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Co-Counsel for Defendants:

Stemgenex, Inc.; Stemgenex Medical Group,

Inc.; Stem Cell Research Centre, Inc.; Scott

Sessions, MD.; Rita Alexander; Stem

Cells. . . The Human Repair Kit; Stemgenex

Biological Laboratories and Stem Genetic

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SELENA MOORER, individually
and on behalf of all others similarly
situated,

Plaintiffs,

v.

STEMGENEX MEDICAL GROUP,
INC., a California Corporation;
STEMGENEX, INC., a California
Corporation; STEM CELL
RESEARCH CENTRE, INC., a
California Corporation; ANDRE P.
LALLANDE, D.O., an individual;
SCOTT SESSIONS, M.D., an
individual; RITA ALEXANDER, an
individual; and Does 1-100,

Defendants.

Case No. '16CV2816 AJB NLS

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. §. 1441(A) & (B) –
FEDERAL QUESTION AND
DIVERSITY**

(Case No. 37-2016-00028994-CU-NP-
CTL, Superior Court of the State Of
California, San Diego County, Central
Division)

1 PLEASE TAKE NOTICE THAT Defendants STEMGENEX, INC.;

2 STEMGENEX MEDICAL GROUP, INC., STEM CELL RESEARCH CENTRE,

3 INC., SCOTT SESSIONS, M.D., and RITA ALEXANDER,

4 STEM CELLS . . . THE HUMAN REPAIR KIT; STEMGENEX BIOLOGICAL

5 LABORATORIES, LLC; and STEM GENETIC (Collectively "Defendants") hereby

6 jointly remove the above captioned matter from the Superior Court of the State of

7 California, San Diego County - Central Division, Case No. 37-2011-00083232-CU-

8 NP-CTL (the "State Court Action") to this Court pursuant to 28 U.S.C. Sec. 1441(a)

9 and (b).

10 **AS GROUNDS THEREFORE**, Defendants allege as follows:

11 1. On August 22, 2016 the State Court Action was commenced in the

12 Superior Court of the State of California in and for the County of San Diego.

13 Defendants were not served with Plaintiffs' initial complaint. A true and correct

14 copy of the Complaint is attached hereto as Exhibit "A".

15 2. On October 17, 2016 Defendants acknowledged service of Plaintiff's

16 First Amended Complaint. A Copy of Plaintiff's First Amended Complaint

17 together with the Proof of Service with attached Notice of Acknowledgement of

18 Service of Summons for each Defendant are attached hereto as Exhibit "B".

19 3. This action is a civil action of which this Court has original

20 jurisdiction under 28 U.S.C. 1331, and is one which may be removed to this Court

21 by Defendants pursuant to the provisions of 28 U.S.C. §1441(a) in that it arises

22 under 18 U.S.C. §1961, et seq., (RICO).

23 4. In addition, and as separate grounds for removal, this action is a civil

24 action of which this Court has original jurisdiction under 28 U.S.C. 1332(d)

25 (CAFA) and is one which may be removed to this Court by Defendants pursuant to

26 the provisions of 28 U.S.C. §1441(b) in that the named Plaintiff Selena Moorner is a

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1
2 resident of the State of Florida and Defendants are residents of California and the
3 amount in controversy exceeds the sum of \$5,000,000.

4 5. Plaintiffs purport to represent “[a]ll persons, nationwide, who
5 purchased Stem Cell Treatment from StemGenex between December 8, 2013 and
6 present.” [FAC at ¶64.] Plaintiffs assert that “the proposed putative Class is made-
7 up of at least several hundred, if not thousands, of residents of California and other
8 U.S. states.” [FAC at ¶69.]

9 6. Plaintiffs further assert that “[a]ll consumers must pay a non-
10 refundable initial deposit and then an additional payment for a total base price of
11 \$14,900 per treatment, exclusive of “add-ons.” [FAC at ¶47.]

12 7. All named Defendants hereby join in the Notice of Removal.

13 8. All prior process and pleadings, other than the Complaint and the First
14 Amended Complaint, are attached hereto as Exhibit “C”.

15 **WHEREFORE**, notice is given that this action is removed from the Superior
16 Court of the State of California, San Diego County – Central Division, to the
17 United States District Court, Southern District.

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1 This notice of removal is signed pursuant to Federal Rules of Civil
2 Procedure, Rule 11; it is well grounded in fact and warranted by law.

3 Respectfully submitted this 16th day of November, 2016.
4

5 **FARNAES & LUCIO**

A Professional Corporation

6 By: /S/ Malte L. L. Farnaes

7 Malte L. L. Farnaes, Esq.

8 **ROSENBERG, SHPALL & ZEIGEN**

A Professional Legal Corporation

9 By: /S/ Annette Farnaes

10 Annette Farnaes, Esq.

11 *Co-Counsel for Defendants:*

12 Stemgenex, Inc.; Stemgenex Medical
13 Group, Inc.; Stem Cell Research
14 Centre, Inc.; Scott Sessions, MD.; Rita
15 Alexander; Stem Cells. . . The Human
16 Repair Kit; Stemgenex Biological
17 Laboratories and Stem Genetic

18 *A copy of the foregoing will be filed with*
19 *the Clerk of the Superior Court of the*
20 *State of California, County of San*
21 *Diego, Central Division this 16th day of*
22 *November, 2016;*

23 *A copy of the foregoing will be sent via*
24 *Federal Express overnight this 16th day*
25 *of November, 2016 to:*

26 Honorable Ronald L. Styn
27 Superior Court
28 330 West Broadway
Department C-62
San Diego, CA 92101

///

1
2
3 *A copy of the foregoing will be sent via*
4 *Federal Express overnight this 16th day*
of November, 2016 to:

5 **Co-Counsel for Plaintiffs and Putative**
6 **Class:**

7 Janice F. Mulligan
8 **MULLIGAN, BANHAM, & FINDLEY**
2442 Fourth Avenue, Suite 100
9 San Diego, California 92101

10 Mark Pope
11 Harvey C. Berger
12 **POPE BERGER WILLIAMS &**
13 **REYNOLDS, LLP**
401 "B" Street, Suite 2000
14 San Diego, California 92101

15 *A copy of the foregoing will be sent via*
16 *Federal Express overnight this 16th day*
17 *of November, 2016 to:*

18 **Counsel for Defendant ANDRE P.**
19 **LALLANDE, D.O.:**

20 Clark R. Hudson
21 **NEIL DYMOTT FRANK MCFALL**
22 **TREXLER MCCABE & HUDSON**
1010 2nd Avenue, Suite 2500
23 San Diego, California 92101

24 ///

25 ///

26 ///

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28 ///

1 Executed this 16th day of November,
2 2016 at San Diego, California.

3
4 ***FARNAES & LUCIO***
A Professional Corporation

5
6 By: /S/ Malte L.L. Farnaes
7 Malte L. L. Farnaes, Esq.

8
9 *Co-Counsel for Defendants:*
10 Stemgenex, Inc.; Stemgenex Medical
11 Group, Inc.; Stem Cell Research
12 Centre, Inc.; Scott Sessions, MD,; Rita
Alexander; Stem Cells. . . The Human
Repair Kit; Stemgenex Biological
Laboratories and Stem Genetic

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Selena Mooror, individually and on behalf of all others similarly situated

(b) County of Residence of First Listed Plaintiff Escambia, Florida
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Janice Mulligan, Mulligan, Banham & Findley, 2442 Fourth Ave., Suite 100, San Diego, CA 92101
Tel. 619-238-8700**DEFENDANTS**

StemGenex Medical Group, Inc.; StemGenex, Inc.; Stem Cell Research Centre, Inc.; Scott Session, M.D.; Rita Alexander;

County of Residence of First Listed Defendant San Diego, California
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

David Rosenberg, ROSENBERG, SHPALL & ZEIGEN, 750 B Street, Suite 3210, San Diego, California 92101
Tel. (619) 232-1826**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (do not cite jurisdictional statutes unless diversity):

28:1331; 28:1332(d) **28:1446 (mxn)**

Brief description of cause:

Plaintiff alleges false advertising, RICO and Human Experimentation, and elder abuse claims.

VII. REQUESTED IN COMPLAINT:☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
5,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/16/2016

SIGNATURE OF ATTORNEY OF RECORD

/S/ David Rosenberg

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Print

Save As...

Reset

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT “A”

TO NOTICE OF REMOVAL OF ACTION

FILED
CIVIL BUSINESS OFFICE
CENTRAL DIVISION

2016 AUG 22 PM 2:42

CLERK SUPERIOR COURT
SAN DIEGO COUNTY, CA

Janice F. Mulligan, SBN: 99080
Elizabeth A. Banham, SBN: 131734
Brian K. Findley, SBN: 251172
MULLIGAN, BANHAM, & FINDLEY
2442 Fourth Avenue, Suite 100
San Diego, California 92101
Tel: (619) 238-8700
Fax: (619) 238-8701
Attorneys for Plaintiff and the Putative Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

SELENA MOORER, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

STEMGENEX MEDICAL GROUP, INC., a
California Corporation; STEMGENEX, INC., a
California Corporation; STEM CELL
RESEARCH CENTRE, INC., a California
Corporation; ANDRE P. LALLANDE, D.O., an
Individual; SCOTT SESSIONS, M.D., an
Individual; RITA ALEXANDER, an Individual;
and DOES 1-100,

Defendants.

Case No. 37-2016-00028994-CU-NP-CTL

CLASS ACTION COMPLAINT

Jury Trial Demanded

1. Violations of Bus. & Prof. Code §17200 et seq. (UCL);
2. Violations of Bus. & Prof. Code § 17500 et seq. (False Advertising)
3. Violations of Cal. Civ. Code §1750 et seq. (CLRA);
4. Violations of Cal. Health & Safety Code §24170, et seq. (Human Experimentation)
5. Violation of 18 U.S.C. §1961 et seq. (RICO);
6. Fraud
7. Negligent Misrepresentation
8. Unjust Enrichment

Plaintiff, SELENA MOORER, on behalf of herself and all others similarly situated, hereby alleges as follows:

NATURE OF ACTION

1. This is a class action against STEMGENEX MEDICAL GROUP, INC., and related persons and entities (collectively, "Defendants" or "StemGenex"). This action arises out of

1 StemGenex's scheme to wrongfully market and sell "stem cell treatments" at their La Jolla,
2 California location to consumers nationwide.

3 2. StemGenex's customers are often sick or disabled, suffering from incurable diseases
4 and a dearth of hope. StemGenex's marketing makes claims to these consumers that by performing
5 liposuction of a person's adult fat cells, processing them, and injecting them back into a person as
6 stem cells (the "Stem Cell Treatments"), they effectively treat a multitude of diseases. StemGenex
7 claims that 100% of its prior customers are satisfied with its service. StemGenex has no reasonable
8 basis to make either of these claims. StemGenex omits material information from all marketing
9 about the Stem Cell Treatments and the dissatisfaction and complaints of ineffectiveness from people
10 who have purchased the treatments.

11 3. Plaintiff, SELENA MOORER, relied on StemGenex's false and misleading
12 marketing and purchased a Stem Cell Treatment for \$14,900. Ms. Moorer brings this action on
13 behalf of herself and a putative Class of wronged consumers, to seek remedies from this Court.

14 JURISDICTION AND VENUE

15 4. Jurisdiction and venue are proper in this Court because the actions at issue occurred
16 and originated from, and one or more of the Defendants reside, or have a principal place of business
17 in, the County of San Diego, California.

18 5. Jurisdiction of this Court is appropriate over the subject matter of this claim and the
19 Defendants' marketing and sale of the Stem Cell Treatments. StemGenex's website represents that
20 their services are not subject to evaluation or approval by the U.S. Food and Drug Administration
21 (FDA), and that no approval has been sought by, or provided to, StemGenex, for its treatments,
22 studies or research by the FDA.

23 6. This Court has original jurisdiction to enforce this civil RICO action under 18 U.S.C.
24 §1961 et seq.

25 PARTIES

26 A. Plaintiff

27 7. Plaintiff, SELENA MOORER is a resident of the State of Florida who traveled to
28 California after being contacted directly by StemGenex and after being impressed by their website, in

1 order to have Stem Cell Treatment. She was led by StemGenex to believe it would greatly improve
2 her condition, lupus, an autoimmune disorder. Ms. Moorer was greatly impressed by StemGenex's
3 website (www.stemgenex.com), including indications on that site that all customers were pleased
4 with the outcomes of their treatments, statistics on the site showing no dissatisfaction by any
5 customers, and by video testimonials on the site. Based on Defendants' misrepresentations and
6 material omissions, Plaintiff took money she could ill-afford to spend and paid a non-refundable
7 deposit of thousands of dollars to StemGenex, and thereafter flew to California with family members
8 to undergo the treatment. The total payment by Ms. Moorer to StemGenex, including the deposit,
9 was \$14,900. Plaintiff is informed and believes that this was the same base price paid to StemGenex
10 by all other similarly situated consumers for each and every Stem Cell Treatment. Those consumers
11 that had multiple treatments on different dates, again paid an additional minimum base price of
12 \$14,900 each time they returned to the company for a Stem Cell Treatment.

13 8. Plaintiff would not have paid for the Stem Cell Treatment had she known that the
14 statistics on the StemGenex website regarding consumer satisfaction were false, and that StemGenex
15 had no reasonable basis for its marketing claim that the Stem Cell Treatments were effective to treat
16 diseases as advertised.

17 9. Ms. Moorer received no significant benefit or effect from the \$14,900 Stem Cell
18 Treatment she purchased from StemGenex. After StemGenex was informed of this and Ms.
19 Moorer's dissatisfaction, StemGenex offered to sell Ms. Moorer an additional Stem Cell Treatment
20 for \$14,900. StemGenex's website never varied its 100% client satisfaction approval statistics even
21 after Ms. Moorer and others, informed StemGenex of their dissatisfaction.

22 **B. Defendant**

23 10. The Defendants who are liable to Ms. Moorer and all others similarly situated, and
24 from whom an injunction and other remedies are sought, are the following:

25 11. STEMGENEX, INC., is an active California Corporation, located in the City of La
26 Jolla, County of San Diego, State of California. Its products and services are located in and it is
27 doing business in the State of California.
28

1 12. STEMGENEX MEDICAL GROUP, INC. is an active California Corporation,
2 located in the City of La Jolla, County of San Diego, State of California. Its products and services
3 are located in and it is doing business in the State of California.

4 13. STEM CELL RESEARCH CENTRE, INC. is an active California Corporation,
5 located in the City of La Jolla, County of San Diego, State of California. Its products and services
6 are located in and it is doing business in the State of California.

7 14. RITA ALEXANDER ("Ms. Alexander") is an individual residing in the County of
8 San Diego, State of California. It is believed that Ms. Alexander is an owner, operator and/or
9 controller of StemGenex. Plaintiff also alleges that Ms. Alexander is personally and directly liable
10 to Plaintiff and members of the Class on all Causes of Action below.

11 15. ANDRE LALLANDE, D.O. ("Dr. Lallande") is an individual residing in the County
12 of San Diego, State of California. It is believed that Dr. Lallande owns, operates and/or controls
13 StemGenex. Plaintiff also alleges that Dr. Lallande is personally and directly liable to Plaintiff and
14 members of the Class on all Causes of Action below.

15 16. SCOTT SESSIONS, M.D. ("Dr. Sessions"), is an individual residing in the County of
16 San Diego, State of California. It is believed that Dr. Sessions owns, operates and/or controls
17 StemGenex. Plaintiff also alleges that Dr. Sessions is personally and directly liable to Plaintiff and
18 members of the Class on all Causes of Action below.

19 17. DOE Defendants 1 through 100, inclusive, whether individuals, corporations,
20 partnerships or otherwise, are fictitious names of Defendants whose true names are, at this time,
21 unknown to Plaintiff. Plaintiff is informed, believe, and thereon allege that each of said fictitiously-
22 named Defendants contributed to the damages herein alleged and Plaintiff will name such Defendants
23 when their identities have been ascertained.

24 18. Furthermore, Plaintiff alleges that the DOE Defendants in this action committed the
25 same or similar acts alleged as the named Defendants in this cause of action. Therefore, all acts
26 alleged to have been committed by the named Defendants are also alleged to have been committed by
27 the DOE Defendants.
28

1 19. Plaintiff is informed, believe and thereon allege that each of the Defendants is the
2 agent, joint venturer and/or employee of each of the remaining Defendants and in doing the things
3 hereinafter alleged, each was acting within the course and scope of said agency, employment and/or
4 joint venture with the advance knowledge, acquiescence or subsequent ratification of each and every
5 remaining Defendant.

6 20. All Defendants above, including DOES 1-100, are collectively referred to in this
7 Complaint as "StemGenex."

8 **ALTER EGO / PIERCE CORPORATE VEIL ALLEGATIONS**

9 21. Plaintiff is informed and believes and thereon alleges that some of the corporations,
10 limited liability companies, and entities named as Defendants herein, including but not limited to
11 DOES 1 through 100, and each of them, were at all times relevant the alter ego corporations of
12 individual Defendants Ms. Alexander and Drs. Sessions and Lallande by reason of the following:

13 (a) Plaintiff is informed and believes and thereon alleges that said individual defendants, at all
14 times herein mentioned, dominated, influenced and controlled each of StemGenex Defendants and
15 DOES and the officers thereof as well as the business, property, and affairs of each of said
16 corporations.

17 (b) Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned,
18 there existed and now exists a unity of interest and ownership between said individual defendants
19 and each of the StemGenex Defendants and DOES; the individuality and separateness of said
20 individual defendants and each of the STEMGENEX entity Defendants and DOES have ceased.

21 (c) Plaintiff is informed and believes and thereon alleges that, at all times since the
22 incorporation of each, each StemGenex entity Defendant and each DOE has been and now is a mere
23 shell and naked framework which said individual defendants used as a conduit for the conduct of
24 their personal business, property and affairs.

25 (d) Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned,
26 each of the StemGenex entity Defendants and each DOE was created and continued pursuant to a
27 fraudulent plan, scheme and device conceived and operated by said individual Defendants Ms.
28 Alexander and Drs. Sessions & Lallande, whereby the income, revenue and profits of each of the
StemGenex entities were diverted by said individual Defendants to themselves.

(e) Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, each of the StemGenex entities and each DOE was organized by said individual defendants as a device to avoid individual liability and for the purpose of substituting financially irresponsible corporations in the place and stead of said individual defendants, and each of them, and accordingly, formed the entities and published the website Document about those entities hosted at www.stemgenex.com.

(f) Plaintiff is informed and believes that the StemGenex entities and DOES were formed with capitalization totally inadequate for the business in which said corporation(s) were engaged.

(g) By virtue of the foregoing, adherence to the fiction of the separate corporate existence of each of the StemGenex corporate entities and each DOE would, under the circumstances, sanction a fraud and promote injustice in that Plaintiff and members of the Class would be unable to realize upon any judgment in their favor.

22. Plaintiff is informed and believes and thereon alleges that, at all times relevant hereto, the individual defendants Ms. Alexander and Drs. Sessions and Lallande and the StemGenex entity Defendants and DOES acted for each other in connection with the conduct hereinafter alleged and that each of them performed the acts complained of herein or breached the duties herein complained of as agents of each other and each is therefore fully liable for the acts of the other

COMMON FACTUAL ALLEGATIONS

A. What is StemGenex?

22. StemGenex was founded by a non-physician, Ms. Alexander. It receives profits and revenues through the sale of Stem Cell Treatments to persons who have illnesses or medical conditions causing pain and/or disability.

23. StemGenex's Stem Cell Treatments are carried out by Andre Lallande, D.O., and Scott Sessions, M.D., with the assistance of other individuals who are employees and/or agents of StemGenex.

24. Defendant, StemGenex, Inc. has been operating in La Jolla, California, since 2011. The primary operating facility and headquarters of StemGenex is located in La Jolla, California.

25. Through July 2016, StemGenex represented on its website that it was accredited by the Accreditation Association for Ambulatory Care (AAAH), which provides seals of approval for

1 outpatient surgical centers. The following logo was published on StemGenex's website, at the
 2 bottom of nearly every page:



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 8 26. Plaintiff is informed and believes that StemGenex was not, in fact, accredited by
 9 AAAHC. Plaintiff is informed and believes that the accreditation logo was removed from
 10 StemGenex's website in August 2016, when a newspaper reporter from the Los Angeles Times
 11 confronted StemGenex about the false accreditation and AAAHC issued a cease-and-desist letter to
 12 StemGenex.

13 **B. What does StemGenex do?**

14 27. StemGenex holds itself out to consumers as a pioneer in research and devoted to
 15 effective Stem Cell Treatments, making representations such as the following on its website:

16 StemGenex Medical Group has made great strides in the advancement of stem cell
 17 therapy and is dedicated to providing patients access to safe and effective stem
 18 cell treatments.

19 28. Using its website and internet ads which direct consumers to that website,
 20 StemGenex pitches its services at people with crippling diseases, including Alzheimer's, Parkinson's
 21 disease, chronic lung disease, autoimmune conditions (such as multiple sclerosis, lupus, and
 22 rheumatoid arthritis) as well as many other debilitating conditions.

23 29. Ms. Moorer, and all others similarly situated, have been subject to StemGenex's
 24 repeated false advertising, deception, and misrepresentation regarding the quality, character and
 25 efficacy of its Stem Cell Treatment, as well as omissions of material fact regarding the truth about its
 26 services, the lack of data supporting their efficacy, and customer dissatisfaction rates. StemGenex's
 27 website highlights this variety of claimed Stem Cell Treatments (sometimes referred to as "therapy")
 28 on its home page:

Stem Cell Therapy Studies



Alzheimer's Stem Cell Therapy

Alzheimer's disease is a progressive neurodegenerative disease that causes memory loss and cognitive decline. Stem cell therapy is a promising treatment for Alzheimer's disease.

[LEARN MORE](#)


Autoimmune Stem Cell Therapy

Autoimmune disease is a group of conditions in which the patient's immune system mistakenly attacks and destroys the body's own tissues.

[LEARN MORE](#)


COPD Stem Cell Therapy

In a clinical trial, there was a significant reduction of the flow of air through the airways in patients with COPD who received stem cell therapy.

[LEARN MORE](#)


Rheumatoid Arthritis Stem Cell Therapy

Rheumatoid Arthritis is an autoimmune disease that causes inflammation of the joints, leading to pain and swelling. Stem cell therapy is a promising treatment for Rheumatoid Arthritis.

[LEARN MORE](#)


Parkinson's Stem Cell Treatment

Parkinson's disease is a chronic neurodegenerative disease that causes tremors, rigidity, and bradykinesia. Stem cell therapy is a promising treatment for Parkinson's disease.

[LEARN MORE](#)


Osteoarthritis Stem Cell Therapy

Osteoarthritis is a degenerative joint disease that causes pain and swelling in the joints. Stem cell therapy is a promising treatment for Osteoarthritis.

[LEARN MORE](#)


Multiple Sclerosis Stem Cell Treatment

Multiple Sclerosis is a chronic autoimmune disease that causes inflammation of the central nervous system. Stem cell therapy is a promising treatment for Multiple Sclerosis.

[LEARN MORE](#)


Diabetes Stem Cell Therapy

Diabetes is a chronic disease that causes high blood sugar levels. Stem cell therapy is a promising treatment for Diabetes.

[LEARN MORE](#)

30. StemGenex represents that they can effectively treat degenerative diseases generally accepted by the relevant scientific community as incurable:

StemGenex Medical Group offers patients access to cutting-edge adipose stem cell therapy for many degenerative diseases. We offer patients access to stem cell treatments with a level of quality and patient-centric care that simply cannot be found elsewhere. StemGenex Medical Group utilizes board-certified surgeons and a accredited surgical center along with our own PhD neuroscientist setting forth and refining stem cell processing protocols. These cutting-edge protocols utilize targeted administration methods and the latest activation methods to ensure the safest most effective stem cell treatments possible. We believe in providing patients with IRB approved studies for stem cell treatments registered through The National Institutes of Health. Through these stem cell therapy studies, we hope to provide patients with options that may change the course of their lives as well as the course of their disease.

31. The StemGenex business is fueled by its robust website advertising campaign, which reaches consumers nationwide and beyond. StemGenex represents on its website that "over 70% of patients travel to StemGenex Medical Group from out of state." StemGenex directs internet traffic and requests for information to its website, which Plaintiff is informed and believes is viewed by every prospective StemGenex Stem Cell Treatment purchaser throughout the country.

32. StemGenex's website represents that it's "adult adipose-derived stem cell therapy" is "effective" to "treat diseases":

The Future is Here

The StemGenex Medical Group prides itself in being the world-wide pioneers in providing stem cell therapy to patients throughout the world and is passionately committed to helping people with unmet clinical needs achieve optimum health and better quality of life through the healing benefits of their own stem cells.

As the first stem cell center in the United States for regenerative medicine, StemGenex Medical Group is dedicated to providing stem cell therapy options for patients suffering with inflammatory and degenerative diseases. Board Certified Physicians administer safe and effective adult adipose derived stem cell therapy, a minimally-invasive procedure using an individual's own stem cells to treat diseases including Multiple Sclerosis, Parkinson's, Rheumatoid Arthritis, COPD and Osteoarthritis.

1
2 33. "Adipose-derived" means from the fatty tissue of the body. StemGenex' website
3 offers treatments based on injecting consumers with stem cells supposedly drawn and created from
4 their own adult body fat. The Stem Cell Treatments offered at StemGenex begin with liposuction --
5 they take part of the consumer's belly fat and then, after minimal processing, inject the "stem cells"
6 back into the same spot, and/or other spots on the body.

7 34. StemGenex appeals to consumers with the thought they will be receiving special
8 attention, getting an approach that is not "cookie-cutter", and that this will increase the effectiveness
9 of the treatment:

10
11 **Customized Treatment Plans**

12 Every patient treated through StemGenex Medical Group receives a customized treatment plan based upon the
13 disease and complications they are experiencing. Stem cell treatment centers using a cookie-cutter approach to
14 stem cell therapy undoubtedly limit the effectiveness of the patient's treatment. StemGenex Medical Group
15 treatment plans consist of cutting edge protocols developed by top physicians over the years. Patients receiving
16 treatment through StemGenex Medical Group can be confident they will always have access to the latest
17 advancements in stem cell treatment.

18
19 35. StemGenex at various times represents its work as treatment, and at other times as
20 "studies." This is often done within the same paragraph. As an example, on its home page,
21 StemGenex represents, "These cutting-edge protocols utilize targeted administration methods and the
22 latest activation methods to ensure the safest most effective stem cell *treatments* possible."
23 (Emphasis added.) StemGenex offers at the end of the same paragraph: "Through these stem cell
24 therapy *studies*, we hope to provide patients with options that may change the course of their lives as
25 well as the course of their disease." (Emphasis added.) In the recesses of its website, and completely
26 contrary to its own promises and representations in all prominent portions of the website, StemGenex
27 attempts to quietly disavow that "treatment using autologous stem cells [that is, cells drawn from the
28 patient's own body] are a cure for any condition, disease or injury."

1 36. StemGenex apparently does not publish its research nor the results of its “studies”
2 anywhere to the knowledge of Plaintiff. Instead, it presents “anecdotal” video testimonials from
3 clients. According to StemGenex’ website, its “principal purpose is helping people with unmet
4 clinical needs achieve optimum health and better quality of life,” and that it has “anecdotal
5 feedback.... from our patients that their symptoms have dramatically improved and their quality of
6 life has substantially increased.” (Emphasis added).

7 37. StemGenex admits that its Stem Cell Treatment is *not FDA approved*. Indeed
8 Plaintiff can find no evidence that Defendants ever even submitted an application for FDA approval.
9 The ability of stem cells derived from adult body fat to rebuild damaged tissue or neurons in the
10 human body by injection is an unproven hypothesis. At the present time, *no such therapy has shown*
11 *its safety and efficacy in clinical trials, as the FDA requires before approval.*

12 38. Experts will testify that the generally accepted scientific consensus is that there is no
13 treatment for degenerative diseases, or any disease, with a person’s own adult stem cells, that has
14 been proven “effective” at any level. Yet StemGenex promises consumers “the most effective stem
15 cell treatments possible,” giving the consumer the clear impression that some “effect” will occur if
16 they pay for the “treatment.”

17 39. Certain language is repeated over and over on its site, creating an echo of benefit.
18 StemGenex uses terms like “truly benefit” and “significantly improve one’s quality of life.” On
19 virtually every page of its website, StemGenex makes the following claim:
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StemGenex Medical Group offers access to individualized stem cell treatment plans. Most stem cell treatment centers and clinics offer a standard treatment utilizing an IV or direct injections. We believe the key to the most effective stem cell treatment is through treatment plan customization. As each patient's disease is different, each treatment must be tailored around their specific disease related complications and symptoms. This is why StemGenex Medical Group offers access to individualized treatment plans which consist of targeted administration methods to hone in on each part of the body where the complications exist. Through customized, targeted stem cell treatment plans our goal is to offer patients access to stem cell treatment options a patient can truly benefit from to significantly improve one's quality of life.

40. StemGenex omits on these pages the information it knows to be true: **Aside from a possible placebo effect, it cannot make any supportable claims regarding this experimental therapy's ability to treat, cure, mitigate, relieve or impact ANY disease, condition or malady.**

C. Who Buys StemGenex's Treatments?

41. Many of StemGenex's consumers are ill and/or disabled from work. Most are seeking hope and some possibility of an effective and lasting treatment for their disease, or at least an improvement in their relative levels of disability. Many are in great financial hardship because of a preexisting disease.

42. StemGenex puts the consumers up in hotels and supplies them a car service to get to and from the clinic once they arrive in the San Diego area. Photos of a lovely hotel and happy people entering a limo grace the pages of the site under the section, "We Make Getting Here Easy."

D. How Much Money Do Consumers Pay StemGenex?

43. Sadly, because of their desperation, many consumers with serious conditions rely on their families to help them to pay StemGenex. All consumers must pay a non-refundable initial deposit and then an additional payment for a total base price of \$14,900 *per treatment*, exclusive of "add-ons." This cost is not covered by health insurance plans. This cost is not covered by government benefit programs such as Medicare or Medicaid.

44. Consumers are encouraged by StemGenex employees to begin crowd-sourcing fundraising activities, such as "Go Fund Me" pages, in order to raise the money to pay for StemGenex's fees.

45. StemGenex promotes the idea that consumers should have more than one Stem Cell Treatment. This is done both on its website, and in follow-up calls to consumers, even those that are in the hospital undergoing other treatments. The representation is made on StemGenex' website: "*Could a stem cell therapy be repeated?* Yes, a stem cell therapy may be repeated. Current studies indicate the strong possibility of a cumulative effect from multiple stem cell therapies a consumer received for their condition. Long-term studies will attempt to better understand this detail."

46. Plaintiff is informed and believes that StemGenex has no reasonable basis to make this claim. Dissatisfied consumers are simply led to believe that the first treatment did not 'take' and that the consumers should return for more, expensive Stem Cell Treatments.

47. Consumers are told by StemGenex: "Some consumers have taken up to 6 months before seeing the full effect of the treatment." And, StemGenex posts the following:

▼ How long will it take to see results?

Each condition and patient is unique, and there is no guarantee of what results will be achieved or how quickly they may be observed. Most patients report the results become apparent over 1-3 months, but it can take as long as 6-9 months.

49. As an example, at the time of drafting of this Complaint, the ratings appear on the home page of StemGenex's website in the following format:

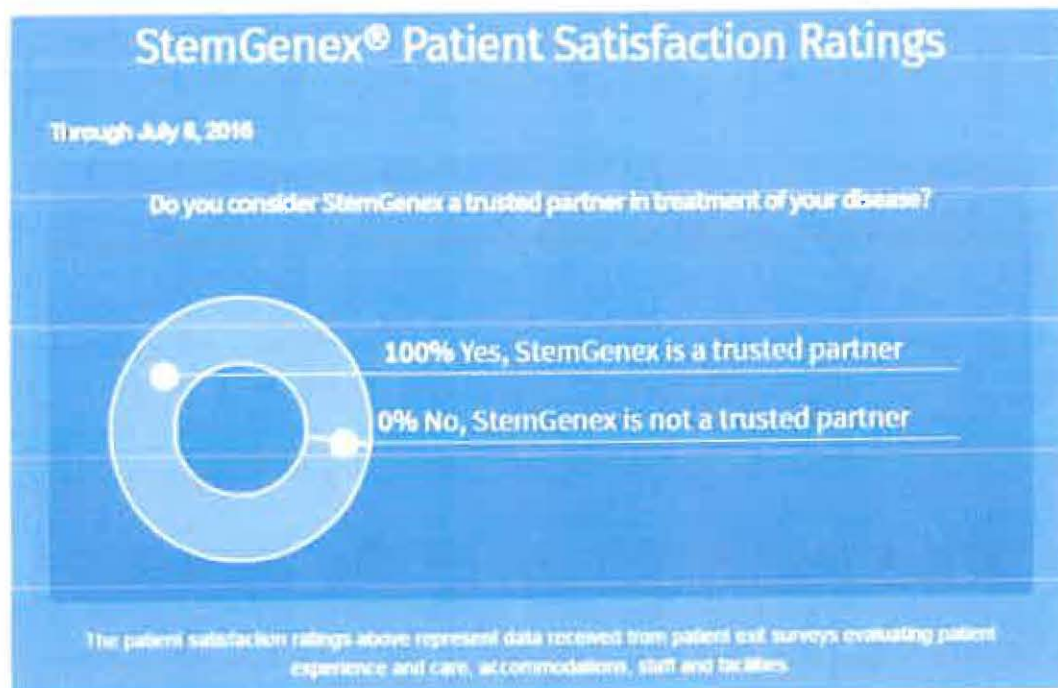
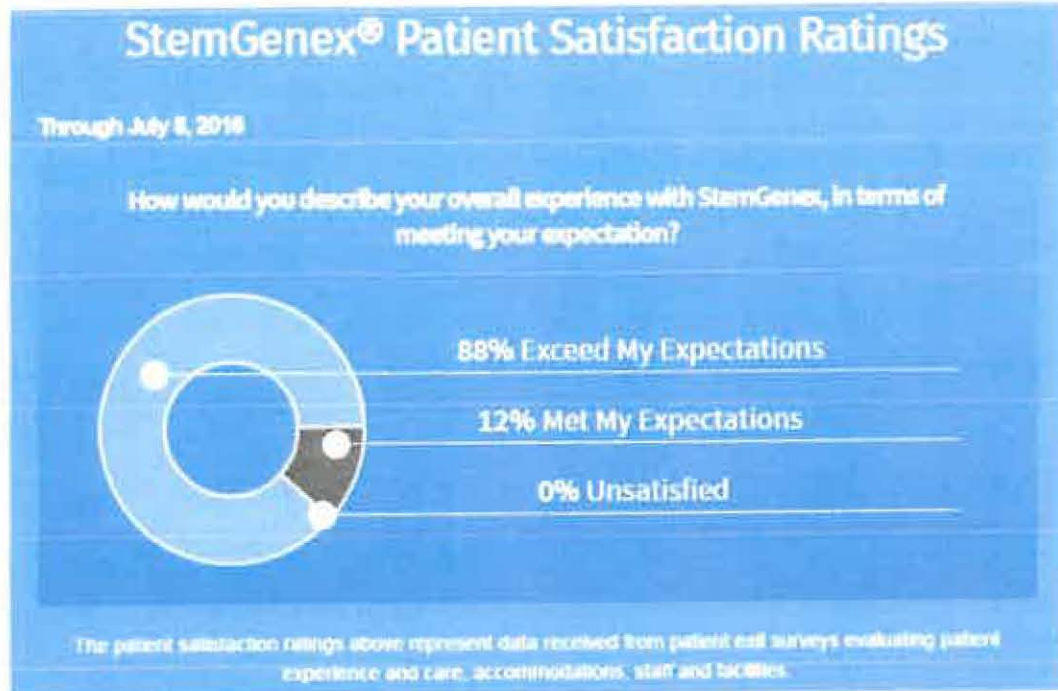
StemGenex Medical Group Patient Ratings

StemGenex® Patient Satisfaction Ratings

7:04 6:02 3:18



50. The "Patient Ratings" from July of 2016, on the home page of StemGenex's website, read as follows:





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51. In all representations to the public, (for August of 2016, and July of 2016), the satisfaction levels add up to **100% of customers being satisfied**. StemGenex made these same or substantially similar representations of 100% customer satisfaction all the way back to at least December 2013.

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52. StemGenex knows, and knew at all times of publication, the 100% satisfaction rate was and is not true and evidence available to StemGenex proves it was not true at the time the representations were made. At the time of these publications of 100% satisfaction, and those earlier since December of 2013, StemGenex had received complaints, including but not limited to statements from consumers that no effect had been experienced, the promised effect had not been experienced, and/or that they wanted a refund because StemGenex did not live up to its promises.

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53. StemGenex knew that not all persons who receive or received its Stem Cell Treatment are benefited or satisfied and a significant portion are dissatisfied. Nevertheless, StemGenex's statements and representations to the public contain false and misleading information that misrepresent or omit this information and StemGenex is being, and has been, unjustly enriched as a result. StemGenex's marketing of its product is in violation of laws of the

1 state of California and the United States. Plaintiff Ms. Moorer and others have been harmed by
2 reliance on StemGenex's misrepresentations and omissions.

3 54. StemGenex's methods for gathering information from former consumers follows no
4 systemic protocol, is inaccurately recorded, and does not accurately measure consumer satisfaction.
5 As a result, month after month, false and misleading "consumer ratings" are posted anew in a
6 prominent position on their website. These monthly false "statistics" give consumers a sense of
7 comfort and willingness to go forward with the treatment. They make the express statement that
8 **NO ONE** was unsatisfied with the service at any time prior.

9
10 **F. What About Positive Consumer Reviews On Other Websites?**

11 55. Plaintiff is informed and believes that false reviews have been posted by StemGenex
12 on various consumer review websites. Plaintiff is informed and believes that StemGenex requested its
13 own employees to write reviews of the company as if they were actual consumers, and to give high
14 ratings. Plaintiff is informed and believes these false ratings were then published by agents and/or
15 employees of StemGenex, about StemGenex, which gave the public another further sense of security
16 that the product/service they were purchasing was of high and effective quality.

17
18 **G. What Can Be Done About It?**

19 56. StemGenex has taken advantage of desperate consumers, particularly consumers that
20 are sick with degenerative and incurable diseases, and has given false hope to consumers who can ill
21 afford their fees, at times encouraging them to take out loans or solicit funds from others in order to
22 pay them. They have not told the truth to the public about their services, via false statements,
23 misleading statements, and material omissions. They have taken large amounts of money from the
24 Class members under false pretenses.

25 57. The false and misleading representations complained of in this lawsuit are made
26 primarily via StemGenex's primary marketing tool, its website. Further, aside from StemGenex's
27 website, this action is based upon the material omission of important information from any
28 communication by StemGenex to its consumers: That StemGenex has no data or reasonable basis to

1 support the efficacy of its Stem Cell Treatments, meaning, that they are different from a placebo
2 effect in any significant way, at actually treating, curing, mitigating, relieving or impacting any
3 disease, condition or malady.

4 58. While individual actions by consumers would be expensive, time consuming, and
5 unlikely to support the cost of litigation, StemGenex's wronged consumers, as well as its prospective
6 consumers and the public at large, would be benefited by the damages and injunctive relief requested
7 here on a class-wide basis.

8 CLASS ACTION ALLEGATIONS

9 59. Plaintiff brings this action on behalf of herself and all others similarly situated as a
10 class action pursuant to Code of Civil Procedure §382 and Civil Code §1781.

11 60. The Class which Plaintiff seeks to represent is defined as follows: All persons,
12 nationwide, who purchased Stem Cell Treatment from StemGenex between December 8, 2013 and
13 present.

14 61. Excluded from the Class are (i) StemGenex, any entity in which StemGenex has a
15 controlling interest or which has a controlling interest in StemGenex, and StemGenex's legal
16 representatives, predecessors, successors and assigns; (ii) governmental entities; (iii) StemGenex's
17 employees, officers, directors, agents, and representatives and their family members; and (iv) the
18 Judge and staff to whom this case is assigned, and any member of the Judge's immediate family.

19 62. Plaintiff reserves the right to amend the Class definition if discovery and/or further
20 investigation reveal the Class should be expanded or otherwise modified.

21 63. This action has been brought and may properly be maintained as a class action,
22 because there is a well-defined community of interest in the litigation in which common issues
23 predominate, the Class is so numerous as to make it impracticable to bring all of its members before
24 the Court, and the proposed class is easily ascertainable.

25 64. Numerosity. StemGenex's Stem Cell Treatment is and was sold directly by
26 StemGenex in California, and was marketed through the internet to consumers throughout the United
27 States. Plaintiff is informed and believes that the proposed putative Class is made-up of at least
28 several hundred, if not thousands, of residents of California and other U.S. states.

65. **Common Issues Predominate.** Common questions of law and fact exist as to all members of the Class and predominate over any questions which affect only individual members of the Class. This action is based primarily upon false and misleading statements made by StemGenex about consumer satisfaction and efficacy of its Stem Cell Treatments via its primary point of contact with consumers, its website (www.stemgenex.com), as well as material omissions. The StemGenex website contained the false and misleading statements complained of in this action from December 8, 2013 through the date of the filing of this complaint. Each class member purchasing Stem Cell Treatments from StemGenex would have viewed identical false and misleading statements as complained of in this action. Plaintiff is informed and believes that no Class member was provided the information alleged as material omissions in this complaint, via the website or otherwise. The StemGenex website and dissemination of information about StemGenex's Stem Cell Treatments was within StemGenex's possession and control at all relevant times. There is a well-defined community of interest in the questions of law and fact involved and that affect consumers who purchased the Stem Cell Treatments. These questions of law and fact predominate over questions that affect only individual Class members. The common questions of law and fact include, without limitation:

i. Whether StemGenex's statements and statistics regarding prior consumer satisfaction were false or misleading;

ii. Whether StemGenex's statements regarding the efficacy of its Stem Cell Treatments were false or misleading;

iii. Whether StemGenex knew and/or recklessly disregarded the falsity or misleading nature of their statements;

iv. Whether StemGenex concealed and failed to disclose material facts in its communications and disclosures to Plaintiff and Class members regarding its Stem Cell Treatments;

v. Whether StemGenex has engaged in unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in connection with the marketing and sale of its Stem Cell Treatments;

vi. Whether StemGenex's conduct constitutes violations of law as alleged in this Complaint;

vii. Whether consumers are and were likely to be deceived by StemGenex's conduct;

viii. Whether, as a result of StemGenex's misconduct, Plaintiff and the Class members have suffered damages, and if so, the appropriate amount thereof; and

ix. Whether, as a result of StemGenex's misconduct, Plaintiff and Class members are entitled to equitable relief and/or other relief, and, if so, the nature of such relief.

66. **Typicality.** Plaintiff's claims are typical of the claims of the Class members in that Plaintiff and the Class members made a direct purchase from StemGenex based upon identical, false and misleading marketing statements made by StemGenex. StemGenex made the same uniform omissions to all consumers. Therefore, the claims of Plaintiff are and will be typical of Class members.

67. **The Class is Ascertainable.** Plaintiff has adequately and objectively defined the Class, as detailed above, so the Court and Class members will be able to use the definition to determine Class membership.

68. **Adequacy.** Plaintiff will fairly and adequately represent the interests of all Class members. Plaintiff has purchased a stem cell treatment from StemGenex and is an adequate representative of the Class as she has no interests which are adverse to the interests of absent Class members. Plaintiff has retained counsel with experience and success in the prosecution of complex medical and consumer class action litigation.

69. **Superiority.** A class action is superior to other available means for the fair and efficient adjudication of this controversy. 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. The disposition of their claims in this case and as part of a single class action lawsuit, rather than hundreds or thousands of individual lawsuits, will benefit the parties and greatly reduce the aggregate judicial resources that would be spent if this matter were handled as hundreds of separate lawsuits. Furthermore, given the extraordinary expenses and burden in conducting discovery and presentation of evidence, the burden of individual litigation would make it extremely difficult, if not impossible for individual members of the Class to redress the wrongs asserted herein, while an important public interest will be served by addressing the matter as a class

1 action. Moreover, separate prosecution by hundreds or thousands of individual members of the Class
2 would likely establish inconsistent standards of conduct for the StemGenex and result in the
3 impairment of and potential harm to, Class members' rights and the disposition of their interests
4 through actions to which they were not parties. Plaintiff is informed and believes that a great amount
5 of time and expense will be saved by conducting the discovery and presentation of evidence in a
6 single class action lawsuit, in contrast to the repeated discovery and presentation of evidence in
7 hundreds or thousands of separate lawsuits brought on the common questions presented by the
8 allegations of this complaint. Plaintiff knows of no difficulty that will be encountered in the
9 management of this litigation which would preclude its maintenance as a class action.

10 FIRST CAUSE OF ACTION

11 (Violations of Cal. Bus. & Prof. Code § 17200 et seq.)

12 *Against All Defendants*

13 70. Plaintiff incorporates by reference all prior paragraphs as if fully set forth again.

14 71. Plaintiff brings this cause of action on behalf of herself and the Class, pursuant to
15 California Business and Professions Code, §17200, et seq.

16 72. StemGenex's conduct constitutes unfair, unlawful and fraudulent business acts and/or
17 practices because StemGenex's practices have caused and are likely to cause substantial injury to
18 Plaintiff and the Class, which injury is not reasonably avoidable by Plaintiff and the Class in light of
19 StemGenex's exclusive knowledge of the truth about its Stem Cell Treatments, its consumer
20 satisfaction rates, and the basis for claims about the efficacy of its Stem Cell Treatments, though it
21 misrepresented, concealed and omitted this truth. Such conduct is ongoing and continues to this date.

22 73. StemGenex's acts and practices are unlawful because they violate the Consumer
23 Legal Remedies Act, Civil Code 1750 et seq., Bus. & Prof. Code § 17500, and the Racketeer
24 Influenced and Corrupt Organizations Act 18 U.S.C. §1961 et seq., as alleged in this Complaint and
25 incorporated here by reference.

26 74. StemGenex's acts and practices are fraudulent in that they have deceived and/or are
27 "likely to deceive" Plaintiff and a significant portion of the consuming public and/or of targeted
28 consumers. StemGenex sold Plaintiff and Class members Stem Cell Treatments and/or induced them

1 to make deposits for such treatments, for which they made false and misleading statements, and
2 omitted material information, in order to induce reliance and encourage deposits and purchases by
3 Plaintiff and members of the Class.

4 75. StemGenex was obliged to disclose the material facts because: a) StemGenex had
5 exclusive knowledge of the material facts not known to Plaintiff and Class members, since only
6 StemGenex had access to the aggregate data from its consumers, its own research and tests, and
7 complaints from its customers; and b) StemGenex actively concealed and suppressed the material
8 facts from Plaintiff and Class members in regard to the true facts available on those subjects.

9 76. The injury to consumers is substantial, particularly due to the substantial cost of the
10 Stem Cell Treatments. Plaintiff and Class members paid thousands of dollars for Stem Cell
11 Treatments that they would not otherwise have spent, had they known the truth about the Stem Cell
12 Treatments. The Stem Cell Treatments are worth substantially less than Plaintiff and Class members
13 paid for them, if anything at all.

14 77. The injury to consumers is not outweighed by any countervailing benefits to
15 consumers or competition. Any purported benefits to consumers are negated by consumers' interests
16 in knowing the true facts regarding services offered for purchase, particularly medical or pseudo-
17 medical treatments they are purchasing at substantial cost. Consumers have an important interest in
18 being informed of this information at an adequate time and location remote from purchase and
19 performance of the service, in order to make an intelligent and informed decision about whether to
20 purchase the service.

21 78. The injury to consumers is not an injury that consumers themselves could reasonably
22 have avoided because consumers did not know the true facts regarding the Stem Cell Treatments and
23 had no reason to believe that StemGenex's statements were false, misleading, or omitted material
24 information.

25 79. StemGenex's acts and practices offend established public policy and are immoral,
26 unethical, oppressive, unscrupulous and/or substantially injurious to consumers.

27 80. Plaintiff and Class members relied on StemGenex's unfair, unlawful and fraudulent
28 conduct and would not have purchased the Stem Cell Treatments or would have paid less for the

1 Stem Cell Treatments had StemGenex conducted itself fairly with respect to the transactions.
2 StemGenex's conduct caused Plaintiff's and Class members' injuries in that Plaintiff and Class
3 members would not have purchased the Stem Cell Treatments, would have paid less for them, or
4 would not have paid deposits for them, had StemGenex conducted itself fairly during the
5 transactions.

6 81. StemGenex's unfair, unlawful and fraudulent business acts and practices directly and
7 proximately caused Plaintiff and Class members' injuries as complained of in this complaint.
8 StemGenex's omissions and misrepresentations have a tendency to deceive a significant portion of
9 the consuming public and/or of targeted consumers.

10 82. Plaintiff and Class members seek an order of this Court awarding restitution,
11 injunctive relief and all other relief allowed under Section 17200, et seq., plus interest, attorneys'
12 fees, and costs.

13 SECOND CAUSE OF ACTION

14 (Violations of Cal. Bus. & Prof. Code § 17500 et seq.)

15 *Against All Defendants*

16 83. Plaintiff incorporates by reference all prior paragraphs as if fully set forth again.

17 84. Plaintiff brings this cause of action on behalf of herself and the Class pursuant to
18 California Business and Professions Code, §17500, et seq.

19 85. StemGenex is a "person" as defined by Cal. Bus. & Prof. Code § 17506.

20 86. StemGenex falsely advertised the Stem Cell Treatments by making partial, false and
21 misleading representations, while omitting material information, as alleged in this complaint.

22 87. StemGenex's false advertising has deceived and is "likely to deceive" Plaintiff and
23 Class members.

24 88. Plaintiff and Class members relied on StemGenex's false advertising to their
25 detriment in that they would not have purchased the Stem Cell Treatments or made non-refundable
26 deposits on the same, had StemGenex disclosed the true facts.

27 89. StemGenex's false advertising directly and proximately caused Plaintiff's and Class
28 members' injuries in that StemGenex's false statements, misleading statements and omissions were a

1 substantial factor in their deposits and purchases of the Stem Cell Treatments and at the significant
 2 amount that was charged, and that but for StemGenex's failures to disclose material information,
 3 Plaintiff and Class members would not have put deposits upon, paid for and/or overpaid for the
 4 treatments.

5 90. Plaintiff and Class members have suffered injury in fact and have lost money as a
 6 result of StemGenex's false advertising as above.

7 91. Pursuant to Cal. Bus. & Prof. Code §§ 17203 and 17535, Plaintiff seeks an order 1)
 8 requiring StemGenex to immediately cease the unlawful, unfair, and or fraudulent business acts
 9 and/or practices and false and misleading advertising complained of herein; 2) enjoining StemGenex
 10 from continuing to falsely advertise the Stem Cell Treatments; and 3) requiring StemGenex to
 11 provide full restitution to Plaintiff and Class members, plus interest and attorneys' fees.

12 THIRD CAUSE OF ACTION

13 (Violations of the California Consumers Legal Remedies Act, Cal. Civ. Code § 1750 et seq. –
 14 Seeking Injunctive Relief Only)

15 *Against All Defendants*

16 92. Plaintiff repeats and re-alleges all prior paragraphs and incorporates them as if fully
 17 set forth herein.

18 93. Plaintiff seeks to enjoin StemGenex's violation of the California Consumers Legal
 19 Remedies Act ("CLRA"), California Civil Code §§ 1750 et seq.

20 94. At all times relevant hereto, Plaintiff and Class members were "consumer[s]" as that
 21 term is defined in Civ. Code § 1761(d).

22 95. At all times relevant hereto, StemGenex constituted a "person" as that term is defined
 23 in Civ. Code § 1761(c).

24 96. StemGenex's false statements, misleading statements and omissions as detailed in
 25 this complaint represented that their services had sponsorship, approval, characteristics, ingredients,
 26 uses, benefits or qualities that they do not have and that their personnel has sponsorship, approval,
 27 status, affiliation or connection that they do not have, in violation of Cal. Civ. Code § 1770 (a)(5).
 28

1 97. StemGenex's false statements, misleading statements and omissions as detailed in
2 this complaint represented that their services are of a particular standard, quality or grade when they
3 are not, in violation of Cal. Civ. Code §1770 (a)(7).

4 98. StemGenex's false statements, misleading statements and omissions as detailed in
5 this complaint advertised services with intent not to sell them as advertised, in violation of Cal. Civ.
6 Code §1770 (a)(9).

7 99. At all times relevant hereto, Plaintiff's and Class members' purchases of
8 StemGenex's Stem Cell Treatments and deposits for the same constituted a "transaction" as that
9 term is defined in Civ. Code § 1761(e).

10 100. At all times relevant hereto, StemGenex provided "services" to Plaintiff and members
11 of the Class within the meaning of Civil Code § 1761(b).

12 101. Plaintiff and Class members would have behaved differently by not purchasing the
13 Stem Cell Treatments from StemGenex, or paying deposits toward them, and/or by paying less for
14 the Stem Cell Treatments, had they been aware of the true facts.

15 102. StemGenex was obliged to disclose the material facts because: a) StemGenex had
16 exclusive knowledge of the material facts not known to Plaintiff and Class members, since only
17 StemGenex had access to the aggregate data from its consumers, its own research and tests, and
18 complaints from its customers; and b) StemGenex actively concealed and suppressed the material
19 facts from Plaintiff and Class members in regard to the true facts available on those subjects.

20 103. Plaintiff and Class members justifiably acted or relied to their detriment upon the
21 false statements, misleading statements, and concealment and/or non-disclosure of material facts as
22 evidenced by their purchases of the Stem Cell Treatments. Had StemGenex disclosed the true
23 material facts, Plaintiff and the Class members would have behaved differently by not buying the
24 service, not paying deposits, and/or paying less.

25 104. StemGenex's false statements, misleading statements, and omissions of material facts
26 directly and proximately caused Plaintiff's and Class members' injuries in that Plaintiff and Class
27 members would not have overpaid for the Stem Cell Treatments, or purchased them at all. As such,
28 Plaintiff and Class members did not receive the benefit of the bargain.

105. Cal. Civ. Code § 1780 (a)(2) permits any court of competent jurisdiction to enjoin practices that violate Civil Code § 1770.

106. Pursuant to Cal. Civ. Code § 1782(d), Plaintiff seeks only injunctive relief under this cause of action at present. Plaintiff has sent StemGenex a demand letter that complies with Cal. Civ. Code § 1782(a). Should StemGenex not satisfy all of the elements of Cal. Civ. Code § 1782(c)(1)-(4), Plaintiff will amend this complaint to include a claim for damages under the CLRA.

FOURTH CAUSE OF ACTION

(Violation of Human Experimentation Law – Cal. Health & Safety Code § 24170, et seq.)

Against All Defendants

107. Plaintiff repeats and re-alleges all prior paragraphs and incorporates them as if fully set forth herein.

108. Pursuant to *California Health & Safety Code* Section 24175(a), no person shall be subjected to a medical experimentation. The practice of administering adipose derived stem cell therapy to treat, prevent, or mitigate various diseases is not FDA approved and remains classified experimental in nature. Ms. Moorer, including others similarly situated, were misled particularly into believing that StemGenex had no unsatisfied other patients, and did not give informed consent to be part of a medical experiment in which there had been previously unsatisfied participants. This claim for illegal human experimentation via the Stem Cell Treatments arises under Section 24175 (a)(1), requiring that a patient be properly informed of investigational research.

109. The wording of the StemGenex website and other materials runs directly counter to the notification requirements of human experimentation law. StemGenex was required to inform its patients in accord with 21 CFR 50.27(a), as well as California Health & Safety Code Section 24172(a) and (b), which also requires the patient be informed and consent.

110. Under Health & Safety Code Section 24173, "informed consent" means the authorization given pursuant to Section 24175 to have a medical experiment performed after each of the following conditions, and others in the code, have been satisfied:

(c) The subject or subject's conservator or guardian, or other representative, as specified in Section 24175, is informed both verbally and within the written consent form, in nontechnical

terms and in a language in which the subject or the subject's conservator or guardian, or other representative, as specified in Section 24175, is fluent, of the following facts of the proposed medical experiment, which might influence the decision to undergo the experiment, including, but not limited to:

(1) An explanation of the procedures to be followed in the medical experiment and any drug or device to be utilized, including the purposes of the procedures, drugs, or devices. If a placebo is to be administered or dispensed to a portion of the subjects involved in a medical experiment, all subjects of the experiment shall be informed of that fact; however, they need not be informed as to whether they will actually be administered or dispensed a placebo.

(2) A description of any attendant discomfort and risks to the subject reasonably to be expected.

(3) An explanation of any benefits to the subject reasonably to be expected, if applicable.

(4) A disclosure of any appropriate alternative procedures, drugs, or devices that might be advantageous to the subject, and their relative risks and benefits.

(11) The material financial stake or interest, if any, that the investigator or research institution has in the outcome of the medical experiment. For purposes of this section, "material" means ten thousand dollars (\$10,000) or more in securities or other assets valued at the date of disclosure, or in relevant cumulative salary or other income, regardless of when it is earned or expected to be earned.

111. Consent under this code must be voluntarily and freely given by the human subject or the conservator or guardian, or other representative, as specified by Section 24175, without the intervention of any element of force, fraud, deceit, duress, coercion, or undue influence.

Plaintiff and members of the Class were defrauded and did not voluntarily and freely give consent.

112. The Stem Cell Treatments to Plaintiff and members of the Class fall under Section 24174 "medical experiment", which means: (a) The severance or penetration or damaging of tissues of a human subject or the use of a drug or device, as defined in Section 109920 or 109925, electromagnetic radiation, heat or cold, or a biological substance or organism, in or upon a human subject in the practice or research of medicine in a manner not reasonably related to maintaining or improving the health of the subject or otherwise directly benefiting the subject.

113. Under Section 24175 (a) no person shall be subjected to any medical experiment unless the informed consent of such person is obtained. Informed consent was not obtained from Plaintiff nor any of the other Class Members.

114. As a result of the negligent failure to obtain informed consent on these experiments, StemGenex and all Defendants are liable for damages under Section 24176 (a) Any

1 person who is primarily responsible for conduct of a medical experiment and who negligently allows
2 the experiment to be conducted without a subject's informed consent, as provided in this chapter,
3 shall be liable to the subject in an amount not to exceed ten thousand dollars (\$10,000), as determined
4 by the court. The minimum amount of damages awarded shall be five hundred dollars (\$500).

5 115. Plaintiff alleges in the alternative that the failure to obtain informed consent was
6 intentional. As a result of the intentional failure to obtain informed consent on these experiments,
7 StemGenex and all Defendants are liable for damages under Section 24176 (b) Any person who is
8 primarily responsible for the conduct of a medical experiment and who willfully fails to obtain the
9 subject's informed consent, as provided in this chapter, shall be liable to the subject in an amount not
10 to exceed twenty-five thousand dollars (\$25,000) as determined by the court. The minimum amount
11 of damages awarded shall be one thousand dollars (\$1,000).

12 116. Each and every medical experiment performed in violation of any provision of this
13 chapter is a separate and actionable offense.

14 117. Any attempted or purported waiver of the rights guaranteed, or requirements
15 prescribed by this chapter, whether by a subject or by a subject's conservator or guardian, or other
16 representative, as specified in Section 24175, is void.

17 118. Plaintiff and the members of the Class pray for all damages available under *Cal.*
18 *Health & Safety Code* § 24170, et seq.

19 **FIFTH CAUSE OF ACTION**

20 (Violation of the Racketeer Influenced and Corrupt Organizations Act (RICO) –

21 18 U.S.C. §1961 et seq.)

22 *Against All Defendants*

23 119. Plaintiff repeats and re-alleges all prior paragraphs and incorporates them as if fully
24 set forth herein.

25 120. At all relevant times, StemGenex conducted substantial business in the State of
26 California, including marketing, advertising, and performing its treatments in the State and in the
27 County of San Diego.

1 121. StemGenex is an "enterprise" within the meaning of 18 U.S.C. §1961(4), through
2 which Defendants conducted the pattern of racketeering described in this Complaint.

3 122. Throughout its existence, StemGenex engaged in, and its activities affected interstate
4 commerce because its business enterprise involved activities across state lines, including, but not
5 limited to, a national internet marketing campaign and direct solicitation of consumers in other states
6 by telephone, including Plaintiff. Plaintiff is informed and believes that StemGenex's business
7 activities with other members of the Class involved communication, solicitation of business, requests
8 for payments and transfer of payments by Class members to StemGenex, in exchange for Stem Cell
9 Treatments, via its website, mail, email, telephone, and bank wires, all across state lines.

10 123. Defendants, and each of them, exercised substantial control over the affairs of the
11 StemGenex enterprise, through creation and approval of its marketing materials and scheme to
12 defraud consumers, providing capital, collateral and/or guarantees to fund the scheme, providing
13 services to perform the Stem Cell Treatments and further the scheme, instructing, encouraging and
14 incentivizing StemGenex employees and personnel to participate in the fraudulent scheme, including
15 by posting positive, false consumer reviews on internet websites, and other means.

16 124. The StemGenex enterprise has an ascertainable structure separate and apart from the
17 pattern of racketeering activity in which Defendants, and each of them, have engaged. The
18 StemGenex enterprise is separate and distinct from each Defendant alone.

19 125. Defendants, and each of them, were knowing and willing participants in the scheme,
20 and reaped revenues and/or profits from it. StemGenex, Defendants, and each of them, knowingly,
21 willfully and unlawfully conducted or participated, directly or indirectly, in the affairs of the
22 enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C. §§1961(1),
23 1961(5) and 1962(c), as described in this Complaint. The racketeering activity was made possible by
24 the regular and repeated use of the facilities, services, distribution channels and employees of the
25 StemGenex enterprise.

26 126. The racketeering acts were not isolated, but rather were related in that they had the
27 same or similar purposes and results, participants, victims and methods of commission. Further, the
28 racketeering acts were continuous, occurring on a regular basis beginning by at least December 8,

1 2013, when StemGenex began advertising its false patient satisfaction review statistics, and
2 continuing through the present.

3 127. In devising and executing the Scheme, StemGenex, its personnel, Defendants and
4 each of them, committed acts constituting indictable offenses under 18 U.S.C. §§1341 and 1343, in
5 that they devised and knowingly carried out a material scheme or artifice to defraud or to obtain
6 money by means of materially false or fraudulent pretenses, representations, promises, or omissions
7 of material facts. For the purpose of executing the scheme, Defendants committed these racketeering
8 acts, which number in the hundreds or thousands, intentionally and knowingly, with the specific
9 intent to advance the illegal scheme.

10 128. StemGenex, Defendants, and each of them, used hundreds or thousands of mail and
11 interstate wire communications throughout the Class period to create and perpetuate the Scheme
12 through virtually uniform misrepresentations, concealments and material omissions.

13 129. Plaintiff and members of the Class relied on the fraudulent misrepresentations and
14 omissions by StemGenex, Defendants, and each of them, were harmed by the scheme, and are
15 entitled to treble damages, attorney's fees, and other relief authorized by 18 U.S.C. §1964(c) and the
16 RICO Act.

17 SIXTH CAUSE OF ACTION

18 (Fraud)

19 *Against All Defendants*

20 130. Plaintiff repeats and re-alleges all prior paragraphs and incorporates them as if fully
21 set forth herein.

22 131. StemGenex intentionally misrepresented to the Plaintiff and members of the Class
23 that it had no dissatisfied customers, when in fact that was not true. StemGenex repeatedly
24 published charts/pie charts/diagrams that showed 100% of its customers were satisfied. This was
25 untrue and StemGenex knew it at the time of StemGenex's publication.

26 132. Additionally, StemGenex intentionally misrepresented to Plaintiff and members of
27 the Class that they would truly benefit from the StemGenex Stem Cell Treatment when in fact
28 StemGenex had no reasonable supporting data or other reasonable basis to claim that this was true.

1 133. Additionally, StemGenex intentionally misrepresented to Plaintiff and members of
2 the Class that they would significantly improve from the StemGenex Stem Cell Treatment when in
3 fact StemGenex had no reasonable supporting data or other reasonable basis to claim that this was
4 true.

5 134. These intentional misrepresentations constitute fraud. StemGenex perpetrated this
6 fraud on Plaintiff and members of the Class by purveying these false statements on its website at
7 www.stemgenex.com.

8 135. StemGenex also perpetrated this fraud on Plaintiff and members of the Class by
9 making similar verbal false statements to them.

10 136. StemGenex also perpetrated this fraud on Plaintiff and members of the Class by
11 publishing or directing to be published false and fabricated reviews of its services on the internet.

12 137. StemGenex knowingly concealed and omitted material information from its
13 consumers as described in this Complaint, despite a duty to disclose the information.

14 138. StemGenex knew that the representations above were false when they made them or
15 StemGenex made the representations recklessly and without regard for their truth.

16 139. StemGenex intended that Plaintiff and the members of the Class rely on StemGenex'
17 representation. StemGenex knew that by putting out information that all customers, 100%, were
18 satisfied or extremely satisfied with its services that consumers would be more apt to go forward with
19 this expensive full payment and service.

20 140. Plaintiff and the members of the Class relied on the false representations and material
21 omissions. Their reliance upon StemGenex's representations was justified because of the manner in
22 which StemGenex made the representations. This included an impressive website with not just a
23 statement about the statistics, but round graphic representations. These statistics were simply
24 "cooked up" and were not based on actual and complete consumer feedback. In fact, at the time,
25 StemGenex knew that some consumers were dissatisfied, had had no effects and/or wanted their
26 money back. But, Plaintiff and members of the Class had no reasonable way to know this. The
27 reasonable reliance also came about because of powerful and persuasive on-line reviews which were
28 actually manufactured by StemGenex itself through direction to its agents and employees. This also

1 included firm and repeated verbal false statements about the nature, quality and efficacy of the
2 StemGenex's Stem Cell Treatment.

3 141. Plaintiff and the members of the Class were harmed.

4 142. Plaintiff's and Class members' reliance on StemGenex's false representations and
5 material omissions was a substantial factor in causing their harm. Plaintiff prays for damages for
6 intentional misrepresentation/fraud as below, and exemplary and punitive damages to punish and
7 make an example of Defendants.

8 **SEVENTH CAUSE OF ACTION**

9 (Negligent Misrepresentation)

10 *Against All Defendants*

11 143. Plaintiff repeats and re-alleges all prior paragraphs and incorporates them as if fully
12 set forth herein.

13 144. StemGenex misrepresented to the Plaintiff and members of the Class that it had no
14 dissatisfied customers, when in fact that was not true.

15 145. StemGenex misrepresented to Plaintiff and members of the Class that they would
16 truly benefit from the StemGenex Stem Cell Treatment when in fact StemGenex had no reasonable
17 supporting data or other reasonable basis to claim that this was true.

18 146. StemGenex misrepresented to Plaintiff and members of the Class that they would
19 significantly improve from the StemGenex Stem Cell Treatment when in fact StemGenex had no
20 reasonable supporting data or other reasonable basis to claim that this was true.

21 147. StemGenex omitted material information from disclosure to Plaintiff and the
22 members of the Class, though it had a duty to disclose it.

23 148. StemGenex may have believed its representations were reasonably made and omitted
24 information was reasonably concealed or not disclosed, but its belief was unreasonable and fell below
25 the applicable duty of care.

26 149. StemGenex intended Plaintiff and members of the Class to rely on these
27 representations and its disclosures.
28

1 150. Plaintiff and the members of the Class reasonably relied on StemGenex'
2 representations.

3 151. Plaintiff and the members of the Class were harmed.

4 152. Plaintiff and the members of the Class' reliance on the representations and material
5 omissions, and each of them, was a substantial factor in causing their harm.

6 **EIGHTH CAUSE OF ACTION**

7 (Unjust Enrichment)

8 *Against All Defendants*

9 153. Plaintiff repeats and re-alleges all prior paragraphs and incorporates them as if fully
10 set forth herein.

11 154. In connections with the wrongful conduct of StemGenex described above, Plaintiff
12 and members of the Class made payments to StemGenex greatly in excess of what was earned by
13 StemGenex.

14 155. The excessive payments made by Plaintiff and members of the Class have been
15 accepted, used and enjoyed by StemGenex.

16 156. StemGenex was aware at the time of the payments that its work had not entitled it to
17 the payments by Plaintiff and members of the Class. StemGenex knew that the actual goods and/or
18 services it provided to Plaintiff and members of the Class were worth far less than the amounts paid,
19 and that it was entitled to far less than the amounts paid and/or no payments at all.

20 157. StemGenex was unjustly enriched by the excessive payments made by Plaintiff and
21 members of the Class, who paid \$14,900 per Stem Cell Treatment to StemGenex.

22 158. No part of the above sum has been paid by StemGenex to Plaintiff and the members
23 of the Class, despite Plaintiff's demand. That amount is now due, owing and unpaid to Plaintiff and
24 members of the Class by StemGenex.

25 **PRAYER**

26 WHEREFORE, Plaintiff, individually, on behalf of the Class and on behalf of the public,
27 prays for judgment against Defendants as follows:

28

1 1. That this action be certified as a class action, pursuant to Code of Civil Procedure §
2 382 and/or the Consumer Legal Remedies Act, Civil Code § 1781;

3 2. That this law firm be appointed as counsel for the Class;

4 3. That Plaintiff be afforded a jury trial on behalf of herself and the Class, and a jury
5 trial is demanded;

6 4. That pursuant to the CLRA, UCL and False Advertising Law, all defendants, their
7 officers, directors, principals, assignees, successors, agents, representatives, employees,
8 subsidiaries, affiliates, and all persons, corporations and other entities acting by, through, under, or
9 on behalf of said defendants, or acting in concert or participation with them, be permanently
10 enjoined from directly or indirectly making any illegal, untrue or misleading statements in
11 violation of the CLRA, Business and Professions Code §§ 17200 et seq. and 17500 et seq.,
12 including, but not limited to, the untrue or misleading statements alleged in this complaint;

13 5. That pursuant to Business and Professions Code § 17204, all defendants, their
14 officers, directors, principals, assignees, successors, agents, representatives, employees,
15 subsidiaries, affiliates, and all persons, corporations and other entities acting by, through, under, or
16 on behalf of said defendants, or acting in concert or participation with them, be permanently
17 enjoined from directly or indirectly committing any violations of Business and Professions Code
18 §17200 et seq., including, but not limited to, the violations alleged in this complaint;

19 6. Awarding Plaintiff and members of the Class treble damages and attorney's fees as
20 authorized by 18 U.S.C. §1964(c).

21 7. Ordering the disgorgement of all sums unjustly obtained from Plaintiff, the
22 members of the Class and the public;

23 8. Ordering defendants to make restitution to Plaintiff, the members of the Class and
24 the public;

25 9. Awarding Plaintiff and the members of the Class compensatory damages according
26 to proof;

27 10. Awarding Plaintiff and the members of the Class general damages according to
28 proof;

1 11. Awarding Plaintiff and the members of the Class economic damages according to
2 proof;

3 12. Awarding Plaintiff and the members of the Class damages for violation of Cal.
4 Health & Safety Code § 24170. et seq.

5 13. Awarding Plaintiff and members of the Class punitive and exemplary damages
6 according to proof;

7 14. Awarding prejudgment and post-judgment interest at the maximum legal rate;

8 15. Awarding attorneys' fees according to proof;

9 16. Awarding costs of suit; and

10 17. All such other and further relief as the Court deems just and proper.

11
12 Dated: August 22, 2016

MULLIGAN, BANHAM, & FINDLEY

13
14 

15 Janice F. Mulligan

16 Elizabeth A. Banham

17 Brian K. Findley

18 Attorneys for Plaintiff and the Putative Class
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28

EXHIBIT “B”

TO NOTICE OF REMOVAL OF ACTION

1 Janice F. Mulligan, SBN: 99080
 Elizabeth A. Banham, SBN: 131734
 2 Brian K. Findley, SBN: 251172
 3 **MULLIGAN, BANHAM, & FINDLEY**
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FILED
 Clerk of the Superior Court

SEP 15 2016
 '16 SEP 15 PM 2:04

6 *Attorneys for Plaintiffs and the Putative Class*

By: _____, Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **COUNTY OF SAN DIEGO**

10 SELENA MOORER, individually and on behalf
 11 of all others similarly situated,

12 Plaintiffs,

13 vs.

14 STEMGENEX MEDICAL GROUP, INC., a
 15 California Corporation; STEMGENEX, INC., a
 California Corporation; STEM CELL
 16 RESEARCH CENTRE, INC., a California
 Corporation; ANDRE P. LALLANDE, D.O., an
 17 Individual; SCOTT SESSIONS, M.D., an
 18 Individual; RITA ALEXANDER, an Individual;
 and DOES 1-100,

19 Defendants.
 20
 21
 22
 23
 24

) Case No. 37-2016-00028994-CU-NP-CTL

)
) **FIRST AMENDED CLASS ACTION**
) **COMPLAINT**

) **Jury Trial Demanded**

1. Violations of Bus. & Prof. Code §17200 et seq. (UCL);
2. Violations of Bus. & Prof. Code §17500 et seq. (False Advertising)
3. Violations of Cal. Civ. Code §1750 et seq. (CLRA);
4. Violations of Cal. Health & Safety Code §24170, et seq. (Human Experimentation)
5. Violation of 18 U.S.C. §1961 et seq. (RICO);
6. Fraud
7. Negligent Misrepresentation
8. Unjust Enrichment
9. Violation of Welf. & Inst. Code §15600 et seq. (Financial Elder Abuse)

) Judge: Hon. Ronald L. Styn
) Dept: C-62

1 This First Amended Complaint adds a new Plaintiff to this action, STEPHEN GINSBERG,
 2 among other amendments. Plaintiffs, SELENA MOORER and STEPHEN GINSBERG, on behalf
 3 of themselves and all others similarly situated, hereby allege as follows:

4 NATURE OF ACTION

5 1. This is a class action against STEMGENEX MEDICAL GROUP, INC., and related
 6 persons and entities (collectively, "Defendants" or "StemGenex"). This action arises out of
 7 StemGenex's scheme to wrongfully market and sell "stem cell treatments" at their La Jolla,
 8 California location to consumers nationwide.

9 2. StemGenex's customers are often sick or disabled, suffering from incurable diseases
 10 and a dearth of hope. StemGenex's marketing makes claims to these consumers that by performing
 11 liposuction of a person's adult fat cells, processing them, and injecting them back into a person as
 12 stem cells (the "Stem Cell Treatments"), they effectively treat a multitude of diseases. StemGenex
 13 claims that 100% of its prior customers are satisfied with its service. StemGenex has no reasonable
 14 basis to make either of these claims. StemGenex omits material information from all marketing
 15 about the Stem Cell Treatments and the dissatisfaction and complaints of ineffectiveness from people
 16 who have purchased the treatments.

17 3. Plaintiff, Selena Moorer, relied on StemGenex's false and misleading marketing and
 18 purchased a Stem Cell Treatment for \$14,900. Ms. Moorer brings this action on behalf of herself
 19 and a putative Class of wronged consumers, to seek remedies from this Court.

20 4. Plaintiff, Stephen Ginsberg, also relied on StemGenex's false and misleading
 21 marketing and purchased a Stem Cell Treatment for at or about \$14,900. Mr. Ginsberg brings this
 22 action on behalf of himself and a putative Class of wronged consumers, as well as a subclass of
 23 "elders" under the law who have been harmed due to elder abuse, to seek remedies from this Court.

24 JURISDICTION AND VENUE

25 5. Jurisdiction and venue are proper in this Court because the actions at issue occurred
 26 and originated from, and one or more of the Defendants reside, or have a principal place of business
 27 in, the County of San Diego, California.

PARTIES

8. Plaintiff, Selena Moorner ("Ms. Moorner") is a resident of the State of Florida who traveled to San Diego, California after relying on StemGenex's website, in order to have Stem Cell Treatment. She was led by StemGenex to believe it would greatly improve her condition, lupus, an autoimmune disorder. Ms. Moorner was greatly impressed by StemGenex's website (www.stemgenex.com), including indications on that site that all customers were pleased with the outcomes of their treatments, statistics on the site showing no dissatisfaction by any customers, and by video testimonials on the site. Based on Defendants' misrepresentations and material omissions, Plaintiff took money she could ill-afford to spend and paid a non-refundable deposit of thousands of dollars to StemGenex, and thereafter flew to California with family members to undergo the treatment. The total payment by Ms. Moorner to StemGenex, including the deposit, was \$14,900. Plaintiff is informed and believes that this was the same base price paid to StemGenex by all other similarly situated consumers for each and every Stem Cell Treatment. Those consumers that had multiple treatments on different dates, again paid an additional minimum base price of \$14,900 each time they returned to the company for a Stem Cell Treatment. Ms. Moorner underwent the Stem Cell Treatment with StemGenex on or about April 5, 2016. She did not benefit and also told the company she did not benefit and that she blamed them for a worsening of her condition.

26 9. Plaintiff, Stephen Ginsberg ("Mr. Ginsberg") is a resident of the State of Florida, who
27 traveled to San Diego, California after relying on StemGenex's website, in order to have Stem Cell
28 Treatment. He was led by StemGenex to believe it would greatly improve his condition, diabetes,

1 and other related conditions. Mr. Ginsberg was greatly impressed by StemGenex's website
2 (www.stemgenex.com), including but not limited to the statements about the number and percentage
3 of satisfied customers. Mr. Ginsberg paid StemGenex at or around \$14,900 to get treatments in
4 different parts of his body. Mr. Ginsberg was given Stem Cell Treatment by StemGenex on or about
5 November of 2015. The treatment had no effect. Mr. Ginsberg told StemGenex he received no
6 effect from the treatment.

7 10. Plaintiffs, and each of them, would not have paid for the Stem Cell Treatment had
8 they known that the statistics on the StemGenex website regarding consumer satisfaction were false,
9 and that StemGenex had no reasonable basis for its marketing claim that the Stem Cell Treatments
10 were effective to treat diseases as advertised.

11 11. Neither Ms. Moorer nor Mr. Ginsberg received any significant benefit or effect from
12 the \$14,900 Stem Cell Treatment they purchased from StemGenex. They reported this to
13 StemGenex. StemGenex's website never varied its 100% client satisfaction approval statistics even
14 after Ms. Moorer, Mr. Ginsberg and others informed StemGenex of their dissatisfaction with the
15 Stem Cell Treatments. After StemGenex was informed of Ms. Moorer's dissatisfaction, StemGenex
16 actually offered to sell her an additional Stem Cell Treatment for \$14,900.

17 **B. Defendants**

18 12. The Defendants who are liable to Ms. Moorer, Mr. Ginsberg and all others similarly
19 situated, and from whom an injunction and other remedies are sought, are the following:

20 13. STEMGENEX, INC., is an active California Corporation, located in the City of La
21 Jolla, County of San Diego, State of California. Its products and services are located in and it is
22 doing business in the State of California.

23 14. STEMGENEX MEDICAL GROUP, INC. is an active California Corporation,
24 located in the City of La Jolla, County of San Diego, State of California. Its products and services
25 are located in and it is doing business in the State of California.

26 15. STEM CELL RESEARCH CENTRE, INC. is an active California Corporation,
27 located in the City of La Jolla, County of San Diego, State of California. Its products and services
28 are located in and it is doing business in the State of California.

1 16. RITA ALEXANDER ("Ms. Alexander") is an individual residing in the County of
2 San Diego, State of California. It is believed that Ms. Alexander is an owner, operator and/or
3 controller of StemGenex. Plaintiffs also allege that Ms. Alexander is personally and directly liable
4 to Plaintiffs and members of the Class on all Causes of Action below.

5 17. ANDRE LALLANDE, D.O. ("Dr. Lallande") is an individual residing in the County
6 of San Diego, State of California. It is believed that Dr. Lallande owns, operates and/or controls
7 StemGenex. Plaintiffs also allege that Dr. Lallande is personally and directly liable to Plaintiffs and
8 members of the Class on all Causes of Action below.

9 18. SCOTT SESSIONS, M.D. ("Dr. Sessions"), is an individual residing in the County of
10 San Diego, State of California. It is believed that Dr. Sessions owns, operates and/or controls
11 StemGenex. Plaintiffs also allege that Dr. Sessions is personally and directly liable to Plaintiffs and
12 members of the Class on all Causes of Action below.

13 19. DOE Defendants 1 through 100, inclusive, whether individuals, corporations,
14 partnerships or otherwise, are fictitious names of Defendants whose true names are, at this time,
15 unknown to Plaintiffs. Plaintiffs are informed, believe, and thereon allege that each of said
16 fictitiously-named Defendants contributed to the damages herein alleged and Plaintiffs will name
17 such Defendants when their identities have been ascertained.

18 20. Plaintiffs have amended the original Complaint to add the following Defendants,
19 initially identified as "DOES":

20 a. DOE 1: "STEM CELLS... THE HUMAN REPAIR KIT, a California Business
21 Entity, Form Unknown";

22 b. DOE 2: "STEMGENEX BIOLOGIC LABORATORIES, LLC, a California
23 Limited Liability Corporation"; and

24 c. DOE 3: "STEM GENETIC, a California Business Entity, Form Unknown."

25 21. Furthermore, Plaintiffs allege that the DOE Defendants in this action committed the
26 same or similar acts alleged as the named Defendants in this cause of action. Therefore, all acts
27 alleged to have been committed by the named Defendants are also alleged to have been committed by
28 the DOE Defendants.

1 22. Plaintiffs are informed, believe and thereon allege that each of the Defendants is the
2 agent, joint venturer and/or employee of each of the remaining Defendants and in doing the things
3 hereinafter alleged, each was acting within the course and scope of said agency, employment and/or
4 joint venture with the advance knowledge, acquiescence or subsequent ratification of each and every
5 remaining Defendant.

6 23. All Defendants above, including DOES 1-100, are collectively referred to in this
7 Complaint as "StemGenex."

8 **ALTER EGO / PIERCE CORPORATE VEIL ALLEGATIONS**

9 24. Plaintiffs are informed and believe and thereon allege that some of the corporations,
10 limited liability companies, and entities named as Defendants herein, including but not limited to
11 DOES 1 through 100, and each of them, were at all times relevant the alter ego corporations of
12 individual Defendants Ms. Alexander and Drs. Sessions and Lallande by reason of the following:

13 (a) Plaintiffs are informed and believe and thereon allege that said individual defendants, at all
14 times herein mentioned, dominated, influenced and controlled each of StemGenex Defendants and
15 DOES and the officers thereof as well as the business, property, and affairs of each of said
16 corporations.

17 (b) Plaintiffs are informed and believe and thereon allege that, at all times herein mentioned,
18 there existed and now exists a unity of interest and ownership between said individual defendants
19 and each of the StemGenex Defendants and DOES; the individuality and separateness of said
20 individual defendants and each of the STEMGENEX entity Defendants and DOES have ceased.

21 (c) Plaintiffs are informed and believe and thereon allege that, at all times since the
22 incorporation of each, each StemGenex entity Defendant and each DOE has been and now is a mere
23 shell and naked framework which said individual defendants used as a conduit for the conduct of
24 their personal business, property and affairs.

25 (d) Plaintiffs are informed and believe and thereon allege that, at all times herein mentioned,
26 each of the StemGenex entity Defendants and each DOE was created and continued pursuant to a
27 fraudulent plan, scheme and device conceived and operated by said individual Defendants Ms.
28 Alexander and Drs. Sessions & Lallande, whereby the income, revenue and profits of each of the
StemGenex entities were diverted by said individual Defendants to themselves.

(e) Plaintiffs are informed and believe and thereon allege that, at all times herein mentioned, each of the StemGenex entities and each DOE was organized by said individual defendants as a device to avoid individual liability and for the purpose of substituting financially irresponsible corporations in the place and stead of said individual defendants, and each of them, and accordingly, formed the entities and published the website Document about those entities hosted at www.stemgenex.com.

(f) Plaintiffs are informed and believe that the StemGenex entities and DOES were formed with capitalization totally inadequate for the business in which said corporation(s) were engaged.

(g) By virtue of the foregoing, adherence to the fiction of the separate corporate existence of each of the StemGenex corporate entities and each DOE would, under the circumstances, sanction a fraud and promote injustice in that Plaintiffs and members of the Class would be unable to realize upon any judgment in their favor.

25. Plaintiffs are informed and believe and thereon allege that, at all times relevant hereto, the individual defendants Ms. Alexander and Drs. Sessions and Lallande and the StemGenex entity Defendants and DOES acted for each other in connection with the conduct hereinafter alleged and that each of them performed the acts complained of herein or breached the duties herein complained of as agents of each other and each is therefore fully liable for the acts of the other.

COMMON FACTUAL ALLEGATIONS

A. What is StemGenex?

26. StemGenex was founded by a non-physician, Ms. Alexander. It receives profits and revenues through the sale of Stem Cell Treatments to persons who have illnesses or medical conditions causing pain and/or disability.

27. StemGenex's Stem Cell Treatments are carried out by Andre Lallande, D.O., and Scott Sessions, M.D., with the assistance of other individuals who are employees and/or agents of StemGenex.

28. Defendant, StemGenex, Inc. has been operating in La Jolla, California, since 2011. The primary operating facility and headquarters of StemGenex is located in La Jolla, California.

29. Through July 2016, StemGenex represented on its website that it was accredited by the Accreditation Association for Ambulatory Care (AAAHC), which provides seals of approval for

1 outpatient surgical centers. The following logo was published on StemGenex's website, at the
 2 bottom of nearly every page:



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 8 30. Plaintiffs are informed and believe that StemGenex was not, in fact, accredited by
 9 AAAHC. Plaintiffs are informed and believe that the accreditation logo was removed from
 10 StemGenex's website in August 2016, when a newspaper reporter from the Los Angeles Times
 11 confronted StemGenex about the false accreditation and AAAHC issued a cease-and-desist letter to
 12 StemGenex.

13 **B. What does StemGenex do?**









14 31. StemGenex holds itself out to consumers as a pioneer in research and devoted to
 15 effective Stem Cell Treatments, making representations such as the following on its website:

16 StemGenex Medical Group has made great strides in the advancement of stem cell
 17 therapy and is dedicated to providing patients access to safe and effective stem
 18 cell treatments.

19 32. Using its website and internet ads which direct consumers to that website,
 20 StemGenex pitches its services at people with crippling diseases, including Alzheimer's, Parkinson's
 21 disease, chronic lung disease, autoimmune conditions (such as multiple sclerosis, lupus, and
 22 rheumatoid arthritis) as well as many other debilitating conditions.

23 33. Ms. Moorer, Mr. Ginsberg and all others similarly situated, have been subject to
 24 StemGenex's repeated false advertising, deception, and misrepresentation regarding the quality,
 25 character and efficacy of its Stem Cell Treatment, as well as omissions of material fact regarding the
 26 truth about its services, the lack of data supporting their efficacy, and customer dissatisfaction rates.
 27 StemGenex's website highlights this variety of claimed Stem Cell Treatments (sometimes referred to
 28 as "therapy") on its home page:

Stem Cell Therapy Studies

			
Alzheimer's Stem Cell Therapy	Autoimmune Stem Cell Therapy	COPD Stem Cell Therapy	Rheumatoid Arthritis Stem Cell Therapy
Alzheimer's disease is a neurodegenerative disease that causes memory loss and cognitive decline. Stem cell therapy may help regenerate damaged brain cells and improve cognitive function.	Autoimmune diseases are conditions in which the patient's immune system attacks healthy cells and tissues. Stem cell therapy may help regulate the immune system and reduce inflammation.	COPD is a chronic lung disease that causes difficulty breathing. Stem cell therapy may help regenerate damaged lung tissue and improve lung function.	Rheumatoid Arthritis is a chronic inflammatory disease that attacks the joints. Stem cell therapy may help reduce inflammation and pain, and improve joint function.
LEARN MORE	LEARN MORE	LEARN MORE	LEARN MORE
			
Parkinson's Stem Cell Treatment	Osteoarthritis Stem Cell Therapy	Multiple Sclerosis Stem Cell Treatment	Diabetes Stem Cell Therapy
Parkinson's disease is a chronic neurodegenerative disease that causes tremors, stiffness, and slow movement. Stem cell therapy may help regenerate damaged brain cells and improve motor function.	Osteoarthritis is a degenerative joint disease that causes pain and stiffness. Stem cell therapy may help regenerate damaged joint tissue and reduce pain.	Multiple Sclerosis is a chronic autoimmune disease that attacks the central nervous system. Stem cell therapy may help regenerate damaged nerve cells and improve neurological function.	Diabetes is a chronic metabolic disease that causes high blood sugar levels. Stem cell therapy may help regenerate damaged pancreatic cells and improve insulin production.
LEARN MORE	LEARN MORE	LEARN MORE	LEARN MORE

34. StemGenex represents that they can effectively treat degenerative diseases generally accepted by the relevant scientific community as incurable:

StemGenex Medical Group offers patients access to cutting-edge adipose stem cell therapy for many degenerative diseases. We offer patients access to stem cell treatments with a level of quality and patient-centric care that simply cannot be found elsewhere. StemGenex Medical Group utilizes board-certified surgeons and a accredited surgical center along with our own PhD neuroscientist setting forth and refining stem cell processing protocols. These cutting-edge protocols utilize targeted administration methods and the latest activation methods to ensure the safest most effective stem cell treatments possible. We believe in providing patients with IRB approved studies for stem cell treatments registered through The National Institutes of Health. Through these stem cell therapy studies, we hope to provide patients with options that may change the course of their lives as well as the course of their disease.

35. The StemGenex business is fueled by its robust website advertising campaign, which reaches consumers nationwide and beyond. StemGenex represents on its website that “over 70% of patients travel to StemGenex Medical Group from out of state.” StemGenex directs internet traffic and requests for information to its website, which Plaintiffs are informed and believe is viewed by every prospective StemGenex Stem Cell Treatment purchaser throughout the country.

36. StemGenex’s website represents that it’s “adult adipose-derived stem cell therapy” is “effective” to “treat diseases”:

The Future is Here

The StemGenex Medical Group prides itself in being the world-wide pioneers in providing stem cell therapy to patients throughout the world and is passionately committed to helping people with unmet clinical needs achieve optimum health and better quality of life through the healing benefits of their own stem cells.

As the premiere leader in the United States for regenerative medicine, StemGenex Medical Group is dedicated to providing stem cell therapy options to help individuals suffering with inflammatory and degenerative diseases. Board-Certified Physicians administered safe and effective adult adipose-derived stem cell therapy, a minimally-invasive procedure using an individual's own stem cells to treat diseases including Multiple Sclerosis, Parkinson's, Rheumatoid Arthritis, COPD and Osteoarthritis.

37. “Adipose-derived” means from the fatty tissue of the body. StemGenex’ website

1 offers treatments based on injecting consumers with stem cells supposedly drawn and created from
 2 their own adult body fat. The Stem Cell Treatments offered at StemGenex begin with liposuction –
 3 they take part of the consumer's belly fat and then, after minimal processing, inject the "stem cells"
 4 back into the same spot, and/or other spots on the body.

5 38. StemGenex appeals to consumers with the thought they will be receiving special
 6 attention, getting an approach that is not "cookie-cutter", and that this will increase the effectiveness
 7 of the treatment:

Customized Treatment Plans

Every patient treated through StemGenex Medical Group receives a customized treatment plan based upon the disease and complications they are experiencing. Stem cell treatment centers using a cookie-cutter approach to stem cell therapy undoubtedly limit the effectiveness of the patient's treatment. StemGenex Medical Group treatment plans consist of cutting edge protocols developed by top physicians over the years. Patients receiving treatment through StemGenex Medical Group can be confident they will always have access to the latest advancements in stem cell treatment.

16 39. StemGenex at various times represents its work as treatment, and at other times as
 17 "studies." This is often done within the same paragraph. As an example, on its home page,
 18 StemGenex represents, "These cutting-edge protocols utilize targeted administration methods and the
 19 latest activation methods to ensure the safest most effective stem cell *treatments* possible."
 20 (Emphasis added.) StemGenex offers at the end of the same paragraph: "Through these stem cell
 21 therapy *studies*, we hope to provide patients with options that may change the course of their lives as
 22 well as the course of their disease." (Emphasis added.) In the recesses of its website, and completely
 23 contrary to its own promises and representations in all prominent portions of the website, StemGenex
 24 attempts to quietly disavow that "treatment using autologous stem cells [that is, cells drawn from the
 25 patient's own body] are a cure for any condition, disease or injury."

26 40. StemGenex apparently does not publish its research nor the results of its "studies"
 27 anywhere to the knowledge of Plaintiffs. Instead, it presents "anecdotal" video testimonials from
 28

1 clients. According to StemGenex' website, its "principal purpose is helping people with unmet
2 clinical needs achieve optimum health and better quality of life," and that it has "anecdotal
3 feedback.... from our patients that their symptoms have dramatically improved and their quality of
4 life has substantially increased." (Emphasis added). These anecdotal testimonials are in violation of
5 the Federal Trade Commission's guides for endorsements on social media, which represent the
6 applicable standard of care for these types of advertisements. The testimonials do not reflect that the
7 results are not typical nor does it disclose clearly and conspicuously the generally expected
8 circumstances. StemGenex does not have adequate proof to back up the claims that the results shown
9 in the ad are typical. Additionally, endorsements by employees or paid or compensated individuals
10 should be identified as such. The video segments on the website are therefore further
11 misrepresentations published by StemGenex.

12 41. StemGenex admits that its Stem Cell Treatment is *not FDA approved*. Indeed
13 Plaintiffs can find no evidence that Defendants ever even submitted an application for FDA approval.
14 The ability of stem cells derived from adult body fat to rebuild damaged tissue or neurons in the
15 human body by injection is an unproven hypothesis. At the present time, *no such therapy has shown*
16 *its safety and efficacy in clinical trials, as the FDA requires before approval*.

17 42. Experts will testify that the generally accepted scientific consensus is that there is no
18 treatment for degenerative diseases, or any disease, with a person's own adult adipose stem cells, that
19 has been proven "effective" at any level. Yet StemGenex promises consumers "the most effective
20 stem cell treatments possible," giving the consumer the clear impression that some "effect" will occur
21 if they pay for the "treatment."

22 43. Certain language is repeated over and over on its site, creating an echo of benefit.
23 StemGenex uses terms like "truly benefit" and "significantly improve one's quality of life." On
24 virtually every page of its website, StemGenex makes the following claim:
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44. StemGenex omits on these pages the information it knows to be true: **Aside from a possible placebo effect, it cannot make any supportable claims regarding this experimental therapy's ability to treat, cure, mitigate, relieve or impact ANY disease, condition or malady.**

C. Who Buys StemGenex's Treatments?

45. Many of StemGenex's consumers are ill and/or disabled from work. Most are seeking hope and some possibility of an effective and lasting treatment for their disease, or at least an improvement in their relative levels of disability. Many are in great financial hardship because of a preexisting disease.

46. StemGenex puts the consumers up in hotels and supplies them a car service to get to and from the clinic once they arrive in the San Diego area. Photos of a lovely hotel and happy people entering a limo grace the pages of the site under the section, "We Make Getting Here Easy."

D. How Much Money Do Consumers Pay StemGenex?

47. Sadly, because of their desperation, many consumers with serious conditions rely on their families to help them to pay StemGenex. All consumers must pay a non-refundable initial deposit and then an additional payment for a total base price of \$14,900 *per treatment*, exclusive of “add-ons.” This cost is not covered by health insurance plans. This cost is not covered by government benefit programs such as Medicare or Medicaid.

48. Consumers are encouraged by StemGenex employees to begin crowd-sourcing fundraising activities, such as “Go Fund Me” pages, in order to raise the money to pay for StemGenex’s fees.

49. StemGenex promotes the idea that consumers should have more than one Stem Cell Treatment. This is done both on its website, and in follow-up calls to consumers, even those that are in the hospital undergoing other treatments. The representation is made on StemGenex’ website: “*Could a stem cell therapy be repeated?* Yes, a stem cell therapy may be repeated. Current studies indicate the strong possibility of a cumulative effect from multiple stem cell therapies a consumer received for their condition. Long-term studies will attempt to better understand this detail.”

50. Plaintiffs are informed and believe that StemGenex has no reasonable basis to make this claim. Dissatisfied consumers are simply led to believe that the first treatment did not ‘take’ and that the consumers should return for more, expensive Stem Cell Treatments.

51. Consumers are told by StemGenex: “Some consumers have taken up to 6 months before seeing the full effect of the treatment.” And, StemGenex posts the following:

▼ How long will it take to see results?

Each condition and patient is unique, and there is no guarantee of what results will be achieved or how quickly they may be observed. Most patients report the results become apparent over 1-3 months, but it can take as long as 6-9 months.

E. What About StemGenex's 100% Satisfied "Patient Ratings"?

52. On or about December 8, 2013, StemGenex began advertising "Patient Ratings." On December 17, 2013, a Press Release was published by StemGenex stating, "StemGenex®, the leading resource for adult adipose stem cell therapy in the US aimed at improving the lives of patients dealing with degenerative diseases today announced the public release of their satisfaction ratings for patients who have received stem cell therapy through StemGenex. Patients have trusted StemGenex for years to provide them with access to cutting edge stem cell therapies at the absolute highest levels of care. StemGenex believes this is something that has been lacking in the industry for some time now. These ratings now allow the public transparency into patient satisfaction in multiple categories which are now posted and updated monthly on the StemGenex website."

53. As an example, at the time of drafting of this Complaint, the ratings appear on the home page of StemGenex's website in the following format:

StemGenex Medical Group Patient Ratings

StemGenex Medical Group Patient Satisfaction Ratings

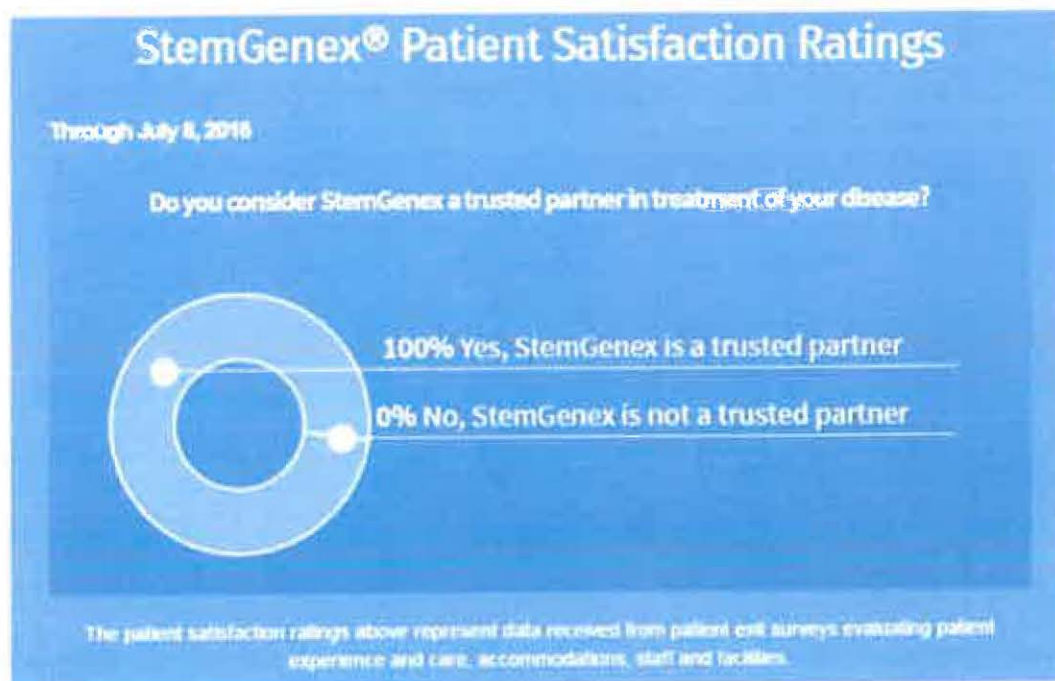
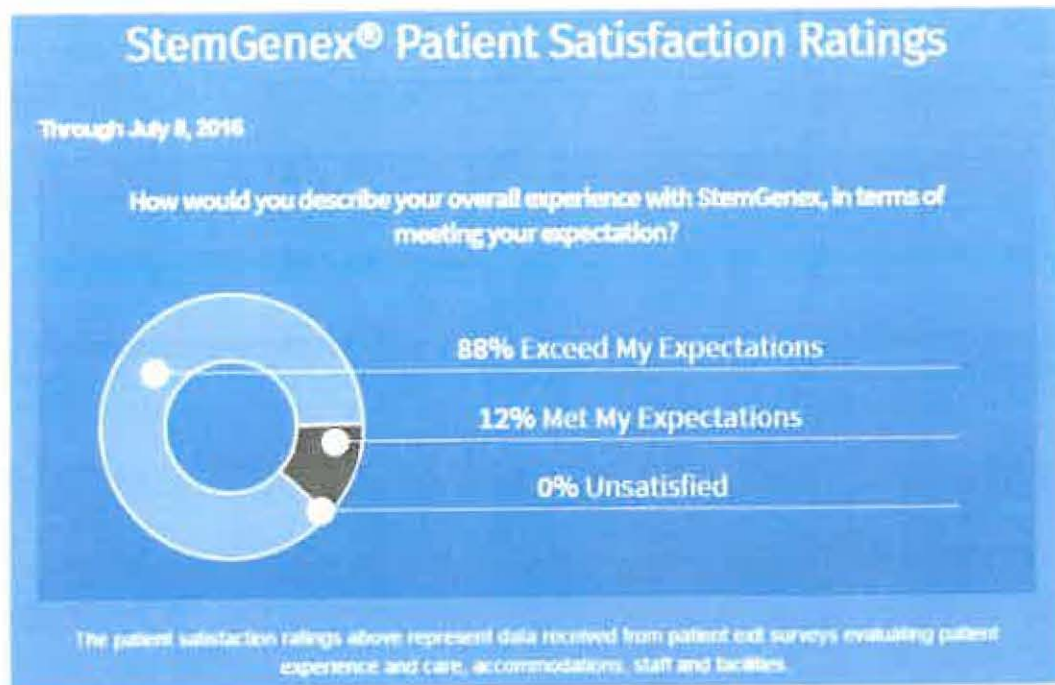
Patients that have truly felt that StemGenex Medical Group has provided them with access to cutting edge stem cell therapy and the opportunity to meet their needs have demonstrated their satisfaction with StemGenex Medical Group's patient care and satisfaction. To that end, patients through the website can rate their satisfaction with their treatment and how they feel about the StemGenex Medical Group's staff. High support, compassion, and empowerment are what StemGenex Medical Group strives to provide for patient satisfaction. The following four categories of care are updated monthly on our website:

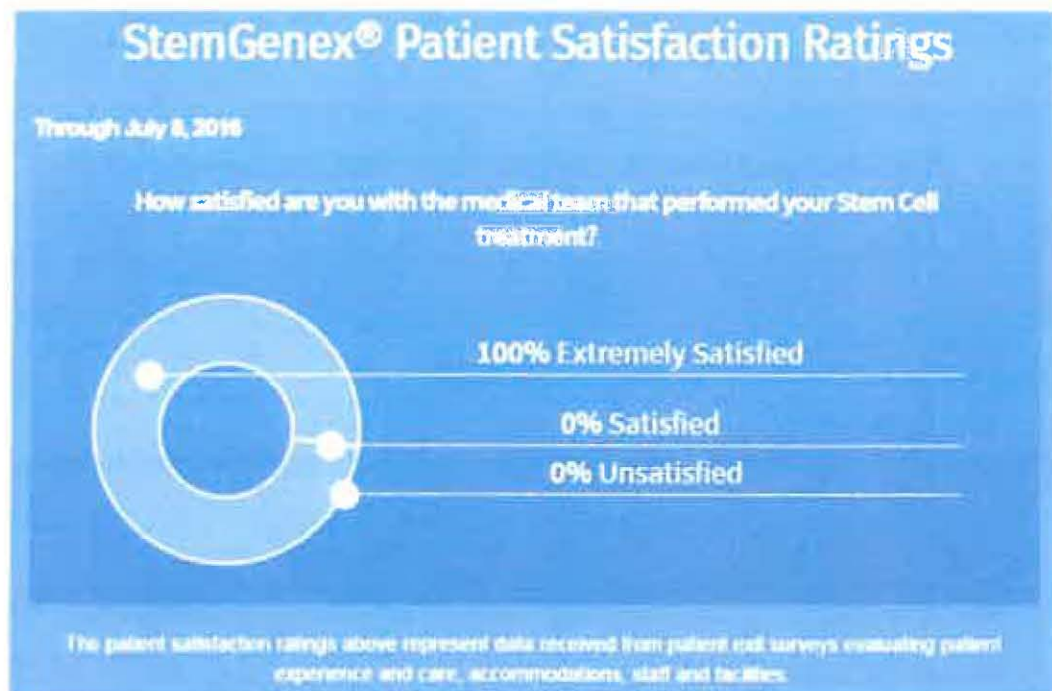
StemGenex Patient Satisfaction Ratings

Through August, 2016



54. The "Patient Ratings" from July of 2016, on the home page of StemGenex's website.
read as follows:





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55. In all of StemGenex's representations to the public, for August of 2016 through present, the satisfaction levels add up to **100% of customers being satisfied**. StemGenex made these same or substantially similar representations of 100% customer satisfaction all the way back to at least December 2013.

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56. StemGenex knows, and knew at all times of publication, the 100% satisfaction rate was and is not true and evidence available to StemGenex proves it was not true at the time the representations were made. At the time of these publications of 100% satisfaction, and those earlier since December of 2013, StemGenex had received complaints, including but not limited to statements from consumers that no effect had been experienced, the promised effect had not been experienced, and/or that they wanted a refund because StemGenex did not live up to its promises.

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57. StemGenex knew that not all persons who receive or received its Stem Cell Treatment are benefited or satisfied and a significant portion are dissatisfied. Nevertheless, **StemGenex's statements and representations to the public contain false and misleading information that misrepresent or omit this information and StemGenex is being, and has been, unjustly enriched as a result.** StemGenex's marketing of its product is in violation of laws of the

1 state of California and the United States. Plaintiffs and others have been harmed by reliance on
2 StemGenex's misrepresentations and omissions.

3 58. StemGenex's methods for gathering information from former consumers follows no
4 systemic protocol, is inaccurately recorded, and does not accurately measure consumer satisfaction.
5 As a result, month after month, false and misleading "consumer ratings" are posted anew in a
6 prominent position on their website. These monthly false "statistics" give consumers a sense of
7 comfort and willingness to go forward with the treatment. They make the express statement that
8 NO ONE was unsatisfied with the service at any time prior.

9
10 F. What About Positive Consumer Reviews On Other Websites?

11 59. Plaintiffs are informed and believe that false reviews have been posted by
12 StemGenex on various consumer review websites. Plaintiffs are informed and believe that
13 StemGenex requested its own employees to write reviews of the company as if they were actual
14 consumers, and to give high ratings. Plaintiffs are informed and believe these false ratings were then
15 published by agents and/or employees of StemGenex, about StemGenex, which gave the public
16 another further sense of security that the product/service they were purchasing was of high and
17 effective quality.

18
19 G. What Can Be Done About It?

20 60. StemGenex has taken advantage of desperate consumers, particularly consumers that
21 are sick with degenerative and incurable diseases, and has given false hope to consumers who can ill
22 afford their fees, at times encouraging them to take out loans or solicit funds from others in order to
23 pay them. They have not told the truth to the public about their services, via false statements,
24 misleading statements, and material omissions. They have taken large amounts of money from the
25 Class members under false pretenses.

26 61. The false and misleading representations complained of in this lawsuit are made
27 primarily via StemGenex's primary marketing tool, its website. Further, aside from StemGenex's
28 website, this action is based upon the material omission of important information from any

1 communication by StemGenex to its consumers: That StemGenex has no data or reasonable basis to
2 support the efficacy of its Stem Cell Treatments, meaning, that they are different from a placebo
3 effect in any significant way, at actually treating, curing, mitigating, relieving or impacting any
4 disease, condition or malady.

5 62. While individual actions by consumers would be expensive, time consuming, and
6 unlikely to support the cost of litigation, StemGenex's wronged consumers, as well as its prospective
7 consumers and the public at large, would be benefited by the damages and injunctive relief requested
8 here on a class-wide basis.

9 CLASS ACTION ALLEGATIONS

10 63. Plaintiffs bring this action on behalf of themselves and all others similarly situated as
11 a class action pursuant to Code of Civil Procedure §382 and Civil Code §1781.

12 64. The Class which Plaintiffs seek to represent is defined as follows: All persons,
13 nationwide, who purchased Stem Cell Treatment from StemGenex between December 8, 2013 and
14 present.

15 65. Plaintiff, Stephen Ginsberg, seeks to represent a subclass, defined as follows: *Elder*
16 *Abuse Subclass*: All members of the Class aged 65 years or older at the time of purchase.

17 66. Excluded from the Class are (i) StemGenex, any entity in which StemGenex has a
18 controlling interest or which has a controlling interest in StemGenex, and StemGenex's legal
19 representatives, predecessors, successors and assigns; (ii) governmental entities; (iii) StemGenex's
20 employees, officers, directors, agents, and representatives and their family members; and (iv) the
21 Judge and staff to whom this case is assigned, and any member of the Judge's immediate family.

22 67. Plaintiffs reserve the right to amend the Class definition if discovery and/or further
23 investigation reveal the Class should be expanded or otherwise modified.

24 68. This action has been brought and may properly be maintained as a class action,
25 because there is a well-defined community of interest in the litigation in which common issues
26 predominate, the Class is so numerous as to make it impracticable to bring all of its members before
27 the Court, and the proposed class is easily ascertainable.

28

1 69. **Numerosity.** StemGenex's Stem Cell Treatment is and was sold directly by
 2 StemGenex in California, and was marketed through the internet to consumers throughout the United
 3 States. Plaintiffs are informed and believe that the proposed putative Class is made-up of at least
 4 several hundred, if not thousands, of residents of California and other U.S. states.

5 70. **Common Issues Predominate.** Common questions of law and fact exist as to all
 6 members of the Class and predominate over any questions which affect only individual members of
 7 the Class. This action is based primarily upon false and misleading statements made by StemGenex
 8 about consumer satisfaction and efficacy of its Stem Cell Treatments via its primary point of contact
 9 with consumers, its website (www.stemgenex.com), as well as material omissions. The StemGenex
 10 website contained the false and misleading statements complained of in this action from December 8,
 11 2013 through the date of the filing of this complaint. Each class member purchasing Stem Cell
 12 Treatments from StemGenex would have viewed identical false and misleading statements as
 13 complained of in this action. Plaintiffs are informed and believe that no Class member was provided
 14 the information alleged as material omissions in this complaint, via the website or otherwise. The
 15 StemGenex website and dissemination of information about StemGenex's Stem Cell Treatments was
 16 within StemGenex's possession and control at all relevant times. There is a well-defined community
 17 of interest in the questions of law and fact involved and that affect consumers who purchased the
 18 Stem Cell Treatments. These questions of law and fact predominate over questions that affect only
 19 individual Class members. The common questions of law and fact include, without limitation:

20 i. Whether StemGenex's statements and statistics regarding prior consumer satisfaction were
 21 false or misleading;

22 ii. Whether StemGenex's statements regarding the efficacy of its Stem Cell Treatments were
 23 false or misleading;

24 iii. Whether StemGenex knew and/or recklessly disregarded the falsity or misleading nature
 25 of their statements;

26 iv. Whether StemGenex concealed and failed to disclose material facts in its communications
 27 and disclosures to Plaintiffs and Class members regarding its Stem Cell Treatments;
 28

v. Whether StemGenex has engaged in unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in connection with the marketing and sale of its Stem Cell Treatments;

vi. Whether StemGenex's conduct constitutes violations of law as alleged in this Complaint;

vii. Whether consumers are and were likely to be deceived by StemGenex's conduct;

viii. Whether, as a result of StemGenex's misconduct, Plaintiffs and the Class members have suffered damages, and if so, the appropriate amount thereof; and

ix. Whether, as a result of StemGenex's misconduct, Plaintiffs and Class members are entitled to equitable relief and/or other relief, and, if so, the nature of such relief.

71. **Typicality.** Plaintiffs' claims are typical of the claims of the Class members in that Plaintiffs and the Class members made a direct purchase from StemGenex based upon identical, false and misleading marketing statements made by StemGenex. StemGenex made the same uniform omissions to all consumers. Therefore, the claims of Plaintiffs are and will be typical of Class members.

72. **The Class is Ascertainable.** Plaintiffs have adequately and objectively defined the Class, as detailed above, so the Court and Class members will be able to use the definition to determine Class membership.

73. **Adequacy.** Plaintiffs will fairly and adequately represent the interests of all Class members. Plaintiffs have purchased a stem cell treatment from StemGenex and are adequate representatives of the Class as they have no interests which are adverse to the interests of absent Class members. Plaintiffs have retained counsel with experience and success in the prosecution of complex medical and consumer class action litigation.

74. **Superiority.** A class action is superior to other available means for the fair and efficient adjudication of this controversy. 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. The disposition of their claims in this case and as part of a single class action lawsuit, rather than hundreds or thousands of individual lawsuits, will benefit the parties and

1 greatly reduce the aggregate judicial resources that would be spent if this matter were handled as
2 hundreds of separate lawsuits. Furthermore, given the extraordinary expenses and burden in
3 conducting discovery and presentation of evidence, the burden of individual litigation would make it
4 extremely difficult, if not impossible for individual members of the Class to redress the wrongs
5 asserted herein, while an important public interest will be served by addressing the matter as a class
6 action. Moreover, separate prosecution by hundreds or thousands of individual members of the Class
7 would likely establish inconsistent standards of conduct for the StemGenex and result in the
8 impairment of and potential harm to, Class members' rights and the disposition of their interests
9 through actions to which they were not parties. Plaintiffs are informed and believe that a great
10 amount of time and expense will be saved by conducting the discovery and presentation of evidence
11 in a single class action lawsuit, in contrast to the repeated discovery and presentation of evidence in
12 hundreds or thousands of separate lawsuits brought on the common questions presented by the
13 allegations of this complaint. Plaintiffs know of no difficulty that will be encountered in the
14 management of this litigation which would preclude its maintenance as a class action.

15 FIRST CAUSE OF ACTION

16 (Violations of Cal. Bus. & Prof. Code § 17200 et seq.)

17 *Against All Defendants*

18 75. Plaintiffs repeat and re-allege all prior paragraphs and incorporate them as if fully set
19 forth herein.

20 76. Plaintiffs bring this cause of action on behalf of themselves and the Class, pursuant to
21 California Business and Professions Code, §17200, et seq.

22 77. StemGenex's conduct constitutes unfair, unlawful and fraudulent business acts and/or
23 practices because StemGenex's practices have caused and are likely to cause substantial injury to
24 Plaintiffs and the Class, which injury is not reasonably avoidable by Plaintiffs and the Class in light
25 of StemGenex's exclusive knowledge of the truth about its Stem Cell Treatments, its consumer
26 satisfaction rates, and the basis for claims about the efficacy of its Stem Cell Treatments, though it
27 misrepresented, concealed and omitted this truth. Such conduct is ongoing and continues to this date.
28

1 78. StemGenex's acts and practices are unlawful because they violate the Consumer
2 Legal Remedies Act, Civil Code 1750 et seq., Bus. & Prof. Code § 17500, and the Racketeer
3 Influenced and Corrupt Organizations Act 18 U.S.C. §1961 et seq., as alleged in this Complaint and
4 incorporated here by reference.

5 79. StemGenex's acts and practices are fraudulent in that they have deceived and/or are
6 "likely to deceive" Plaintiffs and a significant portion of the consuming public and/or of targeted
7 consumers. StemGenex sold Plaintiffs and Class members Stem Cell Treatments and/or induced them
8 to make deposits for such treatments, for which they made false and misleading statements, and
9 omitted material information, in order to induce reliance and encourage deposits and purchases by
10 Plaintiffs and members of the Class.

11 80. StemGenex was obliged to disclose the material facts because: a) StemGenex had
12 exclusive knowledge of the material facts not known to Plaintiffs and Class members, since only
13 StemGenex had access to the aggregate data from its consumers, its own research and tests, and
14 complaints from its customers; and b) StemGenex actively concealed and suppressed the material
15 facts from Plaintiffs and Class members in regard to the true facts available on those subjects.

16 81. The injury to consumers is substantial, particularly due to the substantial cost of the
17 Stem Cell Treatments. Plaintiffs and Class members paid thousands of dollars for Stem Cell
18 Treatments that they would not otherwise have spent, had they known the truth about the Stem Cell
19 Treatments. The Stem Cell Treatments are worth substantially less than Plaintiffs and Class members
20 paid for them, if anything at all.

21 82. The injury to consumers is not outweighed by any countervailing benefits to
22 consumers or competition. Any purported benefits to consumers are negated by consumers' interests
23 in knowing the true facts regarding services offered for purchase, particularly medical or pseudo-
24 medical treatments they are purchasing at substantial cost. Consumers have an important interest in
25 being informed of this information at an adequate time and location remote from purchase and
26 performance of the service, in order to make an intelligent and informed decision about whether to
27 purchase the service.

28

1 83. The injury to consumers is not an injury that consumers themselves could reasonably
2 have avoided because consumers did not know the true facts regarding the Stem Cell Treatments and
3 had no reason to believe that StemGenex's statements were false, misleading, or omitted material
4 information.

5 84. StemGenex's acts and practices offend established public policy and are immoral,
6 unethical, oppressive, unscrupulous and/or substantially injurious to consumers.

7 85. Plaintiffs and Class members relied on StemGenex's unfair, unlawful and fraudulent
8 conduct and would not have purchased the Stem Cell Treatments or would have paid less for the
9 Stem Cell Treatments had StemGenex conducted itself fairly with respect to the transactions.
10 StemGenex's conduct caused Plaintiffs' and Class members' injuries in that Plaintiffs and Class
11 members would not have purchased the Stem Cell Treatments, would have paid less for them, or
12 would not have paid deposits for them, had StemGenex conducted itself fairly during the
13 transactions.

14 86. StemGenex's unfair, unlawful and fraudulent business acts and practices directly and
15 proximately caused Plaintiffs' and Class members' injuries as complained of in this complaint.
16 StemGenex's omissions and misrepresentations have a tendency to deceive a significant portion of
17 the consuming public and/or of targeted consumers.

18 87. Plaintiffs and Class members seek an order of this Court awarding restitution,
19 injunctive relief and all other relief allowed under Section 17200, et seq., plus interest, attorneys'
20 fees, and costs.

21 **SECOND CAUSE OF ACTION**

22 (Violations of Cal. Bus. & Prof. Code § 17500 et seq.)

23 *Against All Defendants*

24 88. Plaintiffs repeat and re-allege all prior paragraphs and incorporate them as if fully set
25 forth herein.

26 89. Plaintiffs bring this cause of action on behalf of themselves and the Class pursuant to
27 California Business and Professions Code, §17500, et seq.

28 90. StemGenex is a "person" as defined by Cal. Bus. & Prof. Code § 17506.

1 91. StemGenex falsely advertised the Stem Cell Treatments by making partial, false and
2 misleading representations, while omitting material information, as alleged in this complaint.

3 92. StemGenex's false advertising has deceived and is "likely to deceive" Plaintiffs and
4 Class members.

5 93. Plaintiffs and Class members relied on StemGenex's false advertising to their
6 detriment in that they would not have purchased the Stem Cell Treatments or made non-refundable
7 deposits on the same, had StemGenex disclosed the true facts.

8 94. StemGenex's false advertising directly and proximately caused Plaintiffs' and Class
9 members' injuries in that StemGenex's false statements, misleading statements and omissions were a
10 substantial factor in their deposits and purchases of the Stem Cell Treatments and at the significant
11 amount that was charged, and that but for StemGenex's failures to disclose material information,
12 Plaintiffs and Class members would not have put deposits upon, paid for and/or overpaid for the
13 treatments.

14 95. Plaintiffs and Class members have suffered injury in fact and have lost money as a
15 result of StemGenex's false advertising as above.

16 96. Pursuant to Cal. Bus. & Prof. Code §§ 17203 and 17535, Plaintiffs seek an order 1)
17 requiring StemGenex to immediately cease the unlawful, unfair, and or fraudulent business acts
18 and/or practices and false and misleading advertising complained of herein; 2) enjoining StemGenex
19 from continuing to falsely advertise the Stem Cell Treatments; and 3) requiring StemGenex to
20 provide full restitution to Plaintiffs and Class members, plus interest and attorneys' fees.

21 **THIRD CAUSE OF ACTION**

22 (Violations of the California Consumers Legal Remedies Act, Cal. Civ. Code § 1750 et seq. –

23 **Seeking Injunctive Relief and Damages)**

24 ***Against All Defendants***

25 97. Plaintiffs repeat and re-allege all prior paragraphs and incorporate them as if fully set
26 forth herein.

1 98. Plaintiffs seek to enjoin StemGenex's violation of the California Consumers Legal
2 Remedies Act ("CLRA"), California Civil Code §§ 1750 et seq. Plaintiffs also seek damages on
3 behalf of themselves and the Class.

4 99. At all times relevant hereto, Plaintiffs and Class members were "consumer[s]" as that
5 term is defined in Civ. Code § 1761(d).

6 100. At all times relevant hereto, StemGenex constituted a "person" as that term is defined
7 in Civ. Code § 1761(c).

8 101. StemGenex's false statements, misleading statements and omissions as detailed in
9 this complaint represented that their services had sponsorship, approval, characteristics, ingredients,
10 uses, benefits or qualities that they do not have and that their personnel has sponsorship, approval,
11 status, affiliation or connection that they do not have, in violation of Cal. Civ. Code §1770 (a)(5).

12 102. StemGenex's false statements, misleading statements and omissions as detailed in
13 this complaint represented that their services are of a particular standard, quality or grade when they
14 are not, in violation of Cal. Civ. Code §1770 (a)(7).

15 103. StemGenex's false statements, misleading statements and omissions as detailed in
16 this complaint advertised services with intent not to sell them as advertised, in violation of Cal. Civ.
17 Code §1770 (a)(9).

18 104. At all times relevant hereto, Plaintiffs' and Class members' purchases of
19 StemGenex's Stem Cell Treatments and deposits for the same constituted a "transaction" as that term
20 is defined in Civ. Code § 1761(e).

21 105. At all times relevant hereto, StemGenex provided "services" to Plaintiffs and
22 members of the Class within the meaning of Civil Code § 1761(b).

23 106. Plaintiffs and Class members would have behaved differently by not purchasing the
24 Stem Cell Treatments from StemGenex, or paying deposits toward them, and/or by paying less for
25 the Stem Cell Treatments, had they been aware of the true facts.

26 107. StemGenex was obliged to disclose the material facts because: a) StemGenex had
27 exclusive knowledge of the material facts not known to Plaintiffs and Class members, since only
28 StemGenex had access to the aggregate data from its consumers, its own research and tests, and

1 complaints from its customers; and b) StemGenex actively concealed and suppressed the material
2 facts from Plaintiffs and Class members in regard to the true facts available on those subjects.

3 108. Plaintiffs and Class members justifiably acted or relied to their detriment upon the
4 false statements, misleading statements, and concealment and/or non-disclosure of material facts as
5 evidenced by their purchases of the Stem Cell Treatments. Had StemGenex disclosed the true
6 material facts, Plaintiffs and the Class members would have behaved differently by not buying the
7 service, not paying deposits, and/or paying less.

8 109. StemGenex's false statements, misleading statements, and omissions of material facts
9 directly and proximately caused Plaintiffs' and Class members' injuries in that Plaintiffs and Class
10 members would not have overpaid for the Stem Cell Treatments, or purchased them at all. As such,
11 Plaintiffs and Class members did not receive the benefit of the bargain.

12 110. Cal. Civ. Code § 1780 (a)(2) permits any court of competent jurisdiction to enjoin
13 practices that violate Civil Code § 1770. Pursuant to Cal. Civ. Code § 1782(d), Plaintiffs seek
14 injunctive relief under this cause of action.

15 111. Plaintiff Selena Moorer, on behalf of herself and all others similarly situated, sent
16 StemGenex a notice letter that complies with Cal. Civ. Code § 1782(a). On August 30, 2016, the
17 notice period of that letter expired. At the time of this filing, StemGenex has not satisfied any of the
18 elements of Cal. Civ. Code § 1782(c)(1)-(4), on indicated its agreement to satisfy those elements.
19 Plaintiffs now amend this complaint to include a claim for damages under the CLRA:

20 (a) As a result of such conduct in violation of California Civil Code §§1770, et seq., Plaintiffs
21 and members of the Class have suffered damages. Plaintiffs and members of the Class had
22 actual reliance on Defendants' misrepresentations and suffered actual injury as a result of
23 those misrepresentations.

24 (b) Pursuant to California Civil Code §1780, et seq., Plaintiffs and members of the Class are
25 entitled to actual damages, punitive damages, court costs and attorneys fees.

26 (c) The aforesaid acts of Defendants, and each of them, which were performed, authorized
27 and/or ratified by Defendants' officers, directors and/or managing agents were malicious,
28

1 fraudulent and/or oppressive, as defined by Civil Code Section 3294, therefore justifying an
2 award of exemplary and punitive damages.

3 **FOURTH CAUSE OF ACTION**

4 (Violation of Human Experimentation Law – Cal. Health & Safety Code § 24170, et seq.)

5 *Against All Defendants*

6 112. Plaintiffs repeat and re-allege all prior paragraphs and incorporate them as if fully set
7 forth herein.

8 113. Pursuant to *California Health & Safety Code* Section 24175(a), no person shall be
9 subjected to a medical experimentation. The practice of administering adipose derived stem cell
10 therapy to treat, prevent, or mitigate various diseases is not FDA approved and remains classified
11 experimental in nature. Ms. Moorer and Mr. Ginsberg, including others similarly situated, were
12 misled particularly into believing that StemGenex had no unsatisfied other patients, and did not
13 give informed consent to be part of a medical experiment in which there had been previously
14 unsatisfied participants. This claim for illegal human experimentation via the Stem Cell Treatments
15 arises under Section 24175 (a)(1), requiring that a patient be properly informed of investigational
16 research.

17 114. The wording of the StemGenex website and other materials runs directly counter to
18 the notification requirements of human experimentation law. StemGenex was required to inform its
19 patients in accord with 21 CFR 50.27(a), as well as California Health & Safety Code Section
20 24172(a) and (b), which also requires the patient be informed and consent.

21 115. Under Health & Safety Code Section 24173, "informed consent" means the
22 authorization given pursuant to Section 24175 to have a medical experiment performed after each of
23 the following conditions, and others in the code, have been satisfied:

24 (c) The subject or subject's conservator or guardian, or other representative, as specified in
25 Section 24175, is informed both verbally and within the written consent form, in nontechnical
26 terms and in a language in which the subject or the subject's conservator or guardian, or other
27 representative, as specified in Section 24175, is fluent, of the following facts of the proposed
28 medical experiment, which might influence the decision to undergo the experiment, including,
but not limited to:

(1) An explanation of the procedures to be followed in the medical experiment and any drug
or device to be utilized, including the purposes of the procedures, drugs, or devices. If a

1 placebo is to be administered or dispensed to a portion of the subjects involved in a medical
 2 experiment, all subjects of the experiment shall be informed of that fact; however, they need
 not be informed as to whether they will actually be administered or dispensed a placebo.

3 (2) A description of any attendant discomfort and risks to the subject reasonably to be
 expected.

4 (3) An explanation of any benefits to the subject reasonably to be expected, if
 applicable.

5 (4) A disclosure of any appropriate alternative procedures, drugs, or devices that might be
 advantageous to the subject, and their relative risks and benefits.

6 (11) The material financial stake or interest, if any, that the investigator or research institution
 7 has in the outcome of the medical experiment. For purposes of this section, "material" means
 8 ten thousand dollars (\$10,000) or more in securities or other assets valued at the date of
 disclosure, or in relevant cumulative salary or other income, regardless of when it is earned or
 expected to be earned.

9
 10 116. Consent under this code must be voluntarily and freely given by the human
 11 subject or the conservator or guardian, or other representative, as specified by Section 24175, without
 12 the intervention of any element of force, fraud, deceit, duress, coercion, or undue influence.

13 Plaintiff and members of the Class were defrauded and did not voluntarily and freely give consent.

14 117. The Stem Cell Treatments to Plaintiffs and members of the Class fall under
 15 Section 24174 "medical experiment", which means: (a) The severance or penetration or damaging
 16 of tissues of a human subject or the use of a drug or device, as defined in Section 109920 or 109925,
 17 electromagnetic radiation, heat or cold, or a biological substance or organism, in or upon a human
 18 subject in the practice or research of medicine in a manner not reasonably related to maintaining or
 19 improving the health of the subject or otherwise directly benefiting the subject.

20 118. Under Section 24175 (a) no person shall be subjected to any medical experiment
 21 unless the informed consent of such person is obtained. Informed consent was not obtained from
 22 Plaintiffs nor any of the other Class Members.

23 119. As a result of the negligent failure to obtain informed consent on these
 24 experiments, StemGenex and all Defendants are liable for damages under Section 24176 (a) Any
 25 person who is primarily responsible for conduct of a medical experiment and who negligently allows
 26 the experiment to be conducted without a subject's informed consent, as provided in this chapter,
 27 shall be liable to the subject in an amount not to exceed ten thousand dollars (\$10,000), as determined
 28 by the court. The minimum amount of damages awarded shall be five hundred dollars (\$500).

1 120. Plaintiffs allege in the alternative that the failure to obtain informed consent was
2 intentional. As a result of the intentional failure to obtain informed consent on these experiments,
3 StemGenex and all Defendants are liable for damages under Section 24176 (b) Any person who is
4 primarily responsible for the conduct of a medical experiment and who willfully fails to obtain the
5 subject's informed consent, as provided in this chapter, shall be liable to the subject in an amount not
6 to exceed twenty-five thousand dollars (\$25,000) as determined by the court. The minimum amount
7 of damages awarded shall be one thousand dollars (\$1,000).

8 121. Each and every medical experiment performed in violation of any provision of this
9 chapter is a separate and actionable offense.

10 122. Any attempted or purported waiver of the rights guaranteed, or requirements
11 prescribed by this chapter, whether by a subject or by a subject's conservator or guardian, or other
12 representative, as specified in Section 24175, is void.

13 123. Plaintiffs and the members of the Class pray for all damages available under *Cal.*
14 *Health & Safety Code* § 24170, et seq.

15 **FIFTH CAUSE OF ACTION**

16 (Violation of the Racketeer Influenced and Corrupt Organizations Act (RICO) –

17 18 U.S.C. §1961 et seq.)

18 *Against All Defendants.*

19 124. Plaintiffs repeat and re-allege all prior paragraphs and incorporate them as if fully set
20 forth herein.

21 125. At all relevant times, StemGenex conducted substantial business in the State of
22 California, including marketing, advertising, and performing its treatments in the State and in the
23 County of San Diego.

24 126. StemGenex is an “enterprise” within the meaning of 18 U.S.C. §1961(4), through
25 which Defendants conducted the pattern of racketeering described in this Complaint.

26 127. Throughout its existence, StemGenex engaged in, and its activities affected interstate
27 commerce because its business enterprise involved activities across state lines, including, but not
28 limited to, a national internet marketing campaign and direct solicitation of consumers in other states

1 by telephone, including Plaintiffs. Plaintiffs are informed and believe that StemGenex's business
2 activities with other members of the Class involved communication, solicitation of business, requests
3 for payments and transfer of payments by Class members to StemGenex, in exchange for Stem Cell
4 Treatments, via its website, mail, email, telephone, and bank wires, all across state lines.

5 128. Defendants, and each of them, exercised substantial control over the affairs of the
6 StemGenex enterprise, through creation and approval of its marketing materials and scheme to
7 defraud consumers, providing capital, collateral and/or guarantees to fund the scheme, providing
8 services to perform the Stem Cell Treatments and further the scheme, instructing, encouraging and
9 incentivizing StemGenex employees and personnel to participate in the fraudulent scheme, including
10 by posting positive, false consumer reviews on internet websites, and other means.

11 129. The StemGenex enterprise has an ascertainable structure separate and apart from the
12 pattern of racketeering activity in which Defendants, and each of them, have engaged. The
13 StemGenex enterprise is separate and distinct from each Defendant alone.

14 130. Defendants, and each of them, were knowing and willing participants in the scheme,
15 and reaped revenues and/or profits from it. StemGenex, Defendants, and each of them, knowingly,
16 willfully and unlawfully conducted or participated, directly or indirectly, in the affairs of the
17 enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C. §§1961(1),
18 1961(5) and 1962(c), as described in this Complaint. The racketeering activity was made possible by
19 the regular and repeated use of the facilities, services, distribution channels and employees of the
20 StemGenex enterprise.

21 131. The racketeering acts were not isolated, but rather were related in that they had the
22 same or similar purposes and results, participants, victims and methods of commission. Further, the
23 racketeering acts were continuous, occurring on a regular basis beginning by at least December 8,
24 2013, when StemGenex began advertising its false patient satisfaction review statistics, and
25 continuing through the present.

26 132. In devising and executing the Scheme, StemGenex, its personnel, Defendants and
27 each of them, committed acts constituting indictable offenses under 18 U.S.C. §§1341 and 1343, in
28 that they devised and knowingly carried out a material scheme or artifice to defraud or to obtain

1 money by means of materially false or fraudulent pretenses, representations, promises, or omissions
2 of material facts. For the purpose of executing the scheme, Defendants committed these racketeering
3 acts, which number in the hundreds or thousands, intentionally and knowingly, with the specific
4 intent to advance the illegal scheme.

5 133. StemGenex, Defendants, and each of them, used hundreds or thousands of mail and
6 interstate wire communications throughout the Class period to create and perpetuate the Scheme
7 through virtually uniform misrepresentations, concealments and material omissions.

8 134. Plaintiffs and members of the Class relied on the fraudulent misrepresentations and
9 omissions by StemGenex, Defendants, and each of them, were harmed by the scheme, and are
10 entitled to treble damages, attorney's fees, and other relief authorized by 18 U.S.C. §1964(c) and the
11 RICO Act.

12 **SIXTH CAUSE OF ACTION**

13 (Fraud)

14 *Against All Defendants*

15 135. Plaintiffs repeat and re-allege all prior paragraphs and incorporate them as if fully set
16 forth herein.

17 136. StemGenex intentionally misrepresented to Plaintiffs and members of the Class that it
18 had no dissatisfied customers, when in fact that was not true. StemGenex repeatedly published
19 charts/pie charts/diagrams that showed 100% of its customers were satisfied. This was untrue and
20 StemGenex knew it at the time of StemGenex's publication.

21 137. Additionally, StemGenex intentionally misrepresented to Plaintiffs and members of
22 the Class that they would truly benefit from the StemGenex Stem Cell Treatment when in fact
23 StemGenex had no reasonable supporting data or other reasonable basis to claim that this was true.

24 138. Additionally, StemGenex intentionally misrepresented to Plaintiffs and members of
25 the Class that they would significantly improve from the StemGenex Stem Cell Treatment when in
26 fact StemGenex had no reasonable supporting data or other reasonable basis to claim that this was
27 true.

1 139. These intentional misrepresentations constitute fraud. StemGenex perpetrated this
2 fraud on Plaintiffs and members of the Class by purveying these false statements on its website at
3 www.stemgenex.com.

4 140. StemGenex also perpetrated this fraud on Plaintiffs and members of the Class by
5 making similar verbal false statements to them.

6 141. StemGenex also perpetrated this fraud on Plaintiffs and members of the Class by
7 publishing or directing to be published false and fabricated reviews of its services on the internet.

8 142. StemGenex knowingly concealed and omitted material information from its
9 consumers as described in this Complaint, despite a duty to disclose the information.

10 143. StemGenex knew that the representations above were false when they made them or
11 StemGenex made the representations recklessly and without regard for their truth.

12 144. StemGenex intended that Plaintiffs and the members of the Class rely on StemGenex'
13 representation. StemGenex knew that by putting out information that all customers, 100%, were
14 satisfied or extremely satisfied with its services that consumers would be more apt to go forward with
15 this expensive full payment and service.

16 145. Plaintiffs and the members of the Class relied on the false representations and
17 material omissions. Their reliance upon StemGenex's representations was justified because of the
18 manner in which StemGenex made the representations. This included an impressive website with
19 not just a statement about the statistics, but round graphic representations. These statistics were
20 simply "cooked up" and were not based on actual and complete consumer feedback. In fact, at the
21 time, StemGenex knew that some consumers were dissatisfied, had had no effects and/or wanted their
22 money back. But, Plaintiffs and members of the Class had no reasonable way to know this. The
23 reasonable reliance also came about because of powerful and persuasive on-line reviews which were
24 actually manufactured by StemGenex itself through direction to its agents and employees. This also
25 included firm and repeated verbal false statements about the nature, quality and efficacy of the
26 StemGenex's Stem Cell Treatment.

27 146. Plaintiffs and the members of the Class were harmed.
28

(Negligent Misrepresentation)

148. Plaintiffs repeat and re-allege all prior paragraphs and incorporate them as if fully set forth herein.

149. StemGenex misrepresented to the Plaintiffs and members of the Class that it had no dissatisfied customers, when in fact that was not true.

150. StemGenex misrepresented to Plaintiffs and members of the Class that they would truly benefit from the StemGenex Stem Cell Treatment when in fact StemGenex had no reasonable supporting data or other reasonable basis to claim that this was true.

151. StemGenex misrepresented to Plaintiffs and members of the Class that they would significantly improve from the StemGenex Stem Cell Treatment when in fact StemGenex had no reasonable supporting data or other reasonable basis to claim that this was true.

152. StemGenex omitted material information from disclosure to Plaintiffs and the members of the Class, though it had a duty to disclose it.

153. StemGenex may have believed its representations were reasonably made and omitted information was reasonably concealed or not disclosed, but its belief was unreasonable and fell below the applicable duty of care.

154. StemGenex intended Plaintiffs and members of the Class to rely on these representations and its disclosures.

155. Plaintiffs and the members of the Class reasonably relied on StemGenex' representations.

156. Plaintiffs and the members of the Class were harmed.

Against All Defendants

1 165. Plaintiffs are informed and believe that, at all times herein mentioned, Plaintiff
2 Stephen Ginsberg and all other members of the Putative Class who reside in the State of California
3 and are over the age of 65 are "elders" as defined by California Welfare & Institutions Code Section
4 15610.27. These persons are referred to in this Complaint as "the Elder Subclass." At all relevant
5 times mentioned, Defendants stood in a position of trust to the Elder Subclass. Elder Subclass
6 Representative, Stephen Ginsberg, was over the age of 65 at the time of his Stem Cell Treatment and
7 at all times has resided in California.

8 166. Plaintiffs are informed and believe that, as forth above, the Defendants made false
9 representations to Stephen Ginsberg and the Elder Subclass, took advantage of their conditions and
10 unduly influenced them to give money in exchange for no real consideration. Further, Defendants
11 have not returned to Stephen Ginsberg and the Elder Subclass the money taken.

12 167. Plaintiffs are informed and believe that the above-described false representations,
13 taking advantage of elderly persons and undue influence were wrongful and in bad faith, and
14 Defendants engaged in such conduct for their sole economic gain to the detriment of Stephen
15 Ginsberg and the Elder Subclass. Defendants' conduct constitutes "financial abuse" of elders as
16 defined by California Welfare & Institutions Code §§ 15610.30 and 15610.07(a).

17 168. Plaintiffs are informed and believe that, as a proximate result of Defendants' conduct
18 and the facts herein alleged that Plaintiffs have suffered damages in the jurisdictional limits of this
19 court, the exact amount to be determined according to proof at trial.

20 169. Plaintiffs are informed and believe that, under the circumstances set forth above,
21 Defendants' false and fraudulent representations to Stephen Ginsberg and the Elder Subclass, their
22 taking advantage of Stephen Ginsberg and the Elder Subclass' age and weakened physical and mental
23 states, and their undue influence to obtain money from Plaintiffs, constitutes unfair and deceptive acts
24 against elders.

25 170. Additionally, Defendants knew and specifically directed their conduct at elders.
26 Defendants' conduct caused Plaintiff, Stephen Ginsberg to sustain a substantial loss of money which
27 could have better been used for other important expenses, assets/funds essential to the health and
28 welfare of the Plaintiffs. Moreover, Stephen Ginsberg and the Elder Subclass were more vulnerable

1 to Defendants' wrongful conduct than other members of the public because of, among other things,
2 their age, ill health and the trust and confidence placed in Defendants. Stephen Ginsberg and the
3 Elder Subclass actually suffered substantial damage resulting from Defendants' conduct. Therefore,
4 Stephen Ginsberg and the Elder Subclass are also entitled to treble damages pursuant to California
5 Civil Code §3345(b).

6 171. Plaintiffs are informed and believe that the above conduct of Defendants was
7 despicable, willful, malicious, fraudulent, and oppressive conduct which subjected Stephen Ginsberg
8 and the Elder Subclass to cruel and unjust hardships in conscious disregard of their rights, so as to
9 justify an award of exemplary and punitive damages in an amount to be determined by the trier of
10 fact.

11 172. Plaintiffs are informed and believe that, pursuant to California Welfare & Institutions
12 Code §15657, Stephen Ginsberg and the Elder Subclass are entitled to recover their attorneys' fees
13 and costs.

14 **PRAYER**

15 WHEREFORE, Plaintiffs, individually, on behalf of the Class and on behalf of the public,
16 pray for judgment against Defendants as follows:

17 1. That this action be certified as a class action, pursuant to Code of Civil Procedure
18 §382 and/or the Consumer Legal Remedies Act, Civil Code §1781;

19 2. That this law firm be appointed as counsel for the Class;

20 3. That Plaintiffs be appointed Class Representatives as requested in this Complaint;

21 4. That Plaintiffs be afforded a jury trial on behalf of themselves and the Class, and a
22 jury trial is demanded; -

23 5. That pursuant to the CLRA, UCL and False Advertising Law, all defendants, their
24 officers, directors, principals, assignees, successors, agents, representatives, employees,
25 subsidiaries, affiliates, and all persons, corporations and other entities acting by, through, under, or
26 on behalf of said defendants, or acting in concert or participation with them, be permanently
27 enjoined from directly or indirectly making any illegal, untrue or misleading statements in
28

1 violation of the CLRA, Business and Professions Code §§ 17200 et seq. and 17500 et seq.,
2 including, but not limited to, the untrue or misleading statements alleged in this complaint;

3 6. Awarding Plaintiffs and members of the Class, pursuant to California Civil Code
4 §1750, et seq., actual damages, punitive damages, court costs and attorneys' fees.

5 7. Awarding Plaintiffs and members of the Class treble damages and attorney's fees as
6 authorized by 18 U.S.C. §1964(c).

7 8. Ordering the disgorgement of all sums unjustly obtained from Plaintiffs, the
8 members of the Class and the public;

9 9. Ordering defendants to make restitution to Plaintiffs, the members of the Class and
10 the public;

11 10. Awarding Plaintiff, Stephen Ginsberg, and members of the Elder Subclass treble
12 damages pursuant to Civil Code §3345, in an amount according to proof at trial;

13 11. Awarding Plaintiff, Stephen Ginsberg, and members of the Elder Subclass attorney's
14 fees and costs under Welfare and Institutions Code §15657;

15 12. Awarding Plaintiff, Stephen Ginsberg, and members of the Elder Subclass statutory
16 penalties, attorney fees and costs, and injunctive relief under California Health & Safety Code
17 §1430(b);

18 13. Awarding Plaintiffs and the members of the Class compensatory damages
19 according to proof;

20 14. Awarding Plaintiffs and the members of the Class general damages according to
21 proof;

22 15. Awarding Plaintiffs and the members of the Class economic damages according to
23 proof;

24 16. Awarding Plaintiffs and the members of the Class damages for violation of Cal.
25 Health & Safety Code § 24170, et seq.

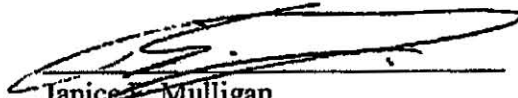
26 17. Awarding Plaintiffs and members of the Class and Elder Subclass punitive and
27 exemplary damages according to proof;

28 18. Awarding prejudgment and post-judgment interest at the maximum legal rate;

19. Awarding attorneys' fees according to proof;
20. Awarding costs of suit; and
21. All such other and further relief as the Court deems just and proper.

Dated: September 14, 2016

MULLIGAN, BANHAM, & FINDLEY



Janice F. Mulligan
Elizabeth A. Banham
Brian K. Findley
Attorneys for Plaintiff and the Putative Class

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
See Attached

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
SELENA MOORER, individually and on behalf of all others similarly situated

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
CIVIL BUSINESS OFFICE 4
CENTRAL DIVISION

2016 AUG 22 PM 2:42

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibido mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): San Diego Superior Court
330 West Broadway
San Diego, CA 92101

CASE NUMBER:
(Número del Caso):

37-2016-00028994-CU-NP-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Janice Mulligan, MULLIGAN, BANHAM & FINDLEY, 2442 4th Ave., # 100, San Diego, CA 619-238-8700

DATE: AUG 22 2016
(Fecha)

Clerk, by
(Secretario)

M. Reyes

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1

SUM-200(A)

SHORT TITLE: SELENA MOORER & All Others Similarly Situated v. STEMGENEX	CASE NUMBER:
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

STEMGENEX MEDICAL GROUP, INC., a California Corporation; STEMGENEX, INC., a California Corporation; STEM CELL RESEARCH CENTRE, INC., a California Corporation; ANDRE P. LALLANDE, D.O., an Individual; SCOTT SESSIONS, M.D., an Individual; RITA ALEXANDER, an Individual; and DOES 1-100,

Defendants.

Page 1 of 1

Page 1 of 1

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM & FINDLEY 2442 Fourth Ave., Suite 100, San Diego, CA 92101 TELEPHONE NO.: 619-238-8700 FAX NO. (Optional): 619-238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER, et al.	FOR COURT USE ONLY FILED CIVIL BUSINESS OFFICE 9 CENTRAL DIVISION 2016 OCT 27 P 3:36 CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: SELENA MOORER, et al.	CASE NUMBER: 37-2016-00028994-CU-NP-CTL
DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	Ref. No. or File No.:
PROOF OF SERVICE OF SUMMONS	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): 1st Amended Complaint, Notice of Assignment, E-File & ADR, Doe 1,2,3
3. a. Party served (specify name of party as shown on documents served):
 STEMGENEX, INC., a California Corporation
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 David Rosenberg, attorney
4. Address where the party was served:
 Office of Rosenberg, Shpall & Zeigen, 750 "B" St., Suite 3210, San Diego, CA 92101
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☐ by substituted service. On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: SELENA MOORER, et al.	CASE NUMBER: 37-2016-00028994-CU-NP-CTL
DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	

5. c. ☒ by mail and acknowledgment of receipt of service, I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 9-27-16 (2) from (city): San Diego
- (3) ☒ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):
NOTICE & ACKNOWLEDGEMENT OF RECEIPT-CIVIL is attached

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Brian K. Findley
- b. Address: 2442 Fourth Ave., Suite 100, San Diego, CA 92101
- c. Telephone number: 619-238-8700
- d. The fee for service was: \$0
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10-25-16


(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

FILED POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Molligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM, & FINDLEY 2442 Fourth Avenue, Suite 100, San Diego, California 92101 TELEPHONE NO.: (619) 238-8700 FAX NO. (Optional): (619) 238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated		CIVIL BUSINESS OFFICE 9 CENTRAL DIVISION 2016 OCT 27 P 3:36 CLERK-SUPERIOR COURT SAN DIEGO COUNTY 10 OCT 27 P 5:26
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central		
PLAINTIFF/PETITIONER: SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL		CASE NUMBER: 37-2016-00028994-CU-NP-CTL

TO (Insert name of party being served): STEMGENEX, INC., a California Corporation**NOTICE**

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: 09/27/16Brian K. Findley, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

1. ☐ A copy of the summons and of the complaint.
 2. ☒ Other (specify):

Summons, First Amended Class Action Complaint, Notice of Case Assignment, E-File Notice,
 ADR Package, Amendments to Complaint re: Does 1, 2, 3.

(To be completed by recipient):

Date this form is signed: 10/17/16David Rosenberg, Esq. on behalf of the party served(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM & FINDLEY 2442 Fourth Ave., Suite 100, San Diego, CA 92101 TELEPHONE NO.: 619-238-8700 FAX NO. (Optional): 619-238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER, et al.		FOR COURT USE ONLY CIVIL BUSINESS OFFICE 9 CENTRAL CLERK 2016 OCT 27 P. 3: 36 CLERK-SUPERIOR COURT SAN DIEGO
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central		
PLAINTIFF/PETITIONER: SELENA MOORER, et al. DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.		CASE NUMBER: 37-2016-00028994-CU-NP-CTL
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): 1st Amended Complaint, Notice of Assignment, E-File & ADR, Doe 1,2,3
3. a. Party served (specify name of party as shown on documents served):
 STEMGENEX MEDICAL GROUP, INC., a California Corporation
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 David Rosenberg, attorney
4. Address where the party was served:
 Office of Rosenberg, Shpall & Zeigen, 750 "B" St., Suite 3210, San Diego, CA 92101
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: SELENA MOORER, et al.	CASE NUMBER: 37-2016-00028994-CU-NP-CTL
DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	

5. c. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): **9-27-16** (2) from (city): **San Diego**
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):
NOTICE & ACKNOWLEDGEMENT OF RECEIPT-CIVIL is attached

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **Brian K. Findley**
- b. Address: **2442 Fourth Ave., Suite 100, San Diego, CA 92101**
- c. Telephone number: **619-238-8700**
- d. The fee for service was: **\$0**
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or


9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **10-25-16**

Brian Findley
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

[Signature]
(SIGNATURE)

POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM, & FINDLEY 2442 Fourth Avenue, Suite 100, San Diego, California 92101 TELEPHONE NO.: (619) 238-8700 FAX NO. (Optional) (619) 238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central		
PLAINTIFF/PETITIONER: SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL		CASE NUMBER: 37-2016-00028994-CU-NP-CTL

TO (insert name of party being served): STEMGENEX MEDICAL GROUP, INC., a California Corporation

NOTICE

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If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: 09/27/16

Brian K. Findley, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

- ☐ A copy of the summons and of the complaint.
- ☒ Other (specify):

Summons, First Amended Class Action Complaint, Notice of Case Assignment, E-File Notice, ADR Package, Amendments to Complaint re: Does 1, 2, 3.

(To be completed by recipient):

Date this form is signed: 10/17/16

David Rosenberg, Esq. on behalf of the party served

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM & FINDLEY 2442 Fourth Ave., Suite 100, San Diego, CA 92101 TELEPHONE NO.: 619-238-8700 FAX NO. (Optional): 619-238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER, et al.	FOR COURT USE ONLY FILED CIVIL BUSINESS OFFICE 9 CENTRAL DIVISION 2016 OCT 27 P 3:36 CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: SELENA MOORER, et al. DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	CASE NUMBER: 37-2016-00028994-CU-NP-CTL
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): 1st Amended Complaint, Notice of Assignment, E-File & ADR, Doc 1,2,3
3. a. Party served (specify name of party as shown on documents served):
STEM CELL RESEARCH CENTRE, INC., a California Corporation
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
David Rosenberg, attorney
4. Address where the party was served:
Office of Rosenberg, Shpall & Zeigen, 750 "B" St., Suite 3210, San Diego, CA 92101
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☐ by substituted service. On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: SELENA MOORER, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	37-2016-00028994-CU-NP-CTL

5. c. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 9-27-16 (2) from (city): San Diego
- (3) ☒ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):
NOTICE & ACKNOWLEDGEMENT OF RECEIPT-CIVIL is attached

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Brian K. Findley
- b. Address: 2442 Fourth Ave., Suite 100, San Diego, CA 92101
- c. Telephone number: 619-238-8700
- d. The fee for service was: \$ 0
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10-25-16

Brian Findley
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

[Signature]
(SIGNATURE)

POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANIHAM, & FINDLEY 2442 Fourth Avenue, Suite 100, San Diego, California 92101 TELEPHONE NO.: (619) 238-8700 FAX NO. (Optional): (619) 238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated		POS-015 FILED 11/16/16
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central		
PLAINTIFF/PETITIONER: SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL		CASE NUMBER: 37-2016-00028994-CU-NP-CITL

TO (insert name of party being served): STEM CELL RESEARCH CENTRE, INC., a California Corporation

NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: 09/27/16

Brian K. Findley, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

- ☐ A copy of the summons and of the complaint.
- ☒ Other (specify):

Summons, First Amended Class Action Complaint, Notice of Case Assignment, E-File Notice, ADR Package, Amendments to Complaint re: Does 1, 2, 3.

(To be completed by recipient):

Date this form is signed: 10/17/16

David Rosenberg, Esq. on behalf of the party served

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM & FINDLEY 2442 Fourth Ave., Suite 100, San Diego, CA 92101 TELEPHONE NO.: 619-238-8700 FAX NO. (Optional): 619-238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER, et al.	FOR COURT USE ONLY FILED CIVIL BUSINESS OFFICE 9 CENTRAL DIVISION 2016 OCT 27 P 3:37 CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: SELENA MOORER, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	37-2016-00028994-CU-NP-CTL
PROOF OF SERVICE OF SUMMONS	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): 1st Amended Complaint, Notice of Assignment, E-File & ADR, Doc 1,2,3
3. a. Party served (specify name of party as shown on documents served):
STEM GENETIC, a California Business Entity, Form Unknown
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
David Rosenberg, attorney
4. Address where the party was served:
Office of Rosenberg, Shpall & Zeigen, 750 "B" St., Suite 3210, San Diego, CA 92101
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: SELENA MOORER, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	37-2016-00028994-CU-NP-CTL

5. c. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid;
- (1) on (date): 9-27-16 (2) from (city): San Diego
- (3) ☒ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

- d. ☐ by other means (specify means of service and authorizing code section):
NOTICE & ACKNOWLEDGEMENT OF RECEIPT-CIVIL is attached

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|--|
| <input type="checkbox"/> 416.10 (corporation) | <input checked="" type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Brian K. Findley
- b. Address: 2442 Fourth Ave., Suite 100, San Diego, CA 92101
- c. Telephone number: 619-238-8700
- d. The fee for service was: \$0
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10-25-16

Brian Findley
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

[Signature]
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM, & FINDLEY 2442 Fourth Avenue, Suite 100, San Diego, California 92101 TELEPHONE NO.: (619) 238-8700 FAX NO. (Optional): (619) 238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated	POS-015 CIVIL BUSINESS OFFICE 9 CENTRAL DISTRICT 2016 OCT 27 P 3:37 CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA 101 OCT 27 2016 CASE NUMBER: 37-2016-00028994-CU-NP-CTL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL	

TO (insert name of party being served): STEM GENETIC, a California Business Entity, Form Unknown

NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: 09/27/16

Brian K. Findley, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

- ☐ A copy of the summons and of the complaint.
- ☒ Other (specify):

Summons, First Amended Class Action Complaint, Notice of Case Assignment, E-File Notice, ADR Package, Amendments to Complaint re: Docs 1, 2, 3.

(To be completed by recipient):

Date this form is signed: 10/17/16

David Rosenberg, Esq. on behalf of the party served

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM & FINDLEY 2442 Fourth Ave., Suite 100, San Diego, CA 92101 TELEPHONE NO.: 619-238-8700 FAX NO. (Optional): 619-238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER, et al.	FOR COURT USE ONLY FILED CIVIL BUSINESS OFFICE CENTRAL DIVISION 2016 OCT 27 P 3:37 CLERK SUPERIOR COURT SAN DIEGO, CALIF.
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: SELENA MOORER, et al. DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	CASE NUMBER: 37-2016-00028994-CU-NP-CTL
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): 1st Amended Complaint, Notice of Assignment, E-File & ADR, Doc 1,2,3
3. a. Party served (specify name of party as shown on documents served):
 STEM CELLS ... THE HUMAN REPAIR KIT, a CALIFORNIA BUSINESS ENTITY, FORM UNKNOWN
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 David Rosenberg, attorney
4. Address where the party was served:
 Office of Rosenberg, Shpall & Zeigen, 750 "B" St., Suite 3210, San Diego, CA 92101
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

VIA FAX

PLAINTIFF/PETITIONER: SELENA MOORER, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	37-2016-00028994-CU-NP-CTL

5. c. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 9-27-16 (2) from (city): San Diego
- (3) ☒ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):
NOTICE & ACKNOWLEDGEMENT OF RECEIPT-CIVIL is attached

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|--|
| <input type="checkbox"/> 416.10 (corporation) | <input checked="" type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Brian K. Findley
- b. Address: 2442 Fourth Ave., Suite 100, San Diego, CA 92101
- c. Telephone number: 619-238-8700
- d. The fee for service was: \$0
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10-25-16

Brian Findley
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

[Signature]
(SIGNATURE)

POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM, & FINDLEY 2442 Fourth Avenue, Suite 100, San Diego, California 92101 TELEPHONE NO. (619) 238-8700 FAX NO. (Optional): (619) 238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated		CASE NUMBER: 37-2016-00028994-CU-NP-CTL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central		
PLAINTIFF/PETITIONER: SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL		

TO (insert name of party being served): STEM CELLS... THE HUMAN REPAIR KIT, a California Business Entity, Form Unknown

NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

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Date of mailing: 09/27/16

Brian K. Findley, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

- ☐ A copy of the summons and of the complaint.
- ☒ Other (specify):

Summons, First Amended Class Action Complaint, Notice of Case Assignment, E-File Notice,
 ADR Package, Amendments to Complaint re: Does 1, 2, 3.

(To be completed by recipient):

Date this form is signed: 10/17/16

David Rosenberg, Esq. on behalf of the party served

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM & FINDLEY 2442 Fourth Ave., Suite 100, San Diego, CA 92101 TELEPHONE NO.: 619-238-8700 FAX NO. (Optional): 619-238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER, et al.	FOR COURT USE ONLY FILED CIVIL BUSINESS OFFICE 9 CENTRAL DIVISION 2016 OCT 27 PM 3:37 CLERK SUPERIOR COURT SAN DIEGO, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: SELENA MOORER, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	37-2016-00028994-CU-NP-CTL
PROOF OF SERVICE OF SUMMONS	
Ref. No. or File No.:	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): 1st Amended Complaint, Notice of Assignment, E-File & ADR, Doe 1,2,3
3. a. Party served (specify name of party as shown on documents served):
 RITA ALEXANDER
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 David Rosenberg, attorney
4. Address where the party was served:
 Office of Rosenberg, Shpall & Zeigen, 750 "B" St., Suite 3210, San Diego, CA 92101
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☐ by substituted service. On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: SELENA MOORER, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	37-2016-00028994-CU-NP-CTL

5. c. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in Item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 9-27-16 (2) from (city): San Diego
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):
NOTICE & ACKNOWLEDGEMENT OF RECEIPT-CIVIL is attached

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|--|
| <input type="checkbox"/> 416.10 (corporation) | <input checked="" type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Brian K. Findley
- b. Address: 2442 Fourth Ave., Suite 100, San Diego, CA 92101
- c. Telephone number: 619-238-8700
- d. The fee for service was: \$0
- e. I am:

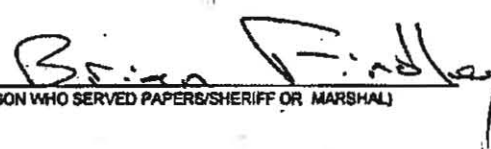
- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10-25-16


(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM, & FINDLEY 2442 Fourth Avenue, Suite 100, San Diego, California 92101 TELEPHONE NO.: (619) 238-8700 FAX NO. (Optional): (619) 238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated		18 OCT 27 4:02 PM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central		
PLAINTIFF/PETITIONER: SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL		CASE NUMBER: 37-2016-00028994-CU-NP-CTL

TO (Insert name of party being served): RITA ALEXANDER

NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: 09/27/16Brian K. Findley, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

- ☐ A copy of the summons and of the complaint.
- ☒ Other (specify):

Summons, First Amended Class Action Complaint, Notice of Case Assignment, E-File Notice, ADR Package, Amendments to Complaint re: Does 1, 2, 3.

(To be completed by recipient):

Date this form is signed: 10/17/16David Rosenberg, Esq. on behalf of the party served(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM & FINDLEY 2442 Fourth Ave., Suite 100, San Diego, CA 92101 TELEPHONE NO.: 619-238-8700 FAX NO. (Optional): 619-238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER, et al.	FOR COURT USE ONLY FILED CIVIL BUSINESS OFFICE 9 CENTRAL DIVISION 2016 OCT 27 P 3:37 CLERK SUPERIOR COURT SAN DIEGO
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: SELENA MOORER, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	37-2016-00028994-CU-NP-CTL
PROOF OF SERVICE OF SUMMONS	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): 1st Amended Complaint, Notice of Assignment, E-File & ADR, Doe 1,2,3
3. a. Party served (specify name of party as shown on documents served):
STEMGENEX BIOLOGIC LABORATORIES, LLC, A California Limited Liability Corp.
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
David Rosenberg, attorney
4. Address where the party was served:
Office of Rosenberg, Shpall & Zeigen, 750 "B" St., Suite 3210, San Diego, CA 92101
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: SELENA MOORER, et al.	CASE NUMBER: 37-2016-00028994-CU-NP-CTL
DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.	

5. c. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 9-27-16 (2) from (city): San Diego
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):
NOTICE & ACKNOWLEDGEMENT OF RECEIPT-CIVIL is attached

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Brian K. Findley
- b. Address: 2442 Fourth Ave., Suite 100, San Diego, CA 92101
- c. Telephone number: 619-238-8700
- d. The fee for service was: \$0
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10-25-16

Brian Findley
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

[Signature]
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Janice F. Mulligan, SBN: 99080 Brian K. Findley, SBN: 251172 MULLIGAN, BANHAM, & FINDLEY 2442 Fourth Avenue, Suite 100, San Diego, California 92101 TELEPHONE NO.: (619) 238-8700 FAX NO. (Optional): (619) 238-8701 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated		FILED JUDICIAL OFFICE 9 CIVIL DIVISION CENTRAL DIVISION 2016 OCT 27 P 3:37 CLERK SUPERIOR COURT SAN DIEGO COUNTY CA 15 OCT 27 4:27
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central		
PLAINTIFF/PETITIONER: SELENA MOORER and STEPHEN GINSBURG, individually and on behalf of all others similarly situated DEFENDANT/RESPONDENT: STEMGENEX MEDICAL GROUP, INC., et al.		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL		CASE NUMBER: 37-2016-00028994-CU-NP-CTL

TO (insert name of party being served): STEMGENEX BIOLOGIC LABORATORIES, LLC, a California Limited Liability Corp.

NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: 09/27/16

Brian K. Findley, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

- ☐ A copy of the summons and of the complaint.
- ☒ Other (specify):

Summons, First Amended Class Action Complaint, Notice of Case Assignment, E-File Notice, ADR Package, Amendments to Complaint re: Does 1, 2, 3.

(To be completed by recipient):

Date this form is signed: 10/17/16

David Rosenberg, Esq. on behalf of the party served

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

EXHIBIT “C”

TO NOTICE OF REMOVAL OF ACTION

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address): Janice F. Mulligan, Esq. SBN 99080 MULLIGAN, BANHAM & FINDLEY San Diego, CA 92101 TELEPHONE NO.: 619-238-8700 FAX NO.: 619-238-8701 ATTORNEY FOR (Name): Plaintiffs and Putative Class		FOR COURT USE ONLY CIVIL BUSINESS OFFICE 4 CENTRAL DIVISION 2016 AUG 22 PM 2:42 CLERK SUPERIOR COURT SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Downtown		CASE NUMBER: 37-2016-00028994-CU-NP-CTL JUDGE: DEPT:
CASE NAME: MOORER & OTHERS SIMILARLY SITUATED v. STEMGENEX, et al		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DPD/WD (23) Non-P/DPD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DPD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (38) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 8. This may be "provisionally complex case" only because class action.
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 22, 2016
 Janice F. Mulligan, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
Auto (22)—Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (48) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)	Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	Construction Defect (10)
	Contract/Warranty Breach—Seller	Claims Involving Mass Tort (40)
	Plaintiff (not fraud or negligence)	Securities Litigation (28)
	Negligent Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Other P/PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty	Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Enforcement of Judgment
Asbestos Property Damage	Collection Case—Seller Plaintiff	Enforcement of Judgment (20)
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Abstract of Judgment (Out of County)
Product Liability (not asbestos or toxic/environmental) (24)	Insurance Coverage (not provisionally complex) (18)	Confession of Judgment (non-domestic relations)
Medical Malpractice (45)	Auto Subrogation	Sister State Judgment
Medical Malpractice—Physicians & Surgeons	Other Coverage	Administrative Agency Award (not unpaid taxes)
Other Professional Health Care Malpractice	Other Contract (37)	Petition/Certification of Entry of Judgment on Unpaid Taxes
Other PI/PD/WD (23)	Contractual Fraud	Other Enforcement of Judgment Case
Premises Liability (e.g., slip and fall)	Other Contract Dispute	Miscellaneous Civil Complaint
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Real Property	RICO (27)
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	Other Complaint (not specified above) (42)
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Declaratory Relief Only
Other PI/PD/WD	Other Real Property (e.g., quiet title) (26)	Injunctive Relief Only (non-harassment)
Non-PI/PD/WD (Other) Tort	Writ of Possession of Real Property	Mechanics Lien
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Other Commercial Complaint Case (non-tort/non-complex)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)	Quiet Title	Other Civil Complaint (non-tort/non-complex)
Defamation (e.g., slander, libel) (13)	Other Real Property (not eminent domain, landlord/tenant, or foreclosure)	Miscellaneous Civil Petition
Fraud (16)	Unlawful Detainer	Partnership and Corporate Governance (21)
Intellectual Property (19)	Commercial (31)	Other Petition (not specified above) (43)
Professional Negligence (25)	Residential (32)	Civil Harassment
Legal Malpractice	Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)	Workplace Violence
Other Professional Malpractice (not medical or legal)	Judicial Review	Elder/Dependent Adult Abuse
Other Non-PI/PD/WD Tort (35)	Asset Forfeiture (05)	Election Contest
Employment	Petition Re: Arbitration Award (11)	Petition for Name Change
Wrongful Termination (36)	Writ of Mandate (02)	Petition for Relief From Late Claim
Other Employment (15)	Writ—Administrative Mandamus	Other Civil Petition
	Writ—Mandamus on Limited Court Case Matter	
	Writ—Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal—Labor Commissioner Appeals	

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 330 W Broadway	
MAILING ADDRESS: 330 W Broadway	
CITY AND ZIP CODE: San Diego, CA 92101-3827	
BRANCH NAME: Central	
TELEPHONE NUMBER: (619) 450-7062	
PLAINTIFF(S) / PETITIONER(S): Selena Moorer	
DEFENDANT(S) / RESPONDENT(S): Stemgenex Inc et.al.	
MOORER VS STEMGENEX INC [IMAGED]	
NOTICE OF CASE ASSIGNMENT and CASE MANAGEMENT CONFERENCE	CASE NUMBER: 37-2016-00028994-CU-NP-CTL

CASE ASSIGNMENT

Judge: Ronald L. Styn

Department: C-62

COMPLAINT/PETITION FILED: 08/22/2016

TYPE OF HEARING SCHEDULED	DATE	TIME	DEPT	JUDGE
Civil Case Management Conference	01/27/2017	10:00 am	C-62	Ronald L. Styn

A case management statement must be completed by counsel for all parties or self-represented litigants and timely filed with the court at least 15 days prior to the initial case management conference. (San Diego Local Rules, Division II, CRC Rule 3.725).

All counsel of record or parties in pro per shall appear at the Case Management Conference, be familiar with the case, and be fully prepared to participate effectively in the hearing, including discussions of ADR* options.

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT), THE ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730), A STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) (SDSC FORM #CIV-359), AND OTHER DOCUMENTS AS SET OUT IN SDSC LOCAL RULE 2.1.5.

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil cases consist of all civil cases except: small claims proceedings, civil petitions, unlawful detainer proceedings, probate, guardianship, conservatorship, juvenile, parking citation appeals, and family law proceedings.

COMPLAINTS: Complaints and all other documents listed in SDSC Local Rule 2.1.5 must be served on all named defendants.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than 15 day extension which must be in writing and filed with the Court.) (SDSC Local Rule 2.1.6)

JURY FEES: In order to preserve the right to a jury trial, one party for each side demanding a jury trial shall pay an advance jury fee in the amount of one hundred fifty dollars (\$150) on or before the date scheduled for the initial case management conference in the action.

COURT REPORTERS: Court reporters are not provided by the Court in Civil cases. See Local Rule 5.1.8

***ALTERNATIVE DISPUTE RESOLUTION (ADR):** THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO TRIAL, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. PARTIES MAY FILE THE ATTACHED STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (SDSC FORM #CIV-359).



Superior Court of California County of San Diego

NOTICE OF ELIGIBILITY TO eFILE AND ASSIGNMENT TO IMAGING DEPARTMENT

This case is eligible for eFiling. Should you prefer to electronically file documents, refer to General Order 051414 at www.sdcourt.ca.gov for rules and procedures or contact the Court's eFiling vendor at www.onelegal.com for information.

This case has been assigned to an Imaging Department and original documents attached to pleadings filed with the court will be imaged and destroyed. Original documents should not be filed with pleadings. If necessary, they should be lodged with the court under California Rules of Court, rule 3.1302(b).

On August 1, 2011 the San Diego Superior Court began the Electronic Filing and Imaging Pilot Program ("Program"). As of August 1, 2011 in all new cases assigned to an Imaging Department all filings will be imaged electronically and the electronic version of the document will be the official court file. The official court file will be electronic and accessible at one of the kiosks located in the Civil Business Office and on the Internet through the court's website.

You should be aware that the electronic copy of the filed document(s) will be the official court record pursuant to Government Code section 68150. The paper filing will be imaged and held for 30 days. After that time it will be destroyed and recycled. Thus, you should not attach any original documents to pleadings filed with the San Diego Superior Court. Original documents filed with the court will be imaged and destroyed except those documents specified in California Rules of Court, rule 3.1806. Any original documents necessary for a motion hearing or trial shall be lodged in advance of the hearing pursuant to California Rules of Court, rule 3.1302(b).

It is the duty of each plaintiff, cross-complainant or petitioner to serve a copy of this notice with the complaint, cross-complaint or petition on all parties in the action.

On all pleadings filed after the initial case originating filing, all parties must, to the extent it is feasible to do so, place the words **"IMAGED FILE"** in all caps immediately under the title of the pleading on all subsequent pleadings filed in the action.

Please refer to the General Order - Imaging located on the San Diego Superior Court website at:

<http://www.sdcourt.ca.gov/CivillmagingGeneralOrder>

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Brian K. Findley, SBN: 251172 Mulligan, Banham & Findley 2442 Fourth Ave., Ste. 100, San Diego, CA 92101 TELEPHONE NO.: 619-238-8700 FAX NO. (Optional): ATTORNEY FOR (Name): Plaintiff, Selena Moorer		FOR COURT USE ONLY <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> Clerk of the Superior Court <div style="text-align: center; font-size: 1.5em;">SEP 15 2016</div> By: _____, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input checked="" type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 1000, VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		
PLAINTIFF(S) Selena Moorer, individually and on behalf of all others similarly situated	JUDGE Hon. Ronald L. Styn	
DEFENDANT(S) StemGenex Medical Group, Inc., et al.	DEPT C-62	
AMENDMENT TO COMPLAINT		CASE NUMBER 37-2016-00028994-CU-NP-CTL

Under Code Civ. Proc. § 474:
 FICTITIOUS NAME (Court order required once case is at issue)

Plaintiff(s), being ignorant of the true name of a defendant when the complaint in the above-named case was filed, and having designated defendant in the complaint by the fictitious name of

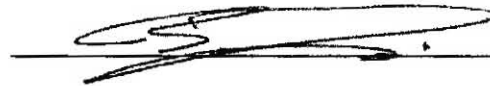
DOE 1

and having discovered the true name of defendant to be

STEM CELLS... THE HUMAN REPAIR KIT, a California Business Entity, Form Unknown

amends the complaint by inserting such true name in place of such fictitious name wherever it appears in the complaint.

Date: 9/14/16



Signature

Under Code Civ. Proc. § 473:
 NAME - Add or Correct (Court order required)

Plaintiff(s), having designated ☐ defendant ☐ plaintiff in the complaint by the name of

and having discovered ☐ name to be incorrect and the correct name is ☐ defendant also uses the name of

amends the complaint by ☐ substituting ☐ adding such name(s) wherever the name of

appears in the complaint.

Date: _____

Signature

ORDER

The above amendment to the complaint is allowed.

Date: _____

Judge/Commissioner of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address). Brian K. Findley, SBN: 251172 Mulligan, Banham & Findley 2442 Fourth Ave., Ste. 100, San Diego, CA 92101 TELEPHONE NO.: 619-238-8700 FAX NO (Optional): ATTORNEY FOR (Name) Plaintiff, Selena Moorer	FOR COURT USE ONLY <div style="text-align: center;"> FILED Clerk of the Superior Court SEP 15 2016 </div> By: _____, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input checked="" type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 1000, VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	
PLAINTIFF(S) Selena Moorer, individually and on behalf of all others similarly situated	JUDGE Hon. Ronald L. Styn
DEFENDANT(S) StemGenex Medical Group, Inc., et al.	DEPT C-62
AMENDMENT TO COMPLAINT	CASE NUMBER 37-2016-00028994-CU-NP-CTL

Under Code Civ. Proc. § 474:
 FICTITIOUS NAME (Court order required once case is at issue)

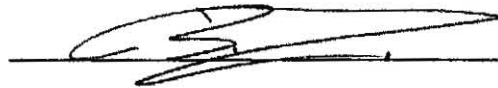
Plaintiff(s), being ignorant of the true name of a defendant when the complaint in the above-named case was filed, and having designated defendant in the complaint by the fictitious name of
DOE 2

and having discovered the true name of defendant to be

STEMGENEX BIOLOGIC LABORATORIES, LLC, a California Limited Liability Corporation

amends the complaint by inserting such true name in place of such fictitious name wherever it appears in the complaint.

Date: 9/14/16



Signature

Under Code Civ. Proc. § 473:
 NAME - Add or Correct (Court order required)

Plaintiff(s), having designated ☐ defendant ☐ plaintiff in the complaint by the name of

and having discovered ☐ name to be incorrect and the correct name is ☐ defendant also uses the name of

amends the complaint by ☐ substituting ☐ adding such name(s) wherever the name of

appears in the complaint.

Date: _____

Signature

ORDER

The above amendment to the complaint is allowed.

Date: _____

Judge/Commissioner of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Brian K. Findley, SBN: 251172 Mulligan, Banham & Findley 2442 Fourth Ave., Ste. 100, San Diego, CA 92101 TELEPHONE NO: 619-238-8700 FAX NO. (Optional): ATTORNEY FOR (Name): Plaintiff, Selena Moorer	FOR COURT USE ONLY <div style="text-align: center;"> F I L E D Clerk of the Superior Court SEP 15 2016 </div> By: _____, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input checked="" type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 1000, VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	
PLAINTIFF(S) Selena Moorer, individually and on behalf of all others similarly situated	JUDGE Hon. Ronald L. Styn
DEFENDANT(S) StemGenex Medical Group, Inc., et al.	DEPT C-62
AMENDMENT TO COMPLAINT	CASE NUMBER 37-2016-00028994-CU-NP-CTL

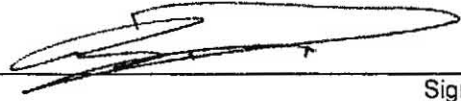
Under Code Civ. Proc. § 474:
 FICTITIOUS NAME (Court order required once case is at issue)

Plaintiff(s), being ignorant of the true name of a defendant when the complaint in the above-named case was filed, and having designated defendant in the complaint by the fictitious name of
DOE 3

and having discovered the true name of defendant to be
STEM GENETIC, a California Business Entity, Form Unknown

amends the complaint by inserting such true name in place of such fictitious name wherever it appears in the complaint.

Date: 9/14/16


 Signature

Under Code Civ. Proc. § 473:
 NAME - Add or Correct (Court order required)

Plaintiff(s), having designated ☐ defendant ☐ plaintiff in the complaint by the name of

and having discovered ☐ name to be incorrect and the correct name is ☐ defendant also uses the name of

amends the complaint by ☐ substituting ☐ adding such name(s) wherever the name of

appears in the complaint.

Date: _____

 Signature

ORDER

The above amendment to the complaint is allowed.

Date: _____

 Judge/Commissioner of the Superior Court



Janice F. Mulligan (State Bar No. 99080)
 Elizabeth A. Banham (State Bar No. 131734)
 Brian K. Findley (State Bar No. 251172)
MULLIGAN, BANHAM & FINDLEY
 2442 Fourth Avenue, Suite 100
 San Diego, CA 92101
 Tel: (619)238-8700
 Fax: (619)238-8701

Attorneys for Plaintiffs and the Putative Class

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

SELENA MOORER, individually and on
 behalf of all others similarly situated

Plaintiff

vs.

STEMGENEX MEDICAL GROUP, INC.,
 a California Corporation; STEMGENEX,
 INC., a California Corporation; STEM
 CELL RESEARCH CENTRE, INC., a
 California Corporation; ANDRE P.
 LALLANDE, D.O., an Individual; SCOTT
 SESSIONS, M.D., an Individual; RITA
 ALEXANDER, an Individual; and DOES
 1-100

Defendants

CASE NO. 37-2016-00028994-CU-NP-CTL

Judge: Hon. Ronald L. Styn

Dept.: C-62

NOTICE OF ASSOCIATION OF COUNSEL

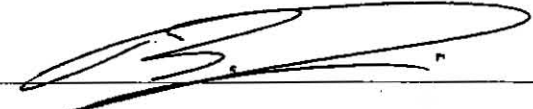
PLEASE TAKE NOTICE that the law firm of Mulligan, Banham & Findley hereby associates
 Pope, Berger, Williams & Reynolds, LLP as co-counsel for Plaintiffs in this matter. The name, office
 address, telephone number, fax number and email address of the associated counsel are as follows:

A. Mark Pope (State Bar No. 77798)
 Harvey C. Berger (State Bar No. 102973)
POPE, BERGER, WILLIAMS & REYNOLDS, LLP
 401 B Street, Suite 2000
 San Diego, California 92101
 Telephone: 619/595-1366
 Facsimile: 619/236-9677
 Email: pope@popeberger.com
 berger@popeberger.com

1 Attorneys Janice F. Mulligan, Elizabeth A. Banham and Brian K. Findley concur in the filing
2 of this Notice of Association of Counsel.

3
4 Date: 11/8/16

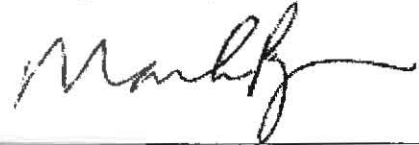
MULLIGAN, BANHAM & FINDLEY

5
6 
7 By Brian K. Findley

8
9 Pope, Berger, Williams & Reynolds, LLP hereby accepts the above association.

10 Date: November 8, 2016

POPE, BERGER, WILLIAMS & REYNOLDS, LLP

11
12 
13
14 By A. Mark Pope

PROOF OF SERVICE

Moorer v. StemGenex Medical Group, et al.
Case No.: 37-2016-00028994-CU-NP-CTL

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2442 Fourth Ave., Suite 100, San Diego, California 92101.

On the date indicated below, I served the foregoing document described as:

NOTICE OF ASSOCIATION OF COUNSEL

on the interested parties in this action by placing a true copy thereof enclosed in sealed envelope addressed as follows:

Clark R. Hudson, Esq. NEIL, DYMOTT, FRANK, MCFALL, TREXLER, MCCABE & HUDSON 1010 2nd Avenue, Suite 2500 San Diego, California 92101 Tel: (619) 238-1712 Fax: (619) 238-1562 chudson@neildymott.com	<i>Attorney for Defendant,</i> ANDRE P. LALLANDE, D.O.
A. Mark Pope, Esq. Harvey C. Berger, Esq. POPE, BERGER, WILLIAMS & REYNOLDS, LLP 401 B Street, Suite 2000 San Diego, California 92101 Tel: (619) 595-1366 Fax: (619) 236-9677 pope@popeberger.com berger@popeberger.com	<i>Co-Counsel for Plaintiffs and the Putative Class</i>
David Rosenberg Esq. ROSENBERG, SHPALL & ZEIGEN APLC 750 B Street, Suite 3210 San Diego, California, 92101 Tel: (619) 232-1826 Fax: (619) 232-1859 rsalaw@yahoo.com	<i>Attorneys for Defendants,</i> STEMGENEX, INC.; STEMGENEX MEDICAL GROUP, INC.; STEM CELL RESEARCH CENTRE, INC.; STEM GENETIC; STEMGENEX BIOLOGICAL LABORATORIES, LLC; STEM CELLS...THE HUMAN REPAIR KIT; and RITA ALEXANDER.

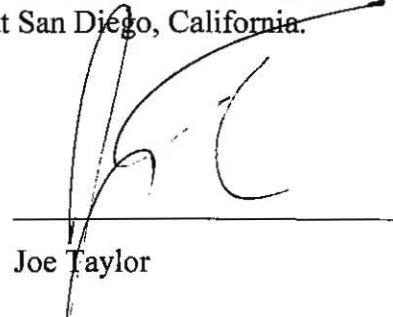
1 SERVED AS FOLLOWS:

2 [] BY FAX. I faxed the document(s) to the person(s) at the facsimile number(s) listed
3 above. No error was reported by the fax machine that I used.

4 [X] BY MAIL. I am readily familiar with the firm's practice of collection and processing of
5 correspondence for mailing with the United States Postal Service. Under that practice it would
6 be deposited with the United States Postal Service on that same day with postage thereon fully
7 prepaid at San Diego, California in the ordinary course of business. I am aware that on motion
8 of the party served, service is presumed invalid if postal cancellation date or postage meter date
9 is more than one day after date of deposit for mailing in affidavit. The envelope was placed for
10 collection and mailing on this date following ordinary business practices.

11 I declare under the penalty of perjury under the laws of the State of California that the foregoing
12 is true and correct. Executed on the date indicated below at San Diego, California.

13 Dated: November 8, 2016

14 
15 _____
16 Joe Taylor
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