

1 Michael Freund SBN 99687
2 Ryan Hoffman SBN 283297
3 Michael Freund & Associates
4 1919 Addison Street, Suite 105
5 Berkeley, CA 94704
6 Telephone: (510) 540-1992
7 Facsimile: (510) 540-5543

8 Attorneys for Plaintiff Environmental Research Center

ENDORSED
FILED
ALAMEDA COUNTY

OCT 22 2013

CLERK OF THE SUPERIOR COURT

By Barbara LaMotte Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ALAMEDA

11
12 ENVIRONMENTAL RESEARCH CENTER,
13 a California non-profit corporation

14 Plaintiff,

15 vs.

16 NUTRAMEDIX, LLC and DOES 1-100

17 Defendants.

CASE NO. RG13700050

COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF AND
CIVIL PENALTIES

[Miscellaneous Civil Complaint (42)]
Proposition 65, Health & Safety Code
Section 25249.5 et seq.]

18
19 Plaintiff Environmental Research Center hereby alleges:

20 I

21 INTRODUCTION

22 1. Plaintiff Environmental Research Center (hereinafter "Plaintiff" or "ERC") brings this
23 action as a private attorney general enforcer and in the public interest pursuant to Health & Safety
24 Code section 25249.7, subdivision (d). This complaint seeks injunctive and declaratory relief and
25 civil penalties to remedy Defendant NutraMedix, LLC and Does 1-100 (hereinafter
26 "NutraMedix")'s failure to warn consumers that they have been exposed to lead from one of
27 NutraMedix's nutritional health products. Lead is a chemical known to the State of California to
28 cause cancer, birth defects and other reproductive harm. Based on the Safe Drinking Water and

1 Toxic Enforcement Act of 1986 (Health & Safety Code section 25249.5 *et seq.*) also known as
2 “Proposition 65,” businesses with ten or more employees must provide a “clear and reasonable
3 warning” prior to exposing persons to these chemicals.

4 **II**

5 **PARTIES**

6 2. Plaintiff ERC is a California non-profit corporation dedicated to, among other causes,
7 helping safeguard the public from health hazards by reducing the use and misuse of hazardous and
8 toxic chemicals, facilitating a safe environment for consumers and employees and encouraging
9 corporate responsibility.

10 3. Defendant NutraMedix is a business that manufactures, distributes and/or sells a
11 nutritional health product that has exposed users to lead in the State of California within the relevant
12 statute of limitations period. This “Covered Product” is NutraMedix Zeolite. NutraMedix is a
13 company subject to Proposition 65 as it employs ten or more persons.

14 4. Defendants Does 1-100, are named herein under fictitious names, as their true names and
15 capacities are unknown to ERC. ERC is informed and believes, and thereon alleges, that each of
16 said Does is responsible, in some actionable manner, for the events and happenings hereinafter
17 referred to, either through said Defendant’s conduct, or through the conduct of its agents, servants or
18 employees, or in some other manner, causing the harms alleged by ERC in this complaint. When
19 said true names and capacities of Does are ascertained, ERC will seek leave to amend this complaint
20 to set forth the same.

21 **III**

22 **JURISDICTION AND VENUE**

23 5. This Court has jurisdiction pursuant to California Constitution Article VI, Section 10
24 because this case is a cause not given by statute to other trial courts.

25 6. The Complaint is based on allegations contained in a Notice of Violation dated
26 January 18, 2013, served on the California Attorney General, other public enforcers and
27 NutraMedix. A true and correct copy of the Notice of Violation is attached as Exhibit A. More
28

1 than 60 days have passed since the Notice of Violation was mailed and no public enforcement
2 entity has filed a complaint in this case.

3 7. This Court is the proper venue for the action because the causes of action have arisen in
4 the County of Alameda where some of the violations of law have occurred. Furthermore, this Court
5 is the proper venue under Code of Civil Procedure section 395.5 and Health & Safety Code section
6 25249.7.

7 **IV**

8 **STATUTORY BACKGROUND**

9 **A. Proposition 65**

10 8. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute
11 passed as "Proposition 65" by an overwhelming majority vote of the people in November of 1986.

12 9. The warning requirement of Proposition 65 is contained in Health & Safety Code section
13 25249.6, which provides:

14 No person in the course of doing business shall knowingly and intentionally expose
15 any individual to a chemical known to the state to cause cancer or reproductive
16 toxicity without first giving clear and reasonable warning to such individual, except
as provided in Section 25249.10.

17 10. Implementing regulations for Proposition 65 define expose as "to cause to ingest,
18 inhale, contact via body surfaces or otherwise come into contact with a listed chemical." An
19 individual may come into contact with a listed chemical through water, air, food, consumer products
20 and any other environmental exposure as well as occupational exposures." (Cal. Code Regs., tit. 27,
21 § 25102, subd. (i).)

22 11. In this case, the exposures at issue are caused by consumer products. Implementing
23 regulations for Proposition 65 define a consumer product exposure as " an exposure which results
24 from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of
25 a consumer good, or any exposure that results from receiving a consumer service." (Cal. Code
26 Regs., tit. 27, § 25602, subd. (b).)

27 12. Whenever a clear and reasonable warning is required under Health & Safety Code
28 section 25249.6, the "method employed to transmit the warning must be reasonably calculated

1 considering the alternative methods available under the circumstances, to make the warning
2 message available prior to exposure.” (Cal. Code Regs., tit. 27, § 25601.) The warning requirement
3 may be satisfied by a warning that appears on a product’s label or other labeling, shelf labeling,
4 signs, a system of signs, public advertising identifying the system and toll-free information services,
5 or any other, system, that provides clear and reasonable warnings. (Cal. Code Regs., tit. 27, §
6 25603.1, subd. (a)-(d).)

7 13. Proposition 65 establishes a procedure by which the State is to develop a list of
8 chemicals “known to the State to cause cancer or reproductive toxicity.” (Health & Safety Code,
9 § 25249.8.) There is no duty to provide a clear and reasonable warning until 12-months after the
10 chemical was published on the State list. (Health & Safety Code, § 25249.10, subd. (b).) Lead
11 was listed as a chemical known to the State of California to cause developmental toxicity in the
12 fetus and male and female reproductive toxicity on February 27, 1987. Lead was listed as a
13 chemical known to the State of California to cause cancer on October 1, 1992. (Cal. Code Regs., tit.
14 27, § 27001.)

15 14. The Maximum Allowable Dose Level for lead as a chemical known to cause
16 reproductive toxicity is 0.5 micrograms per day. (Cal. Code Regs., tit. 27, § 25805.) The No
17 Significant Risk Level for lead as a carcinogen is 15 micrograms per day. (Cal. Code Regs., tit.
18 27, § 25705.)

19 15. Proposition 65 may be enforced by any person in the public interest who provides
20 notice sixty days before filing suit to both the violator and designated law enforcement officials.
21 The failure of law enforcement officials to file a timely complaint enables a citizen suit to be filed
22 pursuant to Health & Safety Code section 25249.7, subdivisions (c) and (d).

23 16. Proposition 65 provides that any person “violating or threatening to violate” Proposition
24 65 may be enjoined in any court of competent jurisdiction. (Health & Safety Code, § 25249.7,
25 subd. (a).) To “threaten to violate” means “to create a condition in which there is a substantial
26 probability that a violation will occur.” (Health & Safety Code, § 25249.11, subd. (e).)
27 Furthermore, violators are subject to a civil penalty of up to \$2,500 per day for each violation.
28 (Health & Safety Code, § 25249.7, subd. (b)(1).

V

STATEMENT OF FACTS

17. NutraMedix has manufactured, distributed and/or sold the Covered Product containing lead to the State of California. Consumers have been ingesting this product for many years, without any knowledge of their exposure to lead, a very dangerous chemical.

18. For many years, NutraMedix has knowingly and intentionally exposed numerous persons to lead, without providing a Proposition 65 warning. Prior to ERC's Notice of Violation, NutraMedix failed to provide a warning on the label of the Covered Product. NutraMedix has at all times relevant hereto been aware that the Covered Product contained lead and that persons using this product have been exposed to the chemical. Nevertheless, NutraMedix's website represents to the public that the company "conducts extensive research to secure the very highest quality raw materials for its powdered capsule products." NutraMedix has been aware of the lead in the Covered Product and has failed to disclose the presence of this chemical to the public, who undoubtedly believed they have been ingesting totally healthy and pure products.

19. Both prior and subsequent to ERC's Notice of Violation, NutraMedix failed to provide consumers of the Covered Product with a clear and reasonable warning that they have been exposed to a chemical known to the State of California to cause cancer, birth defects and other reproductive harm.

FIRST CAUSE OF ACTION

(Violation of Section 25249.6 of the Health and Safety Code, Failure to Provide Clear and Reasonable Warning under Proposition 65)

20. ERC refers to paragraphs 1-19, inclusive, and incorporates them herein by this reference.

21. By committing the acts alleged above, NutraMedix has, in the course of doing business, knowingly and intentionally exposed users of the Covered Product to lead, a chemical known to the State of California to cause cancer, birth defects and other reproductive harm without first giving

1 clear and reasonable warning to such individuals, within the meaning of Health & Safety Code
2 section 25249.6.

3 22. Said violations render NutraMedix liable for civil penalties up to \$2,500 per day, for
4 each violation.

5 **SECOND CAUSE OF ACTION**

6 **(Declaratory Relief)**

7 23. ERC refers to paragraphs 1-22, inclusive, and incorporates them herein by this
8 reference.

9 24. There exists an actual controversy relating to the legal rights and duties of the parties,
10 within the meaning of Code of Civil Procedure section 1060, between ERC and NutraMedix
11 concerning whether NutraMedix has exposed individuals to a chemical known to the State of
12 California to cause cancer, birth defects and other reproductive harm without providing clear and
13 reasonable warning.

14 **VI**

15 **PRAYER**

16 WHEREFORE ERC prays for relief as follows:

17 1. On the First Cause of Action, for civil penalties for each and every violation according to
18 proof;

19 2. On the First Cause of Action, and pursuant to Health & Safety Code section 25249.7,
20 subdivision (a), for such temporary restraining orders, preliminary and permanent injunctive orders,
21 or other orders, prohibiting NutraMedix from exposing persons to lead without providing clear and
22 reasonable warning;

23 3. On the Second Cause of Action, for a declaratory judgment pursuant to Code of Civil
24 Procedure section 1060 declaring that NutraMedix has exposed individuals to a chemical known to
25 the State of California to cause, birth defects and other reproductive harm without providing clear
26 and reasonable warning; and


27 4. On all Causes of Action, for reasonable attorneys' fees pursuant to section 1021.5 of the
28 Code of Civil Procedure or the substantial benefit theory;

1 5. For costs of suit herein; and

2 6. For such other relief as the Court may deem just and proper.

3
4 Dated: October 20, 2013

5
6 By



7
8 Michael Freund
9 Attorney for Environmental Research Center

MICHAEL FREUND
ATTORNEY AT LAW
1919 Addison Street, Suite 105
BERKELEY, CALIFORNIA 94704-101

TEL 510/540-1992
FAX 510/540-5543
EMAIL FREUND1@AOL.COM

January 18, 2013

**NOTICE OF VIOLATIONS OF
CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 ET SEQ.
(PROPOSITION 65)**

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

I represent Environmental Research Center ("ERC"), 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. (619) 500-3090. ERC's Executive Director is Chris Heptinstall. ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by reducing the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

ERC has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at California Health & Safety Code §25249.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violator identified below failed to provide the required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violator and the appropriate public enforcement agencies. Pursuant to Health and Safety Code Section 25249.7(d), ERC intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is an attachment with the copy of this letter served to the alleged Violator identified below.

Alleged Violator. The name of the company covered by this notice that violated Proposition 65 (hereinafter "the Violator") is:

NutraMedix, LLC

Consumer Products and Listed Chemicals. The product that is the subject of this notice and the chemical in that product identified as exceeding allowable levels are:

NutraMedix Zeolite – Lead

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

It should be noted that ERC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

Route of Exposure. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of these products. Consequently, the primary route of exposure to

EXHIBIT A

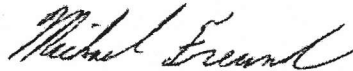
these chemicals has been and continues to be through ingestion, but may have also occurred and may continue to occur through inhalation and/or dermal contact.

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least January 18, 2010, as well as every day since the product was introduced into the California marketplace, and will continue every day until the Violator provides clear and reasonable warnings to product purchasers and users or until these known toxic chemicals are either removed from the product or reduced to allowable levels in the product. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product label. The Violator violated Proposition 65 because it failed to provide persons handling and/or using these products with appropriate warnings that those persons are being exposed to these chemicals.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violator to: (1) reformulate the identified product so as to eliminate further exposures to the identified chemical, or provide appropriate warnings on the labels of this product; and (2) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as an expensive and time-consuming litigation.

ERC has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Michael Freund

Attachments

- Certificate of Merit
- Certificate of Service
- OEHHA Summary (to NutraMedix, LLC and their Registered Agent)
- Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

Re: Environmental Research Center's Notice of Proposition 65 Violations by NutraMedix, LLC

I, Michael Freund, declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

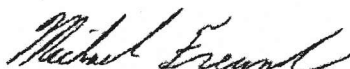
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemicals that are the subject of the notice.

4. Based on the information obtained through those consultants, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged Violator will be able to establish any of the affirmative defenses set forth in the statute.

5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: January 18, 2013



Michael Freund

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On January 18, 2013, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the parties listed below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Timothy J. Eaton, Current President or CEO
NutraMedix, LLC
2885 Jupiter Park Drive, Suite 1600
Jupiter, FL 33458

Bruce A. Hodge, Registered Agent for NutraMedix, LLC
2885 Jupiter Park Drive, Suite 1600
Jupiter, FL 33458

Timothy J. Eaton, Current President or CEO
NutraMedix, LLC
18349 SE Heritage Drive
Tequesta, FL 33469


Bruce A. Hodge, Registered Agent for NutraMedix, LLC
18064 Taylor Road
Jupiter, FL 33478

On January 18, 2013, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, CA 946 12-0550

On January 18, 2013, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the Service List attached hereto, and depositing it at at U.S. Postal Service with the postage fully prepaid for delivery by Priority Mail.

Executed on January 18, 2013, in Fort Oglethorpe, Georgia.



Amber Schaub

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

January 18, 2013

Page 5

Service List

District Attorney, Alameda County
1225 Fallon Street, Suite 900
Oakland, CA 94612

District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney, Amador County
708 Court Street, Suite 202
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive, Suite 245
Oroville, CA 95965

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney, Colusa County
346 Fifth Street Suite 101
Colusa, CA 95932

District Attorney, Contra Costa County
900 Ward Street
Martinez, CA 94553

District Attorney, Del Norte County
450 H Street, Room 171
Crescent City, CA 95531

District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney, Fresno County
2220 Tulare Street, Suite 1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt County
825 5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial County
940 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Inyo County
230 W. Line Street
Bishop, CA 93514

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Lassen County
220 South Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney, Los Angeles County
210 West Temple Street, Suite 18000
Los Angeles, CA 90012

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
550 W. Main Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 93517

District Attorney, Monterey County
Post Office Box 1131
Salinas, CA 93902

District Attorney, Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney, Nevada County
110 Union Street
Nevada City, CA 95959

District Attorney, Orange County
401 West Civic Center Drive
Santa Ana, CA 92701

District Attorney, Placer County
10810 Justice Center Drive, Ste 240
Roseville, CA 95678

District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney, Riverside County
3960 Orange Street
Riverside, CA 92501

District Attorney, Sacramento County
901 "G" Street
Sacramento, CA 95814

District Attorney, San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney, San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

District Attorney, San Diego County
330 West Broadway, Suite 1300
San Diego, CA 92101

District Attorney, San Francisco County
850 Bryant Street, Suite 322
San Francisco, CA 94103

District Attorney, San Joaquin County
222 E. Weber Ave. Rm. 202
Stockton, CA 95202

District Attorney, San Luis Obispo County
1035 Palm St, Room 450
San Luis Obispo, CA 93408

District Attorney, San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney, Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney, Santa Clara County
70 West Hedding Street
San Jose, CA 95110

District Attorney, Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney, Shasta County
1355 West Street
Redding, CA 96001

District Attorney, Sierra County
PO Box 457
Downieville, CA 95936

District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097

District Attorney, Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney, Sonoma County
600 Administration Drive,
Room 212J
Santa Rosa, CA 95403

District Attorney, Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95354

District Attorney, Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080

District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tulare County
221 S. Mooney Blvd., Room 224
Visalia, CA 93291

District Attorney, Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney, Ventura County
800 South Victoria Ave, Suite 314
Ventura, CA 93009

District Attorney, Yolo County
301 2nd Street
Woodland, CA 95695

District Attorney, Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, Ste 1620
San Diego, CA 92101

San Francisco, City Attorney
City Hall, Room 234
1 Dr Carlton B Goodlett PL
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street,
16th Floor
San Jose, CA 95113