

UNITED STATES DISTRICT COURT

for the

SOUTHERN DISTRICT OF CALIFORNIA

EMAD TADROS, M.D., an individual and all others similarly situated,

Plaintiff

v.

AMERICAN COLLEGE OF FORENSIC EXAMINERS, INSTITUTE, AMERICAN COLLEGE OF FORENSIC EXAMINERS INTERNATIONAL, INC., ROBERT O'BLOCK, and Does 1-100

Defendant

Civil Action No. 11CV2622-LAB POR

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Joshua KRoberts, ESQ
2202 W. Chesterfield Blvd
Springfield, MO 65807

Attorney for American college of Forensic examiners international inc.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Emad Tadros, M.D.
3914 Third Ave.
San Diego, CA 92103

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

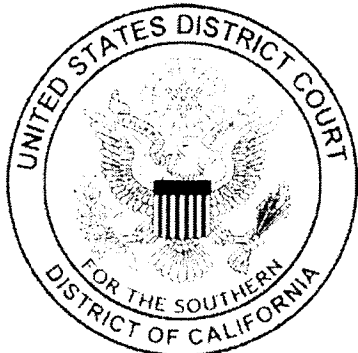
W. Samuel Hamrick, Jr.

CLERK OF COURT

Date: 11/10/11

S/ Y.Barajas

Signature of Clerk or Deputy Clerk



CIVIL COVER SHEET

11 CV 2622 LAB POR

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS EMAD TADROS M.D. & collection similarly situated DEFENDANTS American College of Forensic Examiners International, Robert Black, County of Residence of First Listed Defendant

(b) County of Residence of First Listed Plaintiff San Diego (EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. (c) Attorney's (Firm Name, Address, and Telephone Number) EMAD TADROS M.D. PROPR 3914 Camino del Rio San Diego, CA 92108 Attorneys (If Known) Joshua Roberts Blvd 2202 W. Chesterfield Springfield, MA 01107

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
Citizen of This State X 1 1
Citizen of Another State 2 X 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 X 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
110 Insurance
120 Marine
130 Miller Act
140 Negotiable Instrument
150 Recovery of Overpayment & Enforcement of Judgment
151 Medicare Act
152 Recovery of Defaulted Student Loans (Excl. Veterans)
153 Recovery of Overpayment of Veteran's Benefits
160 Stockholders' Suits
190 Other Contract
195 Contract Product Liability
196 Franchise
PERSONAL INJURY
310 Airplane
315 Airplane Product Liability
320 Assault, Libel & Slander
330 Federal Employers' Liability
340 Marine
345 Marine Product Liability
350 Motor Vehicle
355 Motor Vehicle Product Liability
360 Other Personal Injury
PERSONAL INJURY
362 Personal Injury - Med. Malpractice
365 Personal Injury - Product Liability
368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY
370 Other Fraud
371 Truth in Lending
380 Other Personal Property Damage
385 Property Damage Product Liability
610 Agriculture
620 Other Food & Drug
625 Drug Related Seizure of Property 21 USC 881
630 Liquor Laws
640 R.R. & Truck
650 Airline Regs.
660 Occupational Safety/Health
690 Other
710 Fair Labor Standards Act
720 Labor/Mgmt. Relations
730 Labor/Mgmt. Reporting & Disclosure Act
740 Railway Labor Act
790 Other Labor Litigation
791 Empl. Ret. Inc. Security Act
422 Appeal 28 USC 158
423 Withdrawal 28 USC 157
820 Copyrights
830 Patent
840 Trademark
861 HIA (1395ff)
862 Black Lung (923)
863 DIWC/DIWW (405(g))
864 SSID Title XVI
865 RSI (405(g))
870 Taxes (U.S. Plaintiff or Defendant)
871 IRS—Third Party 26 USC 7609
400 State Reapportionment
410 Antitrust
430 Banks and Banking
450 Commerce
460 Deportation
470 Racketeer Influenced and Corrupt Organizations
480 Consumer Credit
490 Cable/Sat TV
810 Selective Service
850 Securities/Commodities/Exchange
875 Customer Challenge 12 USC 3410
890 Other Statutory Actions
891 Agricultural Acts
892 Economic Stabilization Act
893 Environmental Matters
894 Energy Allocation Act
895 Freedom of Information Act
900 Appeal of Fee Determination Under Equal Access to Justice
950 Constitutionality of State Statutes

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
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 USC 1332
Brief description of cause: Fraudulent concealment - violation 18 PC 17200

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23: DEMANDS \$92,000 +
CHECK YES only if demanded in complaint: JURY DEMAND: X Yes 0 No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 11/10/11 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFF JUDGE MAG. JUDGE

FILED

11 NOV 10 AM 11:44

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

1 **Emad Tadros, M.D.**  
2 **3914 Third Ave.**  
3 **San Diego, CA 92103**  
4 **Plaintiff In-Pro-Per**

5 858 775 2122

6  
7  
8  
9 **IN THE UNITED STATES DISTRICT COURT**  
10 **IN THE SOUTHERN DISTRICT OF CALIFORNIA, SAN DIEGO**  
11

12  
13 **'11 CV 2622 LAB POR**

Civil Case:

14 **EMAD TADROS, M.D., an individual**  
15 **and all others similarly situated,**

**VERIFIED COMPLAINT FOR  
FRAUDULENT CONCEALMENT,  
INTENTIONAL  
MISREPRESENTATION,  
VIOLATION OF BUSINESS AND  
PROFESSIONS CODE SECTION  
17200 et seq.**

16  
17 **Plaintiff,**

18 **vs.**

**A Collective Action**

19  
20 **AMERICAN COLLEGE OF**  
21 **FORENSIC EXAMINERS,**  
22 **INSTITUTE, AMERICAN COLLEGE**  
23 **OF FORENSIC EXAMINERS**  
24 **INTERNATIONAL, INC., ROBERT**  
25 **O'BLOCK, and Does 1-100**

**Diversity Jurisdiction  
28 U.S.C. § 1332**

26 **Defendants.**  
27  
28  
29  
30

**Jury Trial Requested**

1 TO THE HONORABLE UNITED STATES DISTRICT JUDGE:  
2

3 Plaintiff, Emad Tadros, MD files this original complaint against, AMERICAN  
4 COLLEGE OF FORENSIC EXAMINERS INSTITUTE/ACFEI, AMERICAN  
5 COLLEGE OF FORENSIC EXAMINERS INC./ACFEII, ROBERT O'BLOCK and  
6 DOES 1-100, inclusive, for causes of action as follows:  
7

- 8 1. This action is brought by EMAD TADROS, MD (hereinafter "Tadros") on his behalf  
9 and on behalf of all others similarly situated, under Title 18, CHAPTER 63.
- 10 2. The Court has jurisdiction over the subject matter of these claims pursuant to 28 U.S.C  
11 § 1332. Plaintiff is a citizen of the State of California and all defendants are citizens of  
12 the State of Missouri AND the value of the matter in controversy exceeds \$75,000.00.  
13
- 14 3. Venue of this suit lies in the Southern District of California, because a substantial part of  
15 events giving rise to the claims alleged herein occurred within the Southern District of  
16 California, as more specifically described below. 28 U.S.C. § 1391.  
17
- 18 4. Defendant American College of Forensic Examiners Institute (hereafter "ACFEI") is  
19 and at all times herein mentioned was a corporation, of unknown form which is  
20 registered in the State of Missouri and has its main office for doing business in Greene  
21 County Missouri. "ACFEI" is also a self-proclaimed "leader in forensics education"  
22 but it is NOT recognized by the American Board of Professional Psychology (ABPP).  
23 ABPP is the leading accreditation agency for psychologists in the United States of  
24 America.  
25
- 26 5. Defendant American College of Forensic Examiners International, Inc. (hereafter  
27 "ACFEII") is and at all times herein mentioned was a corporation, of unknown form  
28 which is registered in the State of Missouri and has its main office for doing business in  
29 Greene County Missouri. "ACFEII" is also a self-proclaimed "leader in forensics  
30 education" but is NOT recognized by the American Board of Professional Psychology

1 (ABPP). ABPP is the leading accreditation agency for psychologists in the United  
2 States of America.

3  
4 6. Defendant Robert O'Block (hereinafter "O'BLOCK") is and at all times herein  
5 mentioned an individual residing in the State of Missouri and has his main office for  
6 doing business in Greene County Missouri. "O'BLOCK is also listed as owner of  
7 interchangeable names "ACFE", "ACFEI", "ACFEII".

8  
9 7. Defendant "ACFEI" is and at all times mentioned herein, was a corporation that was  
10 doing business in the State of California by marketing its products and or services to  
11 citizens in the State of California.

12  
13 8. Defendant "ACFEII" is and at all times mentioned herein, was a corporation that was  
14 doing business in the State of California by marketing its products and or services to  
15 citizens in the State of California.

16  
17 9. Defendant "O'BLOCK" is and at all times mentioned herein, an individual who was  
18 doing business in the State of California by marketing his products and or services to  
19 citizens in the State of California.

20  
21 10. Plaintiff Emad Tadros, M.D. DIPLOMATE/Board Certified American Board of  
22 Psychiatry and Neurology, Outpatient Services Medical Director @ Scripps Mercy  
23 Behavioral Health Services, San Diego Superior Court Expert Witness, is a current  
24 resident of San Diego County, in the State of California.

25  
26 11. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as  
27 DOES 1 through 100, inclusive, and therefore sue these defendants by such fictitious  
28 names. Plaintiff will amend this complaint to allege their true names and capacities  
29 when ascertained.

1 12. Plaintiff is informed and believes and thereon alleges that at all times mentioned herein,  
2 each defendant sued herein was the agent and employee of each of the remaining  
3 defendants and was at all times acting within the purpose and scope of such agency and  
4 employment.

5  
6 13. This lawsuit arose out of Defendants' refusal to provide information such as a copy  
7 of/or the number of Dr. Stephen Doyne's (hereinafter referred to as "DOYNE")  
8 DIPLOMATE credentialing, the issuance/expiration date, the name of the person  
9 authorizing it, the size of the faculty, the size of the student body, the name of the Dean  
10 of College, verified copies all transactions pertaining to Stephen Doyne, copies of any  
11 and all degrees, any other certification issued to Stephen Doyne, any and all  
12 applications, study materials and tests. Also, plaintiff requested details of the specialty  
13 background the details pertaining to the DIPLOMATE issuing authority for specialty  
14 background of DEFENDANTS' DIPLOMATE issuing authority. Dr. Stephen  
15 Doyne, Ph D is a San Diego based, court appointed, custody evaluation specialist, with  
16 a DIPLOMATE credential in psychology issued by DEFENDANTS.

17  
18 14. At all times material to this Complaint, acting alone and in concert with each other,  
19 DEFENDANTS have formulated, directed, controlled or participated in the acts or  
20 practices set forth in this Complaint.

21  
22 15. "DEFENDANTS" refer to the entities and person referenced in the preceding  
23 paragraphs 4 through 11 above.

24  
25 16. Plaintiff, EMAD TADROS, has reason to believe that DEFENDANTS have engaged in  
26 and continue to engage in a pattern of unlawful practices as set forth below. Plaintiff  
27 has reason to believe that an interest of the residents of California have been or are  
28 threatened or adversely affected by DEFENDANTS'S practices as alleged herein.  
29 Plaintiff also has reason to believe that DEFENDANTS have caused and will continue  
30 to cause injury, loss and damage to the STATE OF CALIFORNIA and will also cause  
adverse effects on the Child Custody Evaluations that are required by the courts.

1 17. Whenever it is alleged that DEFENDANTS did any act, it is meant that the  
2 DEFENDANTS' officers, agents and employees performed or participated in the act on  
3 behalf of and under the authority of DEFENDANTS.  
4

5 **NATURE OF DEFENDANTS' OPERATION AND STATEMENT OF FACTS**  
6

7 Defendants have been and continue to be involved in credentialing psychologists  
8 DIPLOMATE status, in the State of California and throughout the United States.  
9  
10 DEFENDANTS issued credentials on the basis of solicitations, for a pay price, made through its  
11 website <http://www.acfei.com/>, to anyone who pays the fee and simply self claim degrees and  
12 point system. DIPLOMATE status in psychology can be obtained by any "member" who is in  
13 "good standing and successfully completing one of" DEFENDANTS' credentialing Self Claimed  
14 Point System". A person may become a "member" by filling an online application with his/her  
15 title, name, date of birth, address, phone numbers and email address. A license number, license  
16 state and occupation may be included but are not 'required fields. Three types of membership are  
17 offered: a 1 year membership for \$165.00, a life membership for \$2,500.00 and a student  
18 membership for \$65.00. Certification range from Accredited Forensic Counselor, AFC for  
19 \$250.00, to Certified Forensic Physician, CFP for \$697.00. Further, only has to promise to  
20 dedicate himself/herself "to continuing education" and pay a \$350.00 fee. In contrast, American  
21 Board of Professional Psychology (ABPP) initial screening requires a doctorate degree from an  
22 APA approved University, completion of APA approved internship, 100 hours of formal  
23 education and at least 1000 hours in forensic psychology, among numerous other stringent  
24 requirements. A written exam covers (1) Ethics, Guidelines and Professional Issues, (2) Law,  
25 Precedents, Court Rules, and Civil and Criminal Procedure, (3) Testing and Assessment,  
26 Judgment and Bias, and Examination issues, (4) Civil Competence, Individual Rights and  
27  
28  
29  
30

1 Liberties, (5) Juvenile, Parenting, and Family/Domestic/Matrimonial matters, (6) Civil Damages,  
2 Personal Injury, Disability, and Workers Compensation, (7) Criminal Competence and (8)  
3 Criminal Responsibility. The written portion consist of 200 multiple choice questions that must  
4 be completed in 3.5 hrs. At the minimum, 4 years of post-doctoral work is needed to meet the  
5 initial screening procedure. The DIPLOMATE “awarded by the American Board of Professional  
6 Psychology (ABPP) is the only post- doctoral certification recognized in the American  
7 Psychological Association Directory. ABPP has been incorporated since 1947 and has rigorous  
8 standard for the credentials, work review and oral examination of applicants for 3 hours by a  
9 panel of three psychologists who hold the Forensic Diplomate. At ABPP no candidates are  
10 exempt from the examination or ‘grandfathered’ in.” DEFENDANTS, on the other hand, have  
11 offered to “grandfather in” plaintiff in a letter dated 12-20-2007.

12  
13  
14  
15  
16 **Exhibit A Details:** First page American Board of Professional Counselors Application(same  
17 Exact location as ACFE and ACFEI and ACFEII: 1- December 20, 2007 letter from 2750 East  
18 Sunshine-Springfield MO from the American Board of Professional Counselors declares being a  
19 subsidiary of the American Psychotherapy Association/APA. It confirms a professionally  
20 looking letter to Dear Emad but not to Dr. Tadros with the MD title. This logically conveys that  
21 the solicitor had no clue what professional type he was granting this solicitation letter to?  
22  
23 2- Offered in this same letter is a grandfathering of Diploma being granted to Tadros and how it  
24 would be looking as a Beautiful Certificate, suitable for framing, which is never the professional  
25 language of the well respected APA, misleading the Layman. This is a needed Public Awareness  
26 and Public Trust issue.

27  
28  
29  
30 Page 2: 3- On the accompanying first page of the application there is no checking of any . It is  
only a “Self-Claimed” Point System. On this same first application page, APA offers its selling



1 by declaring a statement to the buyers in the very small bottom box: “*I may be asked to provide*  
2 *additional documentation...*” *if refuse to provide documentation at a later time,.. if asked.*” The  
3 Solicitor minimizes checking one’s credentials in a barely readable print. Why such a seriously  
4 pivotal piece of information is in a very small, barely readable print? This matter is a needed  
5 Public Awareness and Serious Public Trust.  
6

7  
8 Page 3: 4- The last page of application offers a life time membership for \$2500 and special  
9 discounts if the buyer purchased more than one item which is never the practice for any well  
10 respected organization. The public needs to know how such so called Specialty Diplomat(e)s  
11 obtain their life time membership for a one time fee of \$2500, and how they get grandfathered  
12 Diplomat(e)s for ~\$350. This is especially serious when the owner of the Diploma Mill does not  
13 follow common public procedure and instead he **Conceals from the public** anything about how  
14 those so-called Honored Diplomates obtained their credentials from his entity.  
15

16  
17 The address on this letter is the same is the exact same location for The American College of  
18 Forensic Examiners/ACFE, ACFEI, ACFEII where Stephen Doyne, PHD obtained his Forensic  
19 Specialty Diplomat Certificate from 2750 East Sunshine, Springfield MO 65804. **“Exhibit A”**.  
20  
21

- 22  
23 18. Plaintiff had filed this action, (KC060362), in the Los Angeles Superior Court, Pomona  
24 District on January 10, 2010, for the public good, but dismissed it, without prejudice,  
25 on September 13, 2011. Plaintiff also wishes to draw the Court’s attention to  
26 [www.thepubliccourt.com](http://www.thepubliccourt.com), which is an educational site established by the public and for  
27 the Public Good, to educate the public about what is and what is not Specialty  
28 DIPLOMATE Standards.  
29  
30

**FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS FOR  
FRAUDULENT CONCEALMENT**

- 1  
2  
3  
4 19. On or about July 21, 2011, Plaintiff wrote a letter to DEFENDANTS (attached as  
5 **Exhibit B**), requesting copies of/or the number on DOYNE'S DIPLOMATE  
6 credentialing, the issuance/expiration date, the name of the person authorizing it, the  
7 size of the faculty, the size of the student body and the name of the Dean of College.  
8 Plaintiff wanted this information for his own evaluation, as a member of the general  
9 public. DEFENDANTS have refused and continue to refuse to comply with plaintiff's  
10 requests.
- 11  
12 20. DEFENDANTS fraudulently concealed copies of DOYNE'S test types and test results  
13 (more fully described in paragraph 13 above), regarding DOYNE'S DIPLOMATE  
14 credential, from plaintiff, when plaintiff requested the test types and test results  
15 pertaining to DOYNE'S DIPLOMATE credentials, via the letter in **Exhibit B**.
- 16  
17 21. DEFENDANTS had a duty to provide to plaintiff, the public and/or any other person,  
18 who properly makes a request, to furnish documents to the requesting party, verifying  
19 the credentials of any person whom DEFENDANT has accredited.
- 20  
21 22. DEFENDANTS intentionally concealed DOYNE'S tests types and test results and the  
22 records (more fully described in paragraph 13 above) pertaining to DOYNE'S  
23 DIPLOMATE credentials, in order to deny plaintiff the opportunity to verify and/or  
24 challenge DOYNE'S credentials. Despite conducting his due diligence, plaintiff was  
25 unable to discover the concealed information because it was not discoverable by  
26 reasonable diligence. Attached, as **Exhibit C**, are copies of letters written by plaintiff  
27 requesting the concealed information. To date, plaintiff has still been unable to obtain  
28 the information. This was done with the intent to defraud plaintiff and the general  
29 public.  
30

- 1 23. Plaintiff was unaware of the all the facts at the time, and would have had grounds for  
2 challenging, and would have challenged DOYNE'S DIPLOMATE credentials, had the  
3 defendant not concealed or suppressed the test types, test results (more fully described  
4 in paragraph 13 above) and true nature of DOYNE'S DIPLOMATE credentials.
- 5 24. As a result of the concealment and suppression of the information alleged herein,  
6 plaintiff sustained damages in the sum of \$97,000.00.

7  
8 **SECOND CAUSE OF ACTION FOR FALSE REPRESENTATION AGAINST**  
9 **ALL DEFENDANTS**

- 10  
11 25. DEFENDANTS issued DIPLOMATE credentials to Dr. Stephen Doyne, a California  
12 based psychologist, who works as a court appointed child custody evaluator for the San  
13 Diego Court. As a result of the DIPLOMATE credential, DOYNE'S status among his  
14 peers was elevated to that of an expert in the field. His opinions are viewed and relied  
15 upon by the court and the general public, and represent to the public at large that  
16 DOYNE'S DIPLOMATE credentials are similar to, or the equivalent of that from a  
17 prestigious institution such as ABPP. The representations made by DEFENDANTS,  
18 by conferring the DIPLOMATE status on DOYNE were, in fact, false. The true facts  
19 are that DOYNE'S DIPLOMATE status, conferred upon him by DEFENDANTS,  
20 through a lower standard of professionalism and far below that of a traditional and  
21 prestigious institution such as ABPP. DOYNE'S credentials, education, training and  
22 expertise are NOT similar to that of ABPP and requires less stringent standard to  
23 obtain, as outlined above in paragraph 22.
- 24  
25 26. When DEFENDANTS made the representation, by awarding DOYNE a DIPLOMATE  
26 credential, it knew them to be false, and these representations were made by  
27 DEFENDANT with the intent to defraud and deceive plaintiff and the general public,  
28 to induce them to believe that DOYNE'S credentials, including the DIPLOMATE  
29 status were similar or equivalent to those offered by ABPP, and plaintiff would not  
30 have believed them to be so if defendant did not make that representation. At the time  
DEFENDANT made these representations: that DOYNE'S credentials had been tested

1 at a standard equivalent to those of accredited institutions that conduct a similar  
2 service, such as ABPP, it knew them to be untrue.

3  
4 27. Plaintiff, at all times when these representations were made by DEFENDANT, was  
5 ignorant of the falsity of DEFENDANTS' representations and believed them to be true.  
6 In reliance of the representations, plaintiff was induced to believe, accept and give  
7 credence to DOYNE'S testimony as he would that of a traditional board certified  
8 DIPLOMATE with the attendant training and experience as those of accredited  
9 institutions such as ABPP.

10  
11 28. Plaintiff's reliance on DEFENDANTS' misrepresentations of DOYNE'S DIPLOMATE  
12 status, and the process through which it was obtained, was justified because  
13 DEFENDANTS have gone to considerable length to create exactly the illusion that  
14 DEFENDANTS was a "leader in forensics education" and a prestigious and accredited  
15 institution by promoting a website, <http://www.acfei.com/> extolling the virtues of  
16 membership in its organizations and touting itself as "a network of top forensic  
17 professionals."

18  
19 29. As a proximate result of DEFENDANTS' fraud and deceit and the facts alleged herein,  
20 plaintiff was damaged in the sum of \$97,000.00 plus interest. This sum is reached  
21 when a judgment was issued against plaintiff in another matter where the proof  
22 supporting plaintiff's allegations were and are still in DEFENDANTS' possession,  
23 custody and control, and DEFENDANTS herein, refused to turn them over to plaintiff  
24 when requested to do so. Absent the proof, plaintiff lost.

25  
26 30. In doing the acts alleged herein, DEFENDANTS acted with oppression, fraud and  
27 malice and plaintiff is entitled to punitive damages in the sum of \$1,000,000.00.  
28  
29  
30

1 **THIRD CAUSE OF ACTION FOR VIOLATION OF BUSINESS AND**  
2 **PROFESSIONS CODE 17200 et seq. AGAINST ALL DEFENDANTS**  
3

4 31. Plaintiff incorporates by reference and re-alleges all paragraphs previously alleged  
5 herein'

6  
7 32. DEFENDANTS' acts and practices as described herein are (a) unlawful and (b) unfair  
8 business practices and are also (c) deceptive, untrue, or misleading advertising by  
9 DEFENDANTS, in violation of the UCL.

10 33. DEFENDANTS acts and practices are "unlawful" business practices that violate the  
11 following predicate statutes, provisions, regulations or constitutional provisions:

12 A. The California Constitution, Article 1, Section 1, (protecting California residents'  
13 inalienable privacy rights).

14  
15 34. DEFENDANTS' acts and practices as alleged herein are unfair because the utility of  
16 the conduct is outweighed by the gravity of harm it causes and because it offends  
17 established public policy or is immoral, unethical, oppressive, unscrupulous, and  
18 substantially injurious to consumers. DEFENDANTS' wrongful conduct include  
19 violations of numerous consumer laws or violates the spirit of these laws or otherwise  
20 significantly threatens or harm consumers. DEFENDANTS' wrongful conduct causes  
21 or is likely to cause substantial injury to consumers which is not reasonably avoidable  
22 to consumers themselves and is not outweighed by countervailing benefits to  
23 consumers or to competition.

24  
25 35. Pursuant to California Business and Professions Code subsection 17203, Plaintiff on  
26 behalf of the general public, seeks a temporary, preliminary and or permanent order  
27 from this Court prohibiting DEFENDANTS from continuing to engage in the unlawful  
28 or unfair business practices or acts set forth in this Complaint, from failing to disclose  
29 the true facts as set forth herein, and or ordering Defendants or their representatives to  
30 stop misleading the public and engage in a corrective campaign, particularly in light of  
public misperception created by Defendants and or their representatives, misstatement

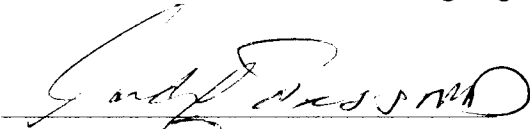
**VERIFICATION**

The undersigned for himself declares:

I, Emad Tadros, M.D., am the plaintiff in the above-entitled action. I am a Psychiatrist by profession and I hold a Specialty DIPLOMAT Credentials from the American Board of Psychiatry and Neurology and I am also a member of the general public. I am authorized to make this verification for and on behalf of Plaintiff, and I make this verification for that reason. I have read the forgoing complaint and know the contents thereof. With respect to the facts and causes of action alleged by Plaintiff, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe them to be true.

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

Dated: 11/10/11

  
Emad Tadros, M.D.

Civil Action No. 11CV2622-LAB POR

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

**NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE JUDGE**

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE JUDGE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.