

**IN THE CIRCUIT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

2016 FEB 17 11 31 32

DEBRA MOFFATT,)
)
 Plaintiff,)
)
 vs.)
)
 MCDONALD'S CORPORATION,)
)
 Defendants.)

No.:

0001103303

COMPLAINT- CLASS ACTION

MATTERS COMMON TO MULTIPLE COUNTS

INTRODUCTION

1. This action is brought by DEBRA MOFFATT to secure redress against MCDONALD'S CORPORATION for unfair and deceptive practices perpetrated on millions of persons who purchased McDonald's french fries reliant upon it's misrepresentation of said fries being gluten and milk free. DEBRA MOFFATT brings this class action on behalf of all persons who purchased McDonald's fries based upon reliance of McDonald's misrepresentation that said fries were gluten and milk free.

PARTIES

2. Plaintiff is a woman who purchased Defendants' french fries over a period of the last five years.
3. Defendant, McDonald's Corporation, manufactured, distributed, advertised, and sold french french fries labeled gluten and milk products free.

FRAUDULENT POLICIES AND PRACTICES

4. Defendant, McDonald's Corporation, represented that its french fries were free of gluten and milk or wheat allergens.
5. Defendant, McDonald's Corporation represented that its french fries were safe to eat for individuals with dietary issues related to the consumption of dairy items.
6. McDonald's Corporation represented that its french fries were safe to eat for individuals with dietary issues related to the consumption of gluten products.
7. Defendant McDonald's Corporation on or about February 15, 2006 admitted that its french fries contained wheat and milk ingredients.

CLASS ALLEGATIONS

8. DEBRA MOFFATT brings this claim on behalf of a class. The class includes all persons who purchased McDonald's french fries reliant upon its representation that said fries were free of gluten and milk or wheat allergens.
9. On information and belief, the class is so numerous that joinder of all members is impractical.
10. There are questions of law and fact common to the class members, which questions predominate over any questions affecting only individual class members. These questions include:
 1. Whether the defendant engaged in the practices complained of.
 2. Whether the practices complained of are a perpetration of fraud.
 3. The appropriate remedy.

11. Plaintiff will fairly and adequately protect the interests of the class members. She is committed to vigorously litigating this matter. She has retained counsel experienced in handling all types of tortious conduct claims and class actions. Neither plaintiff nor her counsel have any interests which might cause them not to vigorously pursue this claim.
12. A class action is an appropriate method for the fair and efficient adjudication of this controversy. Most class members will not even realize that they have been the victim of fraud.
13. A class action is essential to prevent a failure of justice.

WHEREFORE, Plaintiff requests that the Court grant the following relief to herself and the class members:

- a. An order requiring a complete accounting of all sales of McDonald's french fries.
- b. Appropriate damages.
- c. An injunction against further representation and advertisements of McDonald's french fries as being free of gluten and milk or wheat allergens and safe to eat for those with dietary issues related to the consumption of said allergens.
- d. Costs.
- e. National and wide spread notice that McDonald's french fries are not free of gluten and milk or wheat allergens and are not safe to eat for those with the dietary issues related to the consumption of said items.
- f. Such other or further relief as the Court deems appropriate.

CONSUMER FRAUD VIOLATION BASED
ON ILLINOIS CONSUMER FRAUD ACT

Section 2 of the Illinois Consumer Fraud Act, 815 ILCS 505/2, provides:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretense, false

promise, misrepresentations or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omissions of such materials fact, ... are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby. In construing this section consideration shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to Section 5(a) of the Federal Trade Commission Act.

14. Defendant, McDonald's Corporation engaged in unfair and deceptive practices by promoting, advertising, asserting, and endorsing it's french fries as being free of gluten and milk or wheat allergens and safe to eat for those with dietary issues related to the consumption of said items.

15. The practice is unfair and deceptive because consumers relied on these untrue assertions to motivate the purchase of french fries.

16. Defendants engaged in such practices in the conduct of trade and commerce.

17. Defendant engaged in such practices with the intent of motivating consumers to purchase it's french fries.

18. Plaintiff, DEBRA MOFFATT and the members of the class described below relied upon Defendant's unfair and deceptive acts.

19. Plaintiff, DEBRA MOFFATT and the members of the class described below were harmed by defendant's practices, in that they expended money for the purchase of McDonald's french fries and suffered health consequences including but limited to nausea, vomiting, diarrhea.

CLASS ALLEGATIONS

20. DEBRA MOFFATT, brings this claim on behalf of a class. The class includes all persons who purchased McDonald's french fries based upon reliance that it's fries were free of gluten and milk or wheat allergens and safe to eat for those with dietary issues related to consumption of

those products.

21. On information and belief, the class is so numerous that joinder of all members is impractical.

22. There are questions of law and fact common to the class members, which questions predominate over any questions affecting only individual class members. These questions include:

1. Whether each defendant engaged in the practices complained of.
2. Whether the practice complained of is consumer fraud.
3. The appropriate remedy.

23. Plaintiff will fairly and adequately protect the interests of the class members. She is committed to vigorously litigating this matter. She has retained counsel experienced in handling all types of tortious conduct claims and class actions. Neither plaintiff nor her counsel have any interests which might cause them not to vigorously pursue this claim.

24. A class action is an appropriate method for the fair and efficient adjudication of this controversy. Most class members will not even realize that they have been a victim of fraudulent conduct. A class action is essential to prevent a failure of justice.

WHEREFORE, plaintiff requests that the Court grant the following relief to herself and the class members:

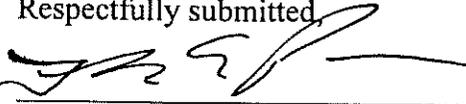
- a. Appropriate compensatory and punitive damages.
- b. Attorney's fees, litigation expenses, and costs.
- c. An order requiring a complete accounting of all sales of McDonald's french fries.
- d. An injunction against further representation and advertisements of

McDonald's french fries as being free of gluten and milk or wheat allergens and safe to eat for those with dietary issues related to the consumption of said allergens.

e. Costs.

Respectfully submitted,

By:



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