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Plaintiffs Sonja Bohr, Tamara Barnes, Karen Foglesong, and Mary Wood ("Plaintiffs") allege:

NATURE OF THE CASE

1.

This is a proposed class action on behalf of a statewide class seeking redress for Tillamook's deceptive practices. Tillamook causes likelihood of confusion or misunderstanding as to the source of the dairy products it sells. Tillamook causes likelihood of confusion or misunderstanding as to the affiliation, connection, or association with another of those products. Tillamook uses deceptive representations or designations of geographic origin in connection with its dairy products. Tillamook misrepresents the nature, source, characteristics, and production practices of its dairy products. And Tillamook fails to disclose known material defects or nonconformity of its products in violation of Oregon state consumer protection laws and common law.

Specifically, Tillamook has engaged in a deceptive marketing campaign to convince consumers that the dairy cows who provide milk for its products graze on pastures in Tillamook County. Tillamook represents to consumers that its products are sourced from small family farms whose traditional farming practices are better for the environment, the local community, and of course the cows than are the industrial dairy facilities that Tillamook derides as "Big Food."

3.

Unfortunately for consumers, Tillamook *is* Big Food: Tillamook sources upwards of two thirds of the milk for its products from the largest and most industrialized dairy factory farm in the country— a Concentrated Animal Farming Operation ("CAFO") with over 70,000 total cows and 32,000 dairy cows confined in a single location. Located in

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eastern Oregon, this complex of cement-floored production facilities and barren dirt feedlots, where cows are continuously confined, milked by robotic carousels, and afflicted with painful udder infections, is a far cry from the rolling green hills of the Tillamook County family farms shown throughout Tillamook's marketing campaign.

Consumers increasingly seek out and are willing to pay more for products that they perceive as being ecofriendly, such as "free range," "cage free," "organic," "sustainable," "local," "grass fed" and other terms that lead reasonable consumers to conclude they are supporting local and ethical businesses. Consumers believe such sellers are locally and ethically sourced better for the environment, more humane. Tillamook has projected such ethical sourcing as its company ethos, deliberately crafting its marketing messages to attract these consumers, who believe they are getting such responsibly sourced products when they buy Tillamook cheese and ice cream. As the company says, "Tillamook cheddar cheese is made with four ingredients, patience, and old-fashioned farmer values in Tillamook, Oregon."

Indeed, through its marketing, Tillamook is capitalizing on a sea change in consumer purchasing preference. More than three out of four consumers (77 percent) say that they are concerned about the welfare of animals used in food production,1 and 80 percent of consumers report good living conditions for animals to be "very important" or "important" to them.2 Two-thirds of consumers check to see if their food

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Lake Research Partners, ASPCA Labeling Survey (June 2016), available at https://www.aspca.org/sites/default/files/publicmemo_aspca_labeling_fi_rev1_0629716.pdf. See also C. Victor Spain et al., Are They Buying It? United States Consumers' Changing Attitudes toward More Humanely Raised Meat, Eggs, and Dairy, 8 ANIMALS 128 (Aug. 2018), available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6116027/.

² 2014 Consumer Reports National Research Center, Food Labels Survey, available at Footnote continued on next page

is locally produced—and 92 percent of consumers consider supporting local farmers "very important" or "important."³

6.

Consumers also seek out products made by small-scale farmers in order to support non-industrialized farming, to eschew products that contribute to corporate control of the food system, and support products that are environmentally sustainable.⁴ These strong consumer trends explain why Tillamook chooses to make representations about small-scale farms and outdoor-grazing cows so prominently throughout its marketing.

7.

Tillamook's marketing is highly effective at convincing consumers that its dairy products are sourced from smaller, pasture-based dairies in Tillamook County that prioritize animal welfare and environmental stewardship more than large, industrial dairies do.

8.

According to a recent consumer survey of Pacific Northwest consumers, the majority of Tillamook dairy purchasers believe, from Tillamook's representations, that Tillamook sources milk from small-scale family farms and not large industrial dairy farms. The majority of Tillamook consumers likewise believe that the company's dairy farms are located in Tillamook County, Oregon, that Tillamook farmers treat cows more

Footnote continued from previous page http://www.panna.org/sites/default/files/ConsumerReportsFoodLabelingSurveyJune2014.pdf. ³ Id.

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⁴ FAIR WORLD PROJECT, FAIRNESS FOR FARMERS (2018), available at https://fairworldproject.org/wp-content/uploads/2018/09/Fair_World_Project-Fairness-For-Farmers-Report.pdf.

humanely than other dairies do, and that Tillamook's animal welfare standards exceed

Tillamook's deceptive marketing campaigns catering to conscientious dairy consumers have reaped major rewards. Tillamook's CEO says the company may soon surpass \$1 billion in sales,5 and has experienced 70 percent growth in revenue thanks in

The year after Tillamook launched "Dairy Done Right," Tillamook launched its "Goodbye Big Food" campaign (see Illustration 9 below). Within 48 hours of the launch (touted by Adweek as a campaign that "cast[s] Tillamook products as wholesome, tasty 'real food' alternatives to mass-produced fare"7), Tillamook social media mentions increased by 450 percent.8 Indeed, in a recent consumer survey of Pacific Northwest consumers,

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⁵ Mary Ellen Shoup, Tillamook CEO Talks Dairy Innovation and Ambitions of Reaching \$1B in Sales,

https://thechallengerproject.com/blog/2017/patrick-criteser-tillamook-interview (last visited Aug.

⁷ David Gianatasio, Tillamook Says a Fun, Violent Farewell to "Big Food" in Eye-Catching Ads by 72andSunny, Adweek Mar. 2, 2016, https://www.adweek.com/creativity/tillamook-says-funviolent-farewell-big-food-eye-catching-ads-72andsunny-169963/ (last visited Aug. 12, 2019)

⁸ The Shorty Awards, Tillamook "Goodbye Big Food, Hello Real Food" Social Launch, https://shortyawards.com/9th/tillamook-goodbye-big-food-hello-real-food-oscars-launch (last

the overwhelming majority (93.7 percent) of respondents were familiar with the Tillamook brand, which was the most recognized dairy product brand (even over Kraft).

11.

Tillamook's advertising campaigns are designed to tell consumers that Tillamook is different from the "flawed industrialized food system" and to "provoke people to question the food they eat and the system behind it" — despite the fact that Tillamook is the embodiment of industrialized dairy. Ironically, the co-head of the advertising firm for Tillamook's "Goodbye Big Food" campaign publicly claimed that "How our food is made, and by whom, is no longer a niche topic but rather an escalating conversation in culture. Tillamook is . . . offering an honest point of view that invites people to independently make up their minds." 10

12.

Tillamook causes likelihood of confusion and misunderstanding as to the source of its dairy products by extensive advertising that the products are sourced from humane, pasture-based farms producing "real food." Tillamook's cheese labels add to the confusion, in that they include the Tillamook origin. They state that the goods are, "Made with pride by Tillamook County Creamery Association, Tillamook, OR 97141." Tillamook's repeated representations about geographic origin and source masks Tillamook's true milk sourcing practices. Consumers who believe they are buying products from small, high-welfare, pasture-based dairies in Tillamook County are instead unwittingly purchasing cheese, butter, ice cream, and yogurt made from milk from the largest industrial dairy in the country—that confines tens of thousands of cows on concrete in the desert of eastern Oregon.

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⁹ Id.

¹⁰ Id. (emphasis added).

13.

Plaintiffs thus bring this action on behalf of themselves and similarly situated Oregon consumers, to hold Tillamook accountable for its uniform and pervasive claims falsely representing the company's products as coming exclusively from small-scale, pasture-based farms in Tillamook County that provide individualized care for cows, when this could not be further from the truth.

JURISDICTION AND VENUE

14.

Jurisdiction and venue are proper in Oregon, Multnomah County because Tillamook engages in regular and sustained business in Oregon and in Multnomah County. Tillamook maintains a registered agent for service of process in Oregon. And one or more of the Plaintiffs bought Tillamook products in Multnomah County.

THE PARTIES

15.

Plaintiff Sonja Bohr is a resident of Multnomah County, Oregon. During the past year (the "Class Period" as defined below), she purchased Tillamook dairy products—including cheese, yogurt, sour cream, and butter—in Oregon from one or more retailers, including Fred Meyer on Hawthorne Boulevard in Portland, for personal, family, or household purposes. Ms. Bohr saw the name "Tillamook" and Tillamook's marketing representations and believed that Tillamook products were all made from milk sourced from traditional pasture-based farms in Tillamook County, Oregon—and not from large-scale "factory farms." Ms. Bohr has seen similar representations made by Tillamook relating to its dairy products in online, print, or television advertising.

16.

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Ms. Bohr regularly seeks out, and is willing to pay more for, dairy products that she perceives as being more humane and coming from small, pasture-based dairies. Because she thought Tillamook was the gold standard in her area, she has been a loyal Tillamook consumer. Ms. Bohr purchased Tillamook products because, having seen the Tillamook representations, she thought she was purchasing a product that aligned with her values. If she had known the truth—that the vast majority of the milk sourced for Tillamook products comes from a massive factory farm in Eastern Oregon where cows are never allowed to graze on grass—she would have bought other dairy products instead of Tillamook's, or would not have paid as much as she did for the Tillamook products. Because of Tillamook's false representations, Ms. Bohr paid a premium, organic- and/or artisan-dairy price for an industrially produced, factory-farmed product.

Plaintiff Tamara Barnes is a resident of Lane County, Oregon. During the Class Period, she purchased Tillamook dairy products—including cheese and ice cream—in Oregon from one or more retailers, including WinCo and Walmart, for personal, family, or household purposes. Ms. Barnes saw the name "Tillamook" and Tillamook's marketing representations and believed that Tillamook products were all made from milk sourced from small-scale family farms in Tillamook County, Oregon. Ms. Barnes has seen similar representations made by Tillamook relating to its dairy products in online, print, or television advertising.

17.

18.

Ms. Barnes regularly seeks out, and is willing to pay more for, dairy products that she perceives as being more humane and coming from small, pasture-based dairies. For example, in addition to Tillamook products, Ms. Barnes has sought out and purchased Umpqua Dairy and Rogue Creamery dairy products. She particularly avoids Kraft and

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other large dairy brands specifically because of her concerns about factory farming and the abuse that those cows suffer. Ms. Barnes purchased Tillamook products because, having seen the Tillamook representations, she thought she was purchasing a product that aligned with her values. If she had known the truth—that the vast majority of the milk sourced for Tillamook products comes from a massive factory farm in Eastern Oregon where cows are never allowed to graze on grass—she would have bought other dairy products instead of Tillamook's, or would not have paid as much as she did for the Tillamook products.

19.

Plaintiff Karen Foglesong is a resident of Baker County, Oregon. During the Class Period, she purchased Tillamook dairy products—including cheese and ice cream—in Oregon from one or more retailers, including Albertson's and Safeway, for personal, family, or household purposes. Ms. Foglesong saw the name "Tillamook" and Tillamook's marketing representations and believed that Tillamook practices were those of small-scale family farms and not large industrial dairy farms. Ms. Foglesong has seen similar representations made by Tillamook relating to its dairy products in online, print, or television advertising.

20.

Ms. Foglesong regularly seeks out, and is willing to pay more for, dairy products that she perceives as being more humane and coming from small, pasture-based dairies. For example, in addition to Tillamook products, Ms. Foglesong has sought out and purchased Organic Valley dairy products and other local dairy products at her local farmer's market. Ms. Foglesong purchased Tillamook products because, having seen the Tillamook representations, she thought she was purchasing a product that aligned with her values. If she had known the truth—that the vast majority of the milk sourced for

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Tillamook products comes from a massive factory farm in Eastern Oregon where cows are never allowed to graze on grass—she would have bought other dairy products instead of Tillamook's, or would not have paid as much as she did for the Tillamook products.

21.

Plaintiff Mary Wood is a resident of Curry County, Oregon. During the Class Period, she purchased Tillamook dairy products—including cheese and butter—in Oregon from one or more retailers, including Fred Meyer, for personal, family, or household purposes. Ms. Wood saw the name "Tillamook" and Tillamook's marketing representations and believed that Tillamook practices were those of small-scale family farms and not large industrial dairy farms. Ms. Wood has seen similar representations made by Tillamook relating to its dairy products in online, print, or television advertising.

22.

Ms. Wood regularly seeks out, and is willing to pay more for, dairy products that she perceives as being more humane and coming from small, pasture-based dairies. For example, in addition to Tillamook products, Ms. Wood has sought out and purchased Cowgirl Creamery organic cheese products from Market of Choice as well as Rumiano Cheese products direct from the creamery in Northern California. Ms. Wood purchased Tillamook products because, having seen the Tillamook representations, she thought she was purchasing a product that aligned with her values. If she had known the truth—that the vast majority of the milk sourced for Tillamook products comes from a massive factory farm in Eastern Oregon where cows are never allowed to graze on grass—she

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would have bought other dairy products instead of Tillamook's, or would not have paid as much as she did for the Tillamook products.

23.

Defendant Tillamook County Creamery Association is an Oregon cooperative corporation that does business in Oregon and across the United States. In 2017, Tillamook's revenue attributable to its dairy products was \$800 million.¹¹

GENERAL ALLEGATIONS

24.

Throughout the Class Period, Tillamook engaged—and continues to engage—in widespread marketing efforts that cause likelihood of confusion regarding the source of its dairy products and their affiliation, connection, or association with another. These efforts include misleading labels and deceptive representations of geographic origin in connection with Tillamook dairy products. Tillamook also fails to disclose to consumers that its products are made with milk from an industrial mega-dairy in Eastern Oregon.

25.

Tillamook's marketing uniformly depicts cows on pasture, farmer and family involvement being integral to cow care (including children helping in cow care), and

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¹¹ Mary Ellen Shoup, *Tillamook CEO Talks Dairy Innovation and Ambitions of Reaching \$1B in Sales*, FOOD NAVIGATOR Oct. 22, 2018, https://www.foodnavigator-usa.com/Article/2018/10/22/Tillamook-CEO-talks-dairy-innovation-and-ambitions-of-reaching-1bn-in-sales (last visited Aug. 12, 2019).

small-scale farms, complete with idyllic red barns. See Illustrations 1 – 4 below. Tillamook's messages constitute concrete and uniform representations about the geographic location of Tillamook farms, Tillamook's production practices, and its animal welfare practices.

Illustration 1 Facebook landing page for Tillamook



Illustration 2 Tillamook Instagram post



Illustration 3 Tillamook Instagram post

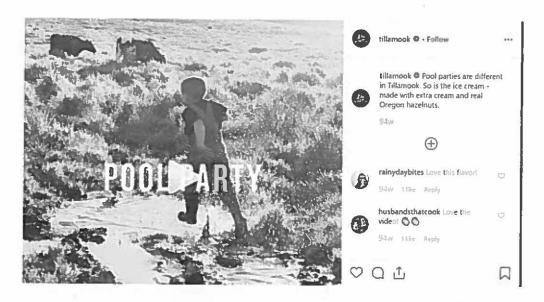


Illustration 4 Tillamook Instagram post



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Tillamook's Facebook page describes the company as follows:

Over a hundred years ago, several small creameries teamed up to form the Tillamook County Creamery Association (TCCA) to ensure the quality and reputation of cheese made in the Tillamook Valley. Today we're made up of approximately 90 dairy farm families who own TCCA and are wholeheartedly dedicated to taking care of all dairy products that carries [sic.] the Tillamook name. (emphasis added)

27.

Tillamook's marketing messages cause likelihood of confusion or misunderstanding of the source of its products. Tillamook deceptively claims its dairy products are (1) sourced (exclusively) from dairy farms located in Tillamook County, (2) made using production practices that closely resemble small-scale traditional farming, and (3) from cows allowed to graze on pasture and treated better than those on factory farms. Tillamook makes these deceptive representations on its website, in print and television advertisements, and across social media platforms.

Geographic origin claims.

"There are only a few places in the world where the character of the land is inseparable from the character of its people." 12

28.

Crucial to Tillamook's marketing are the representations that its products are made in Tillamook County, Oregon—from cows raised in the verdant hills and valleys of the Oregon coast. These claims are false. They cause likelihood of confusion or of

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¹² A Portrait of Dairy: A Photo Essay, published by Tillamook on Slate.com, http://www.slate.com/articles/health_and_science/tillamook/2015/08/a_portrait_of_dairy_a_phot o_essay_of_the_tillamook_co_op.html (last visited Aug. 12, 2019).

misunderstanding in violation of ORS 646.608(1)(b) and (1)(c). They are deceptive representations of geographic origin in violation of ORS 646.608(1)(d).

29.

Tillamook is a small community. Tillamook County ranges from the Pacific Ocean to about 50 miles inland to the east. The county has a year-round mild, temperate climate and abundant rain.

30.

Dairy farming is the largest agriculture occupation in Tillamook County. The dairy farms located in Tillamook are predominantly small-scale operations that more closely reflect traditional farming practices than today's industrialized factory farms. Driving by these dairies, you can see dairy cows grazing on pastures of rolling green hills. This is exactly the imagery that Tillamook capitalizes on throughout its marketing campaign. See Illustrations 5 and 6 below.

Illustration 5
Tillamook website - On The Farm 360° Experience



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Illustration 6 Tillamook website landing page



31.

Tillamook repeatedly and prominently represents to consumers that its products are "made with . . . old-fashioned farmer values in Tillamook, Oregon" by "families [that] have been farming in Tillamook County for multiple generations."

32.

Other geographic origin claims include: "We're from a real place on the Oregon coast," "our gold [i.e., cheese] comes from . . . the deep green grass . . . and pouring rain of the Tillamook Valley," "We're committed to sustaining the farming way of life in Tillamook County," and near-constant references to "Tillamook farmers" (conflating the company and the location).

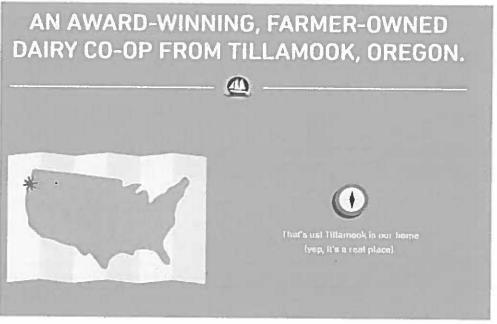
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The name of the company itself—Tillamook County Creamery Association—gives the clear impression that the company and its products are from Tillamook County, Oregon. In case there was any room for confusion:

Illustration 7
Tillamook website



34.

In fact, when shown Illustration 7 above, large majorities of respondents to a consumer survey on Tillamook's advertisements understood it to mean that Tillamook's dairy farms are located in Tillamook County, Oregon. Similarly, when exposed to the marketing claim, "Tillamook cheddar cheese is made with four ingredients, patience, and old-fashioned farmer values in Tillamook, Oregon," a significant majority of respondents took away that Tillamook's dairy farms are located in Tillamook, Oregon. This is exactly the purpose and goal of Tillamook's marketing campaign.

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Consumers prefer local dairies for a number of reasons, including perceived health or quality of the final product, reduced environmental impact, benefits to the local community's economy, and seeing firsthand the production practices of the companies involved.

35.

36.

Knowing this, Tillamook makes these deceptive claims throughout the marketing campaign for all of its products. Deceptive representations about the geographic origin appear throughout Tillamook's website, product packaging, print and television advertisements, and on internet advertising and social media platforms (in which Tillamook participates actively).

37.

In contrast to Tillamook's explicit claims, a large majority of the milk that Tillamook uses in its products is actually sourced from its massive factory farms in Boardman, Oregon.

38.

Boardman is located on the opposite side of the state as Tillamook County.

Instead of Tillamook County's mild and wet climate filled with verdant pasture,

Boardman is a hot, dry climate classified as steppe or semi-arid. Boardman is flat, arid,
and often swelteringly hot—nothing like Tillamook County. And the mega-dairy in

Boardman is so large that it is visible from space.

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39.

Tillamook's claims are pervasive. And they convey information not only about geographic origin, but also about the production methods and animal welfare practices used to make Tillamook products.

Production practices claims.

"Tradition Is Important As Hell... members are impassioned about passing on the dairy farming tradition" 13

40.

Throughout its marketing campaign, Tillamook uses only imagery from small, idyllic farms in Tillamook County. Tillamook makes deceptive representations about its production practices claims on its website, in print and television advertisements, and across social media platforms.

41.

Examples of Tillamook's production claims include: "each member of the family is involved in life on the farm, including the kids, who often help with daily chores like feeding the calves," "farmer values," "we are independent farmer-owners, which means our values guide us instead of profit margins."

42.

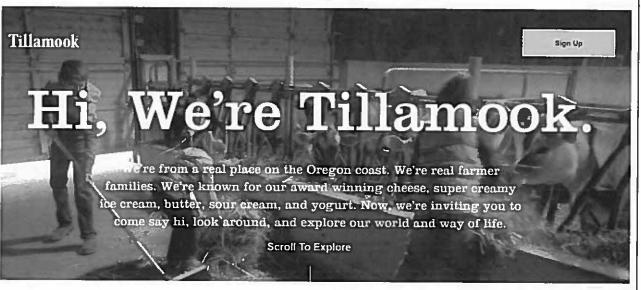
Throughout its marketing campaign, Tillamook pervasively shows cows in openair barns or on fresh, green pasture. They are shown being given personalized attention by the owners of these small farms and their families. Much of Tillamook's marketing content involves the young children of dairy families giving Tillamook cows care and affection. See Illustrations 8 and 12 below and Illustration 2 above.

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¹³ Tillamook website, https://www.tillamook.com/our-story/tillamook-co-op.html (last visited Aug. 12, 2019).

Illustration 8 Tillamook website, "On The Farm"



43.

By highlighting local families' and farmers' attention to the process of tending for cows and producing milk, Tillamook perpetuates the idea that Tillamook producers are not "factory farms" where cows are treated like just one of tens of thousands of units to be milked, but rather small-production farms that respect their animals and traditional farming practices.

44.

On its website, Tillamook shows cows being milked and attended to individually by caretakers who take their time cleaning and prepping their udders and even petting and talking to them.¹⁴

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¹⁴ Tillamook website, https://www.tillamook.com/national/milking (last visited Aug. 12, 2019).

45.

In this, and many other ways, Tillamook actively seeks to differentiate itself from "factory farms" and industrialized food. In fact, Tillamook devoted an entire marketing campaign that encouraged consumers to "Say Goodbye to Big Food" and to purchase Tillamook products because they are "real food" and "Dairy Done Right." See Illustrations 9 and 10 below.

Illustration 9

Print advertisement, "Goodbye Big Food, Hello Real Food"

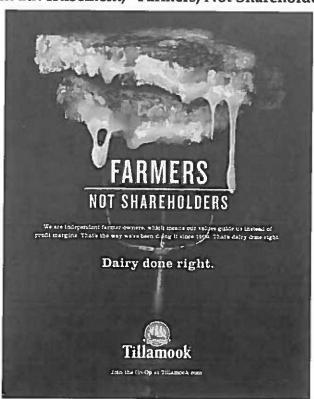


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Illustration 10 Print advertisement, "Farmers, Not Shareholders"



46.

In Tillamook's signature television advertisement¹⁵ saying goodbye to "Big Food," the narrator states, "Enough quantity over quality. I'm done." The narrator says hello to "Real Food," against a backdrop of farmers in misty Tillamook County, rising early to tend to cows and do farm chores:

Hello farmers. Hello Co-Op. Hello Integrity [with image of little girl bottle-feeding calf]. Hello Molly [cow being petted]...Hello people who care about their food and how it's made. Hello everyone. We found something real: Tillamook.

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¹⁵ See Tillamook: Goodbye Big Food. Hello Real Food, https://www.youtube.com/watch?v=7PIRO_C2uRo (last visited Aug. 12, 2019).

The ad ends with the Tillamook logo, under the slogan, "Dairy done right." This ad was first aired during the 2016 Academy Awards, and went on to have 108 national airings that year.

47.

Rather than the bucolic facilities and idyllic production practices showcased in Tillamook's marketing campaign, Tillamook sources the large majority of the milk for its products from one of the largest and most industrialized dairies in the world: Threemile Canyon Farms' 70,000-cow complex in Boardman. In fact, Tillamook's Boardman production facility is the largest dairy factory farm in the United States.

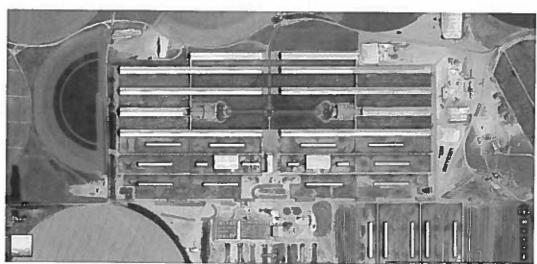
48.

Tillamook's facilities at Threemile confine cows in large warehouses with tens of thousands of other animals. This is the polar opposite of what consumers expect when they see red barns, family cow care, and outdoor-grazing cows throughout Tillamook's marketing. In fact, Tillamook's Threemile facilities in no way resemble the small-scale family farms prominently showcased in Tillamook's marketing.

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Illustration 11 Threemile Canyon Farms, home to 70,000 cows





49.

Threemile has so many dairy cows that it has to use a computerized database to keep track of its cows, and boasts of "round-the-clock" milking. Instead of grazing on green grass in pastures, the cows confined at Threemile are fed corn, alfalfa, and other feed crops. ¹⁶ Threemile milks 25,000 cows daily—"all done without a single person ¹⁶ Threemile Canyon Farms website, Dairy Partnerships, https://www.threemilecanyonfarms.com/partnerships/dairy (last visited Aug. 12, 2019).

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ushering them into place," and robotic arms are "who" clean and stimulate each cow's udders.¹⁷

50.

Tillamook's marketing messages, such as the claim that Tillamook cheese is made with "old-fashioned farmer values," prompted in respondents to a consumer survey clear perceptions regarding the company's operations—i.e., similar to a family farm rather than an industrial operation. In fact, when shown Illustration 9 (Goodbye Big Food), a significant majority of respondents took away that Tillamook gets all its milk from small-scale family farms and not large industrial dairy farms. This ad, as well, prompted clear perceptions regarding the company's reliance on small-scale family farms rather than large industrial milk suppliers, and its superior animal treatment.

51.

Similarly, survey respondents were presented with one of Tillamook's typical social media posts, an image of "three generations" of a Tillamook farm family, accompanied by the text,

Everything Tillamook farmers do is for the health, comfort and happiness of their cows. Chairman of the Board Shannon Lourenzo's barns are outfitted with waterbeds. Many of his neighbors' barns are decked out with backscratchers. Farmer Wendy Landolt, wife of Director Ryan Landolt, is renowned for singing country songs to the baby calves. Cows are the foundation of Tillamook's business. Importantly, they're also a part of our farmers' families. So there's no limit to the care our farmers will give, 24 hours a day, 7 days a week.

From this ad, respondents took away a strong impression that Tillamook gets all its milk from small-scale family farms and not large industrial dairy farms. Consumers

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¹⁷ Erick Peterson, *Dairy Strive to Keep Improving*, CAPITAL PRESS (May 29, 2018), http://www.capitalpress.com/Oregon/20180529/dairy-strives-to-keep-improving (last visited Aug. 12, 2019).

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expressed a clear perception regarding the company's special treatment of and care for its animals, of cows grazing freely on pastures, on small-scale family farms which are the only source of the company's milk.

52.

Like the consumers surveyed, Plaintiffs, who thought they were buying products sourced from such small family farms and pasture-grazing cows in Tillamook, Oregon, were shocked and dismayed to learn they were in fact patronizing the country's largest dairy factory farm, where tens of thousands of cows are confined on concrete or in barren feedlots.

53.

Because Tillamook's pervasive production claims mislead consumers into believing that Tillamook products are sourced from small, local farms where cows graze on grass and are given individualized care, Tillamook's claims are deceptive, and are likely to mislead reasonable consumers like Plaintiffs.

Animal welfare claims.

"There's always a well-intentioned reason behind everything our farmers do, and it's always for the health and comfort of their animals." 18

Prevalent throughout Tillamook's marketing are representations about the superior treatment of its cows. Tillamook marketing broadly features cows afforded outdoor access—often, cows contentedly grazing on verdant, wide-open pastures. At Tillamook's creamery where the company markets directly to the public, one exhibit tells consumers that "cows need places to rest and roam." Tillamook also represents,

PLAINTIFFS' SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

¹⁸ Tillamook website, Our Story, Calf-Care, https://www.tillamook.com/our-story/calf-care.html (last visited Jul. 29, 2019).

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through imagery and specific claims, that its cows are given personalized attention and care by the owners of these small farms and their families. *See* Illustration 8 above and Illustrations 12 and 13 below.

55.

Examples of Tillamook's animal welfare claims include: "We treat our cows like family," "Our farmers know that happy, healthy cows make quality, wholesome milk," "The best dairy calls for the best cow care," "best practices in animal welfare," "living just yards from the barn, farmers are around 24/7/365 for their cows," and "even the cows are happy."

Illustration 12 Tillamook photo essay published on Slate.com, A Portrait of Dairy¹⁹



56.

Consumers reasonably expect that smaller family-run dairies provide individualized care to cows. By using only imagery from these small, Tillamook County farms, where cows are kept in open-air barns with clean hay bedding, or on fresh, green

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PLAINTIFFS' SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

¹⁹ A Portrait of Dairy: A Photo Essay, published by Tillamook on Slate.com, http://www.slate.com/articles/health_and_science/tillamook/2015/08/a_portrait_of_dairy_a_phot o_essay_of_the_tillamook_co_op.html (last visited Aug. 12, 2019).

pasture, Tillamook caused Plaintiffs and other reasonable consumers to believe that all the cows milked for Tillamook products are similarly treated.

Illustration 13 Tillamook Instagram post





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PLAINTIFFS' SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

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Illustration 14 Tillamook website, Our Story²⁰



Three generations of the Seals Family

Gotta Love The Cows

Everything Tillamook farmers do is for the health, comfort and happiness of their cows. Chairman of the Board Shannon Lourenzo's barns are outfitted with waterbeds. Many of his neighbors' harns are decked out with backscratchers. Farmer Wendy Landolt, wife of Director Ryan Landolt, is renowned for singing country songs to the baby calves.

Cows are the foundation of Tillamook's business. Importantly, they're also a part of our farmers' families. So there's no limit to the care our farmers will give, 24 hours a day, 7 days a week.

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²⁰ Tillamook website, Our Story, https://www.tillamook.com/our-story/tillamook-co-op.html

tillamook 🛭 - Follow

tillamook © Caring for the cows and the land is all in a day's work for a dairy farmer Support the future of farmers by waking up early. Join the 4am Club on 11.28.

71w

winter_spinmom16 Already up at 4am, animals to feed, and get ready for work. Just not on a working farm. Appreciate all the Farmer's. Come from generations of Farmer's, though My superpower is being a nurse. That is my calling #Herestothefarmer #nurselife #servethecommunity @tillamook @lukebryan

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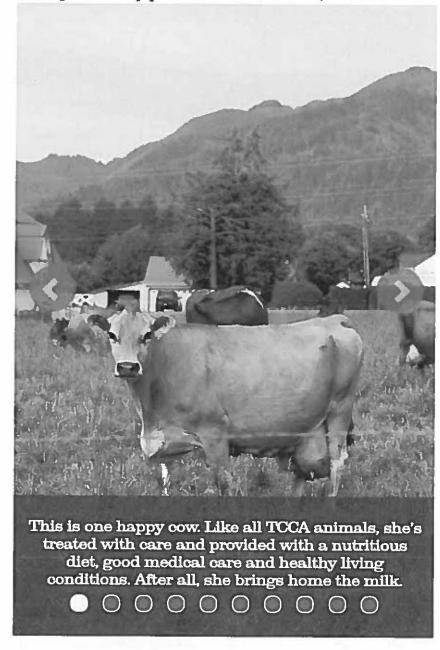
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PLAINTIFFS' SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

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Illustration 16 Tillamook photo essay published on Slate.com, A Portrait of Dairy²¹



²¹ A Portrait of Dairy: A Photo Essay, published by Tillamook on Slate.com, http://www.slate.com/articles/health_and_science/tillamook/2015/08/a_portrait_of_dairy_a_phot o_essay_of_the_tillamook_co_op.html (last visited Aug. 12, 2019).

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57.

However, the cows at Tillamook's Boardman, Oregon factory farm experience nothing like this. Instead, cows confined at Threemile Canyon are housed by the tens of thousands in industrial-type warehouses where they stand on concrete or in their own waste. They don't wander indoors and outdoors and graze at their leisure. There are no small children taking care of each of them, and it's extremely unlikely that—given the 32,000+ dairy cows in one facility at Threemile—anyone bothers to give individual names or attention to them (as indicated by some of Tillamook's social media posts).

58.

Cows confined in industrial factory farms like Tillamook's in Boardman frequently suffer from a disease called mastitis. Mastitis is a bacterial invasion of the mammary gland, and can occur as a result of trauma to cows' udder caused by milking machines, poor sanitation in milking parlors and barns, and genetic selection for extremely high milk yield. Mastitis is the most prevalent disease among dairy cows, and for the cows, is excruciatingly painful.

59.

Cows suffering from mastitis produce milk with a high somatic cell count (SCC) produced in response to the cow's infected mammary gland. An SCC of more than 200,000 cells per milliliter of milk is "abnormal and an indication of inflammation in the udder." Oregon does not permit milk with an SCC of 500,000 cells per milliliter to be sold. Tillamook's bulk milk from Threemile Canyon Farms routinely has an SCC of more than 200,000, with SCCs of up to 450,000 in 2016 and 340,000 in 2017.

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PLAINTIFFS' SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

²² U.S. Dep't of Agric., *Dairy* 2014: *Part II—Milk Quality, Milking Procedures, and Mastitis on U.S. Dairies,* 2014, at 47 (Sept. 2016), https://www.aphis.usda.gov/animal_health/nahms/dairy/downloads/dairy14/Dairy14_dr_Mastit

is.pdf.

60.

This means that the majority of Tillamook's cows are suffering from mastitis—a painful disease caused or made worse by teat trauma from milking, and by poor sanitation.

61.

In short, there is a world of difference between the animal care and living environments depicted in Tillamook's marketing campaign and those experienced by the vast majority of cows that supply Tillamook milk. In reality, most of Tillamook's cows are never allowed access to pasture (or even outside the warehouses in which they are confined), are not provided individualized care on small family farms, and are even suffering from painful infections.

62.

When respondents to a recent survey were presented with the claim, "Tillamook cheddar cheese is made with four ingredients, patience, and old-fashioned farmer values in Tillamook, Oregon," and asked what old-fashioned farmer values are, when it comes to animal care, over 70 percent referred to animal treatment and well-being, the environment in which animals were raised, the natural/unaltered quality of their raising, and the creation of a superior product. To consumers, Tillamook is saying: "Raising animals humanely, feeding them ethically and taking pride in your work;" "Take care of the animals, feed them natural foods, don't give them antibiotics and don't feed them gmos;" "not mass produced - being humane;" "I think animals need to be treated with care and attention, and old farmer values should reflect that in the time before industrialization of livestock."

63.

In another, closed-end survey question, this same marketing claim prompted clear perceptions regarding the company's concern for animal welfare. And relative to

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PLAINTIFFS' SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

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respondents from Idaho, Montana, and Washington (the other three Pacific Northwest states surveyed), those from Oregon were more likely to agree that the claim conveyed that Tillamook's cows are treated more humanely than those of other companies. In other words, Tillamook's marketing is particularly deceptive to Oregon consumers.

64.

The messages sent by Tillamook's imagery—conveying superior cow welfare and personalized care for its animals—are also being received by consumers. In the survey discussed above, for example, Illustrations 13 and 14 prompted clear perceptions in respondents regarding the company's special treatment of and care for its animals—being that of a company operating on a small scale with pasture-grazing cows. And again, relative to respondents from Idaho, Montana, and Washington, Oregon consumers viewing Illustration 13 were more likely to agree that the social media post conveyed that Tillamook gets all its milk from small-scale family farms and not large, industrial dairy farms.

65.

Because Tillamook's animal care practices and the living environment it provides its cows are in fact no different than those of the average dairy factory farm, and in fact cause suffering for the thousands of cows confined together in its warehouses, Tillamook's marketing representations are illegal and deceptive, and reasonable consumers are likely to be deceived.

CLASS ACTION ALLEGATIONS

66.

Plaintiffs bring this action as a class action pursuant to ORCP 32 for the time period beginning one year from before the date of filing of this action to the date on which a class is certified ("Class Period").

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67.

Plaintiffs seek to represent an Oregon class consisting of: All persons in Oregon who purchased Tillamook dairy products in Oregon during the Class Period. Excluded from the Class are Defendant's officers and directors and the immediate families of Defendant's officers and directors. Also excluded from the Class is Defendant and its subsidiaries, parents, affiliates, joint venturers, any entity in which Defendant has or has had a controlling interest, any judge who rules on any matter connected to this case, and any juror who sits on this case at trial.

68.

The class is so numerous that joinder is impracticable. ORCP 32A(1).

69.

This action involves common questions of law and fact because each Class Member's claim derives from the same deceptive practices. ORCP 32A(2). The common questions of law and fact involved predominate over questions that affect only Plaintiffs or individual Class Members. ORCP 32B(3). Common questions of law or fact include:

- Whether Tillamook marketed and sold its dairy products to Plaintiffs, and those similarly situated, using deceptive statements or representations;
- Whether Tillamook omitted or misrepresented material facts in connection with the marketing and sale of its dairy products;
- Whether Tillamook engaged in a common course of conduct as described in this Complaint;
- Whether Tillamook's marketing and sales of its dairy products violates the Unlawful Trade Practices Act, ORS 646.608(1) in one or more of the ways alleged;
- Whether one or more of Tillamook's violations caused ascertainable losses to plaintiffs and the class; and
- Whether, and to what extent, injunctive relief should be imposed on Tillamook to prevent such conduct in the future.

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70.

Plaintiffs' claims are typical of the Class. ORCP 32A(3). All Class Members bought products marketed with one or more of Tillamook's deceptive claims.

Tillamook's deceptive actions concern the same business practices described in this Complaint, irrespective of where they occurred or were received. Because, like Plaintiffs, all Class Members paid more for Tillamook products than they otherwise would have had Tillamook not falsely marketed them, or bought Tillamook products when they otherwise would not have (and would have instead purchased other dairy products that do have the benefits that Tillamook claimed its products have), the injuries of each Class Member were caused directly by Tillamook's illegal conduct as alleged in this Complaint.

71.

Plaintiffs will fairly and adequately protect the interests of all Class Members. ORCP 32A(4). The class shares a common interest in injunctive relief for Tillamook's violations. Plaintiffs also have no interests that conflict with or are antagonistic to the interests of Class Members. Plaintiffs have retained competent and experienced class action attorneys to represent their interests and that of the class.

72.

Plaintiffs commenced this action seeking only injunctive and equitable relief. Plaintiffs gave notice as required by ORCP 32A(5) and 32H and seek damages.

73.

A class action is superior. ORCP 32B. There is no plain, speedy, or adequate remedy other than by maintenance of this class action. The prosecution of individual remedies by members of the Class will tend to establish inconsistent standards of

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PLAINTIFFS' SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

conduct for Tillamook and result in the impairment of Class Members' rights and disposition of their interests through actions to which they were not parties. Class action treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of effort and expense that numerous individual actions would engender. Furthermore, as the injury suffered by each individual member of the Class may be relatively small, the expenses and the burden of individual litigation would make it difficult or impossible for individual members of the Class to redress the wrongs done to them, while an important public interest will be served by addressing the matter as a class action.

74.

The prerequisites to maintaining a class action for injunctive or equitable relief pursuant to ORCP 32 are met as Tillamook has acted or refused to act on grounds generally applicable to the Class, thereby making appropriate final injunctive or equitable relief with respect to the Class as a whole.

FIRST CLAIM FOR RELIEF VIOLATION OF UNLAWFUL TRADE PRACTICES ACT First Count—Willful violation

75.

Tillamook willfully violated ORS 646.608(1)(b), (1)(c), 1(d), and 1(t) in one or more of the ways alleged above, and as a result Plaintiffs and the class suffered ascertainable losses, in that they bought Tillamook products under a cloud of confusion as to the geographic location and industrial processing methods that lack the special animal welfare, small-farm, and social benefits that Tillamook claims. Those purchases constitute ascertainable losses since no plaintiff or class member could have know at the time of purchase whether they were buying products from Tillamook County or from

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Boardman or elsewhere. Further, plaintiffs and class members paid more for Tillamook products than they otherwise would have paid because Tillamook prices its products at a premium above other dairy products that do not make the same claims of geographic origin, small farms, animal welfare, and social benefit. Plaintiffs and the class suffered an ascertainable loss in the amount of the diminished value between the higher, artisan dairy price they paid for Tillamook products and the lower price that they could have paid for other dairy products from industrial facilities that similarly lack the special animal welfare, small-farm, and social benefits that Tillamook falsely touts its products as having. Plaintiffs and members of the class suffered diminished value losses in amounts to be proved at trial. Based on information and belief, the economic losses in the class period are estimated to be no greater than \$150 million. Plaintiffs will amend after conducting discovery to appropriately adjust this number-before trial.

Tillamook willfully violated ORS 646.608(1) in one or more of the following ways, and, as set forth in more detail, plaintiffs and members of the class suffered ascertainable losses, in that they purchased Tillamook products or paid more for Tillamook products than they otherwise would have paid:

A. Tillamook violated ORS 646.608(1)(b) by causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods. Specifically, Tillamook causes likelihood of confusion or misunderstanding that:

- 1) It sources its dairy products from small family farms;
- 2) It sources its dairy products from Tillamook County; and
- 3) It sources its dairy products from farms that prioritize animal welfare;

 B. Tillamook violated ORS 646.608(1)(d) by using deceptive representations or designations of geographic origin in connection with goods; and

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C. Tillamook violated ORS 646.608(1)(e) by representing that goods had qualities or characteristics that they did not have.

76.

Plaintiffs and the class suffered ascertainable losses as a result, as alleged in more detail, in one or more of the following ways:

A. Plaintiffs and the class purchased goods at an inflated price based upon the represented increased economic market value of those products as a result of Tillamook's successful marketing that created widespread likelihood of confusion or misunderstanding and allowed Tillamook to charge a premium for its dairy products, and as a result plaintiffs and members of the class paid more than they otherwise would have paid for Tillamook dairy products;

- B. Plaintiffs and the class paid higher prices for Tillamook's dairy products

 because of their understanding that the dairy products all came from the small

 family farms with increased priority of animal welfare in Tillamook County and

 the Tillamook County Creamery Association, located in Tillamook;
- C. Plaintiffs and members of the class overpaid for the Tillamook dairy products because the dairy products were not as represented;
- D. Plaintiffs and the class purchased "misbranded goods" as defined by 21 CFR 101.18 (False Statement of Geographic Origin). The sale of misbranded goods are prohibited by 21 USC Sec. 331. Because defendant was prohibited from selling misbranded goods by federal law, plaintiffs and the class seek damages based upon the purchase price for those illegal products;
- E. Defendant disseminated a false advertisement as defined by ORS 616.215(5) which is prohibited by ORS 616.265 and ORS 616.270. Because defendant was prohibited from advertising its products by state law plaintiffs and the class seek

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damages based upon the purchase price for those illegally advertised products; and

F. Plaintiffs and the class purchased products that were not ecofriendly, or from family farms or that were prioritizing animal welfare despite the successful advertising campaign that depicts otherwise. Without that essential ecofriendly characteristic, plaintiffs and the class seek damages based upon the purchase price for those products.

<u>77.</u>

Defendant's illegal marketing and sales prices have lead plaintiffs and members of the class to routinely pay more for Tillamook dairy products, as compared to national and generic brands. By way of example, on August 10, 2019, Safeway 3212 in Ashland Oregon sold Tillamook sharp cheddar (8 oz) for \$3.59, compared to Cabot sharp cheddar (8 oz.) for \$2.50, a difference of \$1.09. Similarly, on August 11, 2019, Fred Meyer 3030 NE Weidler, in Portland, sold Tillamook medium cheddar cheese (8 oz) for \$3.69 and Kroger medium cheddar cheese (8 oz) for \$2.69, a difference of \$1.

78.

The increased economic value associated with defendant's illegal advertising and sales practices are also documented by more recent Oregon sales offers on or about February 27, 2020:

Butter					
	Tillamook	<u>5.49</u>	Safeway St Helens	4.99	Land O Lakes
			2	<u>3.99</u>	Vital Farms
		<u>5.49</u>	Safeway Beaverton	4.99	Land O Lakes
				3.59	Lucerne
		<u>5.49</u>	Albertsons Tigard	4.99	Land O Lakes
				3.59	Lucerne
		<u>4.89</u>	Fred Meyer	4.59	<u>Darigold</u>
			<u>Hollywood</u>	3.29	Kroger
				2.99	Moovelous

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PLAINTIFFS' SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

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1			<u>5.99</u>	New Seasons Grant	<u>4.49</u>		Grant
2			5.49 4.89	Pk Safeway NE Sandy Mkt Fresh St Helens	3.59 3.69	<u>Park</u> <u>Lucerne</u> Food Club	
3					5.05	Tood Chab	
4	Medium Cheddar 8 oz						
5		<u>Tillamook</u>	3.99 3.34	Safeway St Helens Fred Meyer	2.79 1.88	<u>Lucerne</u> Kroger	
6			3.69	Scappoose Whole Foods		365	
7		-	3.99	Safeway NE Sandy	2.99 2.79	Lucerne	
8	Medium						Ē
9	Cheddar 16 oz	Tillamook	6.99	Safeway Beaverton	4.99	Lucerne	15
10			4.99	Fred Meyer Hollywood	2.99	Moovelous	
11			6.45	Mkt Fresh St Helens	4.89	Food Club	
12	Extra Sharp 8						14
13	oz	Tillamook	5.39	Whole Foods	4.70	Cabas	
14	-	THIAIIIOOK	<u> </u>	whole Foods	4.79	Cabot	
15	Shredded Cheese						
16	Cheese	<u>Tillamook</u>	3.99	Safeway Beaverton	2.99	Lucerne	
17			3.99 5.19	Albertsons Tigard Mkt Fresh St Helens	2.99 3.35	Lucerne Food Club	167
18							
19	Character Street						II.
20	Cheese Slices	<u>Tillamook</u>	3.99	Safeway Beaverton	2.99	Lucerne	
21			3.99 4.89	Albertsons Tigard Fred Meyer	2.99 4.59	<u>Lucerne</u> <u>Darigold</u>	16
22		,	4.69	Hollywood Mkt Fresh St Helens	3.89	Food Club	П
23	0.00						
24	Sour Cream	Tillamook	2.39	Mkt Fresh St Helens	1.79	Food Club	
25	4						
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				t, Suite 600 - Portland, Oregon 6474 Fax 503.228.2556	97205		
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1	Yogurt – Large	Tillamook	3.05	Mkt Fresh St Helens	2.79	Food Club
3	Vogunt Small					ā
4 5 6	Yogurt – Small	Tillamook	<u>.79</u> <u>.79</u>	Safeway Beaverton Albertsons Tigard	.69 .59 .69 .49	Yoplait Lucerne Yoplait Lucerne
7		180	1.00	<u>Fred Meyer</u> <u>Hollywood</u>	<u>.40</u>	Kroger
8 9	<u>Ice Cream –</u> gallon	Tillamook	6 70	Zumana	(20	Y I
10 11		THIAMOOK	6.79 5.49 5.49	Zupans Fred Meyer Hollywood Fred Meyer Hollywood	6.29 2.50 2.50	Umpqua Kroger Deluxe Kroger Deluxe
12 13 14				<u>79.</u>		5
15 16 17 18	To the extent required by the Court, Plaintiffs and the class will seek leave to add additional allegations of evidence of overpayment once Tillamook provides the previously-requested discovery on production and pricing, including comparisons between Tillamook brand and unbranded products manufactured by Tillamook and by third-party producers, as well as any additional necessary pricing and sales discovery that may be obtained from third parties.					covides the comparisons Tillamook and by
19 20						d sales discovery
2122232425	Plaintiffs a fees. ORS 656.638			80. equitable relief, an inju	nction,	and attorneys'
262728	PLAINTIFFS' 9	SU 707 SW Washi	NDED CO GERMA Ington Street	AN LAW OFFICE t, Suite 600 - Portland, Oregon 6474 Fax 503.228.2556		FOR JURY TRIAL

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Second Count-Reckless or knowing violation

81.

Plaintiffs incorporate and reallege the unlawful and deceptive business acts and practices of Tillamook as set forth above.

<u>82.</u>

Tillamook knowingly or recklessly violated the ORS 646.608 in one or more of the ways alleged above, and as a result Plaintiffs and the class suffered the previously described ascertainable losses, in that they purchased or paid more for Tillamook branded products than they otherwise would have paid. Plaintiffs and the class are entitled to recover \$200 per class member. Plaintiffs and the class seek equitable relief, an injunction, and attorneys' fees. ORS 656.638; ORS 646.636.

SECOND CLAIM FOR RELIEF UNJUST ENRICHMENT

77. <u>83.</u>

Plaintiffs incorporate and reallege Tillamook's unlawful practices as set-forth above on behalf of the statewide class.

78. 84.

Tillamook sold its dairy products to Plaintiffs and the class that did-not have the characteristics that Tillamook represented the products to have. Plaintiffs and other class members would not have bought these products, or would not have paid as much for them, if they had known that the representations Tillamook made were false.

79.

As a result of Tillamook's deceptive marketing, Tillamook received a benefit at the expense of Plaintiffs and members of the class, and it is unjust for Tillamook to retain that benefit.

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Under the circumstances, it is against equity and good conscience to permit

Tillamook to retain the ill-gotten benefits that it received from Plaintiffs and the class, in light of the fact that the products they purchased did not have the characteristics that Tillamook represented. Thus, it is unjust or inequitable for Tillamook to retain the benefit without restitution to Plaintiffs and the class.

81. <u>86.</u>

As a direct and proximate result of Tillamook's actions, Tillamook has been unjustly enriched, and Plaintiffs and members of the class have a right to restitution in an amount to be proven at trial.

PRAYER FOR RELIEF

Plaintiff and the class are entitled to damages, equitable relief, an injunction, and attorneys' fees. ORS 646.638; ORS 646.636.

WHEREFORE, Plaintiffs ask the Court to enter the following judgment:

- Approving of the Class, certifying Plaintiffs as representatives of the Class, and designating their counsel as counsel for the Class;
 - 2. Declaring that Tillamook has committed the violations alleged;
 - 3. Granting restitution, or disgorgement to Plaintiffs and the Class;
- 4. Granting declaratory and injunctive relief to enjoin Defendant from engaging in the unlawful practices described in this Complaint;
- 5. On the first count of the first claim, granting class damages in an amount to be proved at trial;
- 6. On the second count of the first claim, granting statutory damages of \$200 per class member;

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PLAINTIFFS' SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

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1	7 Cranking attornove' food and costs, and
2	7. Granting attorneys' fees and costs; and
3	8. Granting further relief as this Court may deem proper.
4	DATED this 2 nd day of March, 2020.
5	Respectfully submitted,
6	SUGERMAN LAW OFFICE
7	
8	By: /s/ David F. Sugerman
9	David F. Sugerman, OSB No. 86298 SUGERMAN LAW OFFICE
9	707 SW Washington St., Suite 600
10	Portland, Oregon 97205
11	Telephone (503) 228-6474 david@davidsugerman.com
12	Kelsey Eberly, State Bar No. 301025,
13	Pro hac vice
15	keberly@aldf.org
14	Amanda Howell
15	ahowell@aldf.org, TX state bar No. 24078695, Pro hac vice
16	Animal Legal Defense Fund
	525 East Cotati Avenue Cotati, California 94931
17	Tel: (707) 795-2533
18	Fax: (707) 795-7280
19	Tim Quenelle
20	Tim Quenelle PC 4800 SW Meadows Rd #300
21	Lake Oswego OR 97035 503-675-4330
22	tim.quenelle@gmail.com
23	Of Attorneys for Plaintiffs
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28	SUGERMAN LAW OFFICE

1	PLAINTIFFS DEMAND A JURY TRIAL as to each issue on which they are entitled.
2	DATED this 2 nd day of March, 2020.
3	SUGERMAN LAW OFFICE
4	SUGERMAN LAW OFFICE
5	By /s/ David F. Sugerman
6	By <u>/s/ David F. Sugerman</u> David F. Sugerman, OSB No. 86298 Attorney for Plaintiffs and Trial Attorney
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28	SUGERMAN LAW OFFICE