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7 In Pro per

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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

<p>14 ROSMINAH BROWN and ERIC 15 LOHELA; on behalf of themselves 16 and all others similarly situated.</p> <p>17 Plaintiff,</p> <p>18 vs.</p> <p>19 THE HAIN CELESTIAL GROUP, 20 INC., a Delaware Corporation,</p> <p>21 Defendant.</p>	<p>Case No.: 11-CV-03082 LB</p> <p>RESPONSE BY OBJECTOR STEVEN F. HELFAND TO SPECIAL INTERROGATORY NOS. 1-6 [STANDING]</p>
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22 **SPECIAL INTERROGATORY NO. 1.**

23 Identify each cosmetic product sold under the Avalon Organics ® brand YOU purchased in
24 California from May 11, 2007 to May 11, 2011 by specifying the type (e.g., conditioner,
25 shampoo, body wash), blend (e.g., Tea Tree, Lavender Nourishing) and size (e.g., 13 fl. oz., 1.75
26 oz.).
27

28 **RESPONSE TO SPECIAL INTERROGATORY NO. 1.**

1 The interrogatory is asking for exceedingly specific information as to personal hygiene products
2 between 2007 to 2011. This means the interrogatory is asking detailed information going back
3 up to approximately eight or nine years. Suffice it to say, Objector Helfand has been a repeat
4 user of a variety of Jason and Avalon Products. Objector Helfand as a matter of course
5 purchased personal hygiene products through a variety of retail vendors, including Walgreens,
6 CVS, Pure Beauty, Rite Aid and Whole Foods. To attempt to tie a specific Avalon or Jason
7 Product to a specific product on a specific date is patently absurd given the time frame involved.
8 Objector Helfand will not engage in speculation. However, Objector Helfand makes plain that
9 he purchased multiple challenged products during the class period and has a specific recollection
10 of doing so. In light of Objector Helfand's medical condition, Objector Helfand is particularly
11 vulnerable to harsh chemicals and relied upon Avalon and Jason, along with other brands, for
12 personal hygiene. Objector Helfand was led to believe that the products were healthy, natural
13 and organic and would "do no harm." Objector Helfand compliments Class counsel for taking
14 Hain Celestial to task for its misrepresentations and unsupported claims. However, Objector
15 Helfand has grave concerns with the proposed settlement and requested attorneys fees. Objector
16 Helfand has relied upon the list of challenged products to assist in product identification as
17 Objector Helfand does not recall the exact names for some of the products. The list of
18 challenged products assisted Objector Helfand in refreshing his recollection. A list of Avalon
19 and Jason Products Objector Helfand purchased in California during the relevant class period are
20 as follows:
21
22
23

24 JASON Ester-C Super-C Cleanser Gentle Facial Wash;

25 Ester-C Hydrating Mask;

26 Jason Tea Tree Clarifying Body Scrub;

27 Ester-C Vita-C Max Instant Facial;
28

1 Avalon Lavender Bath and Shower Gel - large - it likely was the 12 oz size;

2 Avalon Daily Moisturizer - large;

3 Vitamin C Vitality Facial Serum - 1 oz; and

4 Vitamin C Soothing Lip Balm - small - likely .25 oz.

5
6 Objector Helfand recalls purchasing myriad other Avalon and Jason products during the class
7 period beyond the aforementioned list. However, Objector Helfand is not sure, for example,
8 whether he purchased Essential Lift Restructuring Night Creme or the CoQ10 Wrinkle Defense
9 Night Creme. However, Objector Helfand recalls purchasing at least one or possibly both during
10 the relevant class period. Other examples exist. The same is true for essential oils and hydrating
11 toner. Objector Helfand was a loyal customer of Avalon and Jason and is disappointed that they
12 did not approach sales in an ethical manner.

13
14 **SPECIAL INTERROGATORY NO. 2.**

15 Identify each cosmetic product sold under the Jason ® brand YOU purchased in California from
16 May 11, 2007 to May 11, 2011 by specifying the type (e.g., conditioner, shampoo, body wash),
17 blend (e.g., Tea Tree, Lavender Nourishing) and size (e.g., 13 fl. oz., 1.75 oz.).

18
19 **RESPONSE TO SPECIAL INTERROGATORY NO. 1.**

20 The interrogatory is asking for exceedingly specific information as to personal hygiene products
21 between 2007 to 2011. This means the interrogatory is asking detailed information going back
22 up to approximately eight or nine years. Suffice it to say, Objector Helfand has been a repeat
23 user of a variety of Jason and Avalon Products. Objector Helfand as a matter of course
24 purchased personal hygiene products through a variety of retail vendors, including Walgreens,
25 CVS, Pure Beauty, Rite Aid and Whole Foods. To attempt to tie a specific Avalon or Jason
26 Product to a specific product on a specific date or retailer is patently absurd given the time frame.
27
28 Objector Helfand will not engage in speculation. However, Objector Helfand makes plain that

1 he purchased multiple challenged products during the class period and has a specific recollection
2 of doing so. In light of Objector Helfand's medical condition, Objector Helfand is particularly
3 vulnerable to harsh chemicals and relied upon Avalon and Jason, along with other brands, for
4 personal hygiene. Objector Helfand was led to believe that the products were healthy, natural
5 and organic and would "do no harm." Objector Helfand compliments Class counsel for taking
6 Hain Celestial to task for its misrepresentations and unsupported claims. However, Objector
7 Helfand has grave concerns with the proposed settlement and requested attorneys fees. Objector
8 Helfand has relied upon the list of challenged products to assist in product identification as
9 Objector Helfand does not recall the exact names for some of the products. The list of
10 challenged products assisted Objector Helfand in refreshing his recollection. A list of Avalon
11 and Jason Products Objector Helfand purchased in California during the relevant class period are
12 as follows:

15 JASON Ester-C Super-C Cleanser Gentle Facial Wash;

16 Ester-C Hydrating Mask;

17 Jason Tea Tree Clarifying Body Scrub

18 Ester-C Vita-C Max Instant Facial

19 Avalon Lavender Bath and Shower Gel - large - it likely was the 12 oz size.

20 Avalon Daily Moisturizer - large

21 Vitamin C Vitality Facial Serum - 1 oz

22 Vitamin C Soothing Lip Balm - small - likely .25 oz.

23
24 Objector Helfand recalls purchasing myriad other Avalon and Jason products during the class
25 period beyond the aforementioned list. However, Objector Helfand is not sure, for example,
26 whether he purchased Essential Lift Restructuring Night Creme or the CoQ10 Wrinkle Defense
27 Night Creme. However, Objector Helfand recalls purchasing at least one or possibly both during
28

1 the relevant class period. Other examples exist. The same is true for essential oils and hydrating
2 toner. Objector Helfand was a loyal customer of Avalon and Jason and is disappointed that they
3 did not approach sales in an ethical manner.
4

5 **SPECIAL INTERROGATORY NO. 3.**

6 Describe in detail the circumstances under which YOU purchased any Avalon Organics ® brand
7 YOU purchased in California from May 11, 2007 to May 11, 2011, including the date and place
8 of purchase, price paid and the motivation for the purchase.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 3.**

10 The interrogatory is asking for exceedingly specific information as to personal hygiene products
11 between 2007 to 2011. This means the interrogatory is asking detailed information going back
12 up to approximately eight or nine years. Suffice it to say, Objector Helfand has been a repeat
13 user of a variety of Jason and Avalon Products. Objector Helfand as a matter of course
14 purchased personal hygiene products through a variety of retail vendors, including Walgreens,
15 CVS, Pure Beauty, Rite Aid and Whole Foods. To attempt to tie a specific Avalon or Jason
16 Product to a specific product on a specific date is patently absurd given the time frame. Objector
17 Helfand will not engage in speculation. However, Objector Helfand makes plain that he
18 purchased multiple challenged products during the class period and has a specific recollection of
19 doing so. In light of Objector Helfand's medical condition, Objector Helfand is particularly
20 vulnerable to harsh chemicals and relied upon Avalon and Jason, along with other brands, for
21 personal hygiene. Objector Helfand was led to believe that the products were healthy, natural
22 and organic and would "do no harm." Objector Helfand compliments Class counsel for taking
23 Hain Celestial to task for its misrepresentations and unsupported claims. However, Objector
24 Helfand has grave concerns with the proposed settlement and requested attorneys fees. Objector
25 Helfand has relied upon the list of challenged products to assist in product identification as
26
27
28

1 Objector Helfand does not recall the exact names for some of the products. The list of
2 challenged products assisted Objector Helfand in refreshing his recollection. A list of Avalon
3 and Jason Products Objector Helfand purchased in California during the relevant class period are
4 as follows:

5
6 JASON Ester-C Super-C Cleanser Gentle Facial Wash;

7 Ester-C Hydrating Mask;

8 Jason Tea Tree Clarifying Body Scrub

9 Ester-C Vita-C Max Instant Facial

10 Avalon Lavender Bath and Shower Gel - large - it likely was the 12 oz size.

11 Avalon Daily Moisturizer - large

12 Vitamin C Vitality Facial Serum - 1 oz

13 Vitamin C Soothing Lip Balm - small - likely .25 oz.

14
15 Objector Helfand recalls purchasing myriad other Avalon and Jason products during the class
16 period beyond the aforementioned list. However, Objector Helfand is not sure, for example,
17 whether he purchased Essential Lift Restructuring Night Creme or the CoQ10 Wrinkle Defense
18 Night Creme. However, Objector Helfand recalls purchasing at least one or possibly both during
19 the relevant class period. Other examples exist. The same is true for essential oils and hydrating
20 toner. Objector Helfand does not recall exact purchase price information but based on his review
21 of the list of challenged products, the prices contained therein appear to be accurate and inline
22 with what Objector Helfand paid for such products. The notion that Objector Helfand would
23 have a specific recollection of the exact price he paid, for example, for Ester C is silly. Objector
24 Helfand was a loyal customer of Avalon and Jason and is disappointed that they did not approach
25 sales in an ethical manner.
26
27

28 **SPECIAL INTERROGATORY NO. 4.**

1 Describe in detail the circumstances under which YOU purchased any Avalon Organics ® brand
2 YOU purchased in California from May 11, 2007 to May 11, 2011, including the date and place
3 of purchase, price paid and the motivation for the purchase.
4

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 4.**

6 The interrogatory is asking for exceedingly specific information as to personal hygiene products
7 between 2007 to 2011. This means the interrogatory is asking detailed information going back
8 up to approximately eight or nine years. Suffice it to say, Objector Helfand has been a repeat
9 user of a variety of Jason and Avalon Products. Objector Helfand as a matter of course
10 purchased personal hygiene products through a variety of retail vendors, including Walgreens,
11 CVS, Pure Beauty, Rite Aid and Whole Foods. To attempt to tie a specific Avalon or Jason
12 Product to a specific product on a specific date is patently absurd. Objector Helfand will not
13 engage in speculation. However, Objector Helfand makes plain that he purchased multiple
14 challenged products during the class period and has a specific recollection of doing so. In light
15 of Objector Helfand's medical condition, Objector Helfand is particularly vulnerable to harsh
16 chemicals and relied upon Avalon and Jason, along with other brands, for personal hygiene.
17 Objector Helfand was led to believe that the products were healthy, natural and organic and
18 would "do no harm." Objector Helfand compliments Class counsel for taking Hain Celestial to
19 task for its misrepresentations and unsupported claims. However, Objector Helfand has grave
20 concerns with the proposed settlement and requested attorneys fees. Objector Helfand has relied
21 upon the list of challenged products to assist in product identification as Objector Helfand does
22 not recall the exact names for some of the products. The list of challenged products assisted
23 Objector Helfand in refreshing his recollection. A list of Avalon and Jason Products Objector
24 Helfand purchased in California during the relevant class period are as follows:
25
26
27

28 JASON Ester-C Super-C Cleanser Gentle Facial Wash;

1 Ester-C Hydrating Mask;

2 Jason Tea Tree Clarifying Body Scrub

3 Ester-C Vita-C Max Instant Facial

4 Avalon Lavender Bath and Shower Gel - large - it likely was the 12 oz size.

5 Avalon Daily Moisturizer - large

6 Vitamin C Vitality Facial Serum - 1 oz

7 Vitamin C Soothing Lip Balm - small - likely .25 oz.

8
9 Objector Helfand recalls purchasing myriad other Avalon and Jason products during the class
10 period beyond the aforementioned list. However, Objector Helfand is not sure, for example,
11 whether he purchased Essential Lift Restructuring Night Creme or the CoQ10 Wrinkle Defense
12 Night Creme. However, Objector Helfand recalls purchasing at least one or possibly both during
13 the relevant class period. Other examples exist. The same is true for essential oils and hydrating
14 toner. Objector Helfand does not recall exact purchase price information but based on his review
15 of the list of challenged products, the prices contained therein appear to be accurate and inline
16 with what Objector Helfand paid for such products. The notion that Objector Helfand would
17 have a specific recollection of the exact price he paid, for example, for Ester C is silly. Objector
18 Helfand was a loyal customer of Avalon and Jason and is disappointed that they did not approach
19 sales in an ethical manner.
20
21

22 **SPECIAL INTERROGATORY NO. 5:**

23 Describe in detail when and how YOU first learned about the SETTLEMENT.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 5**

25 Objector Helfand was looking to purchase additional Avalon and Jason products on Google
26 Chrome or Firefox and the search returned information about a settlement and claims of
27 misrepresentation. Objector Helfand did not know anything about the case or settlement or even
28

1 that litigation was pending. Objector Helfand came across the settlement website. This occurred
2 about one to two weeks prior to Objector Helfand's filing of his objection.
3

4 **SPECIAL INTERROGATORY NO. 6:**

5 Describe in detail when and how YOU first learned about the ACTION.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 6**

7 Objector Helfand was looking to purchase additional Avalon and Jason products on Google
8 Chrome or Firefox and the search returned information about a settlement. Objector Helfand did
9 not know anything about the case or even that litigation was pending. Objector Helfand came
10 across the settlement website. This occurred about one to two weeks prior to Objector Helfand's
11 filing of his objection.
12

13 Dated: January 11, 2016

_____/s/_____

14 Steven Franklyn Helfand

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16 Hollywood, FL 33027

17 Telephone: 415.397.0007

18 Email: sh4078@gmail.com

VERIFICATION BY STEVEN F. HELFAND

The information contained herein is true and correct. This verification is executed under penalty of perjury under the laws of the United States of America. This verification is executed in Hollywood, Florida on January 11, 2016.

_____/s/_____

Steven Franklyn Helfand

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