

PLAINTIFF/PETITIONER: The People of the State of California DEFENDANT/RESPONDENT: 21st Century Healthcare, Inc., et al.	CASE NUMBER: RG08426937
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Declaration Concerning Waived Court Fees

The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement, compromise, arbitration award, mediation settlement, or other recovery. The court's lien must be paid before the court will dismiss the case.

1. The court waived fees and costs in this action for (*name*):
2. The person in item 1 (*check one*):
 - a. is not recovering anything of value by this action.
 - b. is recovering less than \$10,000 in value by this action.
 - c. is recovering \$10,000 or more in value by this action. (*If item 2c is checked, item 3 must be completed.*)
3. All court fees and costs that were waived in this action have been paid to the court (*check one*): Yes No

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

Date: _____

(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

(SIGNATURE)

EXHIBIT

AGREEMENT FOR DISMISSAL BETWEEN THE PEOPLE OF
THE STATE OF CALIFORNIA AND NUTRI-WEST

1. This document constitutes an agreement between the People of the State of California (“People”) and Nutri-West for a dismissal without prejudice in the matter *People of the State of California v. 21st Century Healthcare, Inc., et al.* (Alameda County Superior Court, case number RG08426937) (the “Matter”).
2. The People filed a First Amended Complaint on March 27, 2009, naming Nutri-West as a defendant. The People are represented in this Matter by the Attorney General of the State of California and the District Attorneys of the counties of Alameda, Marin, Monterey, Napa, Orange, Santa Cruz, Shasta, Solano, and Sonoma.
3. Pursuant to this Agreement, the People will cause to be filed with the Court a Request for Dismissal without prejudice as to defendant “Nutri-West.” This Agreement will be attached as an exhibit to the Request for Dismissal.
4. The People and Nutri-West agree that nothing in this Agreement will be construed to prevent the People from taking any enforcement action or pursuing any legal right against Nutri-West or any other person or entity under any applicable local, state, or federal law, ordinance, or regulation.
5. The People and Nutri-West agree that any discovery requests one has served upon the other in the Matter are withdrawn and no further response is required.
6. The People and Nutri-West agree that each party will bear its own costs and attorney fees incurred to date in this Matter and that each will waive all claims for costs or attorney fees incurred to date against the other party that it could otherwise assert in this Matter.
7. This Agreement may be executed in two or more counterparts, each of which may be deemed an original, but all of which shall constitute one and the same document. The persons signing this Agreement represent that they have the authority to act on behalf of their respective party and to bind those parties to the terms of this Agreement.

It is so agreed.

 6-15-10
Timothy E. Sullivan date
Deputy Attorney General
Attorneys for the People of the State of
California

 6/1/10
Paul (Tony) A. White II date
President
Nutri-West

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DECLARATION OF SERVICE BY ELECTRONIC MAIL

Case Name: **People v. 21st Century Healthcare, Inc., et al.**

No.: RG08426937

I declare:

I am employed in the Office of the Attorney General and am a member of the California State Bar. I am 18 years of age or older and not a party to this matter; my business address is: 1515 Clay Street, 20th Floor, Oakland, CA 94612-0550. My electronic mail address is timothy.sullivan@doj.ca.gov.

On June 16, 2010, I served the attached Request for Dismissal (as to Defendant Nutri-West) by transmitting a true copy via electronic mail addressed to the following:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on 6-16-10, at Oakland, California.

Timothy E. Sullivan
Declarant



Signature

SERVICE LIST

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