 and injunctive relief.  
22

### 23                               **JURISDICTION AND VENUE**

24           10.    This Court has original jurisdiction over this controversy pursuant to 28  
25 U.S.C. § 1332(d). The amount in controversy in this class action exceeds  
26  
27

1 \$5,000,000, exclusive of interest and costs, and there are numerous Class members  
2 who are citizens of states other than Defendant's state of citizenship.

3 11. This Court has personal jurisdiction over Defendant in this matter. The  
4 acts and omissions giving rise to this action occurred in the state of California.  
5 Defendant has been afforded due process because it has, at all times relevant to this  
6 matter, individually or through its agents, subsidiaries, officers and/or  
7 representatives, operated, conducted, engaged in and carried on a business venture  
8 in this state and/or maintained an office or agency in this state, and/or marketed,  
9 advertised, distributed and/or sold products, committed a statutory violation within  
10 this state related to the allegations made herein, and caused injuries to Plaintiff and  
11 putative Class Members, which arose out of the acts and omissions that occurred in  
12 the state of California, during the relevant time period, at which time Defendant was  
13 engaged in business activities in the state of California.

14 12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) and  
15 (c) because a substantial part of the events or omissions giving rise to Plaintiff's  
16 claims occurred in this District and because Defendant transacts business and/or has  
17 agents within this District and has intentionally availed itself of the laws and markets  
18 within this district.

**PARTIES**

13. Plaintiff Michelene Colette is a citizen of Arizona who resides in Oracle, Arizona. Plaintiff purchased Defendant's CBD Spray product from Defendant's CBD sales representative in New York. Plaintiff purchased Defendant's CBD Spray approximately two years ago for approximately \$60. If Plaintiff knew the Products were not legally sold in the United States, Plaintiff would have not purchased them.

14. Plaintiff Leticia Shaw is a citizen of California who resides in Los Angeles, California. On September 27, 2018, Plaintiff Shaw purchased Defendant's CBD Oil Softgels 15mg Gold Formula from Defendant's website, <https://pluscbdoil.com/>, for a total cost of \$90.53, including tax and shipping. If Plaintiff knew the Products were not legally sold in the United States, Plaintiff would have not purchased them.

15. Defendant CV Sciences, Inc. is a California corporation with its principal place of business at 10070 Barnes Canyon Rd., San Diego, CA 92121.

**FACTUAL ALLEGATIONS**

16. At all relevant times, Defendant has marketed its Products in a consistent and uniform manner. Defendant sells the Products in all 50 states on its website and through various distributors and sales channels.

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