

Re: *Moorer, et. al. v. Stemgenex Medical Group, Inc., et. al.*
Case No.: 3:16-cv-02816-AJB-NLS

Exhibits 29 - 36

Plaintiffs' Motion for Class Certification

EXHIBIT

29

Plaintiffs' Motion for Class Certification

Re: Moorer, et. al. v. Stemgenex Medical Group, Inc., et. al.

Case No.: 3:16-cv-02816-AJB-NLS

Clark R. Hudson, SBN 149329
 Nicole T. Melvani, SBN 281718
 NEIL, DYMOTT, FRANK,
 MCFALL, MCCABE & HUDSON
 A Professional Law Corporation
 110 West A Street, Suite 1200
 San Diego, CA 92101-4959
 P 619.238.1712 / F 619.238.1562

Attorneys for Defendant
 ANDRÉ P. LALLANDE, D.O.

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

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

Plaintiffs,

vs.

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

Defendants.

CASE NO.: 3:16-cv02816 AJB NLS

**DEFENDANT, ANDRÉ
 LALLANDE, D.O.'S RESPONSE
 TO SPECIAL
 INTERROGATORIES
 PROPOUNDED BY PLAINTIFF,
 ALEXANDRA GARDNER (SET
 ONE)**

Judge: Hon. Anthony J. Battaglia
 Magistrate: Hon. Nita L. Stormes

FAC Filed: September 15, 2016
 Trial Date: Not Set

PROPOUNDING PARTY: ALEXANDRA GARDNER

RESPONDING PARTY: ANDRÉ LALLANDE, D.O.

SET NO.: SET ONE (1)

Comes now Defendant, ANDRÉ LALLANDE, D.O. and responds to Plaintiff,
 ALEXANDRA GARDNER'S Special Interrogatories, Set One, as follows:

///

///

///

25 SPECIAL INTERROGATORY NO. 8:

26 IDENTIFY any and all steps you took at any and all times to ensure that YOUR
27 patient records included records of follow-up calls made by patients to representatives
28 of STEMGENEX, INC.

5

DEFENDANT, ANDRE LALLANDE, D.O.'S RESPONSE TO SPECIAL INTERROGATORIES PROPOUNDED BY
PLAINTIFF, ALEXANDRA GARDNER (SET ONE)

RESPONSE TO SPECIAL INTERROGATORY NO. 8:

Objection. This Request is vague and ambiguous as to “any and all steps,” “follow-up calls made by patients,” and “representatives of STEMGENEX, INC.” This Request is unintelligible as phrased, such that Defendant cannot respond without speculating as to the meaning of the Request. This Request is unduly burdensome and oppressive. This Request is overbroad and not reasonably particularized. This Request is not limited in time or scope. This Request is argumentative, lacks foundation, and assumes facts not in evidence. This Request calls for speculation. This Request is compound as phrased. This Request mischaracterizes the facts of this case. This Request is not reasonably calculated to lead to the discovery of admissible evidence and the information sought is not relevant. Subject to and without waiving these objections, Defendant responds as follows:

Not applicable. STEMGENEX, INC. is a separate entity from STEMGENEX MEDICAL GROUP, INC. This Defendant did not own, operate or manage STEMGENEX, INC.

SPECIAL INTERROGATORY NO. 9:

IDENTIFY any and all steps YOU took at any and all times to ensure that YOUR patient records included records of medical information shared in pretreatment calls by prospective clients and clients of STEMGENEX, INC.

RESPONSE TO SPECIAL INTERROGATORY NO. 9:

Objection. This Request is vague and ambiguous as to “any and all steps,” “medical information shared,” “pretreatment calls,” “prospective clients,” and “clients of STEMGENEX, INC.” This Request is unintelligible as phrased, such that Defendant cannot respond without speculating as to the meaning of the Request. This Request is unduly burdensome and oppressive. This Request is overbroad and not reasonably particularized. This Request is not limited in time or scope. This Request is argumentative, lacks foundation, and assumes facts not in evidence. This Request calls for speculation. This Request is compound as phrased. This Request mischaracterizes

1 the facts of this case. This Request is not reasonably calculated to lead to the discovery
2 of admissible evidence and the information sought is not relevant. Subject to and
3 without waiving these objections, Defendant responds as follows:

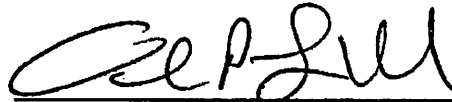
4 Not applicable. STEMGENEX, INC. is a separate entity from STEMGENEX
5 MEDICAL GROUP, INC. This Defendant did not own, operate or manage
6 STEMGENEX, INC.

7 SPECIAL INTEREST

VERIFICATION***US District Court Southern Division of California******Case No.: 3:16-cv02816 AJB NLS******Selena Moorer, et al v. StemGenex Medical Group, Inc., et al.***

I, ANDRE P. LALLANDE, D.O. have read DEFENDANT, ANDRE LALLANDE, D.O.'S RESPONSE TO REQUEST FOR ADMISSIONS PROPOUNDED BY PLAINTIFF, ALEXANDRA GARDNER (SET ONE), and know the contents thereof. I certify that the same is true of my own knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct and that this declaration was executed this 22 day of June, 2018 at San Diego California.



Andre P. Lallande, D.O.

VERIFICATION

EXHIBIT

30

Plaintiffs' Motion for Class Certification

Re: Moorer, et. al. v. Stemgenex Medical Group, Inc., et. al.

Case No.: 3:16-cv-02816-AJB-NLS

Clark R. Hudson, SBN 149329
 Nicole T. Melvani, SBN 281718
 NEIL, DYMOTT, FRANK,
 MCFALL, MCCABE & HUDSON
 A Professional Law Corporation
 110 West A Street, Suite 1200
 San Diego, CA 92101-4959
 P 619.238.1712 / F 619.238.1562

Attorneys for Defendant
 ANDRÉ P. LALLANDE, D.O.

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

vs.

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

Defendants.

CASE NO.: 3:16-cv02816 AJB NLS

DEFENDANT, ANDRÉ
 LALLANDE, D.O.'S RESPONSE
 TO REQUEST FOR ADMISSIONS
 PROPOUNDED BY PLAINTIFF,
 ALEXANDRA GARDNER (SET
 ONE)

Judge: Hon. Anthony J. Battaglia
 Magistrate: Hon. Nita L. Stormes

FAC Filed: September 15, 2016
 Trial Date: Not Set

PROPOUNDING PARTY: ALEXANDRA GARDNER

RESPONDING PARTY: ANDRÉ LALLANDE, D.O.

NUMBER: SET ONE (1)

Comes now Defendant, ANDRÉ LALLANDE, D.O. and responds to Plaintiff,
 ALEXANDRA GARDNER'S Request for Admissions, Set One, as follows:

///

///

///

1 separately stated, and should be clear and concise. Subject to and without waiving these
2 objections, Defendant responds as follows:

3 Deny.

4 **REQUEST FOR ADMISSION NO. 23:**

5 Admit that patients of STEMGENEX MEDICAL GROUP, INC., suffered
6 economic damages as a result of YOUR negligence in failing to gain informed consent
7 before their travel to STEMGENEX MEDICAL GROUP, INC.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

9 Deny.

10 **REQUEST FOR ADMISSION NO. 24:**

11 Admit that expectations were set unreasonably high among YOUR patients at
12 STEMGENEX MEDICAL GROUP, INC., because of marketing materials including
13 the website and/or the Patient Satisfaction Ratings which were emailed to prospective
14 clients of STEMGENEX, INC.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

16 Objection. This Request is vague and ambiguous as to "expectations,"
17 "unreasonably high," and "marketing materials." This Request is overbroad and not
18 limited in time or scope. This Request is argumentative and calls for speculation.
19 Subject to and without waiving these objections, Defendant responds as follows:

20 Deny.

21 **REQUEST FOR ADMISSION NO. 25:**

22 Admit that YOU had knowledge of the Patient Satisfaction Ratings advertising
23 being done by STEMGENEX, INC., at any and all times since the beginning of your
24 involvement with STEMGENEX MEDICAL GROUP, INC.


25 **RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

26 Objection. This Request is vague and ambiguous as to "knowledge," and "Patient
27 Satisfaction Ratings advertising being done." Subject to and without waiving these
28 objections, Defendant responds as follows:

1 This Defendant agrees he was aware that STEMGENEX, INC. published patient
2 satisfaction ratings reflecting patient satisfaction with the customer service they
3 received. Upon information and belief, the patient satisfaction ratings were based upon
4 responses to surveys that the patients provided at their post-op visit on the day after
5 treatment.

6
7 Dated: June 25, 2018

8 NEIL, DYMOTT, FRANK,
9 MCFALL, MCCABE & HUDSON
A Professional Law Corporation

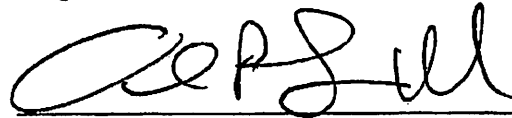
10 By: 
11 Clark R. Hudson
12 Nicole T. Melvani
13 Attorneys for Defendant
14 ANDRÉ P. LALLANDE, D.O.
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

***US District Court Southern Division of California
Case No.: 3:16-cv02816 AJB NLS
Selena Moorer, et al v. StemGenex Medical Group, Inc., et al.***

I, ANDRE P. LALLANDE, D.O. have read DEFENDANT, ANDRE P. LALLANDE, D.O.'S RESPONSE TO SPECIAL INTERROGATORIES (SET ONE) PROPOUNDED BY PLAINTIFF, ALEXANDRA GARDNER, and know the contents thereof. I certify that the same is true of my own knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct and that this declaration was executed this 22 day of June, 2018 at San Diego California.



Andre P. Lallande, D.O.

VERIFICATION

EXHIBIT

31

Plaintiffs' Motion for Class Certification

Re: Moorer, et. al. v. Stemgenex Medical Group, Inc., et. al.

Case No.: 3:16-cv-02816-AJB-NLS

1 **ROSENBERG, SHPALL & ZEIGEN, APLC**

2 David Rosenberg (SBN# 99105)

3 rsalaw@yahoo.com

4 Annette Farnaes (SBN# 128701)

5 afrsalaw@yahoo.com

6 750 B Street, Suite 3210

7 San Diego, California 92101

8 Phone: (619) 232-1826

9 **FARNAES & LUCIO, APC**

10 Malte L.L. Farnaes (SBN #222608)

11 malte@farnaeslaw.com

12 Christina M. Lucio (SBN #253677)

13 clucio@farnaeslaw.com

14 2235 Encinitas Blvd., Suite 210

15 Encinitas, California 92024

16 Telephone: (760) 942-9431

17 Attorneys for Defendants

18 UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA

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

22 Plaintiff,

23 v.

24 STEMGENEX MEDICAL GROUP,
25 INC., a California Corporation;
26 STEMGENEX, INC., a California
27 Corporation; STEM CELL
28 RESEARCH CENTRE, INC., a
California Corporation; ANDRE P.
LALLANDE, D.O., an individual;
RITA ALEXANDER, an individual;

Defendants.

Case No. 3:16-cv-02816-AJB-NLS

Assigned for all purposes to
The Honorable Anthony J. Battaglia

**STEMGENEX, INC.'S RESPONSE
TO REQUEST FOR ADMISSIONS
PROPOUNDED BY ALEXANDRA
GARDNER (SET 1)**

REQUEST FOR ADMISSION NO. 18:

Admit that the document attached hereto as Exhibit "3" is a true and correct template utilized at some point(s) during the CLASS PERIOD for handling Tough Questions & Answers" by either the media and/or prospective clients and/or clients.

RESPONSE TO REQUEST FOR ADMISSION NO. 18:

Objection. This request is vague and ambiguous as to "template utilized at some point(s)," "handling," "media," and "CLASS PERIOD," as the term is not defined. Subject to and without waiving these objections, Defendant responds as follows:

After a reasonably inquiry, Defendant lacks sufficient knowledge or information to enable it to admit or deny this Request.

REQUEST FOR ADMISSION NO. 19:

Admit that the document attached hereto at Exhibit "4" is a true and correct copy of a fact sheet and/or talking points used by STEMGENEX, INC. at some point(s) during the CLASS PERIOD for relaying information to the public about STEMGENEX, INC.

RESPONSE TO REQUEST FOR ADMISSION NO.19:

Objection. This request is vague and ambiguous as to "fact sheet," "talking points," "relaying information to the public," and "CLASS PERIOD," as the term is not defined. Subject to and without waiving these objections, Defendant responds as follows:

After a reasonably inquiry, Defendant lacks sufficient knowledge or information to enable it to admit or deny this Request.

REQUEST FOR ADMISSION NO. 20:

Admit that the document attached hereto at Exhibit "5" is a true and correct copy of an "Elevator Pitch" used by STEMGENEX, INC. at some point(s) during the CLASS PERIOD for relaying information to the public about STEMGENEX, INC.

RESPONSE TO REQUEST FOR ADMISSION NO. 20:

1 Objection. This request is vague and ambiguous as to “relaying information to
2 the public,” and “CLASS PERIOD,” as the term is not defined. Subject to and without
3 waiving these objections, Defendant responds as follows:

4 After a reasonably inquiry, Defendant lacks sufficient knowledge or information
5 to enable it to admit or deny this Request.

6
7 **REQUEST FOR ADMISSION NO. 21:**

8 Admit that the document attached hereto at Exhibit “6” is a true and correct copy
9 of “Recommendations for orientation” made at or around July 28, 2015, by
10 representatives of Porter Novelli to RITA ALEXANDER and Candace Henderson.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

12 Objection. This request is vague and ambiguous as to “representatives.” Subject
13 to and without waiving these objections, Defendant responds as follows:

14 After a reasonably inquiry, Defendant lacks sufficient knowledge or information
15 to enable it to admit or deny this Request.

16 **REQUEST FOR ADMISSION NO. 22:**

17 Admit that the document attached hereto at Exhibit “7” is a true and correct copy
18 of “Key Messages” of STEMGENEX, INC., at or around September 9, 2015.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

20 Objection. This request is vague and ambiguous as to “Key Messages.” Subject
21 to and without waiving these objections, Defendant responds as follows:

22 After a reasonably inquiry, Defendant lacks sufficient knowledge or information
23 to enable it to admit or deny this Request.

24 ///

25 ///

26 ///

27 ///

28 ///

EXHIBIT

32

Plaintiffs' Motion for Class Certification
Re: Moorer, et. al. v. Stemgenex Medical Group, Inc., et. al.
Case No.: 3:16-cv-02816-AJB-NLS

Jamie Schubert

June 22, 2018

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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

Plaintiff,

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,

Defendants.

Case No.

3:16-CV-2816-AJB-NLS

VIDEOTAPED DEPOSITION OF JAMIE SCHUBERT, PMQ

Friday, June 22, 2018

San Diego, California

Reported by: Keren M. Guevara, CSR No. 12478

Jamie Schubert

June 22, 2018

1 should be talking about? 12:14

2 MS. BANHAM: You were talking about how
3 onerous this project of getting these emails is, and
4 I'm -- I'm trying to figure out whether it is
5 onerous or not. 12:14

6 THE WITNESS: How many patient advocates
7 we've had? I don't know.

8 BY MS. BANHAM:

9 Q Okay. So I'll represent to you that
10 during periods of time people have testified there 12:14
11 were between -- anywhere between three to six or six
12 to nine.

13 A Oh, are you saying at a time or in total?

14 Q No. During -- during the total. So we've
15 had four years. December 8, 2013, is the beginning 12:14
16 of our putative class period for purposes of this
17 litigation, and now we're talking up till present.
18 Because, as I understand it, you're unable to say,
19 as you sit here today, whether the Patient
20 Satisfaction Ratings are -- have stopped being 12:15
21 emailed to patients?

22 MS. FARNAES: Misstates the testimony.

23 BY MS. BANHAM:

24 Q And I'm asking you, is that right?

25 As you sit here today, are you aware 12:15

Jamie Schubert

June 22, 2018

1 whether the Patient Satisfaction Ratings have ceased 12:15

2 to be emailed to patients by StemGenex?

3 A From my understanding, yes.

4 Q And do you have knowledge of when that

5 stopped? 12:15

6 A No. I have a guess, but no.

7 Q We don't want you to guess, but I know we

8 went over the difference between a guess and an

9 estimate. I just want to make sure that you're not

10 confusing a guess for an estimate. 12:16

11 A So no.

12 Q Okay. So can you tell us what year the

13 Patient Satisfaction Ratings stopped being sent to

14 patients via email by StemGenex?

15 A No. 12:16

16 Q Can you tell us within a couple of years

17 when those stopped being sent by StemGenex to

18 clients or prospective clients?

19 A From my recollection, 2017, 2016.

20 Q Is it your recollection, and correct me, 12:16

21 that the -- that the Patient Satisfaction Ratings

22 stopped being sent to patients via email by

23 StemGenex around the same time as they -- they were

24 removed from the website?

25 A Yes. 12:17

Jamie Schubert

June 22, 2018

1 Q Was that termination of -- of sending them 12:17
2 via email done at your request?

3 MR. FARNAES: Objection. Calls for
4 speculation.

5 THE WITNESS: There were a couple of us, 12:17
6 so yes.

7 BY MS. BANHAM:

8 Q By "there were a couple of us," what do
9 you mean?

10 A Candace and I. 12:18

11 Q And I'm understanding you to be saying
12 that both you and Candace made an order to staff to
13 stop sending out the Patient Satisfaction Ratings
14 via email to customers or potential customers?

15 A Yes. 12:18

16 Q And was -- would there have been any
17 reason why that would not have been done at the same
18 exact time as the removal of the Patient
19 Satisfaction Ratings from the website itself?

20 A Yeah. There are occasions where, when you 12:18
21 have so much information, you can come across
22 something at a later date that you didn't realize
23 was still there.

24 Q Can you explain --

25 A So it's a possibility. 12:18

Jamie Schubert

June 22, 2018

1 Q Okay. So -- so it's a possibility that 12:18
2 what?

3 A In other words, I can't say for certain
4 that this happened at the same time.

5 MS. BANHAM: Okay. And I'll just say for 12:19
6 the record that that's another reason why we would
7 request and demand that we receive the emails that
8 contain Patient Satisfaction Ratings from any and
9 all patient advocates or patient advocate -- and/or
10 patient advocate directors, which is the same as 12:19
11 Request No. 10.

12 THE WITNESS: Yeah. So I -- I wanted to
13 address that.

14 BY MS. BANHAM:

15 Q Okay. 12:19

16 A So No. 10, so Salesforce -- like when you
17 provided a search -- key search terms for emails,
18 okay, that's -- that's in an email system, so that's
19 easy to do to search up an email.

20 Salesforce does not work that way. So 12:19
21 Salesforce doesn't give you a search box where you
22 can pull up an email address and a key word, that
23 I'm aware of, at least in our system and the way
24 it's set up.

25 From my understanding, the only way, off 12:20

Jamie Schubert

June 22, 2018

1 we're talking about and narrow the focus.

2 Q Does Salesforce automatically populate the
3 medical records -- during the time you've worked at
4 StemGenex, did -- did notes of the type we're
5 looking at here in No. 165 automatically go into the
6 patient's medical records?

7 MS. MELVANI: Objection. Calls for
8 speculation. Vague and ambiguous.

9 MR. FARNAES: Join.

10 THE WITNESS: Not necessarily.

11 BY MS. BANHAM:

12 Q What, if anything, had to be done in order
13 for documents of the type we see here in 165 to go
14 into the medical records, if you know?

15 A I'm sorry?

16 Q What -- what steps needed to be taken --
17 if these did not necessarily go into the medical
18 records, what steps needed to be taken for them to
19 necessarily go into the medical records?

20 MS. MELVANI: Objection. Just vague and
21 ambiguous. Calls for speculation. And
22 argumentative.

23 THE WITNESS: What steps needed to be
24 taken for these to be put into Salesforce?

25

Jamie Schubert

June 22, 2018

1 BY MS. BANHAM:

2 Q Into the medical records.

3 MS. MELVANI: Same objections.

4 BY MS. BANHAM:

5 Q Let's go and make -- because you're --

6 A I'm confused.

7 Q -- you're looking very confused.

8 A Yeah.

9 Q And Salesforce, I need to understand,
10 does -- is Salesforce the medical records? Does
11 it -- or are these two different programs?

12 A Ah, okay. So we have multiple places
13 where medical records are kept. Some medical
14 records may be in Salesforce. Not all of them are
15 in Salesforce. Some patients may have their full
16 record in Salesforce. Some may not.

17 Q And why -- what would account for the
18 distinction between some people having it and some
19 people not?

20 A Let's say a patient was treated by
21 Dr. Youssef. Dr. Youssef may have their medical
22 file up in Santa Monica. So we might only have
23 limited information for certain individuals. And
24 then Dr. Youssef may have what he has up there.

25 Q Okay. So just to --

Jamie Schubert

June 22, 2018

1 MS. MELVANI: I just want to insert an
2 objection, too, that I'm not sure that any of this
3 about placement in medical records has -- is
4 relevant or has anything to do with the claims in
5 this lawsuit which are about false advertising.

6 MS. BANHAM: And --

7 MR. FARNAES: Join.

8 MS. MELVANI: So I'm going to object to
9 this line of questioning.

10 BY MS. BANHAM:

11 Q Well, let's look at Exhibit 165, please.

12 This appears to be, "Just got off the
13 phone with G O'I. She was treated. She's
14 extremely unhappy with her results. She feels
15 absolutely terrible, and no reduction in swelling
16 and inflammation in her knees."

17 The -- similarly, next page, "I reached to
18 Geri. She's not interested in talking to anyone.
19 She feels she has been -- it was the stem cell
20 treatment was completely fraudulent and she has
21 wasted her money."

22 One of the issues in this case is people
23 having expressed dissatisfaction to StemGenex and
24 that the Patient Satisfaction Ratings are misleading
25 to the public because they make the public believe

Jamie Schubert

June 22, 2018

1 that 100 percent of the customers were happy or
2 satisfied with the outcome of their treatment.

3 So I'm going to ask you, again, about how
4 these records from Salesforce get into the medical
5 records of these patients.

6 And I'm going to let you know, again, that
7 when we asked for records of, not just the class
8 representatives but others under authorization, we
9 did not get anything that looks like these with
10 "Salesforce" at the top.

11 MS. MELVANI: I'm going to -- same
12 objections. It's not relevant to any of the claims
13 in this lawsuit.

14 MR. FARNAES: Join.

15 BY MS. BANHAM:

16 Q So could you please answer how -- how it
17 differs?

18 And in order to narrow it, because we're
19 not going to talk about Dr. Youssef at the moment,
20 let's just narrow it to Dr. Lallande. How -- how
21 would these records of follow-up become part -- in
22 Salesforce become part of the medical records?

23 MS. MELVANI: And I'm --

24 BY MS. BANHAM:

25 Q If you know.

Jamie Schubert

June 22, 2018

1 MS. MELVANI: Sorry. I'm just going to
2 object. Vague as to "these records," because
3 Ms. O'L [REDACTED] did not treat with Dr. Lallande, and
4 that's the exhibit we're looking at right now.

5 BY MS. BANHAM:

6 Q And the question is, how did Salesforce
7 records of patient follow-up become part of medical
8 records, and why is there a difference between
9 certain patients and -- and others?

10 A Sure.

11 MS. MELVANI: Same objections as to
12 relevance.

13 MR. FARNAES: Join.

14 THE WITNESS: So for a time, medical
15 records were kept in Salesforce, and their medical
16 file was kept in Salesforce. However, some
17 patients' files, like I said, may have been kept at
18 another office, and then part of their medical file
19 was in Salesforce.

20 It also had been the case that maybe they
21 only had a paper medical file. So, in other words,
22 there's the medical files -- unfortunately, it was a
23 very unorganized system. It could have been a paper
24 copy. They could have been in Salesforce. They
25 could have been all in Salesforce. Some could have

Jamie Schubert

June 22, 2018

1 been paper and Salesforce. Some could have been
2 paper, Salesforce in another office, like -- so
3 there's -- so when I would tell them to pull the
4 file, they would go to all of these locations and
5 get all the records that we could find for that
6 individual.

7 BY MS. BANHAM:

8 Q And you're referring now to your efforts
9 for this litigation to produce records?

10 A Correct.

11 Q And at any point from the beginning of
12 your working at StemGenex, were efforts made to make
13 the system more organized?

14 A Yes.

15 MS. FARNAES: That's good.

16 BY MS. BANHAM:

17 Q Okay. And what were those efforts?

18 MS. MELVANI: And if I can just insert, so
19 I don't have to object after every question, I'm
20 just objecting to this line of questioning regarding
21 placement of Salesforce information into medical
22 records. I don't think it's relevant to the claims
23 in this lawsuit or tailored to lead to admissible
24 evidence. So can we agree to a standing objection
25 so I don't make it --

Jamie Schubert

June 22, 2018

1 MS. BANHAM: Yes.

2 MS. MELVANI: -- after every question?

3 MS. BANHAM: Yes. Yes.

4 MS. MELVANI: Okay. Thank you.

5 THE WITNESS: Sorry.

6 MS. BANHAM: That's okay.

7 THE WITNESS: Lost my train of thought
8 now.

9 BY MS. BANHAM:

10 Q Yeah. So various people have testified as
11 to their knowledge or lack thereof of people
12 complaining about the results of the treatment. And
13 so my question is, what steps did you take to -- you
14 said, yes, steps were taken when -- after you
15 started working there to somehow make the medical
16 records less disorganized. And I'm asking you
17 what -- what steps did you take?

18 MS. FARNAES: Vague. No. Misstates
19 testimony. I think she said there was an effort --
20 or you asked her if it was an effort to have the
21 whole system more organized, not just the medical
22 records, right?

23 MS. MELVANI: Join.

24 THE WITNESS: We attempted to put into
25 place ways to better organize in Salesforce, which

Jamie Schubert

June 22, 2018

1 would create work flows to better organize
2 information.

3 BY MS. BANHAM:

4 Q Were specific efforts made to make sure
5 that follow-up information received from past
6 patients that was in the Salesforce system was
7 placed into the medical records of patients?

8 A I'm sorry.

9 Q Was -- were any specific efforts made at
10 any point while you were there for follow-up records
11 that were in the Salesforce to be placed into the
12 medical records?

13 MS. MELVANI: In addition to my other
14 objections, it's argumentative.

15 THE WITNESS: Your question doesn't make
16 sense because, to go back to what I said previously,
17 sometimes their whole medical record was in
18 Salesforce.

19 BY MS. BANHAM:

20 Q And sometimes not?

21 A Correct.

22 Q And I'm -- and I'm trying to find out why.

23 A Me, too.

24 Q Okay.

25 A It was just an unorganized system.

Jamie Schubert

June 22, 2018

1 away, for example.

2 BY MS. BANHAM:

3 Q Okay. And how was that done?

4 A Could have been a phone call, email.

5 Q And how would -- how would this record
6 that was made at the time that was in Salesforce be
7 placed in Dr. Lallande's medical records?

8 MS. MELVANI: Same objections.

9 THE WITNESS: Well, again, a lot of the
10 medical records were kept in Salesforce.

11 BY MS. BANHAM:

12 Q But some of them weren't?

13 A Yeah. So --

14 Q And that was during time of Dr. Lallande's
15 tenure, as well, correct?

16 A Well, the --

17 MS. MELVANI: Calls for speculation.

18 BY MS. BANHAM:

19 Q Is that correct?

20 MS. FARNAES: Misstates testimony.

21 THE WITNESS: What was your question?

22 BY MS. BANHAM:

23 Q And some were kept in Salesforce and some
24 were not, and that was during Dr. Lallande's tenure,
25 correct?

Jamie Schubert

June 22, 2018

1 MS. MELVANI: Same objections.

2 THE WITNESS: From my understanding, yes.

3 BY MS. BANHAM:

4 Q Does Dr. Lallande still have access, if
5 you know, to the medical records of the patients he
6 treated while he was at StemGenex -- while he was
7 performing stem cell treatments at StemGenex?

8 MR. FARNAES: Objection. That is outside
9 the scope of the PMK depo notice, and she's not
10 competent to testify on that, and it calls for
11 speculation.

12 MS. MELVANI: Join in all of those.

13 MS. BANHAM: And you know what, that's
14 fine. I note that, and I -- and I'm not going to go
15 there.

16 Q What I want to know is, are we confident,
17 based on this dichotomy of records -- and by that, I
18 mean, two ways of keeping records, some in the
19 medical records and some not -- that Dr. Lallande
20 was receiving all information from StemGenex for
21 patients that had been under his care?

22 MS. MELVANI: Objection. This -- I think
23 we're really far outside the scope of this --

24 MS. FARNAES: Yeah, this deposition.

25 MS. MELVANI: -- PMQ deposition.

Jamie Schubert

June 22, 2018

1 Dr. Lallande actually went into Salesforce and
2 looked at any particular information in Salesforce?

3 A I don't know.

4 MS. MELVANI: Calls for speculation.

5 BY MS. BANHAM:

6 Q You don't have any particular form or
7 record, like a logbook or anything of that nature,
8 to show a person looking at Salesforce?

9 A No.

10 Q Is -- by the same token, do you have
11 anything in any format that would confirm whether or
12 not Dr. Lallande was notified of a particular
13 complaint that's in Salesforce?

14 MS. FARNAES: Asked and answered.

15 MS. MELVANI: And calls for speculation.

16 THE WITNESS: Repeat your question, again.

17 BY MS. BANHAM:

18 Q So we just asked if there was a
19 confirmation of Dr. Lallande's actually looking into
20 the system. And we've -- it's inconclusive. You
21 don't know of something that shows that he actually
22 looked into the system. Is that right?

23 A Correct.

24 Q And now I'm not talking about him looking
25 into the system, I'm -- I'm asking about the -- him

Jamie Schubert

June 22, 2018

1 being directed or notified to look into the system.

2 Do you know of anything in writing that
3 would confirm him being directed or notified to look
4 into the system?

5 A No.

6 Q Okay. Did Dr. Lallande have log-in
7 information or log-in ability into the Salesforce
8 system?

9 MS. MELVANI: Objection. Calls for
10 speculation.

11 MS. BANHAM: If you know.

12 MS. MELVANI: Overbroad as to time.

13 THE WITNESS: I don't know.

14 BY MS. BANHAM:

15 Q And did you ever personally notify
16 Dr. Lallande to look into the Salesforce system?

17 A Not that I recall.

18 Q And do you have knowledge of any other
19 person in particular notifying or directing
20 Dr. Lallande to look at something in the
21 Salesforce system?

22 A Not that I recall.

23 Q Okay. I want you to look back --
24 jumping -- jumping back, again, to Exhibit 164. You
25 indicated that you were trained when you first came

Jamie Schubert

June 22, 2018

1 MS. FARNAES: Okay. No. 14.

2 MS. BANHAM: Yeah.

3 MS. FARNAES: Okay.

4 BY MS. BANHAM:

5 Q So please turn to page SG03007.

6 And do you see this training -- mentor
7 training program material where it says -- about a
8 third of the way down -- the page, "We have a
9 92 percent positive response rate to the treatment"?

10 A Yes.

11 Q Do you recall that being part of your
12 training with this company?

13 A No.

14 Q Do you see where it says right underneath,
15 "Check on approval. Great. Well, let me check on
16 your approval. I have some notes in here from the
17 clinical team. I'm just reviewing them now. Oh,
18 congratulations. You've been approved for treatment
19 by the clinical team. Pause. We only approve a
20 small percentage of applications compared to the
21 number of inquiries we receive on a monthly basis,
22 so this is an indicator of a high level of
23 conviction from our clinical staff that you will
24 have a positive response to treatment."

25 Do you remember that being part of your

Jamie Schubert

June 22, 2018

1 training when you first arrived at StemGenex?

2 A No.

3 Q Could you turn to, please, page SG03011?

4 A SG --

5 Q Do you see No. 3, "Company talk"?

6 A Yes.

7 Q "B, 92 percent positive response."

8 Do you remember that being part of your
9 training when you arrived at StemGenex?

10 A No.

11 Q Was that part of your training at any time
12 when you worked at StemGenex?

13 A No.

14 Q Do you remember being trained that this
15 was the only clinic with five observational outcome
16 studies with the NIH?

17 A No.

18 Q "Treated thousands. We will do over 500
19 this year."

20 Do you remember being trained about that?

21 A No.

22 Q Was that your understanding of an estimate
23 of how many patients were treated in a single year
24 at StemGenex while you were working there?

25 A No.

Jamie Schubert

June 22, 2018

1 might have to personalize, right? 02:39

2 A Yeah. They could -- they could remove
3 information. They could add information.

4 Q But as to the Patient Satisfaction Ratings
5 that they were sending in a link, if they choose to 02:39
6 send -- if they choose that template and choose to
7 send it, they, themselves, could not change the
8 Patient Satisfaction Ratings that were going out to
9 the prospective patients at that time. Is that
10 right? 02:39

11 A Correct.

12 Q I'm turning to another topic and what is
13 marked as Exhibit 166.

14 Do you recognize the document?

15 A Yes. 02:40

16 Q Okay. What -- what is your understanding
17 of what that is?

18 A So from my understanding, this is a list
19 of treating patients who did not send in their
20 postcard to have their information removed. 02:40

21 Q Okay. And that was that BelAire process?

22 A Correct.

23 Q And did you compile this information?

24 A I did not.

25 Q Who -- if you know, who did compile this 02:40

Jamie Schubert

June 22, 2018

1 information? 02:40

2 A There were three different people working

3 on this list.

4 Q And who were those people?

5 A It would have been Holly -- I'm bad with 02:40

6 last names -- Holly Bergen, Amanda Spivey, and

7 Austin Anderson.

8 Q Okay. Tell me the first one, again. I'm

9 sorry.

10 A Holly Bergen, B-E-R-G-E-N, or something 02:40

11 similar to that.

12 Q Okay. And the second? Sorry.

13 A Amanda Spivey.

14 Q Okay. And Austin Anderson?

15 A Correct. 02:41

16 Q And -- and you understood that -- that we

17 were asking for the person most knowledgeable about

18 the compilation of this particular list for today's

19 deposition, right?

20 A Yes. 02:41

21 Q And do you feel relatively knowledgeable

22 about this list to testify about it today?

23 A Yes.

24 Q Okay. What was the instruction to these

25 three workers when they were told to compile the 02:41

Page 115

Jamie Schubert

June 22, 2018

1 Putative Class Member Lead Source list? 02:41

2 A To compile a list of all patients that

3 were treated. In addition, to remove any

4 individuals who have -- I want to a opted out, but

5 not opted -- 02:42

6 Q Yeah.

7 A -- due to the notice. And my instructions

8 were to merge in the lead source from Salesforce.

9 Q Okay. So this was -- project was done

10 under your direction, and your -- your own 02:42

11 instructions to those three?

12 A Correct.

13 Q Okay. And the lead source source -- the

14 source of the lead source information is the

15 Salesforce program. Is -- 02:42

16 A Correct.

17 Q -- that right?

18 A Correct.

19 Q And did you bring the supporting documents

20 today that show where these individuals on the 02:42

21 Putative Class Member Lead Source list came from?

22 A I don't know which supporting documents

23 you're referring to.

24 Q Okay. So when you instructed Holly Austin

25 and Amanda to pull out the information from 02:42

Page 116

Jamie Schubert

June 22, 2018

1 Salesforce to fill in under the lead source, they 02:43
2 had to -- to look at something, right?
3 A Yes.
4 Q Okay. So there's something concrete and
5 tangible existing at StemGenex, the company, that -- 02:43
6 that shows us the lead source for each of these
7 customers. Is that right?
8 A Yes.
9 Q Okay. And you've just told us that that
10 is within Salesforce? 02:43
11 A Yes.
12 Q And is there an ability to print out
13 that -- the page or the screenshot of that
14 information?
15 A Yes. 02:43
16 Q And have you printed out screenshots of
17 that information for each of these putative class
18 members?
19 A No.
20 Q And why have you not done so? 02:43
21 A Because we are a small company, and I only
22 have so much manpower.
23 Q Okay. And was there a reason why you
24 didn't notify us before today that we were not going
25 to receive these items before coming down here for 02:44

Page 117

Jamie Schubert

June 22, 2018

1 THE WITNESS: Oh, sorry. 02:51

2 MS. BANHAM: That's okay. I do not want
3 to get in your way.

4 I'm going to hand you what we'll mark as
5 Exhibit 168, the Responses of StemGenex, Inc., to 02:52
6 Plaintiff, Rebecca King's Interrogatories, Set One,
7 with a Verification by Rita Alexander, President and
8 CEO of StemGenex.

9 (Exhibit 168 was marked.)

10 BY MS. BANHAM: 02:52

11 Q And I want to point you to Interrogatory
12 No. 2 and the Response. I'll let your counsel --

13 MS. FARNAES: She is not the most
14 knowledgeable person about responses that Rita
15 Alexander has signed. 02:53

16 BY MS. BANHAM:

17 Q Okay. Now, this --

18 MS. MELVANI: I'm going to join in that
19 objection. It's outside the scope.

20 BY MS. BANHAM: 02:53

21 Q I'll give you a copy of what we're doing
22 now.

23 So -- so was -- did you produce the
24 Putative Class Member Lead Source list at the
25 direction of Rita Alexander? 02:53

Jamie Schubert

June 22, 2018

1 MS. FARNAES: And you can ask that. 02:53

2 But if any conversation you have had with
3 your attorney, don't start -- don't talk about that.

4 BY MS. BANHAM:

5 Q Did you produce the Putative Class Member 02:53

6 Lead Source list at the direction of Rita Alexander?

7 A Yes.

8 Q And we were told in this response that's
9 168 -- marked 168, "Defendants do not keep a record
10 of individuals who heard about StemGenex 02:54
11 specifically through the StemGenex website.

12 However, Defendants will provide a list of putative
13 class members and their lead source excluding those
14 who elected not to release their name, address, and
15 telephone number pursuant to the BelAire-West 02:54
16 notice. As to putative class members whose lead
17 source is identified as 'web to lead,' these
18 individuals contacted StemGenex through the
19 website."

20 Was this Putative Class Member Lead 02:54
21 Source, which I'll represent to you was attached to
22 interrogatory responses, was this meant to respond
23 to the source for the source -- was this meant to
24 provide the list of putative class members and their
25 lead source in response to discovery? 02:54

Jamie Schubert

June 22, 2018

1 MS. FARNAES: It says -- are you referring 02:55
2 to something that Rita Alexander has signed?

3 MS. BANHAM: Yeah. I'm --

4 MS. FARNAES: She can't -- she can't
5 answer that. 02:55

6 BY MS. BANHAM:

7 Q Do you have an understanding of why you
8 produced Putative Class Member Lead Source list?

9 MS. FARNAES: Apart from what your
10 attorneys have told you. 02:55

11 BY MS. BANHAM:

12 Q Based on what you were told by your boss,
13 Rita Alexander.

14 MS. FARNAES: Sure.

15 THE WITNESS: Am I supposed to answer? 02:55

16 BY MS. BANHAM:

17 Q Yeah.

18 MS. FARNAES: Yes. Yes.

19 BY MS. BANHAM:

20 Q Yeah. Why did you prepare this, aside -- 02:55
21 why did Rita Alexander tell you to prepare this?

22 MS. FARNAES: Well, that asks for the
23 state of mind of another client.

24 BY MS. BANHAM:

25 Q What -- what did she tell you about why 02:55

Jamie Schubert

June 22, 2018

1 this was being prepared? 02:55

2 A I was just told to produce documents.

3 Q And what were you told to look at to find
4 the lead source?

5 MS. FARNAES: If anything. 02:55

6 THE WITNESS: She didn't tell me -- she
7 didn't give me specific instructions.

8 BY MS. BANHAM:

9 Q So you -- you took it on your own
10 initiative to find the lead source? 02:56

11 A Yes.

12 Q And you worked there for a few years, and
13 you felt you were equipped to know the best places
14 to look for the lead source. Is that right?

15 A To the best of my ability, yes. 02:56

16 Q Okay. And when you instructed the three
17 helpers to compile this, did -- you had them look in
18 the Salesforce CRM system, correct?

19 A Well, let me explain.

20 So we have several places in our 02:56

21 Salesforce system where leads were marked or a lead
22 source was marked. There's three categories.

23 There's lead source, there's "How did you hear about
24 us?" and we've also got the Patient History Origin.

25 Q And the Patient History Origin. Okay. 02:56

1 A The Patient History Origin is automated. 02:57
2 We cannot touch that box at all. It's just -- it
3 auto-populates, period. Lead source and "How did
4 you hear about us?" we didn't have a system that --
5 that kept like -- for example, I don't know who 02:57
6 actually utilized lead source and for what time
7 period they utilized the lead source. So, in other
8 words, somebody could have called in under "How did
9 you hear about us?" and there's only so many options
10 to choose from. 02:57
11 However, let's say that their option on
12 how they heard about us wasn't in that list,
13 sometimes then they'd go change the lead source.
14 Sometimes they'd leave the lead source blank.
15 Q And who are the "they" that are filling 02:57
16 this in?
17 A Well, on the "How did you hear about us?"
18 that would be the prospect patients. The lead
19 source could have been a patient advocate, could
20 have been a part of the clinical team, could have 02:58
21 been -- could have been anybody.
22 Q So --
23 A Anybody with access to Salesforce.
24 Q So let's go by this one by one.
25 A Okay. 02:58

Jamie Schubert

June 22, 2018

1 Q When you instructed the three to fill out 02:58
2 this form, did you instruct them to look at Patient
3 History Origin?

4 A No.

5 Q Okay. And why did you not instruct them 02:58
6 to look at Patient History Origin?

7 A Because that's an auto-populated category.

8 Q Okay. And when you instructed them to --
9 to fill this out, to prepare this list, did you
10 instruct them to look at "How did you hear about 02:58
11 us?" which you just -- as I understand, are saying,
12 was filled out by prospective patients?

13 A No.

14 Q You did not instruct them to look at "How
15 did you hear about us?" 02:59

16 A No.

17 Q And why not?

18 A Because at the time when I looked at the
19 system, I -- I automatically just went by the top
20 right-hand corner and saw lead source. 02:59

21 Q Okay.

22 A Then it dawned on me later that there was
23 also the "How did you hear about us?"

24 Q So the top right-hand corner, do we have a
25 document here in the room today with us that shows 02:59

Jamie Schubert

June 22, 2018

1 us what you're talking about? 02:59

2 A No.

3 MS. BANHAM: So -- so could somebody find

4 for me Exhibit 160, which is the notice of depo?

5 MS. FARNAES: I think it's this one. I 02:59

6 just have -- this is the notice of the deposition.

7 MS. BANHAM: I have it. Sorry.

8 MS. FARNAES: Okay. Thank you.

9 BY MS. BANHAM:

10 Q Okay. 03:00

11 A And one quick -- one -- let me back up a

12 second.

13 When I directed them to do this, I said,

14 "Find your best ability on how the person heard

15 about us." 03:00

16 Q Okay. So -- so backtracking for a minute,

17 the thing under your left arm --

18 A Oh.

19 Q -- is -- was in an effort to respond to

20 our request for Patient History Form. And if you'll 03:00

21 turn to -- I've marked one with a little pink tag to

22 make it easy for us. I don't know that we need to

23 make this full thing an exhibit to this deposition.

24 No. But I picked that one out.

25 Could you go -- I know you've done some 03:00

Jamie Schubert

June 22, 2018

1 Q And StemGenex, Incorporated, did 03:13

2 advertising through which StemGenex Medical Group,

3 Incorporated, received patients at that time that it

4 existed. Isn't that right?

5 MS. MELVANI: Objection as to the last two 03:13

6 questions. This is outside the scope of this

7 deposition and this PMQ and outside the scope of

8 this witness's knowledge.

9 MS. FARNAES: I'll join in that.

10 THE WITNESS: Yes. 03:13

11 BY MS. BANHAM:

12 Q And it would not be necessary to -- in

13 your mind, to take another deposition of a person

14 most knowledgeable at StemGenex Medical Group,

15 Incorporated, to -- to receive another Putative 03:13

16 Class Member Lead Source list, would it?

17 MS. MELVANI: Objection. Argumentative.

18 And calls for a legal conclusion.

19 THE WITNESS: Correct.

20 MS. BANHAM: Okay. 03:13

21 (Reporter interruption.)

22 MS. FARNAES: I said, "Calls for a legal

23 conclusion."

24 BY MS. BANHAM:

25 Q Do you have any reason to believe that the 03:14

Jamie Schubert

June 22, 2018

1 lead source listed for every patient on this list is 03:14

2 not accurate?

3 A Yes.

4 Q You have reason to believe that the lead

5 source is inaccurate? 03:14

6 A Yes.

7 Q Oh, okay. So between the time you

8 prepared this list and now -- between the time your

9 workers prepared this list and now -- has some

10 information on the list come into question in your 03:14

11 mind?

12 A I guess perhaps I misunderstood your

13 question.

14 Q Okay.

15 A I -- I'm understanding your question as, 03:14

16 are these accurate in comparison to the patient?

17 Q Yes.

18 A Is that what you're asking?

19 Q Yeah. Do you have any reason to believe

20 that -- that these putative class members had a 03:14

21 different source than what's listed as the lead

22 source that was prepared by your workers?

23 A Yes.

24 Q And -- and what is the reason for that?

25 A Again, it was a drop-down menu. If -- if 03:15

Jamie Schubert

June 22, 2018

1 the correct item was not in the drop-down menu, 03:15
2 oftentimes they would just pick -- pick one to fill
3 out the category.

4 Q Okay.

5 A In addition -- in addition to -- I don't 03:15
6 know the time period on when they used the lead
7 source. Again, when we changed directors, each
8 director had their own way of doing things. So I
9 don't know when they used this. This, the lead --

10 Q Okay. 03:15

11 A -- lead source category.

12 Q So -- so let's go back, again, to Patient
13 History Origin in the document that you've looked
14 at.

15 A Uh-huh. 03:15

16 Q And I don't know the number. We've
17 numbered it 169, I believe.

18 You did not instruct your workers to use
19 that, "How did you hear about us?" On that same
20 document 169, you did not instruct your workers to 03:15
21 use that as the source of the information on number
22 166, the lead source list, right? That's what you
23 testified, right?

24 MS. FARNAES: Misstates the testimony.

25 MS. MELVANI: And I join. 03:16

Jamie Schubert

June 22, 2018

1 (Reporter interruption.) 03:16

2 MR. FARNAES: "Misstates the testimony."

3 THE WITNESS: I instructed them to go by

4 their best ability on how they felt the patient

5 heard about us. 03:16

6 BY MS. BANHAM:

7 Q Okay. So -- so the lead source that

8 you've described as being in -- on a document that

9 we don't have here, is that a drop-down menu?

10 A Lead source, yes. 03:16

11 Q Okay. And you said earlier that the

12 patient advocate fills that in.

13 A Correct.

14 Q Okay.

15 A And -- and I would like to back up one 03:16

16 step. So at the very beginning I told them to

17 follow the lead source. However, we realized some

18 of these weren't filled in or some of them didn't

19 make sense.

20 Therefore, they did the best they could to 03:17

21 match up the name with how the individual heard

22 about us, but the problem is is that we were running

23 into -- we don't have an accurate record system of

24 how we were keeping this information.

25 Q And can you give me one example of someone 03:17

Jamie Schubert

June 22, 2018

1 for whom you think it's inaccurate -- 03:17

2 A Yes.

3 Q -- on this putative class member source?

4 MS. FARNAES: Can I just talk to you for a

5 second? 03:18

6 Is there a question pending?

7 MS. MELVANI: Is there a question pending?

8 MS. FARNAES: It's just -- I think maybe I

9 can help a little bit.

10 MS. MELVANI: Well, I could use a -- 03:18

11 MS. FARNAES: I just want to --

12 MS. MELVANI: -- break. My Diet Coke is

13 kicking in, so --

14 MS. FARNAES: Just -- just two minutes.

15 MS. MELVANI: Are we going off the record? 03:18

16 VIDEOGRAPHER: Off the record at 3:18 p.m.

17 (Recess was taken.)

18 VIDEOGRAPHER: Back on the record at

19 3:27 p.m.

20 BY MS. BANHAM: 03:26

21 Q I see you going through the large stack --

22 A Yes.

23 Q -- in which 169 exists.

24 MS. FARNAES: I think that one of your

25 last questions, Elizabeth, was can you give me an 03:26

Jamie Schubert

June 22, 2018

1 example of why you don't think that these -- 03:26

2 THE WITNESS: Yeah. Hold on. I just had

3 one -- give me just a second. Actually --

4 MS. FARNAES: -- that these lead sources

5 are correct. And then we took a break. And I think 03:27

6 Jamie can -- okay.

7 THE WITNESS: So here's a great example,

8 actually.

9 BY MS. BANHAM:

10 Q Just tell me the name. I have it. 03:27

11 A [REDACTED]

12 Q Okay.

13 A So, for example, on her Patient History

14 Form, it says, "How did you hear about StemGenex?"

15 And she put, "Online search." 03:27

16 However, on this sheet, [REDACTED],

17 it has her lead source listed as a "Phone in." I

18 think overall --

19 Q So --

20 A Hold on. 03:27

21 What's -- what's important is that our

22 system is so unorganized, and it has been so

23 unorganized since the day I've been with the

24 company, I don't believe there's any way these can

25 all be accurate the way things have changed multiple 03:27

Page 147

Jamie Schubert

June 22, 2018

1 times, even since I've been with the company. 03:27

2 Q So how -- what changes are you aware of?

3 What -- what changes have happened since you've been

4 with the company to these forms or to this lead

5 source information? 03:28

6 A Well, again, we don't know which -- which

7 drop-down they were using at the time. We don't

8 know -- again, everything was so unorganized. We

9 only have certain drop-down options. If they don't

10 fit in a category, then they're just going to pick 03:28

11 one, because they have to pick one. And same thing

12 with lead source. It's -- it's --

13 Q Let's talk about [REDACTED] for a

14 minute.

15 A Yes. 03:28

16 Q You have something in front of you that

17 has a drop-down chosen by [REDACTED] of

18 "Online," correct?

19 A Correct.

20 Q And yet in here you have [REDACTED] 03:29

21 "Phone in."

22 A Correct.

23 Q And in this room, there is nothing from

24 the lead source that would show us whether the lead

25 source says "Phone in." Is that right? 03:29

Page 148

Jamie Schubert

June 22, 2018

1 A Correct. 03:29

2 Q And when we ask for the lead source

3 paperwork and receive it, do you expect that

4 [REDACTED] is going to say "Phone in?"

5 A I don't know what [REDACTED] is 03:29

6 going to say.

7 Q Okay. Do you have any reason to believe

8 that your helper made a mistake and put "Phone in"

9 when they meant to put "Web" or "Online"?

10 MS. MELVANI: Objection. Argumentative. 03:29

11 Calls for speculation.

12 MS. FARNAES: Join.

13 BY MS. BANHAM:

14 Q I'm asking you, do you have a reason to

15 think your helpers made up things or -- or put in 03:29

16 the wrong things?

17 A We can --

18 MS. MELVANI: Objection. Argumentative.

19 THE WITNESS: -- speculate to a bunch of

20 different things. I guess is what I keep trying to 03:29

21 convey is, we didn't have a system in place, and we

22 haven't had an accurate system in place from the

23 very beginning, as you can see why we're unorganized

24 with everything that we've provided to you.

25

Jamie Schubert

June 22, 2018

1 MS. FARNAES: Outside the scope of this
2 deposition.

3 MS. MELVANI: Yes.

4 BY MS. BANHAM:

5 Q So you have contact information for each
6 of these people within your possession, custody, or
7 control, correct?

8 A Correct.

9 Q There would be nothing preventing you from
10 contacting these people, correct?

11 MS. MELVANI: Objection.

12 MS. FARNAES: Objection. Argumentative.

13 MS. MELVANI: Yes. And overbroad.

14 Contacting them for what purpose? Any
15 purpose ever?

16 BY MS. BANHAM:

17 Q There would be nothing preventing you from
18 contacting these people at this time for any
19 purpose, correct?

20 MS. MELVANI: Well --

21 THE WITNESS: Correct.

22 BY MS. BANHAM:

23 Q Has anyone, to your knowledge, at
24 StemGenex contacted any of these people since the
25 BelAire opt-out notice --

Jamie Schubert

June 22, 2018

1 MS. MELVANI: -- he insisted 30 days was
2 required of his client yesterday. So I think the
3 same courtesy --

4 MS. FARNAES: Well, then we have to -- we
5 have to do what Mr. Williams do.

6 MS. MELVANI: He was adamant.

7 MS. BANHAM: Well, the original will be
8 sent to our office for safekeeping. And we will --
9 a copy will be sent to you by your counsel. And --
10 and if you could look that over.

11 Any -- if the document is unsigned for any
12 reason, we will use -- stipulate to use that
13 unsigned document in lieu of a signed document -- a
14 certified copy of that document.

15 And I'm blanking out. Sorry.

16 Anyway, if the original should be lost or
17 stolen or destroyed, a certified copy can be used
18 for any and all purposes.

19 And I'm just trying to think -- I'm trying
20 to add up 30 days. That's like July 27th or so.
21 Okay. Okay.

22 MS. FARNAES: July 22nd, right?

23 MS. BANHAM: Oh, wait. 22nd. I'm focused
24 on the 27th. I'm sorry.

25 MS. FARNAES: No.

Jamie Schubert

June 22, 2018

1 MS. BANHAM: 22nd.

2 MS. FARNAES: That's when we travel to --

3 MS. BANHAM: Okay. That's good. That's
4 good. I don't know what time it is anymore. All
5 right.

6 MS. FARNAES: So stipulated.

7 MS. MELVANI: So stipulated.

8 VIDEOGRAPHER: This concludes today's
9 deposition.

10 Off the record at 4:13 p.m.

11 THE REPORTER: Does anybody need copies,
12 rough drafts, or expedites?

13 MS. MELVANI: Copies and condensed for us,
14 please.

15 MS. FARNAES: Yeah, copies and disk,
16 please.

17 MS. BENHAM: And, I'm sorry. We'll need
18 today's expedited, a condensed version, along with
19 the original, please.

20 Thank you.

21 * * *

22 (Whereupon the deposition was adjourned
23 at 4:15 p.m.)
24
25

EXHIBIT

33

Plaintiffs' Motion for Class Certification

Re: Moorer, et. al. v. Stemgenex Medical Group, Inc., et. al.

Case No.: 3:16-cv-02816-AJB-NLS

Online Reputation Companies to Remove URLs

Jamie Schubert

Sent: Wednesday, March 16, 2016 9:49 AM
To: Rita Alexander
Cc: Candace Henderson
Attachments: Reputation Management Bre~1.xlsx (15 KB)

Rita,

I have attached a spreadsheet which includes three online reputation companies and a breakdown of costs, payment terms, expected time frame, warranty info, etc.

I'd like to provide some brief background information about Reputation Management Companies to be considered. There are basically two ways these companies handle negative content which include "De-Indexing" and "Suppression".

In short, the deindexing process (the URL is removed from Google) requires an elaborate process where the reputation management company goes through a direct process, sometimes legal, with Google to have the URL deindexed (removed), however, there is some risk in StemGenex choosing to deindex (remove) these URLs. Google, media outlets (ABC channel 10) and many others are big into their rights for Freedom of Press, aka Freedom of Speech. When a URL website link is deindexed (removed), the deindexing (removal) of the URL will most likely be publically posted on the Lumen Database <https://lumendatabase.org/>, which is a public repository backed by a bunch of attorneys/activists/Google on Freedom of Press/Freedom of Speech. In turn, this could potentially put a target on our back if the wrong person (Paul Knoepfler, channel 10, etc.) gets wind of the URLs being deindexed (removed). I simply want you to be aware of the possible risk. Here is an interesting article which provides some insight - <https://torrentfreak.com/google-protects-chilling-effects-from-takedown-notices-140727/>.

Suppression is a tactic used by reputation management companies where they take our existing content (news articles, website content, etc.), they then have journalists rewrite & redraft this content in countless ways, and then saturate the web with this rewritten/redrafted content to push negative content, such as the channel 10 video, cirm blog, etc., down in the search results. This option would only push down the negative content, not remove it from the Google search engine and would be extremely time consuming on our end as we would have to make countless edits and approve all generated content for the online reputation company to use. In turn, it's important to consider that the company is making a lot of changes to our current content, our website for example, and these updates would most likely need to be in place before starting this process.

Let me know if you'd like to set up a meeting time to discuss.

Thanks!
Jamie

In Vibrant Health,

Jamie Schubert
Director of Media & Community Relations
jschubert@StemGenex.com
800.609.7795
858.242.4243 | direct
877.329.0007 | fax

Re: TRG Agreement

Candace Henderson

Sent: Wednesday, March 09, 2016 3:24 PM

To: Jamie Schubert

Cc: Rita Alexander

I would say at least one other to see if the pricing is comparable. If there is a huge discrepancy then a third helps to determine if one or the other is way off.

This is a project that Rita assigned so let's check with her on whether time allows for comps.

Thanks.

Candace Henderson
Vice President of Operations
candace@StemGenex.com
800.609.7795 | ext 1004
858.799.0354 | direct
877-329-0007 | fax

StemGenex®
Stem Cell Centers of Excellence®
1200 Prospect Street
Suite G100
La Jolla, CA 92037
www.stemgenex.com
[Facebook](#)
[YouTube](#)
[LinkedIn](#)
[Google+](#)
[Twitter](#)

****Electronic Privacy Notice**** This e-mail and any attachments contain information that is or may be covered by electronic communication privacy laws, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing or otherwise disclosing this information in any manner. Instead, please reply to the sender that you have received this communication in error and then immediately delete it. Thank you for your cooperation.

From: Jamie Schubert <JSchubert@stemgenex.com>

Date: Wednesday, March 9, 2016 at 3:17 PM

To: Apple <candace@stemgenex.com>

Cc: Rita <rita@stemgenex.com>

Subject: RE: TRG Agreement

Great questions –

1. Is it 19,500 for all 3 URLs – Yes, the 19,500 is to remove the current active three URLs which include the channel 10 story.
2. What is the expected time frame for removal, estimated? - According to David Caravantes at the Reputation Group, the expected time frame removal is typically 90 days.
3. Have you shopped for comparables? I normally prefer to have 3 proposals when selecting a product or services with this large of a ticket price. No, I haven't shopped for comparables. Let me know if you want me to do so.

Thanks!

Jamie

From: Candace Henderson

Sent: Wednesday, March 9, 2016 3:00 PM

SG009166

Exhibit 33
Page 497

FW: StemGenex Proposal

Jamie Schubert

Sent: Thursday, March 03, 2016 10:28 AM

To: Rita Alexander

Cc: Candace Henderson

Hi Rita,

See below email from David Ceravantes with The Reputation Group and list of URL addresses that include negative content about StemGenex.

Thanks,
Jamie

In Vibrant Health,

Jamie Schubert
Director of Media & Community Relations
jschubert@StemGenex.com
800.609.7795
858.242.4243 | direct
877.329.0007 | fax

StemGenex®

Stem Cell Centers of Excellence®

1200 Prospect Street

Suite G100

La Jolla, CA 92037

www.stemgenex.com

[Facebook](#)

[YouTube](#)

[LinkedIn](#)

[Google+](#)

[Twitter](#)

****Electronic Privacy Notice**** This e-mail and any attachments contain information that is or may be covered by electronic communication privacy laws, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing or otherwise disclosing this information in any manner. Instead, please reply to the sender that you have received this communication in error and then immediately delete it. Thank you for your cooperation.

From: The Reputation Group [mailto:thereputationgroup@gmail.com]

Sent: Tuesday, March 1, 2016 1:45 PM

To: Jamie Schubert <JSchubert@stemgenex.com>

Subject: Re: StemGenex Proposal

Hi Jamie,

I don't know what channel 10 link your talking about, but if you copy and paste all three they work. I am sure you would appreciate that our clients asked that we maintain an ironclad confidentiality. I will ask a few clients who have talked with some new clients in the past if they would feel comfortable contacting you. I sure you understand the due to the sensitive nature these companies and individuals would like to keep their confidentiality.

Please copy and paste if it does not work by just clicking on:

<http://blog.cirm.ca.gov/2015/06/04/desperate-patients-and-false-hope-a-troubling-trend-for-stem-cell-based-therapies/>

<http://www.10news.com/news/investigations/team-10-clinics-offering-bogus-stem-cell-treatments#Clinics%20offer%20%2415%2C000%20Parkinson%27s%20treatment>

<http://www.10news.com/news/team-10/team-10-clinics-offering-bogus-stem-cell-treatments>

10 News

1. <http://www.10news.com/news/investigations/team-10-clinics-offering-bogus-stem-cell-treatments#Clinics%20offer%20%2415%2C000%20Parkinson%27s%20treatment>

2. <http://blog.cirm.ca.gov/2015/06/04/desperate-patients-and-false-hope-a-troubling-trend-for-stem-cell-based-therapies/>

3. <http://www.10news.com/news/team-10/team-10-clinics-offering-bogus-stem-cell-treatments>
Glassdoor

<https://www.glassdoor.com/Reviews/StemGenex-Reviews-E954962.htm>

<https://www.glassdoor.co.uk/Reviews/StemGenex-Reviews-E954962.htm>

https://www.glassdoor.com.au/Reviews/stemgenex-reviews-SRCH_KE0_9.htm

<https://www.glassdoor.nl/Reviews/StemGenex-Reviews-E954962.htm>

Others

<http://www.parkinsons.org.uk/forum/thread/56655>

4. <http://www.stemcellpioneers.com/showthread.php?6206-horribly-expensive-stemgenex>

5. <https://healthunlocked.com/parkinsonsmovement/posts/131438470/stem-cell-therapy-with-stemgenex>

6. <https://www.youtube.com/watch?v=AOnhxYowWm8> - The Youtube user tagged the StemGenex homepage, so when someone searches "StemGenex" the video pops up even though the actual video is not about us.

7. <http://www.justanswer.com/fraud-examiner/7cs7x-stem-genex-scam-stem-cell-therapy.html>

David A. Caravantes
The Reputation Group
[424.249.9399](tel:424.249.9399)

Email: david@thereputationgroup.org
Website: <http://thereputationgroup.org>

In Today's Digital Era,

Your Online Reputation Is Your Reputation

On Tue, Mar 1, 2016 at 9:51 AM, Jamie Schubert <JSchubert@stemgenex.com> wrote:

Hi David,

Thank you for the proposal, however, there is one channel 10 link that I'm unable to click through. Could you update the proposal with the correct link and send me the revised proposal?

During our meeting you had a list of several URL addresses that included negative content. Can you please email the entire list? We may consider having more URL addresses deindexed.

Also, can you please provide me with contact information, specifically the phone number and email address of references of individuals/companies you have worked with in the past.

Thank you in advance and I forward to hearing from you soon!

Thanks,

Jamie

Direct: 858-242-4243

From: The Reputation Group [mailto:thereputationgroup@gmail.com]

Sent: Wednesday, February 24, 2016 1:59 PM

To: Jamie Schubert <JSchubert@stemgenex.com>

Subject: StemGenex Proposal

Hi Jamie,

First off, I'd like to thank you for the time you've spent helping me understand your needs, as well as the URL links you need removed. I hope we answered all your questions or concerns.

We bring incredible results that no other company can accomplish with complete removal of URLs (not link suppression) on Google, Yahoo and Bing, thus removing it from search results and rendering a link unsearchable with perpetual results.

As discussed in our conversation the multi-URL fee for our service is \$ ~~Redacted~~ for complete removal of 3 URLs.

Removing your negative URL links can do wonders to repair your online reputation, as it removes the possibility that your potential clients will find negative comments or articles about you through Google, Yahoo, Bing and other search engines. You should achieve a return on your investment within a few months of service. Keep in mind our service is backed by our guarantee and you only pay for successful removals.

Managing your name and your company online reputation is not just a good idea, it's a necessity in the digital age.

We can begin work as soon as I receive your go-ahead.

To your success,

David A. Caravantes
The Reputation Group
424.249.9399

Email: david@thereputationgroup.org

Website: <http://thereputationgroup.org>

In Today's Digital Era,

Your Online Reputation Is Your Reputation

EXHIBIT

34

Plaintiffs' Motion for Class Certification
Re: Moorer, et. al. v. Stemgenex Medical Group, Inc., et. al.
Case No.: 3:16-cv-02816-AJB-NLS

From: Candace Henderson <Candace@stemgenex.com>
Date: Monday, April 18, 2016 at 9:34 PM
To: Andre Lallande <alallande@scrc101.com>
Cc: Rita Alexander <Rita@stemgenex.com>, Jamie Schubert <JSchubert@stemgenex.com>
Subject: Website

Dr. Lallande,

We have been working to update the StemGenex Website to the StemGenex Medical Group Website to ensure we are in compliance with the documented structure. As you may be well aware the Website is a living site that changes content frequently. We will regularly add new study information or supporting articles that pertain to stem cell treatment. Please take a look at the current site <https://stemgenex.com> and provide your feedback and comments on anything you think should be changed. We have had the site reviewed by two different legal firms California for any California compliance issues and the FDA attorneys and we are implementing recommended changes and will continue to do so as we always have. We will continue to give you updates of any major changes made to the site.

I know you have a busy schedule this week. Your reply is needed at your earliest convenience.

Thanks!

Candace Henderson
Vice President of Operations
candace@StemGenex.com
800.609.7795 | ext 1004
858.799.0354 | direct
877-329-0007 | fax

StemGenex®
Stem Cell Centers of Excellence®
1200 Prospect Street
Suite G100
La Jolla, CA 92037
www.stemgenex.com
[Facebook](#)
[YouTube](#)
[LinkedIn](#)
[Google+](#)
[Twitter](#)

****Electronic Privacy Notice**** This e-mail and any attachments contain information that is or may be covered by electronic communication privacy laws, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing or otherwise disclosing this information in any manner. Instead, please reply to the sender that you have received this communication in error and then immediately delete it. Thank you for your cooperation.

SG010510

Exhibit 34
Page 501

RE: Website

Jamie Schubert

Sent: Wednesday, April 20, 2016 11:07 AM

To: Candace Henderson; Dr. Lallande [alallande@scrc101.com]

Cc: Rita Alexander

It's been removed.

In Vibrant Health,

Jamie Schubert

Director of Media & Community Relations

jschubert@StemGenex.com

800.609.7795

858.242.4243 | direct

877.329.0007 | fax

StemGenex®

Stem Cell Centers of Excellence®

1200 Prospect Street

Suite G100

La Jolla, CA 92037

www.stemgenex.com

[Facebook](#)

[YouTube](#)

[LinkedIn](#)

[Google+](#)

[Twitter](#)

****Electronic Privacy Notice**** This e-mail and any attachments contain information that is or may be covered by electronic communication privacy laws, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing or otherwise disclosing this information in any manner. Instead, please reply to the sender that you have received this communication in error and then immediately delete it. Thank you for your cooperation.

From: Candace Henderson

Sent: Wednesday, April 20, 2016 10:39 AM

To: Dr. Lallande <alallande@scrc101.com>

Cc: Rita Alexander <rita@stemgenex.com>; Jamie Schubert <JSchubert@stemgenex.com>

Subject: Re: Website

Uuuggggh no we don't, Jamie check the site ASAP AND GET IT OFF!

Sent from my iPhone

On Apr 20, 2016, at 10:37 AM, Dr. Lallande <alallande@scrc101.com> wrote:

I haven't had a chance to study it much yet. Looks pretty good on first glance.

I see we have a new physician Franklin D. Westhout, MD

Good to see us growing.

Dr. L

SG010509

Exhibit 34
Page 502

EXHIBIT

35

Plaintiffs' Motion for Class Certification

Re: Moorer, et. al. v. Stemgenex Medical Group, Inc., et. al.

Case No.: 3:16-cv-02816-AJB-NLS

FW: updated - Client Survey results December 2016.xlsx

Jamie Schubert

Sent: Thursday, December 08, 2016 12:22 PM
To: Rita Alexander
Cc: Candace Henderson; Centrila McGee
Attachments: Client Survey results De~1.xlsx (26 KB)

Rita,

Cece recently calculated the Patient Survey Satisfaction Ratings and three questions scored 100%. From my understanding, we do not want to put any ratings on the website which include 100%. Could you please confirm?

Thanks,
Jamie

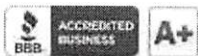
From: Centrila McGee
Sent: Thursday, December 8, 2016 10:09 AM
To: Jamie Schubert <JSchubert@stemgenex.com>
Subject: updated - Client Survey results December 2016.xlsx

I found more surveys,
There are still 3 perfect scores.
Please let me know if I am supposed to send these to clique studios or not.
Thank you.
In Vibrant Health

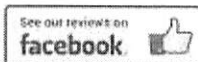
Centrila McGee
Business Office Manager
cmcgee@stemgenex.com
800.609.7795
858.799.0811 | direct
877.329.0007 | fax



[Watch NBC News Story on StemGenex Medical Group MS Patient!](#)



[Read Our Reviews – StemGenex Medical Group Rated A+ By BBB!](#)



[Read What Our Patients Are Saying About StemGenex Medical Group!](#)

StemGenex®

Stem Cell Centers of Excellence®

1200 Prospect Street

Suite G100

La Jolla, CA 92037

www.stemgenex.com

[Facebook](#)

[YouTube](#)

[LinkedIn](#)

[Twitter](#)

SG007477

EXHIBIT

36

Plaintiffs' Motion for Class Certification

Re: Moorer, et. al. v. Stemgenex Medical Group, Inc., et. al.

Case No.: 3:16-cv-02816-AJB-NLS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

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., and Individual; RITA ALEXANDER, an Individual; and DOES 1-100,

Defendants.

Case No.: 3:16-cv-02816-AJB-NLS

**NOTICE OF PENDENCY
OF CERTIFIED CLASS ACTION**

**PLEASE READ THIS DOCUMENT CAREFULLY.
IT EXPLAINS YOUR RIGHTS REGARDING THIS LAWSUIT.**

You are not being sued. This case is not against you. You do not have to pay anything to be a part of the case. This class action lawsuit seeks to recover money for you, and because your rights may be affected you should read this notice to understand what the case is about and your options.

On August 22, 2016, Ms. Moorer and others (the “Plaintiffs”) filed a lawsuit against StemGenex Medical Group, Inc. and others (the “Defendants”). Plaintiffs are former patients of Defendants. The Plaintiffs’ lawsuit claims that Defendants committed acts of fraud and misrepresentation in violation of California laws related to the stem cell therapy Defendants advertised for sale and performed in California. As a result of Plaintiffs’ allegations of fraud and misrepresentation, Plaintiffs claim

that they and other class members are entitled to a refund of part of what they paid to Defendants, among other requests for relief. Plaintiff's detailed allegations are contained in their Fourth Amended Complaint ("FAC") on file with the Court.

Plaintiffs filed the lawsuit on their behalf, and on behalf of certain other patients as a "class action." A class action is a type of lawsuit in which one or more individuals file a lawsuit on behalf of a group of similarly situated people to try and recover damages for everyone in the group, without the need for individual lawsuits. Class actions are used by the courts where the claims of a group raise basic issues of law or fact that are common, making it fair to bind all class members to the orders and judgment in a case without the need to hear the same claims over and over again for individual claims. Use of a class action eliminates the need to file multiple lawsuits and assures that all members are bound by the results of the lawsuit, whether or not they win.

Defendants deny that they have done anything wrong or illegal. Defendants deny that they owe anyone any money or refund or other damages or relief. Defendants also dispute that Plaintiffs' case should proceed in court or include other individuals.

The Court has not yet determined whether the Defendants violated any laws. Plaintiffs will be required to prove their case at trial. A trial date has not yet been set.

On August 6, 2018, Plaintiffs filed a motion seeking to certify a class of persons to pursue their claims to trial for fraud and misrepresentation under California law as outlined in their FAC. The Court ruled on Plaintiffs' motion and certified the following class of persons to pursue claims to trial in this case:

[INSERT CERTIFIED CLASS DEFINITION]

Under this class definition, the Court is now allowing Class Members to make decisions about whether to participate in the case with the Plaintiffs. Not all persons who received stem cell therapy treatment from the Defendants are allowed to become a part of the lawsuit for trial. Only people who are within the scope of the class definition have rights related to this lawsuit. You are receiving this notice because the Defendants' records indicate that you have are a person who is eligible to participate in this case. If you are within the scope of the class definition YOU ARE

AUTOMATICALLY NOW A PART OF THE CASE AS A CLASS MEMBER. You may do nothing and remain in this part of case, OR you may exclude yourself from the case.

If you do nothing, then you will automatically continue to be included in the lawsuit. You will be represented by the Plaintiffs' lawyers. You may also hire your own attorney to represent you. The Plaintiffs' lawyers are appointed to be your lawyers, unless you hire your own counsel at your own expense. You do not have to pay any money to become a Class Member. Your decision will be final and binding, you will not be able to change your mind later and request exclusion, and you will not be able to later bring a separate action regarding the issues in this case, win or lose. You will be bound by the decision and outcome in this lawsuit, whether by settlement or trial; under the rule of *res judicata*, the judgment resulting from the case, whether favorable or not, will include and bind all Class Members. If there is a settlement or verdict in favor of the Class Members, you will receive whatever relief is given to Class Members.

If you choose to exclude yourself from the lawsuit, you MUST send a "Request for Exclusion" notice to the Plaintiffs' lawyers, including your name, address, telephone number, and a signed statement that you want to be excluded postmarked by [INSERT DEADLINE]. If you request exclusion, you will be withdrawing your claim from the lawsuit. Your decision will be final and binding, and you will not be able to change your mind later and become a Class Member again. Persons electing to be excluded will not be bound by any judgment or appellate decision, whether favorable to Class Members or not, and will not be entitled to recover any money or participate in a settlement of this case, if there is one. Plaintiffs' counsel will no longer represent you. If you do not request to be excluded by the deadline date you will remain a part of the case and your claims and rights will be protected by this lawsuit. If you elect to request exclusion, you need to be aware that there are strict statutes of limitations, i.e., deadlines, that restrict your ability to bring your own claim, and if you intend to take your own action you should do so immediately. If you do not request exclusion, or if your exclusion request is not completed and postmarked by the date above, you will automatically be included in the Class Action and this lawsuit will continue to be maintained on your behalf by the Plaintiffs' lawyers.

The Plaintiffs' lawyers, also now known as "Class Counsel" are:

Janice F. Mulligan
mulligan@janmulligan.com

Elizabeth A. Banham
banham@janmulligan.com

Brian K. Findley
findley@janmulligan.com

MULLIGAN, BANHAM & FINDLEY

2442 Fourth Avenue, Suite 100

San Diego, California 92101

Telephone: (619) 238-8700

Facsimile: (619) 238-8701

Harvey C. Berger

berger@bwrlp.com

Timothy G. Williams

williams@bwrlp.com

Stephanie Reynolds

reynolds@bwrlp.com

BERGER, WILLIAMS & REYNOLDS, LLP

401 B Street, Suite 2000

San Diego, California 92101

Telephone: (619) 595-1366

Facsimile: (619) 236-9677

If you want to speak with the Plaintiffs' lawyers you may contact them, but you are not required to do so at this time. If you change your address after receiving this Notice, or if it was sent to the wrong address, you should contact the Plaintiffs' lawyers and inform them of your current mailing address. This is important for future notices to reach you. You may seek independent legal counsel at your own expense. Defendants and their lawyers do not represent you.

This Notice contains only a summary of the case to date. Complete pleadings and other papers filed with the Court are available for inspection at the Clerk's office located at the United States District Court for the Southern District of California, in San Diego, California, as well as on the Court's website. DO NOT CONTACT THE JUDGE OR THE JUDGE'S COURTROOM ABOUT THIS CASE.