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 4

**FILED BY FAX**  
 ALAMEDA COUNTY  
 December 08, 2015  
 CLERK OF  
 THE SUPERIOR COURT  
 By Angelica Mendola, Deputy  
 CASE NUMBER:  
**RG15759481**

5 Attorneys for Plaintiff  
 ENVIRONMENTAL RESEARCH CENTER  
 6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 8 COUNTY OF ALAMEDA  
 9

10 ENVIRONMENTAL RESEARCH CENTER,  
 a non-profit California corporation,

Case No. RG15759481

11 Plaintiff,

**FIRST AMENDED COMPLAINT FOR  
 INJUNCTIVE RELIEF AND CIVIL  
 PENALTIES**

12 v.

Health & Safety Code §25249.5, *et seq.*

13 GENUINE HEALTH CORPORATION,  
 14 GENUINE HEALTH, INC. and 1064510  
 ONTARIO LIMITED,

15 Defendants.  
 16

17 Plaintiff Environmental Research Center ("PLAINTIFF" or "ERC") brings this action  
 18 in the interests of the general public and, on information and belief, hereby alleges:

19 **INTRODUCTION**

20 1. This action seeks to remedy the continuing failure of Defendants GENUINE  
 21 HEALTH CORPORATION, GENUINE HEALTH, INC. and 1064510 ONTARIO LIMITED  
 22 to warn consumers in California that they are being exposed to lead, a substance known to the  
 23 State of California to cause cancer, birth defects, and other reproductive harm.  
 24 DEFENDANTS manufacture, package, distribute, market, and/or sell in California certain  
 25 products containing lead (collectively, the "PRODUCTS"):

- 26 • Genuine health 6 Hour Extra Energy

- 1 • Genuine Health Go4Trim
- 2 • Genuine Health Vegan Proteins+ Natural Vanilla
- 3 • Genuine Health ActivFuel+ Black Raspberry Lemonade
- 4 • Genuine Health Proteins+ Instant Smoothie A Day Natural Orange
- 5 Cream
- 6 • Genuine Health Vegan Proteins+ Natural Strawberry Vanilla Smoothie
- 7 • Genuine Health ActivRecover+ Sports Nutrition Orange
- 8 • Genuine Health Vegan Proteins+ Double Chocolate
- 9 • Genuine Health Healthy Skin Chocolate Soft Chews
- 10 • Genuine Health Fast Back + Care
- 11 • Genuine Health Fermented Whole Body Nutrition Acai Mango
- 12 Natural Flavor
- 13 • Genuine Health Fermented Whole Body Nutrition Natural Flavor
- 14 • Genuine Health abs+
- 15 • Genuine Health fermented Vegan proteins+ Natural Chocolate
- 16 • Genuine Health lean+ extra strength
- 17 • Genuine Health perfect skin dry skin (also known as Genuine Health
- 18 dermalipid)
- 19 • Genuine Health proteins+ Natural Vanilla
- 20 • Genuine Health proteins+ Natural Chocolate
- 21 • Genuine Health fermented Vegan proteins+ Unsweetened and
- 22 Unflavored
- 23 • Genuine Health fermented Vegan proteins+ Natural Vanilla
- 24 • Genuine Health fermented Vegan proteins+ bars Lemon Coconut
- 25 • Genuine Health fermented Vegan proteins+ bars Dark Chocolate
- 26 Almond

1           2. Lead (hereinafter, the “LISTED CHEMICAL”) is a substance known to the State<sup>1</sup>  
2 of California to cause cancer, birth defects, and other reproductive harm.

3           3. The use and/or handling of the PRODUCTS causes exposures to the LISTED  
4 CHEMICAL at levels requiring a “clear and reasonable warning” under California's Safe  
5 Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code (“H&S Code”)  
6 §25249.5, *et seq.* (also known as “Proposition 65”). DEFENDANTS have failed to provide the  
7 health hazard warnings required by Proposition 65.

8           4. DEFENDANTS’ past sales and continued manufacturing, packaging,  
9 distributing, marketing and/or sales of the PRODUCTS without the required health hazard  
10 warnings, cause individuals to be involuntarily and unwittingly exposed to levels of the  
11 LISTED CHEMICAL that violate Proposition 65.

12           5. PLAINTIFF seeks injunctive relief enjoining DEFENDANTS from the  
13 continued manufacturing, packaging, distributing, marketing and/or sales of the PRODUCTS  
14 in California without provision of clear and reasonable warnings regarding the risks of cancer,  
15 birth defects, and other reproductive harm posed by exposure to the LISTED CHEMICAL  
16 through the use and/or handling of the PRODUCTS. PLAINTIFF seeks an injunctive order  
17 compelling DEFENDANTS to bring their business practices into compliance with Proposition  
18 65 by providing a clear and reasonable warning to each individual who has been and who in  
19 the future may be exposed to the LISTED CHEMICAL from the use of the PRODUCTS.  
20 PLAINTIFF also seeks an order compelling DEFENDANTS to identify and locate each  
21 individual person who in the past has purchased the PRODUCTS, and to provide to each such  
22 purchaser a clear and reasonable warning that the use of the PRODUCTS will cause exposures  
23 to the LISTED CHEMICAL.

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<sup>1</sup> All statutory and regulatory references herein are to California law, unless otherwise specified.

1           6.       In addition to injunctive relief, PLAINTIFF seeks an assessment of civil  
2 penalties up to the maximum civil penalty of \$2,500 per day per exposure authorized by  
3 Proposition 65 to remedy DEFENDANTS' failure to provide clear and reasonable warnings  
4 regarding exposures to the LISTED CHEMICAL.

5                               **JURISDICTION AND VENUE**

6           7.       This Court has jurisdiction over this action pursuant to California Constitution  
7 Article VI, Section 10, which grants the Superior Court "original jurisdiction in all causes  
8 except those given by statute to other trial courts." The statute under which this action is  
9 brought does not specify any other basis for jurisdiction.

10          8.       This Court has jurisdiction over DEFENDANTS because, based on information  
11 and belief, DEFENDANTS are businesses having sufficient minimum contacts with California,  
12 or otherwise intentionally availing themselves of the California market through the distribution  
13 and sale of the PRODUCTS in the State of California to render the exercise of jurisdiction over  
14 them by the California courts consistent with traditional notions of fair play and substantial  
15 justice.

16          9.       Venue in this action is proper in the Alameda Superior Court because the  
17 DEFENDANTS have violated California law in the County of Alameda.

18          10.       On May 23, 2014 and September 21, 2015, PLAINTIFF sent separate 60-Day  
19 Notices of Proposition 65 violations ("Notices") to the requisite public enforcement agencies,  
20 and to DEFENDANTS. The Notices were issued pursuant to, and in compliance with, the  
21 requirements of H&S Code §25249.7(d) and the statute's implementing regulations regarding  
22 the notice of the violations to be given to certain public enforcement agencies and to the  
23 violators. The Notices included, *inter alia*, the following information: the name, address, and  
24 telephone number of the noticing individuals; the name of the alleged violators; the statute  
25 violated; the approximate time period during which violations occurred; and descriptions of the  
26 violations, including the chemicals involved, the routes of toxic exposure, and the specific

1 product or type of product causing the violations, and was issued as follows:

- 2 a. DEFENDANTS were provided a copy of the Notices by Certified Mail.
- 3 b. DEFENDANTS were provided a copy of a document entitled “The Safe  
4 Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A  
5 Summary,” which is also known as Appendix A to Title 27 of CCR §25903.
- 6 c. The California Attorney General was provided a copy of the Notices via  
7 online submission.
- 8 d. The California Attorney General was provided with a Certificate of Merit by  
9 the attorney for the noticing parties, stating that there is a reasonable and  
10 meritorious case for this action, and attaching factual information sufficient  
11 to establish a basis for the certificate, including the identity of the persons  
12 consulted with and relied on by the certifier, and the facts, studies, or other  
13 data reviewed by those persons, pursuant to H&S Code §25249.7(h) (2).

14 11. At least 60-days have elapsed since PLAINTIFF sent the Notices to  
15 DEFENDANTS. The appropriate public enforcement agencies have failed to commence and  
16 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against  
17 DEFENDANTS based on the allegations herein.

18 **PARTIES**

19 12. PLAINTIFF is a non-profit corporation organized under California’s  
20 Corporation Law. ERC is dedicated to, among other causes, reducing the use and misuse of  
21 hazardous and toxic substances, consumer protection, worker safety, and corporate  
22 responsibility.

23 13. ERC is a person within the meaning of H&S Code §25118 and brings this  
24 enforcement action in the public interest pursuant to H&S Code §25249.7(d).

1 14. DEFENDANT GENUINE HEALTH CORPORATION is a business of  
2 unknown form and is a person doing business within the meaning of H&S Code  
3 §25249.11.

4 15. DEFENDANT GENUINE HEALTH, INC. is a business of unknown form  
5 and is a person doing business within the meaning of H&S Code §25249.11.

6 16. DEFENDANT 1064510 ONTARIO LIMITED is a business of unknown form  
7 and is a person doing business within the meaning of H&S Code §25249.11.

8 17. DEFENDANTS have manufactured, packaged, distributed, marketed and /or  
9 sold the PRODUCTS for sale or use in California and the County of Alameda. ERC is  
10 informed and believes, and thereupon alleges, that DEFENDANTS continue to manufacture,  
11 package, distribute, market and/or sell the PRODUCTS for sale or use in California and in  
12 Alameda County.

### 13 STATUTORY BACKGROUND

14 18. The People of the State of California have declared in Proposition 65 their right  
15 "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other  
16 reproductive harm." (Section 1(b) of Initiative Measure, Proposition 65).

17 19. To effect this goal, Proposition 65 requires that individuals be provided with a  
18 "clear and reasonable warning" before being exposed to substances listed by the State of  
19 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent  
20 part:

21 No person in the course of doing business shall knowingly and intentionally  
22 expose any individual to a chemical known to the state to cause cancer or  
23 reproductive toxicity without first giving clear and reasonable warning to such  
24 individual....

24 20. “‘Knowingly’ refers only to knowledge of the fact that a discharge of, release of,  
25 or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No  
26 knowledge that the discharge, release or exposure is unlawful is required.” (27 California Code

1 of Regulations (“CCR”) § 25102(n).)

2 21. Proposition 65 provides that any person “violating or threatening to violate” the  
3 statute may be enjoined in a court of competent jurisdiction. (H&S Code §25249.7). The phrase  
4 “threatening to violate” is defined to mean creating “a condition in which there is a substantial  
5 likelihood that a violation will occur.” (H&S Code §25249.11(e)). Violators are liable for civil  
6 penalties of up to \$2,500 per day for each violation of the Act. (H&S Code §25249.7.)

7 **FACTUAL BACKGROUND**

8 22. On February 27, 1987, the State of California officially listed the chemical lead  
9 as a chemical known to cause reproductive toxicity. Lead became subject to the warning  
10 requirement one year later and was therefore subject to the “clear and reasonable” warning  
11 requirements of Proposition 65 beginning on February 27, 1988. (27 CCR § 25000, *et seq.*;  
12 H&S Code §25249.5, *et seq.*). Due to the high toxicity of lead, the maximum allowable dose  
13 level for lead is 0.5 ug/day (micrograms a day) for reproductive toxicity. (27 CCR  
14 § 25805(b).)

15 23. On October 1, 1992, the State of California officially listed the chemicals lead  
16 and lead compounds as chemicals known to cause cancer. Lead and lead compounds became  
17 subject to the warning requirement one year later and were therefore subject to the “clear and  
18 reasonable” warning requirements of Proposition 65 beginning on October 1, 1993 (27 CCR §  
19 25000, *et seq.*; H&S Code §25249.6 *et seq.*). Due to the carcinogenicity of lead, the no  
20 significant risk level for lead is 15 ug/day (micrograms a day). (27 CCR § 25705(b)(1).)

21 24. To test DEFENDANTS’ PRODUCTS for lead, PLAINTIFF hired a well-  
22 respected and accredited testing laboratory. The results of testing undertaken by PLAINTIFF  
23 of DEFENDANTS’ PRODUCTS show that the PRODUCTS tested were in violation of the 0.5  
24 ug/day “safe harbor” daily dose limit set forth in Proposition 65’s regulations. Very significant  
25 is the fact that people are being exposed to lead through ingestion as opposed to other not as  
26 harmful methods of exposure such as dermal exposure. Ingestion of lead produces much

1 higher exposure levels and health risks than does dermal exposure to this chemical.

2 25. At all times relevant to this action, DEFENDANTS, therefore, have knowingly  
3 and intentionally exposed the users and/or handlers of the PRODUCTS to the LISTED  
4 CHEMICAL without first giving a clear and reasonable warning to such individuals.

5 26. The PRODUCTS have allegedly been sold by DEFENDANTS for use in  
6 California since at least May 23, 2011. The PRODUCTS continue to be distributed and  
7 sold in California without the requisite warning information.

8 27. On May 23, 2011, ERC served DEFENDANTS and each of the appropriate  
9 public enforcement agencies with a Proposition 65 Notice, a document entitled “Notice of  
10 Violations of California Health & Safety Code Section 25249.5” that provided DEFENDANTS  
11 and the public enforcement agencies with notice that DEFENDANTS were in violation of  
12 Proposition 65 for failing to warn purchasers and individuals using the PRODUCTS that the  
13 use of the PRODUCTS exposes them to lead, a chemical known to the State of California to  
14 cause cancer and/or reproductive toxicity (a true and copy of the May 23, 2014 60-Day Notice  
15 is attached hereto as **Exhibit A** and incorporated by reference; a true and copy of the  
16 September 21, 2015 60-Day Notice is attached hereto as **Exhibit B** and incorporated by  
17 reference).

18 28. As a proximate result of acts by DEFENDANTS, as persons in the course of  
19 doing business within the meaning of Health & Safety Code §25249.11, individuals throughout  
20 the State of California, including in the County of Alameda, have been exposed to the LISTED  
21 CHEMICAL without a clear and reasonable warning. The individuals subject to the illegal  
22 exposures include normal and foreseeable users of the PRODUCTS, as well as all other  
23 persons exposed to the PRODUCTS.

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**FIRST CAUSE OF ACTION**  
**(Injunctive Relief for Violations of Health and Safety Code § 25249.5, et seq. concerning  
the PRODUCTS described in the May 23, 2014, Prop. 65 Notice)  
Against DEFENDANTS**

27. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 26, inclusive, as if specifically set forth herein.

28. By committing the acts alleged in this Complaint, DEFENDANTS, at all times relevant to this action, and continuing through the present, have violated H&S Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing individuals who use or handle the PRODUCTS set forth in the Notice to the LISTED CHEMICAL, without first providing a clear and reasonable warning to such individuals pursuant to H&S Code §§ 25249.6 and 25249.11(f).

29. By the above-described acts, DEFENDANTS have violated H&S Code § 25249.6 and are therefore subject to an injunction ordering DEFENDANTS to stop violating Proposition 65, to provide warnings to all present and future customers, and to provide warnings to DEFENDANTS' past customers who purchased or used the PRODUCTS without receiving a clear and reasonable warning.

30. An action for injunctive relief under Proposition 65 is specifically authorized by Health & Safety Code §25249.7(a).

31. Continuing commission by DEFENDANTS of the acts alleged above will irreparably harm the citizens of the State of California, for which harm they have no plain, speedy, or adequate remedy at law.

Wherefore, PLAINTIFF prays for judgment against DEFENDANTS, as set forth hereafter.

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2 **SECOND CAUSE OF ACTION**  
3 **(Civil Penalties for Violations of Health and Safety Code § 25249.5, *et seq.* concerning the**  
4 **PRODUCTS described in PLAINTIFF's NOTICE)**  
5 **Against DEFENDANTS**

6 32. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 31,  
7 inclusive, as if specifically set forth herein.

8 33. By committing the acts alleged in this Complaint, DEFENDANTS at all times  
9 relevant to this action, and continuing through the present, have violated H&S Code §25249.6  
10 by, in the course of doing business, knowingly and intentionally exposing individuals who use  
11 or handle the PRODUCTS set forth in the Notice to the LISTED CHEMICAL, without first  
12 providing a clear and reasonable warning to such individuals pursuant to H&S Code §§  
13 25249.6 and 25249.11(f).

14 34. By the above-described acts, DEFENDANTS are liable, pursuant to H&S Code  
15 §25249.7(b), for a civil penalty of \$2,500 per day per violation for each unlawful exposure to  
16 the LISTED CHEMICAL from the PRODUCTS.

17 Wherefore, PLAINTIFF prays for judgment against DEFENDANTS, as set forth  
18 hereafter.

19 **THE NEED FOR INJUNCTIVE RELIEF**

20 35. PLAINTIFF re-alleges and incorporates by this reference Paragraphs 1 through  
21 34, as if set forth below.

22 36. By committing the acts alleged in this Complaint, DEFENDANTS have caused  
23 irreparable harm for which there is no plain, speedy or adequate remedy at law. In the absence  
24 of equitable relief, Defendants will continue to create a substantial risk of irreparable injury by  
25 continuing to cause consumers to be involuntarily and unwittingly exposed to the LISTED  
26 CHEMICAL through the use and/or handling of the PRODUCTS.

1 **PRAYER FOR RELIEF**

2 Wherefore, PLAINTIFF accordingly prays for the following relief:

3 A. a preliminary and permanent injunction, pursuant to H&S Code §25249.7(b),  
4 enjoining DEFENDANTS, their agents, employees, assigns and all persons acting in concert or  
5 participating with DEFENDANTS, from distributing or selling the PRODUCTS in California  
6 without first providing a clear and reasonable warning, within the meaning of Proposition 65,  
7 that the users and/or handlers of the PRODUCTS are exposed to the LISTED CHEMICAL;

8 B. an injunctive order, pursuant to H&S Code §25249.7(b), compelling  
9 DEFENDANTS to identify and locate each individual who has purchased the PRODUCTS  
10 since May 23, 2011, and to provide a warning to such person that the use of the PRODUCTS  
11 will expose the user to chemicals known to birth defects and other reproductive harm;


12 C. an assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),  
13 against Defendants in the amount of \$2,500 per day for each violation of Proposition 65;

14 D. an award to PLAINTIFF of its reasonable attorney's fees and costs of suit  
15 pursuant to California Code of Civil Procedure §1021.5, as PLAINTIFF shall specify in further  
16 application to the Court; and,

17 E. such other and further relief as may be just and proper.

18  
19 Dated: November 16, 2015

WRAITH LAW

20  
21 

22 By: \_\_\_\_\_  
23 WILLIAM F. WRAITH  
24 Attorney for Plaintiff Environmental  
25 Research Center  
26

# **EXHIBIT “A”**

# **WRAITH LAW**

16485 LAGUNA CANYON ROAD  
SUITE 250  
IRVINE, CALIFORNIA 92618  
Tel (949) 251-9977  
Fax (949) 251-9978

May 23, 2014

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

Dear Alleged Violators 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 bringing about a reduction in 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 Violators identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, 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 attached with the copy of this letter served to the alleged Violators identified below.

**Alleged Violators.** The names of the companies covered by this notice that violated Proposition 65 (hereinafter the “Violators”) are:

**Genuine Health Corporation  
Genuine Health Inc.  
1064510 Ontario Limited**

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

**1. Genuine Health 6 Hour Extra Energy – Lead**

2. **Genuine Health Go4Trim - Lead**
3. **Genuine Health Vegan Proteins+ Natural Vanilla - Lead**
4. **Genuine Health ActivFuel+ Black Raspberry Lemonade - Lead**
5. **Genuine Health Proteins+ Instant Smoothie A Day Natural Orange Cream – Lead**
6. **Genuine Health Vegan Proteins+ Natural Strawberry Vanilla Smoothie – Lead**
7. **Genuine Health ActivRecover+ Sports Nutrition Orange – Lead**
8. **Genuine Health Vegan Proteins+ Double Chocolate – Lead**
9. **Genuine Health Healthy Skin Chocolate Soft Chews – Lead**
10. **Genuine Health Fast Back + Care – Lead**
11. **Genuine Health Fermented Whole Body Nutrition Acai Mango Natural Flavor - Lead**
12. **Genuine Health Fermented Whole Body Nutrition Natural Flavor – 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 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 May 23, 2011, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. 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 Violators violated Proposition 65 because they failed to provide persons handling and/or using these products with appropriate warnings that they 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 Violators to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; 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.

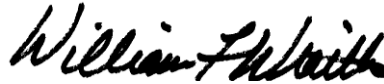
Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

May 23, 2014

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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,

A handwritten signature in black ink that reads "William F. Wraith". The signature is written in a cursive, slightly slanted style.

---

William F. Wraith

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Genuine Health Corporation, Genuine Health Inc., and 1064510 Ontario Limited only)

Additional Supporting Information for Certificate of Merit (to AG only)

**CERTIFICATE OF MERIT**

**Re: Environmental Research Center's Notice of Proposition 65 Violations by Genuine Health Corporation, Genuine Health Inc., and 1064510 Ontario Limited**

I, William F. Wraith, 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 Violators 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: May 23, 2014



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William F. Wraith



**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 May 23, 2014, 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 party listed below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current President or CEO  
Genuine Health Corporation  
317 Adelaide St. W, Suite 501  
Toronto ON M5V 1P9  
Canada

Current President or CEO  
1064510 Ontario Limited  
317 Adelaide St. W, Suite 501  
Toronto ON M5V 1P9  
Canada

Current President or CEO  
Genuine Health Inc.  
317 Adelaide St. W, Suite 501  
Toronto ON M5V 1P9  
Canada

Current President or CEO  
Genuine Health Corporation  
775 East Blithedale Ave., #364  
Mill Valley, CA 94941

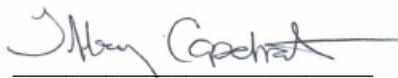
Current President or CEO  
Genuine Health Inc.  
775 East Blithedale Ave., #364  
Mill Valley, CA 94941

On May 23, 2014, I electronically served the following documents: **NOTICE OF VIOLATIONS, 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 party by uploading a true and correct copy thereof on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice>:

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On May 23, 2014, I served the following documents: **NOTICE OF VIOLATIONS, 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 a U.S. Postal Service Office with the postage fully prepaid for delivery by Priority Mail.

Executed on May 23, 2014, in Fort Oglethorpe, Georgia.



Tiffany Capehart

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

May 23, 2014

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**Service List**

District Attorney, Alameda County 1225 Fallon Street, Suite 900 Oakland, CA 94612	District Attorney, Los Angeles County 210 West Temple Street, Suite 18000 Los Angeles, CA 90012	District Attorney, San Diego County 330 West Broadway, Suite 1300 San Diego, CA 92101	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney, Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney, Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney, San Francisco County 850 Bryant Street, Suite 322 San Francisco, CA 94103	District Attorney, Ventura County 800 South Victoria Ave, Suite 314 Ventura, CA 93009
District Attorney, Amador County 708 Court Street Jackson, CA 95642	District Attorney, Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney, San Joaquin County 222 E. Weber Ave. Rm. 202 Stockton, CA 95202	District Attorney, Yolo County 301 2 <sup>nd</sup> Street Woodland, CA 95695
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, Mariposa County Post Office Box 730 Mariposa, CA 95338	District Attorney, San Luis Obispo County 1035 Palm St, Room 450 San Luis Obispo, CA 93408	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney, Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482	District Attorney, San Mateo County 400 County Ctr., 3 <sup>rd</sup> Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney, Colusa County 346 Fifth Street Suite 101 Colusa, CA 95932	District Attorney, Merced County 550 W. Main Street Merced, CA 95340	District Attorney, Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101	San Diego City Attorney's Office 1200 3rd Avenue, Ste 1620 San Diego, CA 92101
District Attorney, Contra Costa County 900 Ward Street Martinez, CA 94553	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Santa Clara County 70 West Hedding Street San Jose, CA 95110	San Francisco, City Attorney City Hall, Room 234 1 Dr Carlton B Goodlett PL San Francisco, CA 94102
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	District Attorney, Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95060	San Jose City Attorney's Office 200 East Santa Clara Street, 16 <sup>th</sup> Floor San Jose, CA 95113
District Attorney, El Dorado County 515 Main Street Placerville, CA 95667	District Attorney, Monterey County Post Office Box 1131 Salinas, CA 93902	District Attorney, Shasta County 1355 West Street Redding, CA 96001	
District Attorney, Fresno County 2220 Tulare Street, Suite 1000 Fresno, CA 93721	District Attorney, Napa County 931 Parkway Mall Napa, CA 94559	District Attorney, Sierra County PO Box 457 Downieville, CA 95936	
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Nevada County 201 Commercial Street Nevada City, CA 95959	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097	
District Attorney, Humboldt County 825 5th Street 4 <sup>th</sup> Floor Eureka, CA 95501	District Attorney, Orange County 401 West Civic Center Drive Santa Ana, CA 92701	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678	District Attorney, Sonoma County 600 Administration Drive, Room 212J Santa Rosa, CA 95403	
District Attorney, Inyo County 230 W. Line Street Bishop, CA 93514	District Attorney, Plumas County 520 Main Street, Room 404 Quincy, CA 95971	District Attorney, Stanislaus County 832 12 <sup>th</sup> Street, Ste 300 Modesto, CA 95354	
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney, Riverside County 3960 Orange Street Riverside, CA 92501	District Attorney, Sutter County 446 Second Street Yuba City, CA 95991	
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230	District Attorney, Sacramento County 901 "G" Street Sacramento, CA 95814	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080	
District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney, San Benito County 419 Fourth Street, 2 <sup>nd</sup> Floor Hollister, CA 95023	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	
District Attorney, Lassen County 220 South Lassen Street, Ste. 8 Susanville, CA 96130	District Attorney, San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415-0004	District Attorney, Tulare County 221 S. Mooney Blvd., Room 224 Visalia, CA 93291	

# **EXHIBIT “B”**

**WRAITH LAW**  
24422 AVENIDA DE LA CARLOTA  
SUITE 400  
LAGUNA HILLS, CA 92653  
Tel (949) 452-1234  
Fax (949) 452-1102

September 21, 2015

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

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

I represent Environmental Research Center, Inc. ("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 bringing about a reduction in 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 Violators identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, 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 attached with the copy of this letter served to the alleged Violators identified below.

**Alleged Violators.** The names of the companies covered by this notice that violated Proposition 65 (hereinafter the "Violators") are:

**Genuine Health Corporation  
Genuine Health Inc.  
1064510 Ontario Limited**

**Consumer Products and Listed Chemical.** The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

- **Genuine Health abs+ - Lead**
- **Genuine Health fermented Vegan proteins+ Natural Chocolate – Lead**
- **Genuine Health lean+ extra strength – Lead**
- **Genuine Health perfect skin dry skin (also known as Genuine Health dermalipid) - Lead**
- **Genuine Health proteins+ Natural Vanilla – Lead**
- **Genuine Health proteins+ Natural Chocolate – Lead**

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- **Genuine Health fermented Vegan proteins+ Unsweetened and Unflavored - Lead**
- **Genuine Health fermented Vegan proteins+ Natural Vanilla – Lead**
- **Genuine Health fermented Vegan proteins+ bars Lemon Coconut – Lead**
- **Genuine Health fermented Vegan proteins+ bars Dark Chocolate Almond - 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 this chemical 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 September 21, 2012, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemical. The method of warning should be a warning that appears on the product label. The Violators violated Proposition 65 because they failed to provide persons handling and/or using these products with appropriate warnings that they are being exposed to this chemical.

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 Violators to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemical, or provide appropriate warnings on the labels of these products; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Such a resolution will prevent further unwarned consumer exposures to the identified chemical, 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,



---

William F. Wraith

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Genuine Health Corporation, Genuine Health Inc. and 1064510 Ontario Limited)

Additional Supporting Information for Certificate of Merit (to AG only)

**CERTIFICATE OF MERIT**

**Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by  
Genuine Health Corporation, Genuine Health Inc., and 1064510 Ontario Limited**

I, William F. Wraith, 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 chemical that is 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 Violators 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: September 21, 2015



---

William F. Wraith

**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 September 21, 2015, 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 party listed below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current President or CEO  
Genuine Health Corporation  
317 Adelaide St. W, Suite 501  
Toronto ON M5V 1P9  
Canada

Current President or CEO  
1064510 Ontario Limited  
317 Adelaide St. W, Suite 501  
Toronto ON M5V 1P9  
Canada

Current President or CEO  
Genuine Health Inc.  
317 Adelaide St. W, Suite 501  
Toronto ON M5V 1P9  
Canada

Current President or CEO  
Genuine Health Corporation  
775 East Blithedale Ave., #364  
Mill Valley, CA 94941

Current President or CEO  
Genuine Health Inc.  
775 East Blithedale Ave., #364  
Mill Valley, CA 94941

On September 21, 2015, I verified the following documents **NOTICE OF VIOLATIONS, 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)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On September 21, 2015, I verified the following documents **NOTICE OF VIOLATIONS, 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)** were served on the following party when a true and correct copy thereof was sent via electronic mail to the party listed below:

Yolo County District Attorney  
301 2<sup>nd</sup> Street  
Woodland, CA 95695  
[cfepd@yolocounty.org](mailto:cfepd@yolocounty.org)

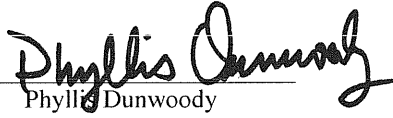
Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

September 21, 2015

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On September 21, 2015, I served the following documents: **NOTICE OF VIOLATIONS, 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 a U.S. Postal Service Office with the postage fully prepaid for delivery by First Class Mail.

Executed on September 21, 2015, in Fort Oglethorpe, Georgia.

  
\_\_\_\_\_  
Phyllis Dunwoody



**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  
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 4<sup>th</sup> 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  
201 Commercial 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, 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

1                    **ERC v. Genuine Health Corporation, et al., ACSC Case No. RG15759481**  
2                    **PROOF OF SERVICE**

3 I, William F. Wraith, am an active member of the State Bar of California and not a party  
4 to this action. I am a resident or employed in the county where the mailing took place.  
My business address is 24422 Avenida de la Carlota, Suite 400, Laguna Hills, CA 92653.

5 On December 8, 2015, I served the foregoing documents described as: **FIRST**  
6 **AMENDED COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES**  
on the following interested parties in this action in the manner identified below:

7 James M. Mattesich, Esq.  
8 Anthony J. Cortez, Esq.  
9 Gregory Sperla, Esq.  
Greenberg Traurig, LLP  
10 1201 K Street, Suite 1100  
Sacramento, CA 95814-3938  
Tel: (916) 442-1111 / Fax: (916) 448-1709  
11 Attorneys for Defendants Genuine Health Corporation and Genuine Health, Inc.

12 [X]    **BY MAIL – COLLECTION:** I placed the envelope for collection and mailing  
13 following this business’s ordinary business practices. I am readily familiar with  
14 this business’s practice for collecting and processing correspondence for mailing.  
On the same day that correspondence is placed for collection and mailing, it is  
deposited in the ordinary course of business with the United States Postal Service  
in a sealed envelope with postage fully prepaid.

15 I declare under penalty of perjury under the laws of the State of California that the above  
16 is true and correct. Executed on **December 8, 2015** at Laguna Hills, California.

17 

18 \_\_\_\_\_  
William F. Wraith