

COUNT VI
Unjust Enrichment

(In The Alternative To Count V And On Behalf Plaintiff and California Class)

115. Plaintiff repeats and re-alleges the allegations above as if set forth herein.

116. Plaintiff and California Class members conferred tangible and material economic benefits upon Defendant by purchasing Defendant's Product. Plaintiff and California Class members would not have purchased the Product had they known they could not purify a 550 square foot room.

117. Defendant has been unjustly enriched in retaining the revenues derived from the purchase of the Product by Plaintiff and the other members of the California Class.

118. Retention of those monies under these circumstances is unjust and inequitable because Defendant's labeling of the Product was misleading to consumers, which caused injuries to Plaintiff and the other members of the California Class members because they would have not purchased the Product had they known they could not purify a 550 square foot room.

119. Because Defendant's retention of the non-gratuitous benefits conferred on them by Plaintiff and the other members of the California Class is unjust and inequitable, Defendant must pay restitution to Plaintiff and the other members of the California Class for their unjust enrichment, as ordered by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated, seeks judgment against Defendant, as follows:

- a) For an order certifying the Class and the California Subclass under Rule 23 of the Federal Rules of Civil Procedure, naming Plaintiff as representative of the Class and California Subclass, and Plaintiff's attorneys as Class Counsel to represent the Class and California Subclass;
- b) For an order finding in favor of Plaintiff, the Class, and California Subclass on all counts asserted herein;
- c) For compensatory, statutory, and punitive damages in amounts to be determined by the Court and/or jury;

- 1 d) For prejudgment interest on all amounts awarded;
2 e) For an order of restitution and all other forms of equitable monetary relief;
3 f) For injunctive relief as pleaded or as the Court may deem proper; and
4 g) For an order awarding the Plaintiff, the Class, and California Subclass their
5 reasonable attorneys' fees, expenses, and costs of suit.

6 **JURY TRIAL DEMANDED**

7 Plaintiff demands a trial by jury on all claims so triable.

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9 Dated: May 25, 2022

BURSOR & FISHER, P.A.

10 By: /s/ Brittany S. Scott
11 Brittany S. Scott

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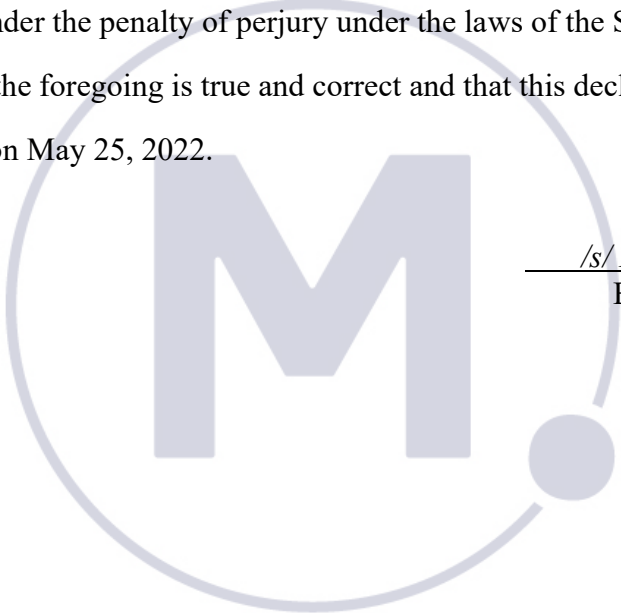
CLRA Venue Declaration Pursuant to California Civil Code Section 1780(d)

I, Brittany S. Scott, declare as follows:

1. I am an attorney at law licensed to practice in the State of California and a member of the bar of this Court. I am an Associate at Bursor & Fisher, P.A., counsel of record for Plaintiff in this action. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would competently testify thereto under oath.

2. The Complaint filed in this action is filed in the proper place for trial under Civil Code Section 1780(d) in that a substantial portion of the events alleged in the Complaint occurred in the Eastern District of California.

I declare under the penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct and that this declaration was executed at Walnut Creek, California on May 25, 2022.



/s/ Brittany S. Scott
Brittany S. Scott